

Reference: RGL 84-04

Subject: DREDGING-IN 404 WATERS

Title: APPLICATION OF SEC 404 TO DREDGING PROJECTS

Issued: 03/23/84 Expires: 12/31/86

Originator: DAEN-CWO-N

Description: REISSUANCE OF EXPIRED RGL 81-04. WHEN DREDGING INVOLVES ONLY DE MINIMIS DISCHARGES, IT IS NOT SUBJECT TO SEC 404.

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1. This is a reissuance of Regulatory Guidance Letter 81-4 which expired December 31, 1983. A delay in incorporating the guidance into the regulations has necessitated a restatement of our policy.
 2. Section 404 of the Clean Water Act authorizes the Corps of Engineers to issue permits for the discharge of dredged or fill materials into the waters of the United States. It does not authorize the Corps to regulate dredging in these waters.
 3. De minimis discharge occurring during normal dredging operations, such as the drippings from a dragline bucket, is not considered to be a Section 404 discharge.

FOR THE CHIEF OF ENGINEERS: