



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460 APR 25 2000

OFFICE OF  
WATER

Brian E. Foss Port  
Director Santa Cruz  
Harbor 135 5<sup>th</sup>  
Avenue  
Santa Cruz, CA 95062

Dear Mr. Foss:

Thank you for your March 27 letter following up on your recent visit to Washington, D.C. with the California Marine Affairs and Navigation Conference. Specifically, you have raised concerns over limitations on the beneficial use of dredged material for beach nourishment projects where the grain size of the material is not almost entirely sand. We have discussed this issue with our Regional Office in San Francisco and at a meeting of the Interagency National Dredging Team and can confirm that grain size ratios of large to fine material are "rules of thumb" only, that the regulation of beach nourishment activities under the Clean Water Act allows for site specific determinations of appropriate grain size ratios, and that the agencies are supportive of the type of research your Harbor is undertaking.

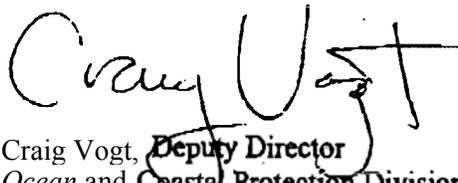
EPA encourages your harbor to seek beneficial disposal alternatives such as beach nourishment. While EPA encourages beneficial use projects, such projects must be environmentally protective by complying with the Clean Water Act Section 404(b)(1) Guidelines. The Guidelines and the guidance provided in the Inland Testing Manual emphasize physical compatibility for proposed discharges, but provide case-specific flexibility to grain size considerations for beach nourishment projects. In order to make case specific determinations, appropriate supporting information is needed to evaluate a given beach nourishment project, and it appears that such site-specific information is what is being generated for Santa Cruz Harbor. While the "80%/20%" rule of thumb is applied in situations where more detailed information is lacking, it is not the only appropriate ratio. - -

EPA is pleased that the Harbor's evaluation efforts 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 the Guidelines.

Consistent with the EPA Headquarters and EPA Region IX's opinion, the National Dredging Team members agreed that the "80% Rule" is a "rule of thumb" only, thereby allowing flexibility in its application for case-specific circumstances. With this in mind, on May 12, members of the National Dredging Team will meet with Patrick McLaren, author of the Santa Cruz Sediment Trends Analysis study, to discuss the findings of his report.

Again, we encourage your continuing dialogue with the EPA Region and Corps San Francisco District to seek solutions to the issues you have raised in your letter. *We* are committed to working with you in this effort and look forward to next year's CMANC visit. Should you have further questions, please call me or contact Brian Ross of Region IX, (415) 7441979.

Sincerely,

A handwritten signature in black ink that reads "Craig Vogt". The signature is written in a cursive, slightly slanted style.

Craig Vogt, **Deputy Director**  
**Ocean and Coastal Protection Division**  
Office of Wetlands, Oceans, and Watersheds  
U.S. Environmental Protection Agency

cc: Colonel Grass  
Brian Ross  
Barry Holliday