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DMMP Clarification Paper

Recency Guideline Modifications

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INTRODUCTION

The DMMP User Manual (DMMP 2013) provides “recency” guidelines for dredged material characterization data. These guidelines apply to material that has been sampled and tested for open-water disposal or beneficial-use placement, but not yet dredged. The recency guidelines specify the duration of time for which chemical and biological characterization data continue to be representative of the material to be dredged. For high-ranked projects, the recency guidelines allow characterization data to be valid for a period of 2 years. The recency periods for moderate, low-moderate and low-ranked projects are 5, 6 and 7 years respectively.

A related concept is addressed by the DMMP “frequency” guidelines. Frequency guidelines specify the extent of time a given dredging project can be maintained with repeated dredging without further testing. Once the sampled and tested material has been dredged, the frequency guidelines apply. Time durations for the frequency guidelines are the same as for the recency guidelines: two years for high-ranked areas; and 5, 6 and 7 years for moderate, low-moderate, and low-ranked areas respectively.

PROBLEM IDENTIFICATION

There are two problems with the current recency/frequency guidelines addressed by this clarification paper. The first is the length of time required for high-ranked projects to complete the permitting process prior to dredging. The second is general confusion over the difference between, and applicability of, the two related concepts of recency and frequency.

Recency guidelines for high-ranked projects:

The 2-year recency period for high-ranked projects was established when the Puget Sound Dredged Disposal Analysis (PSDDA) program was implemented in 1988 (PSDDA 1988). The complexity and duration of the regulatory process for dredging projects has increased over the years, in large part due to the number of species that have been designated under the Endangered Species Act (ESA). Due to the increased length of the permitting process, some high-ranked projects cannot be dredged prior to expiration of the DMMP recency period. When this occurs, the DMMP agencies must decide whether to require supplemental sampling and testing to verify the continued representativeness of the original characterization data, or grant an extension of the recency period. Supplemental testing generally takes several months to complete and would further delay the dredging. Therefore, if upon examination of project details, there has been no change in conditions at the dredging location, the DMMP agencies will generally approve reasonable extensions (e.g. one year in high-ranked areas) to the recency period without additional characterization to allow the dredging to proceed more expeditiously.

Recency vs. frequency:

As defined in the introduction, recency and frequency are terms that apply to two different dredging scenarios. Recency applies to a scenario in which dredged material has been tested, but not yet dredged. Frequency applies to a scenario in which the tested material has already been dredged, but the testing results are still considered representative of additional material that accumulates after the first cycle of dredging has been completed. Under the frequency guidelines, additional cycles of dredging may occur without further testing until the expiration of the frequency period.

While these two concepts have distinct meanings, there is often confusion about the difference between the two. From a practical standpoint maintaining this distinction is unnecessary, because the ultimate consequence from application of the recency and frequency guidelines is exactly the same. Both determine the length of time a specific project can go without sampling and testing. Or, put another way, both dictate how often a dredging proponent needs to characterize the dredged material for their project.

PROPOSED CLARIFICATION

Increase the recency period for high-ranked projects

The DMMP agencies propose increasing the recency period for high-ranked projects from two to three years to accommodate longer permit processing times. The following table lists the proposed recency periods by rank:

Rank	Recency Period (years)
High	3
Moderate	5
Low-Moderate	6
Low	7

The agencies recognize that high-ranked projects are located in areas with active sources of contamination, so are more prone to changed conditions than projects in lower-ranked areas. However, the DMMP User Manual already includes a provision that applies to this situation. The manual states that the recency guidelines do not apply when a changed condition (e.g. accidental spills or new discharges) has occurred since the most recent samples were obtained. Therefore, if changed conditions warrant, the DMMP agencies may require supplemental testing prior to the expiration of the recency period.

Expand the definition of recency to include frequency

The DMMP agencies propose using the term “recency” to include the dredging scenario currently covered separately by “frequency”. Therefore, the term “recency” will be used more generically to indicate how often sediment characterization needs to be conducted for a specific

project. The terms “frequency guidelines”, “frequency period”, “frequency extension” and “frequency determination” will no longer be used.

This modification of terminology will not affect the notification procedure in place for multiyear maintenance dredging permits. At least four months prior to each maintenance dredging activity, the permittee must contact the U.S. Army Corps of Engineers, Dredged Material Management Office to determine whether additional sediment characterization is required. If additional characterization is required, no disposal of dredged material will be allowed at a DMMP open-water disposal site or placement at a beneficial-use site until the material has been determined suitable by the DMMP agencies.

REFERENCES:

DMMP (2013). *Dredged Material Evaluation and Disposal Procedures – User Manual*; prepared by the Corps of Engineers for the Dredged Material Management Program, July 2013.

PSDDA (1988). *Evaluation Procedures Technical Appendix – Phase I*; prepared by the Army Corps of Engineers, Environmental Protection Agency, Department of Ecology and Department of Natural Resources for the Puget Sound Dredged Disposal Analysis Program, June 1988.