

6/1/09 Final

DMMP CLARIFICATION PAPER:

SUMMARY OF SITE USE AUTHORIZATION REQUIREMENTS FOR WASHINGTON DEPARTMENT OF NATURAL RESOURCES' DREDGED MATERIAL MANAGEMENT PROGRAM OFFICE

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INTRODUCTION

The Washington State Department of Natural Resources (DNR) is a partner in the interagency Dredged Material Management Program (DMMP). DNR participates in this interagency program through its own DMMP office. While all DMMP agencies participate in all components of dredged material management, DNR, as steward and manager of State Owned Aquatic Lands (SOAL), is directly responsible for managing the unconfined open-water dredged material disposal sites located in Puget Sound, Grays Harbor, Willapa Bay, and the Washington side of the Columbia River. Prior to using any of DNR's dredged material disposal sites, dredgers must apply for and receive permission from DNR. DNR manages the use of these sites through a Site Use Authorization (SUA), which is a legal agreement between DNR and the entity which obtained the permits. The SUA document describes the DMMP's disposal requirements through both standard and project-specific language. By signing the SUA, the grantee accepts all of DNR's site use conditions, including the damages DNR may collect from the grantee for violating these conditions.

PROBLEM STATEMENT

The last SUA update was provided by DNR in 2005. There have been changes to the SUA process and requirements since that time. This paper clarifies those changes.

CLARIFICATION

This clarification paper details current DNR requirements. These requirements fit into six components of DNR's SUA process: 1) who is required to apply, 2) the application, 3) reporting, 4) fees, 5) dredging project status, 6) and other requirements.

Who is Required to Apply

An SUA is required for all dredging projects for which disposal is planned at one of DNR's open-water disposal sites. The only exception is for dredged material disposal by the Army Corps of Engineers from projects that have no local sponsor. In all other cases, including local sponsors for Corps of Engineers dredging projects, the dredging proponent or local sponsor must apply for a SUA.

SUA Application Process

Before DNR's DMMP office will begin processing an application for a SUA the applicant must provide a complete application package. A typical application package includes the minimum

non-refundable fee, a signed and fully completed Site Use Application form (see attachment 1), a Plan of Operations form, and copies of all other agency permits required for dredging and disposal. The SUA application form may also be downloaded from DNR's web site: [SUA applicaton](#).

Typical dredging projects require the following permits:

- U.S. Army Corps of Engineers permit (Section 10/404)
- Washington Department of Ecology Water Quality Certification (Section 401)
- Washington Department of Fish and Wildlife Hydraulic Project Approval
- Shoreline Substantial Development Permit or exemption letter

Application packages, including copies of all required permits, must be sent to DNR's DMMP office:

Department of Natural Resources
Aquatic Resources Division
ATTN: DMMP Manager
1111 Washington Street SE
PO Box 47027
Olympia, WA 98504-7027

Once DNR's DMMP office receives a completed application and all required permits, it will take approximately two to three weeks to process the application and produce two (2) identical, unsigned SUA documents. The DNR's DMMP office will mail the two copies of the SUA to the applicant along with an invoice for the application fee. The applicant must sign and date both copies as indicated, have them notarized, and returned to DNR's DMMP office at the address listed above. After the applicant returns the signed and notarized documents, they must be signed by DNR.

Payment of the minimum application fee must be made before DNR will release the signed SUA. **Payment of all fees are to be made to DNR's Financial Management Division**, as opposed to the DMMP office. The Financial Management Division mailing address is:

Department of Natural Resources
Financial Management Division
PO Box 47041
Olympia, WA 98504-7041

At this point a predredge meeting can be scheduled. The dredging proponent (or contractor) must contact the Army Corps of Engineers Regulatory Project Manager for the Section 10/404 permit to schedule the meeting. In advance of the predredge meeting, and at least 7 days prior to commencement of dredging, a dredging and disposal quality control plan must be submitted to DNR and the Army Corps of Engineers for review.

At the predredge meeting, the dredging and disposal quality control plan and DNR reporting requirements are reviewed. Once DNR's DMMP office has accepted all the required information, and other DMMP agency concerns have been addressed, DNR will provide a copy of the signed and executed SUA to the applicant. The applicant may then begin using DNR's unconfined open-water dredged material disposal site pursuant to the SUA conditions.

Reporting Requirements

DNR is committed to protecting the aquatic environment through stringent oversight of all disposal activities occurring under a SUA. DNR accomplishes this by establishing specific reporting requirements for every load of dredged material taken to one of DNR's unconfined open-water disposal sites. SUA grantees must submit Disposal Site Use Reports (SURs) on a weekly basis, and Monthly Disposal Statements summarizing the previous month's disposals. Original forms must be provided to DNR's DMMP office. However, forms may also need to be submitted electronically to meet DNR's reporting timelines. The logistics of reporting should be worked out in advance with the DNR Program Manager.

- **Disposal Site Reports:** As defined in every SUA, the applicant is responsible for every barge load of dredged material taken to any of DNR's disposal sites. At the time of disposal the Tug Captain must complete and sign a Disposal Site Use Report (SUR) for every barge load. DNR will verify the authenticity of all SUR information including, but not limited to: signature, disposal coordinates, time, and volume. Disposal coordinates must be reported as latitude and longitude in degrees and minutes to the nearest one-thousandth of a minute (NAD 83). All disposals must be recorded on the DNR-approved form, which may be found on DNR's DMMP website: [Daily Disposal Site Use Report](#)

All SUR forms must be filled out in their entirety and submitted by 12:00 (noon) on Wednesday following the week being reported. A week is defined to begin on Monday and end on the following Sunday, typically leaving 2.5 working days to compile the report forms, verify that they are complete, and transmit them to DNR's DMMP office.

