

§ 230.77

40 CFR Ch. I (7-1-04 Edition)

- (a) Selecting discharge sites and following discharge procedures to prevent or minimize any potential damage to the aesthetically pleasing features of the aquatic site (e.g. viewscales), particularly with respect to water quality;
- (b) Selecting disposal sites which are not valuable as natural aquatic areas;
- (c) Timing the discharge to avoid the seasons or periods when human recreational activity associated with the aquatic site is most important;
- (d) Following discharge procedures which avoid or minimize the disturbance of aesthetic features of an aquatic site or ecosystem;
- (e) Selecting sites that will not be detrimental or increase incompatible human activity, or require the need for frequent dredge or fill maintenance activity in remote fish and wildlife areas;
- (f) Locating the disposal site outside of the vicinity of a public water supply intake.

§ 230.77 Other actions.

- (a) In the case of fills, controlling runoff and other discharges from activities to be conducted on the fill;
- (b) In the case of dams, designing water releases to accommodate the needs of fish and wildlife;
- (c) In dredging projects funded by Federal agencies other than the Corps of Engineers, maintain desired water quality of the return discharge through agreement with the Federal funding authority on scientifically defensible pollutant concentration levels in addition to any applicable water quality standards;
- (d) When a significant ecological change in the aquatic environment is proposed by the discharge of dredged or fill material, the permitting authority should consider the ecosystem that will be lost as well as the environmental benefits of the new system.

Subpart I—Planning To Shorten Permit Processing Time

§ 230.80 Advanced identification of disposal areas.

- (a) Consistent with these Guidelines, EPA and the permitting authority, on their own initiative or at the request of any other party and after consultation with any affected State that is not the

permitting authority, may identify sites which will be considered as:

- (1) Possible future disposal sites, including existing disposal sites and non-sensitive areas; or
- (2) Areas generally unsuitable for disposal site specification;
- (b) The identification of any area as a possible future disposal site should not be deemed to constitute a permit for the discharge of dredged or fill material within such area or a specification of a disposal site. The identification of areas that generally will not be available for disposal site specification should not be deemed as prohibiting applications for permits to discharge dredged or fill material in such areas. Either type of identification constitutes information to facilitate individual or General permit application and processing.

- (c) An appropriate public notice of the proposed identification of such areas shall be issued;
- (d) To provide the basis for advanced identification of disposal areas, and areas unsuitable for disposal, EPA and the permitting authority shall consider the likelihood that use of the area in question for dredged or fill material disposal will comply with these Guidelines. To facilitate this analysis, EPA and the permitting authority should review available water resources management data including data available from the public, other Federal and State agencies, and information from approved Coastal Zone Management programs and River Basin Plans;
- (e) The permitting authority should maintain a public record of the identified areas and a written statement of the basis for identification.

PART 231—SECTION 404(c) PROCEDURES

- Sec.
- 231.1 Purpose and scope.
- 231.2 Definitions.
- 231.3 Procedures for proposed determinations.
- 231.4 Public comments and hearings.
- 231.5 Recommended determination.
- 231.6 Administrator's final determinations.
- 231.7 Emergency procedure.
- 231.8 Extension of time.

AUTHORITY: 33 U.S.C. 1344(c).