

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
ENVIRONMENTAL PROTECTION AGENCY

7/87

I. PURPOSE

This Memorandum of Understanding (MOU) is intended to facilitate implementation of Title I of the Marine Protection, Research and Sanctuaries Act (MPRSA), including mandates of dredged material disposal site designation and ocean site management. This MOU establishes the basis for cooperative effort and funding between the U. S. Army Corps of Engineers (the Corps) and the U. S. Environmental Protection Agency (EPA) for final designation and management of ocean dredged material disposal sites in three categories. Category I includes all interim sites under the reference consent agreement (National Wildlife Federation v. Costle, No. 80-0405 (D.D.C., September 1980)) as listed in Table I. Category II sites, as listed in Table II, include remaining sites designated by EPA in 1977 under 40 CFR 228 for which the EIS preparation is currently underway, and any other sites (new or existing) mutually agreed upon by both Agencies for EIS preparation in accordance with the requirements and policies pertaining to each Agency. Category III includes all remaining interim sites as well as future potential sites which are not listed in Tables I and II. Future sites which may require attention under this MOU will be added by mutual consent under the appropriate category. This MOU also recognizes the authority and directs the EPA Coastal Regional Offices (Regions) and the Corps Coastal Divisions, or their designated Districts to develop and implement individual cooperative MOU's which delineate detailed regional implementation plans for ocean dredged material disposal site designations and subsequent site management, to include monitoring as appropriate, and development of regionally appropriate sediment testing and evaluation protocols.

II. AUTHORITIES

Title I of the MPRSA assigns basic responsibility to the EPA and Department of the Army for ensuring that ocean dredged material disposal activities will not unreasonably degrade the marine environment or endanger human health. Locating and designating appropriate ocean sites and subsequent management of disposal activities at these sites are essential elements in meeting this shared legislative mandate.

This MOU is intended to fulfill this shared responsibility in a timely and cost-effective manner by optimizing the use of resources available to each Agency. Nothing in the agreement shall alter in any way specific statutory authorities and responsibilities assigned to the Department of the Army and EPA.

III. PROVISIONS

1. EPA's Office of Marine and Estuarine Protection, in conjunction with the Dredging Division of the Corps Water Resources Support Center, shall develop technical and procedural guidance on site designations, management/monitoring, sediment testing and evaluations, appropriate reporting procedures and review planning documents submitted by Regions and Divisions for the implementation of this MOU.

2. Each Region and its respective Division(s) and each Agency's lead technical laboratory on ocean dumping activities shall assign an ocean dumping coordinator to work on an as needed basis with the responsible headquarters elements in developing appropriate programmatic guidance pursuant to this agreement. This group is hereinafter referred to as the Joint Ocean Dumping Coordination Committee (JODCC).

3. Each Region, in conjunction with its respective Division(s), shall develop a Region/Division MOU which delineates the detailed implementation plan pertaining to final designations or terminations of individual interim site designations, and for subsequent management of all Category I and II sites specified in Paragraph 1 of this MOU within each Region's and Division's area of jurisdiction. This includes establishing priority for work, milestones and schedules for implementation, allocation of EPA and Corps resources, and other related activities and management initiatives to carry out the requirements of this MOU in accordance with existing regulations and guidance and the procedures set forth below:

3.A. Site Designation

3.A.1. All Category I and II site designation actions shall be supported by appropriate NEPA documentation for compliance with EPA's voluntary EIS policy for proposed and final rulemaking.

3.A.2. Each Region, in conjunction with its respective Division(s), shall complete all requirements for final designations of the Category I sites by the end of Fiscal Year 1988.

3.A.3. The Divisions, in conjunction with their respective Regions, shall plan to complete all remaining studies required to support final designation or termination of Category II sites specified in Paragraph 1 of this MOU by the end of Fiscal Year 1988. Pending further recommendations by the JODCC, the EPA/COE developed technical guidance on site designation studies (May 1984; Attachment 1) shall be followed to the maximum practical extent in completing all such required studies.

3.A.4. Each Region, in conjunction with its respective Division(s), shall plan to complete all requirements for final designation or termination of all Category II sites specified in Paragraph I of this MOU by the end of Fiscal Year 1991.

3.A.5. The Divisions, in conjunction with their respective Regions, will prioritize all Category III sites defined in Paragraph I of this MOU within their areas of jurisdiction with recommended actions for designation and management based on a site-by-site analysis by the end of the Fiscal Year 1988.

3.A.6. Within 90 days of the enactment of this MOU, each Region and its respective Division(s) shall jointly develop a priority list of all Category I and II site designation actions specified in Paragraph I and the associated schedule for EIS preparation and rulemaking. Where agreement cannot be reached between Regions and the respective Divisions with regard to scheduling, such disagreement shall be fully documented and forwarded to Headquarters elements of both Agencies for resolution.

3.A.7. Within 180 days of the enactment of this MOU, each Region and its respective Division(s) shall jointly develop a Region/Division MOU with a detailed site designation implementation plan in accordance with the priority list established above for all Category I and II sites specified in Paragraph I of this MOU within their area of jurisdiction.

3.A.8. EPA is responsible for approving and publishing all EIS's and rulemaking packages associated with all Category I and II site designations under this MOU.

3.B. Site Management

3.B.1. Within 90 days of enactment of this MOU, each Region and its respective Division(s) shall jointly report on all ongoing site management activities for all sites within their areas of jurisdiction, to include any information regarding ongoing site monitoring, bathymetric and other site survey activities, existing agreements on sediment testing and evaluation procedures, and resources committed to these activities.

3.B.2. Within 120 days of formal agreement on new technical and procedural guidance developed pursuant to Paragraph III.1 for site management and monitoring, each Region and its respective Division(s) shall jointly submit for Headquarters review a proposed site management implementation plan for all EPA designated sites within their area of responsibility, to include identification of assigned resources by each Agency for implementation. If agreement cannot be reached, the Region/Division shall document such disagreement fully and forward to Headquarters elements of both Agencies for resolution.

3.B.3. Within 90 days of resolution of any disagreement, EPA and the Corps will finalize and incorporate the agreements into the Region/Division MOU.

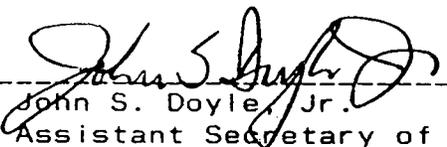
4. Headquarters elements of both Agencies will provide assistance in developing Regional/Division MOU's to ensure their conformance to the objectives contained within this MOU.

5. Each Region and its respective Division(s) will jointly evaluate the program progress under the implementation plans developed under such Region/Division MOU annually in February prior to the subsequent planning year, and the implementation plans may be modified by consent of both parties. Modifications of implementation schedules which result in the delay of final site designations beyond the schedule specified above are subject to concurrence from the Headquarters elements of both Agencies to facilitate national program resource planning.

6. Both Regions and Divisions are encouraged to make every reasonable effort to allocate the manpower and resources to meet the objectives included in this MOU.

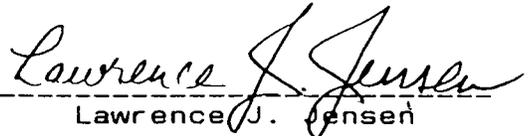
IV. DURATION OF THE MOU

This MOU shall become effective on the date of signature by both parties and shall remain in force for five (5) years or until modified by mutual consent or by law, or terminated by either party with three months advance notice.



John S. Doyle, Jr.
Acting Assistant Secretary of
the Army (Civil Works)

27 JUL 1987



Lawrence J. Jensen
Assistant Administrator for
Water, U. S. Environmental
Protection Agency

27 JUL 1987

Table 1

Category 1: Remaining Consent Agreement Sites

<u>Site Name</u>	<u>Designation Status</u>
1. Portland, Maine	1. FEIS published Mar 83
2. Absecon Inlet, New Jersey	2. 8 sites covered by 1 EIS DEIS published Nov 83
3. Cold Spring Inlet, New Jersey	
4. Manasquan Inlet, New Jersey	
5. East Rockaway, New York	
6. Jones Inlet, New York	
7. Fire Island, New York	
8. Shark River, New Jersey	
9. Rockaway Inlet, New York	
10. Wilmington Harbor, North Carolina	3. Wilmington, Charleston & Savannah included in 1 EIS FEIS published Oct 83
11. Charleston Harbor, South Carolina	
12. Savannah Harbor, Georgia	4. FEIS published Oct 83
13. San Juan Harbor, Puerto Rico	5. Pensacola, Mobile & Gulfport all in 1 EIS DEIS published Jan 83
14. Pensacola, Florida	
15. Mobile, Alabama	6. FEIS published Apr 83
16. Gulfport, Mississippi (2 sites)	7. PDEIS complete
17. Sabine-Neches WW, Texas (4 sites)	8. Alternate sites being evaluated, PDEIS
18. Los Angeles (Long Beach), California, (LA 2)	
19. San Diego, California, 100 fathom (LA 5)	
20. San Diego, California (Pt. Loma)	9. Studies on-going
21. Humboldt Bay Harbor	10. PDEIS complete

