**Caitlin Smoot**

**Marine Protection, Resources, and Sanctuaries Act**

**Section 103**

**Summary**

The Marine Protection, Resources, and Protection Act (MPRSA; 1972) provides, among other things, regulations regarding disposal of material into the open ocean. Title I of the MPRSA, also known as The Ocean Dumping Act, gives the Environmental Protection Agency (EPA) primary jurisdiction over regulations and permits associated with ocean dumping, with the exception of dredged materials. Under Section 103, ocean dumping of dredged materials falls under the jurisdiction of the United States Army Corps of Engineers (USACE). Applicants must provide detailed information regarding the site, material, and disposal method as part of the permit application process. Applicants are highly encourage to consult with their regional USACE office prior to beginning the permit application process. The EPA may concur, concur with conditions, or not concur with the USACE permit decision. Failure to comply with regulations of MPRSA may result in both criminal and civil penalties.

**Permit Name**

MPRSA Section 103 Permit

**Applicability**

The need to dispose dredged material into the open ocean requires a permit under MPRSA Section 103.

**Processing Times**

Generally, it takes 6-18 months to obtain a permit to dump dredged material into open ocean. Permit applicants are encouraged to meet with their local USACE District office to meet with in order to fully the application and permit process and requirements.

USACE Alaska District: <https://www.poa.usace.army.mil/>

USACE Seattle District:

**Agency Coordination**

* EPA
  + Has jurisdiction over and is permit issuing agency for non-dredged materials
  + Develops testing criteria for dumped materials (USACE also contributes to this)
* USACE
  + Has jurisdiction over and is permit issuing agency for dredged materials
    - Ocean Disposal based on MPRSA Section 103
    - Inland, tidal wetlands, estuaries based on CWA
    - Overlap of MPRSA and CWA occurs in territorial seas
      * If dredged material can be used for fill - CWA
* United States Coast Guard
  + Is charged with surveillance of activities associated with ocean dumping
* State agencies may also be involved
  + Example: Alaska Department of Environmental Conservation

**Information Necessary:**

The permit applicant should include the following information

* Current state of knowledge regarding dredging and dumping sites
  + Physical
  + Chemical
  + Biological
  + Economic
  + Social
  + Historical
  + Cultural
* Amount of material
* Type of material
  + May require lab evaluation of materials to determine if harmful according to EPA guidelines
    - Permit applicant should utilize the Evaluation of Dredged Material Proposed for Ocean Disposal manual. This is also known as the “Green Book”. Permit applicants should also consult with their regional Dredged Material Management Office (DMMO) and consult their Dredged Material Management Program (DMMP). Required testing/reporting may include but are not limited to:
      * sediment type/size
      * possible contamination from industrial and/or agricultural sources
      * mineral deposits
      * Prior municipal and industrial waste discharges
    - Permit applicant should also include methods of sample collection
* Timeline and method of disposal
  + How will the material be transported to the disposal site?
  + How will the material be placed into the environment?
    - Will there be a containment structure?
* Site of disposal
  + Is it a known disposal site?
    - Permit applicant may consult <https://www.epa.gov/ocean-dumping/ocean-disposal-sites> for links to a disposal site map and database
* Mitigation measures, monitoring and reporting provisions
  + Example: Stop discharge of material during spawning season of fish

**Example Documentation**

I have provided the following document that provides real-world examples of the types of documents required for the process of dumping dredged material into the ocean. File names are in bold.

**USACE\_Petersburg\_Draft FR\_EA\_FONSI**

* Site description and map: Section 1.3
* Description of baseline conditions: Section 3
* Description of “no change” future: Section 4
* Description of alternative plans: Section 5
* Environmental consequences of plan and alternative: Section 8
* Geotechnical report: Appendix A

**Enforcement and Penalties**

The USCG is tasked with surveillance and at-sea enforcement of ocean dumping activities. Violation of the MPRSA may result in criminal or civil penalties.

**Civil –** Failure to comply with regulations may result in up to $50,000 fines per violation.

**Criminal –** Failure to comply with regulations may also result in criminal charges. This may include forfeiture and seizure of vessel used to illegally dump materials into the ocean.

**REGULATIONS (CFR)**

[40 CFR 220-229](https://www.ecfr.gov/cgi-bin/text-idx?SID=1444b644ebb663147f2fddc01bfdcedf&mc=true&tpl=/ecfrbrowse/Title40/40CIsubchapH.tpl) – MPRSA Regulation of Ocean Dumping

33 CFR 325.1 - Describes the requirements of permit application under the MPRSA

**Additional Information and Links**

**EPA Overview of Permit Process and Requirements:**

[**https://www.epa.gov/ocean-dumping/ocean-disposal-dredged-material**](https://www.epa.gov/ocean-dumping/ocean-disposal-dredged-material)

**EPA Resource Page for Evaluation of Dredged Materials:**

[**https://www.epa.gov/ocean-dumping/dredged-material-testing-and-evaluation-ocean-disposal**](https://www.epa.gov/ocean-dumping/dredged-material-testing-and-evaluation-ocean-disposal)

**Link to download “The Green Book”:**

[**https://www.epa.gov/ocean-dumping/evaluation-dredged-material-proposed-ocean-disposal-green-book**](https://www.epa.gov/ocean-dumping/evaluation-dredged-material-proposed-ocean-disposal-green-book)

**Link to download Sediment Evaluation Framework for Pacific Northwest:**

[**https://www.epa.gov/ocean-dumping/sediment-evaluation-framework-pacific-northwest**](https://www.epa.gov/ocean-dumping/sediment-evaluation-framework-pacific-northwest)

**News article regarding study of benthic habitat for MPRSA Section 103 related work:**

[**https://www.poa.usace.army.mil/Media/News-Stories/Article/1830813/innovative-underwater-camera-system-provides-unique-view-of-alaskas-murky-depths/**](https://www.poa.usace.army.mil/Media/News-Stories/Article/1830813/innovative-underwater-camera-system-provides-unique-view-of-alaskas-murky-depths/)

**USACE Alaska District Reports and Studies:**

[**https://www.poa.usace.army.mil/Library/Reports-and-Studies/**](https://www.poa.usace.army.mil/Library/Reports-and-Studies/)

**USACE Seattle District DMMO:**

[**https://www.nws.usace.army.mil/Missions/Civil-Works/Dredging/**](https://www.nws.usace.army.mil/Missions/Civil-Works/Dredging/)