

**ENVIRONMENTAL PROTECTION  
AGENCY**
**40 CFR Part 228**
**[OW--FRL 2600-7]**
**Ocean Dumping; Final Designation of  
Site**
**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA today designates the existing dredged material disposal site located in the Atlantic Ocean offshore of Jacksonville Harbor as an EPA approved ocean dumping site for the dumping of dredged material. This action is necessary to provide an acceptable ocean dumping site for the current and future disposal of this material.

**DATE:** This designation shall become effective July 5, 1984.

**ADDRESSES:** The Environmental Impact Statement (EIS) and monitoring plan are available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street Southwest, Washington, D C

EPA Region IV, 345 Courtland Street Northeast, Atlanta, Georgia

U.S. Army Corps of Engineers Library, Jacksonville District, 400 West Bay Street, Jacksonville, Florida

**FOR FURTHER INFORMATION CONTACT:** Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, D C, 20460, 202/755-0356.

**SUPPLEMENTARY INFORMATION:** Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 228.4) state that ocean dumping sites will be designated by publication in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.) and was last extended on February 7, 1983 (48 FR 5557 et seq.). That list established the Jacksonville site as an interim site and extended its period of use until January 31, 1984. On

March 9, 1984, EPA extended this interim designation until January 31, 1985, or until final rulemaking is completed, whichever is sooner (49 FR 8923).

On March 9, 1984, EPA also proposed designation of this site for the continuing disposal of dredged material from the Jacksonville, Florida, area (49 FR 8959). The public comment period expired on April 23, 1984. No letters of comment were received on the proposed rule.

The location of the dredged material disposal site is approximately 5 nautical miles from the mouth of the St. Johns River positioned approximately in a rectangle with coordinates as follows:

30° 21'30" N., 81° 18'34" W.;  
30° 21'30" N., 81° 17'26" W.;  
30° 20'30" N., 81° 17'26" W.;  
30° 20'30" N., 81° 18'34" W.

The site occupies an area of approximately 1 square nautical mile. Water depths within this area average 14 meters. This site has been used for dredged material disposal since at least 1952. The average annual amount of material dumped during the 19 years in which ocean disposal has occurred was nearly 855,000 cubic yards.

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq. ("NEPA"); requires that Federal agencies prepare an EIS on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into the Agency decision-making process careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EIS's in connection with ocean dumping site designations such as this. 39 FR 16186 (May 7, 1974).

EPA has prepared a draft and final EIS entitled "Environmental Impact Statement (EIS) for Jacksonville Harbor, Florida, Ocean Dredged Material Disposal Site Designation." On May 14, 1982, a notice of availability of the draft EIS for public review and comment was published in the Federal Register (47 FR 20854). The public comment period on this draft EIS closed June 28, 1982. On January 14, 1983, a notice of availability of the final EIS for public review and comment was published in the Federal Register (48 FR 1820). The public comment period on the final EIS closed February 14, 1983. Anyone desiring a copy of the EIS may obtain one from the address given above.

The action discussed in the EIS is the designation for continuing use of an

ocean dredged material disposal site near Jacksonville, Florida. The purpose of the designation is to provide the most environmentally acceptable location for the ocean disposal of materials dredged from the Jacksonville Harbor Channel System when ocean disposal is found to be necessary for some dredged material. The need for ocean disposal is determined on a case-by-case basis as part of the process of issuing permits for ocean disposal.

The EIS discusses the need for the action and examines ocean disposal site alternatives to the proposed action. The EIS presents the information needed to evaluate the suitability of ocean disposal areas for final designation for continuing use and is based on one of a series of disposal site environmental studies. The environmental studies and final designation process are being conducted in accordance with the requirements of the Act, the Ocean Dumping Regulations, and other applicable Federal environmental legislation.

Five general criteria are used in the selection and approval for continuing use of ocean disposal sites. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site will be restricted or terminated. These general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations, and § 228.6 lists 11 specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

EPA established these 11 criteria to constitute an environmental assessment of the impact of the site for disposal. The criteria are used to make critical comparisons between the alternative sites and are the bases for final site selection. The characteristics of the existing site are reviewed below in terms of these 11 criteria.

1. *Geographical position, depth of water, bottom topography and distance from coast.* [40 CFR 228.6(a)(1).]

The site is approximately a square of one square nautical mile area. Its corner coordinates are given above. Water depth ranges from 12 to 16 meters, and the bottom slopes an average of less than one degree to the east. Bottom topography is characterized by a large (up to nine feet) mound in the center of

the site, probably the result of past disposal activities.

**2. Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases.** [40 CFR 228.6(a)(2).]

Areas for breeding, spawning, nursery and/or passage of commercially and recreationally important finfish and shellfish species occur on a seasonal basis in and near the St. Johns River.

