

D. Proposed De-Designated Sites

Modification in ODMDS use is governed by the Ocean Dumping Regulations at 40 CFR 228.11. Modifications which involve the withdrawal of designated sites from use are made through the promulgation of an amendment to the disposal site designation based on an evaluation of disposal impacts or upon changed circumstances concerning the use of the site. 40 CFR 228.11(a). By 1992, developing mounds created as a result of disposal actions at designated Sites A and B threatened to create hazardous conditions for large and small craft due to waves refracting from and breaking over and around the mounds. Discussions between EPA and the Corps concluded that an interim solution was needed that would allow the Columbia River federal navigation channel to remain open while studies were conducted to ascertain the extent of the problem, to develop and evaluate alternative solutions, and to prepare a longer term response. An interim plan was created, described in an environmental assessment (EA), supporting the temporary expansion of Sites A, B, and F under the Corps' Section 103 MPRSA authority while the Corps and EPA investigated a more permanent solution. In addition, EPA initiated a rulemaking process to modify the three sites and Site E to change the management at each site to restrict site use under Section 102 authority. A proposed rule was published in the **Federal Register** on September 21, 1992, at which time EPA stated: "While the current situation does not constitute an imminent hazard to life and property which would warrant an emergency response, EPA and the Corps are in agreement that prudent management action is required now in order to prevent such a situation from developing." (57 FR 43428, September 21, 1992). EPA did not publish a final rule as changing conditions and new information regarding the sites indicated the need for further study and evaluation. Sites A, B, and F were temporarily expanded using Section 103 effective June 1, 1993, with EPA concurrence.

By 1995, Corps and EPA monitoring of disposal at the expanded Site F confirmed the agencies' suspicions that the site did not possess the capacity hoped for and possibly created new navigation conflicts with ocean vessel traffic. In addition, existing mounds at Sites A and B remained relatively stable rather than continuing to erode. Through 1996, EPA and the Corps re-evaluated the 1992 plan and ultimately

developed a new approach that was presented in a 1997 EA. The new approach supported maximizing disposals at an Expanded Site E and a further expansion of Site B. The Corps temporarily expanded Site E and Site B under Section 103 MPRSA authority on June 19, 1997, with the concurrence of EPA. These expansions were immediately challenged by the Columbia River Crab Fishing Association (CRCFA) in a lawsuit which enjoined the use of Expanded Site B and resulted in a settlement agreement in 1998 disallowing the use of Expanded Site B and temporarily limiting the use of Expanded Site E. The limitation of use at Expanded Site E was based on CRCFA concerns that late summer disposal impacted "soft-shelled" crab (*i.e.*, individuals that had molted their old shell and were buried up while the new shell hardens) in the westernmost third of the expanded site.

EPA observes that past activities at Sites A, B, and F place the sites in Impact Category II (40 CFR 228.10(c)(2) effects not categorized in impact category I). The size of the three sites renders impracticable the option of continuing even limited use of Sites A, B, and F and permanent expansion of the sites generates problems in terms of adverse wave conditions and conflicts with marine traffic. The determination of whether to terminate the use of a disposal site is based on the impact of disposal at the site itself and the Criteria for the management of disposal sites for ocean dumping. 40 CFR 228.11(d). Based on these factors, EPA proposes to de-designate Sites A, B, and F. Site E is proposed for modification through a de-designation of the existing site and a proposed designation of a new site, the Shallow Water site, which incorporates the existing site into a larger footprint. Site E is also placed in Impact Category II (other) based on its limited size, but not based on adverse wave conditions resulting from disposal or on conflicts with marine traffic.

The coordinates (North American Datum 1927: NAD 27) of the three existing EPA-designated sites proposed for de-designation (Figure 1) are as follows:

Site A

Corner Coordinates

46°13'03" N, 124°06'17" W
46°12'50" N, 124°05'55" W
46°12'13" N, 124°06'43" W
46°12'26" N, 124°07'05" W

Site B

Corner Coordinates

46°14'37" N, 124°10'34" W
46°13'53" N, 124°10'01" W

46°13'43" N, 124°10'26" W
46°14'28" N, 124°10'59" W

Site F

Corner Coordinates

46°12'12" N, 124°09'00" W
46°12'00" N, 124°08'42" W
46°11'48" N, 124°09'00" W
46°12'00" N, 124°09'18" W

The coordinates (NAD 27) of the one existing EPA-designated site proposed for modification through new designation is as follows:

Site E

Corner Coordinates

46°15'43" N, 124°05'21" W
46°15'36" N, 124°05'11" W
46°15'11" N, 124°05'53" W
46°15'18" N, 124°06'03" W

E. Proposed Sites Descriptions

Two sites, the Deep Water and Shallow Water sites, are proposed for designation (Figure 2). A draft Site Management and Monitoring Plan (SMMP) has been prepared for the two proposed ODMDS sites and is available for review and comment by the public. (Copies may be obtained by request from the **FURTHER INFORMATION CONTACT** listed in the introductory section to this proposed rule.) Use of newly-designated ODMDS would be subject to any restrictions included in the approved SMMP. Use restrictions will be based on a thorough evaluation of the proposed sites pursuant to the Ocean Dumping Regulations and potential disposal activity as well as consideration of public review and comment.

Deep Water Site. The proposed Deep Water site is a non-dispersive site (material placed at the site remains at the site) which consists of an inner "Placement Area" and a surrounding buffer. The overall site (Placement Area and buffer) has a rectangular dimension of 17,000 feet by 23,000 feet and occupies approximately 8,976 acres or 10.5 square nautical miles (sq nmi). The Placement Area (the inner box) has a rectangular dimension of 11,000 feet by 17,000 feet, occupying an area of approximately 4,293 acres or 5.0 sq nmi, which is surrounded by a 3,000-foot buffer zone. Direct disposal of dredged material would be allowed only within the Placement Area using "Drop Zones" specified in a SMMP. Material placed at the Deep Water site is expected to remain on site, eventually creating a fairly uniform mound approximately 40 feet in height. The coordinates (North American Datum 1983: NAD 83), dimensions, and depth of water of the proposed Section 102 site are as follows: