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OFFICE OF  
WATER

Mr. Gerald Pope

California Marine Affairs and Navigation Conference  
813 Harbor Blvd.  
West Sacramento, CA 95691-2201

Dear Mr. Pope:

Thank you for your April 17 letter following up on your recent visit to Washington, D.C. with the California Marine Affairs and Navigation Conference (C-MANC). In your letter, you raised the following concerns: (1) limitations on the beneficial use of dredged material for beach nourishment projects where the grain size of the material is not almost entirely sand; (2) the need for additional disposal sites for the Crescent Harbor District; and (3) the timeliness of dredged material permit issuance. My staff has discussed the above issues with the appropriate personnel in the EPA Region IX office in San Francisco and *the* Corps of Engineers - San Francisco District.

Regarding the grain size issue, my staff has responded to Brian Foss of the Santa Cruz Harbor and Lindsey Marks at the Crescent City Harbor District individually in writing (see attachments). The National Dredging Team also discussed the grain size issue at its most recent meeting. Consistent with both the EPA Headquarters and EPA Region IX opinion, the National Dredging Team members feel that the "80% Rule" is a "rule of thumb," that the Clean Water Act (CWA) regulations do allow for site specific determinations of appropriate grain size ratios, and that the agencies are supportive of site specific evaluations such as that which Santa Cruz Harbor is undertaking (it will provide information that could be used as a basis for documenting that a higher percentage of fine grain materials may be discharged for beach nourishment in a manner consistent with CWA Section 404(b)(1) guidelines).

Regarding the need for additional disposal sites for the Crescent City Harbor District, we encourage the Crescent City Harbor District to contact both EPA Region IX and EPA Region X to seek the feasibility of using the existing nearby ocean disposal site at the California/Oregon border. Our EPA Regional staff are interested in helping the Crescent City Harbor District to actively explore this possible disposal alternative, and to help coordinate the matter with the appropriate state agencies, if necessary. Please Contact John Malek at (206) 553-1286 at Region X and Brian Ross at (415) 744-1979 at Region IX on this issue.

Regarding the timeliness of the dredged material permit issuance, we support the continuing use of the Regional Dredging Team as a forum to streamline the permitting process. Also, regional interagency Dredged Material Management Offices (DMMOs) have been established in the San Francisco Bay and Puget Sound areas, which we *expect will* continue to serve as effective coordination mechanisms for the dredged material permitting process.

Again, we encourage your continuing dialogue with the appropriate agencies (e.g., EPA Regions, Corps San Francisco District, and/or the DMMO) to seek solutions to the issues you have raised in your letter. *We* are committed to working with you in this **effort**, and we look forward to next year's C-MANC visit. Should you have further questions, please feel free to contact me or contact David Redford, Acting Chief of the Marine Pollution Control Branch, at (202) 260-9179.

Sincerely,



Robert H. Wayland III, Director

Office of Wetlands, Oceans, and Watersheds

ATTACHMENTS (2)

cc: Barry Holliday - US Army Corps of Engineers Headquarters

LTC. Peter T. Grass - US Army Corps of Engineers San Francisco District  
Brain Ross, EPA Region IX  
John Malek, EPA Region V