Notes:

1. 25 remaining sites under consent agreement to be covered in 10 EIS's.
2. 16 of the consent agreement sites now have final designation. Mud Dump; Jacksonville; Galveston; Tampa 4; San Francisco Bar; 4 sites at MCR; 2 sites at Coos Bay; and 5 sites in Hawaii. Coos Bay has 3 sites; only 2 are consent agreement.
3. 3 sites under the Consent Agreement have or are proposed to be cancelled: A and B at Tampa; San Francisco 100 fathom; site G at MCR.

Table 2

Category 2 Sites

Designation Status

1. Mayaguez, Puerto Rico	Draft EIS published
2. Arecibo, Puerto Rico	Draft EIS published
3. Ponce Harbor, Puerto Rico	Draft EIS published
4. Yabucoa Harbor, Puerto Rico	Draft EIS published
5. Morehead City, North Carolina	SEIS complete
6. Georgetown Harbor, South Carolina	SEIS complete
7. Port Royal (2 sites), South Carolina	Studies initiated FY 87
8. Brunswick Harbor, Georgia	Draft EIS published
9. Tampa Harbor Site 4, Florida	Scheduled DEIS Spring 87
10. Canaveral, Florida	DEIS in preparation
11. Fort Pierce, Florida	DEIS in preparation
12. Palm Beach, Florida (2 sites)	DEIS in preparation
13. Port Everglades, Florida	DEIS in preparation
14. Miami Harbor, Florida	DEIS in preparation
15. Charlotte, Florida	DEIS prepared
16. Pascagoula, Mississippi	DEIS prepared
17. Port St. Joe, Florida (2 sites)	Studies initiated FY 87
18. Panama City, Florida	Studies initiated FY 87
19. Mississippi River-Gulf Outlet	PDEIS
20. South Pass, Louisiana	Studies complete
21. Southwest Pass, Louisiana	DEIS published
22. Barataria Bay, Louisiana	PDEIS
23. Houma, Louisiana	PDEIS
24. Atchafalaya River, Louisiana	DEIS published
25. Mermentau River, Louisiana (2 sites)	Studies complete
26. Calcasieu River, Louisiana (7 sites to be consolidated to 3 sites)	DEIS published
27. Freeport Harbor, Texas	FEIS: Proposed rule 28 Apr 87 PDEIS
28. Matagorda, Texas	PDEIS
29. Corpus Christi, Texas	PDEIS
30. Port Mansfield, Texas	PDEIS
31. Brazos Island, Texas	PDEIS
32. Newport Beach, California	Studies initiated FY 87
33. Nome, Alaska (2 sites)	FEIS published
34. Grays Harbor (2 sites)	PDEIS preparation

Noted:

1. 46 sites in category 2
2. Tampa Site 4 are not specifically listed interim sites in 40 CFR 228

Table 3

Category 3 Sites

<u>Site Name</u>	<u>Status of Designation Effort</u>
1. Dam Neck, Virginia	103 designation complete for expanded site
2. Empire Waterway, Louisiana	Studies initiated FY 87
3. Bayou Lafourche, Louisiana	Studies initiated FY 87
4. Tiger Pass, Louisiana	Studies initiated FY 87
5. Freshwater Bayou Louisiana	Studies initiated FY 87
6. Crescent City, California	Studies proposed FY 88
7. Noyo River, California	Studies proposed FY 88
8. Port Hueneme, California	Future need uncertain
9. Chetco River, Oregon	Studies complete
10. Rogue River, Oregon	Studies complete
11. Coquille River, Oregon	Studies complete
12. Umpqua River, Oregon	Studies complete
13. Suislaw, Oregon	Studies complete
14. Tillamook, Oregon	Studies complete
15. Depoe, Oregon (2 sites)	Studies complete
16. Yaquina, Oregon	Studies complete
17. Port Orford, Oregon	Studies complete
18. Willapa Bay, Washington	Studies initiated
19. Apra Harbor, Guam	Future need uncertain
20. Pago Pago, America Somoa	Future need uncertain
21. Saipan, Commonwealth of the Northern Marianas Islands	Future need uncertain
22. Cape Arundel, Maine	Studies complete
23. Marblehead (Foul Area), Massachusetts	Studies complete

Notes: 24 sites total; category 3