Adult menhaden (coast herring) generally occur within 32 nautical miles off the coast, and young menhaden use the St. Johns River as a nursery area. Shrimp migrate through the St. Johns River during April through October of each year; thus, considerable efforts are made by the Corps of Engineers to schedule major dredging projects in the St. Johns River before April or after October. This is the case whether the dredged material is to be ocean dumped or disposed of otherwise. The existing site is outside the migratory route of the St. Johns River, and its use during the shrimp or fish migration seasons would have no significant impact on migration into and out of the St. Johns River.

The overall effects of dredging operations on the nursery and passage areas of the St. Johns River have not been determined. However, past dredged material disposal at the existing site has not caused any detectable, significant, or irreversible adverse impacts on living resources.

**3. Location in relation to beaches and other amenity areas.** [40 CFR 228.6(a)(3).]

The major amenity areas in the vicinity of the existing site are the Jacksonville beaches and offshore fishing areas. The Jacksonville beaches are more than 4.5 nautical miles away from the disposal site. The dredged material has not been reported to have been transported onto the beaches after 28 years of the site's existence; accordingly, EPA has determined that disposal at the existing site will not affect the Jacksonville Beaches.

Popular fishing areas, including natural and artificial reefs, are east (seaward) of the existing site. The center of the disposal site is within a favorite angling area, receiving intense fishing pressure for surface-water species during the summer months. However, previous disposal operations at the site apparently have not prompted severe objection from local fishermen or interfered with the productivity of the fishery.

**4. Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any.** [40 CFR 228.6(a)(4).]

The material to be dumped at an offshore disposal site will result from dredging the Jacksonville Harbor Channel System. An annual average (based on 19 years of actual use) of 855,000 cubic yards of dredged material has been dumped at the existing site. However, the quantity of material to be dumped is highly variable and depends upon the requirements of the Jacksonville Harbor Channel System.

Sediments dredged from the outer entrance channel are predominantly sand and shell. Materials dredged from areas other than the outer entrance channel and bar range from sand to silty clay.

Hopper dredge, barge, and scow combinations are the usual vehicles of transport for the dredged material. None of the material is packaged in any manner.

Dredged material may not be approved for ocean dumping unless it meets the criteria in 40 CFR Part 227.

**5. Feasibility of surveillance and monitoring.** [40 CFR 228.6(a)(5).]

The United States Coast Guard is not currently conducting surveillance at the existing site; however, surveillance would be relatively easy because the site is close to Jacksonville. Either shore-based observers or day-use boats could be used for surveillance. Monitoring is feasible at the existing site.

A monitoring plan for the site has been developed and is available for inspection at the addresses given above. Monitoring by EPA, the Corps of Engineers, and permittees, as required, will continue for as long as the site is used. Periodic reports of the monitoring operations will be made available to interested persons upon request if evidence of significant adverse environmental effects is found. Notice of availability of reports on such findings and proposed actions will be published in the Federal Register.

**6. Dispersal, horizontal transport, and vertical migration characteristics of the area, including preliminary current direction and velocity, if any.** [40 CFR 228.6(a)(6).]

General surface circulation in the vicinity of the existing site is composed of a weak tidal current superimposed on a strong current. During autumn and winter the drift is southeasterly; during spring and summer it is northeasterly. Bottom currents are usually weak (averaging 21 centimeters per second), although velocities up to 31 cm/s have been measured. In general, transport of suspended solids from dredged material disposal will depend primarily upon the speed and direction of the wind and

secondarily upon the direction of tidal currents.

Significant long-term accumulation or mounding of dredged material has been detected at the existing site by high-resolution profilin3 at the disposal site conducted before and after disposal operations. Mounds contain a high percentage of consolidated fine material are not easily resuspended and may resist erosion under normal ambient current regimes occurring at the site.

**7. Existence and effects of current and previous discharges and dumping in the area [including cumulative effects].** [40 CFR 228.6(a)(7).]

Dredged material disposal has produced no significant adverse effects on the water quality at the existing site. Changes in water quality as a result of disposal operations have been of short duration (minutes) and have been confined to relatively small areas. No major differences in finfish and shellfish species or numbers were found in recent surveys within and adjacent to the existing site.

Past use of the existing site has created a localized mound and temporary disturbances of benthic infauna and demersal fish assemblages. High variability in diversity and density of benthic communities within the nearshore region normally exists. This natural variability may obscure the identification of impacts due to past use of the existing site. However, no adverse, cumulative effects are evident from previous disposal operations.

**8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the area/lake.** [40 CFR 228.6(a)(8).]

Shipping, fishing and recreational activities occur in the vicinity of the existing site. Previous dredged material disposal operations occasionally have interfered with fishing activities when the material was inadvertently mopped in transit to the disposal site.