- **Monthly Disposal Statements:** The applicant is also responsible for completing and signing a Monthly Disposal Statement, which summarizes all disposal activities for any month during which dredged material disposal occurs. The monthly summary of disposals must be submitted on the DNR-approved Monthly Disposal Statement form, which may be found on DNR's DMMP website: [Monthly Disposal Statement](#). This form must be filled out completely, signed by the applicant, and received by DNR's DMMP office by the 20th day of the month following the month being reported.

Dredged Material Disposal Fees

Users of any of DNR's unconfined open-water dredged material disposal sites must pay disposal fees, which are assessed at a per cubic yard rate and subject to a minimum application fee. These fees are authorized under RCW 79.105.520, and defined under WAC 332-30-166. DNR estimates the costs of site management and environmental monitoring at dredged material disposal sites and establishes fees for use of such sites to cover the estimated costs. All revenues are placed in the aquatic land dredged material disposal site account, which is used solely for the management and environmental monitoring of the DMMP sites. Per WAC 332-30-116, fees will be reviewed and adjusted as needed. DNR is currently working on a fee adjustment, which is the topic of a separate issue paper. A damage fee may be charged for, but not limited to: unauthorized dumping of material, disposal of material not properly characterized and/or dumping outside the disposal site.

The current fee structure, as of April 6, 2009, is as follows:

Region	Disposal Fee	Minimum Fee
Puget Sound	\$0.45 per cubic yard	\$2,000.00
Strait of Juan De Fuca	\$0.45 per cubic yard	\$2,000.00
Grays Harbor	\$0.10 per cubic yard	\$300.00
Willapa Bay	\$0.10 per cubic yard	\$300.00

Damage fees may be assessed at \$5.00 per cubic yard

All Applications are subject to a minimum fee which is applied toward total disposal fees as described below:

- \$2,000 at \$0.45/cy equals disposal fees for 4444.44 cys pre-paid via minimum fee.
- \$300 at \$0.10/cy equals disposal fees for 3000 cys pre-paid via minimum fee.

By signing and submitting the SUA application package, **the applicant commits to paying the minimum fee regardless of whether the disposal site is used.** DNR will issue invoices for all material disposed in excess of amounts pre-paid via the minimum fee.

Dredging Project Status

The grantee is responsible for keeping DNR informed about the status of dredging that produces any kind of material intended for open water disposal, except that for beneficial use. There are several components to this SUA requirement.

1. Modifications to the Plan of Operation: The applicant is responsible for requesting and receiving approval from DNR's DMMP office prior to making any changes to the Plan of Operation. The applicant must make this request at least 24 hours before the change can be implemented. Notification by the applicant, and subsequent approval by DNR, may be made verbally, however this must be followed by submission of a revised Plan of Operation within five (5) business days.
2. Notification of Dredging Initiation, Delays, and Completion: The applicant is responsible for notifying DNR's DMMP office by telephone at least 24 hours prior to every initiation of dredging/disposal operations. The applicant must also notify DNR when dredging/disposal operations will be interrupted. Finally, **the applicant must notify DNR by letter immediately upon completing use of the site.**
3. Disposal Volumes: The applicant is responsible for providing accurate disposal volumes to DNR's DMMP office. This volume shall be determined by pre and post-dredging site measurements reported as acceptable by DNR. The applicant may use another method to determine disposal volumes only if DNR issues written approval prior to dredging. Final project disposal volumes are due to DNR no later than 30 days following completion of dredged material disposal operations.

Other Concerns

Other concerns with SUA implementation have been identified beyond those clarified above. These include confusion regarding who is responsible for meeting SUA requirements when a

subcontractor is involved, and how the requirements of other regulations and permits are incorporated into the SUA.

The SUA is an agreement solely between DNR and the applicant to allow disposal of suitable dredged material pursuant to the SUA conditions. When the SUA applicant signs the SUA, they accept responsibility for ensuring that all conditions of the SUA are met. This includes responsibility for the actions of any subcontractor hired by the applicant, regardless of whether the applicant assigns responsibility for SUA requirements to a subcontractor. DNR will hold the applicant, not the contractor, responsible for meeting all SUA conditions and requirements. If the subcontractor fails to meet any SUA requirement, the applicant will be held legally and financially responsible.

DNR will not authorize any activity in conflict with another law, regulation, permit, or license of any public authority affecting the disposal site premises and the use thereof. While the specific terms and conditions of these other authorities may not be explicitly stated in the SUA, DNR requires the SUA applicant to abide by these other requirements as a condition of the SUA. DNR may suspend or revoke the SUA for violation of any of these other requirements, and may charge the applicant a fee for any damages associated with these violations.

For additional information regarding DNR's DMMP office, please review DNR's web page: [Dredged Material Management Program](#) or contact:

Department of Natural Resources
Aquatic Resources Division
ATTN: DMMP Manager
1111 Washington Street SE
PO Box 47027
Olympia, WA 98504-7027

Phone: (360) 902-1083