

DMMP CLARIFICATION PAPER

TIER 1 SUITABILITY DETERMINATIONS: EXCLUSIONS FROM TESTING

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Introduction

In the tiered Dredged Material Management Program testing approach, information and data needs are used sequentially for evaluating the suitability of dredged material for unconfined aquatic disposal. This sequential approach is called a tiered evaluation process. At each tier, a decision is made regarding the adequacy of the existing data to make a suitability determination. If the existing data are adequate for decision-making purposes, then there is no need to proceed to the next tier. If not, data at the next tier are required before dredged material may be approved for unconfined aquatic disposal (DMEF 1998).

A Tier I evaluation is done for every DMMP project, and includes a comprehensive analysis of all existing information on the proposed dredging, including potential sources of contamination, site history and any existing data. Only limited testing, to determine the applicability of any exclusions, is sometimes necessary for Tier I. If the information compiled in Tier I is adequate to meet exclusionary criteria, factual determinations can be made without proceeding to the higher tiers (ITM 1998, <http://www.epa.gov/waterscience/itm/ITM/>).

Problem Identification

At present, the DMMP has no policy for excluding Puget Sound projects from testing except under small project guidelines. In 1988--when the current DMMP began with the implementation of the Puget Sound Dredged Disposal Analysis program--the contamination status of Puget Sound sediments was not understood sufficiently to include policy exclusions for larger projects. However, Section 404 of the Clean Water Act (CWA) includes provisions for exclusion from testing based on Tier 1 evaluations, as does the ITM guidance document. Exclusions can be made if a Tier 1 evaluation indicates that the dredged material is not considered to be a "carrier of contaminants" (40 CFR 230.60 (b)). Potential exclusion situations occur most commonly "if the dredged material is composed primarily of sand, gravel and/or inert materials; the sediments are from locations far removed from sources of contaminants, or if the sediments are from depths deposited in preindustrial times and have not been exposed to modern sources of pollution" (ITM 1998). Testing may also not be necessary "where the discharge site is adjacent to the excavation site and subject to the same sources of contaminants, and materials at the two sites are substantially similar "(40 CFR 230.60(c)).

DMMP guidance for Grays Harbor, Willapa Bay and the Lower Columbia River includes exclusions from testing based on Tier 1 reviews, as large portions of these coastal areas fulfill the above conditions.

In the last few years, a small number of projects in Puget Sound have clearly met CWA guidelines for exclusion from testing, and that authority was referenced in the testing decisions and suitability

determinations for those projects. This paper is intended to reinstate use of the CWA testing exclusions into DMMP policy.

Proposed Clarification

The DMMP agencies are instituting the following clarification:

The DMMP will consider assessing suitability for some sediments in Puget Sound with only a Tier 1 evaluation, per CWA and ITM guidelines. As such, the Tier 1 evaluation may result in one of the following possibilities:

- Existing information does not provide a sufficient basis for making factual determinations. Further testing in Tier 2 is necessary.
- Existing information provides a sufficient basis for making factual determinations. A Tier 1 suitability determination is possible.

The DMMP does not anticipate that many Puget Sound sediments will qualify for exclusion from testing after a Tier 1 evaluation. Proposed projects in high- or moderate-ranked areas will not be considered for Tier 1 exclusions. Sediments will not be excluded from further testing without clear and convincing evidence that the material meets criteria set forth in the CWA for exclusion from further testing.

REFERENCES

US Army Corps of Engineers and US Environmental Protection Agency. 1998. Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. – Inland Testing Manual. EPA-823-F-98-005.

US Army Corps of Engineers – Seattle District, US Environmental Protection Agency, Washington Dept. of Ecology, Oregon Dept. of Environmental Quality, Washington Dept. of Natural Resources. 1998. Dredge Material Evaluation Framework: Lower Columbia River management area. November 1998.