Shipping fairways are not designated in the Georgia Bight. The existing site is situated southeast of the entrance channel and no conflicts between shipping and disposal operations have been reported to the Corps of Engineers in the 28 years the site has been in existence.

No resource development occurs in the immediate vicinity of the existing site, and no mineral extraction or desalination projects are expedited in the vicinity of the site. The existing site and surrounding area are not of special scientific importance. Aquaculture

activities presently do not occur in the vicinity of the existing site.

**9. The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.** [40 CFR 228.6(a)(9).]

Investigations of dredged material disposal operations at the existing site have indicated that disposal has had no significant adverse effects on water quality (e.g., dissolved nutrients, trace metals, dissolved oxygen, or pH).

Phytoplankton and zooplankton studies revealed natural seasonal differences in species composition. Diatoms usually dominate the phytoplankton community, although dinoflagellates are abundant during summer. Calanoid copepods dominate the zooplankton community, contributing up to 95% of the total numbers.

Fish and shrimp dominate the nekton community adjacent to the existing site, and species are typical of those reported from the coastal waters all along the Georgia Bight. Several of these species are commercially and recreationally important, including the brown and white shrimp and various reef fishes.

The benthic community in the vicinity of the existing site is characteristic of silty sand. The community is highly diverse in species but low in abundance and biomass: polychaetes are the dominant benthic species.

**10. Potentiality for the development or recruitment of nuisance species in the disposal site.** [40 CFR 228.6(a)(10).]

There are no components in the dredged material or its method of disposal which would attract or result in recruitment of nuisance species to the existing site. Previous surveys there did not detect the development or recruitment of nuisance species.

**11. Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.** [40 CFR 228.6(a)(11).]

The Florida Historical Preservation Officer reported that no natural or cultural features of historical importance exist at or near the existing site.

The existing site is compatible with the criteria used for site evaluation. EPA considered whether it would be preferable to designate a deepwater site off the Continental Shelf. For the following reasons, EPA has determined that the existing site is the preferable site for the disposal of dredged material. These factors are discussed in greater detail in the EIS.

The existing site is 4.5 nautical miles from the mouth of the St. Johns River, whereas the deepwater site considered

is more than 60 nautical miles from shore (Criterion 1). Disposal costs and energy consumption involved in use of the deepwater site would be significantly greater than for the existing site due to greater transportation demands.

Dredged material has been dumped at the existing site, and the effects of disposal have been localized. The bottom is silty sand, and the site is located beyond the northward extent of tropical coral formations on the Atlantic coast. The deepwater site has not been used for dredged material disposal (Criterion 7).

The final EIS includes the Agency's assessment of the three comments received during the comment period on the draft EIS. Comments correcting facts presented in the draft EIS were incorporated in the text and the changes noted in the final EIS. Specific comments which could not be appropriately treated as text changes were responded to point by point in the final EIS, following the letters of comment. The only comment on the final EIS was that the concerns expressed on the draft EIS had been satisfactorily addressed.

Based on the information reported in the EIS, EPA is designating the existing Jacksonville site for continuing use for the ocean disposal of dredged material where the applicant has demonstrated compliance with EPA's ocean dumping criteria. The EIS is available for inspection at the addresses given above.

The designation of the existing Jacksonville dredged material disposal site as an EPA Approved Ocean Dumping Site is being published as final rulemaking. Management authority of this site will be delegated to the Regional Administrator of EPA Region IV.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, the Corps of Engineers must evaluate a permit application, according to EPA's ocean dumping criteria. If a Federal project is involved, the Corps must also evaluate the proposed dumping in accordance with those criteria. In either case, EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which

may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this action does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of \$100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this action does not necessitate preparation of a Regulatory Impact Analysis.

This rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

**List of Subjects in 40 CFR Part 228**

Water pollution control.

Authority: 33 U.S.C. 1412 and 1418,

Dated: May 29, 1984,

Victor J. Kimm,

Acting Assistant Administrator for Water,

**PART 228-[AMENDED]**

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by removing paragraph (a)(1)(iii)(K), the Jacksonville Dredged Material Disposal Site, from § 228.12 and adding to Section 228.12(b) an ocean dumping site for Region IV as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

\* \* \* \* \*

(b) \* \* \*

(19) Jacksonville Dredged Material Site-Region IV.

Location: 30° 21' 30" N., 81° 18' 34" W.; 30° 21' 30" N., 81° 17' 26" W.; 30° 20' 30" N., 81° 17' 26" W.; 30° 20' 30" N., 81° 18' 34" W.

Size: One square nautical mile.

Depth: Ranges from 12 to 16 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Jacksonville, Florida, area.

[FR Doc. 84-14832 Filed 0-1-M: 8:45 am]

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