



US Army Corps
of Engineers
Alaska District
Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

Public Notice

Date:

January 14, 2003

Identification No:

SPN-2003-01

In reply refer to identification Number

SPECIAL PUBLIC NOTICE SPN-2003-01

The Department of Army, 33 CFR Part 323, and the Environmental Protection Agency, 40 CFR Part 232, amend the definition of fill.

The new definition of fill is designed to improve the effective implementation of the Section 404 of the Clean Water Act by having the Corps and EPA have a single, uniform definition for this jurisdictional term.

The final rule defines "fill material" as material placed in waters of the United States where the material has the effect of either replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water. The examples of "fill material" identified in the rule include rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in waters of the United States. The term "fill material" does not include trash or garbage.

The complete discussion can be found in the Federal Register, Volume 67, Number 90, dated Thursday May 9, 2002. Further information is also found on the Department of Army Headquarters web page:
<http://www.usace.army.mil/inet/functions/cw/cecwo/reg/citizen.htm>.

District Engineer
Alaska District
U.S. Army Corps of Engineers