

§ 225.4

whether, under section 103(d) of the Act, there is an economically feasible alternative method or site available other than the proposed dumping in ocean waters. If the District Engineer makes any such preliminary determination that there is no economically feasible alternative method or site available, he shall so advise the Regional Administrator setting forth his reasons for such determination and shall submit a report of such determination to the Chief of Engineers in accordance with 33 CFR 209.120 and 209.145.

(b) If the decision of the Chief of Engineers is that ocean dumping at the designated site is required because of the unavailability of feasible alternatives, he shall so certify and request that the Secretary of the Army seek a waiver from the Administrator of the Criteria or of the critical site designation in accordance with § 225.4.

§ 225.4 Waiver by Administrator.

The Administrator shall grant the requested waiver unless within 30 days of his receipt of the notice, certificate and request in accordance with paragraph (b) of § 225.3 he determines in accordance with this section that the proposed dumping will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. Notice of the Administrator's final determination under this section shall be given to the Secretary of the Army.

PART 227—CRITERIA FOR THE EVALUATION OF PERMIT APPLICATIONS FOR OCEAN DUMPING OF MATERIALS

Subpart A—General

Sec.

- 227.1 Applicability.
- 227.2 Materials which satisfy the environmental impact criteria of subpart B.
- 227.3 Materials which do not satisfy the environmental impact criteria set forth in subpart B.

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Subpart B—Environmental Impact

- 227.4 Criteria for evaluating environmental impact.
- 227.5 Prohibited materials.
- 227.6 Constituents prohibited as other than trace contaminants.
- 227.7 Limits established for specific wastes or waste constituents.
- 227.8 Limitations on the disposal rates of toxic wastes.
- 227.9 Limitations on quantities of waste materials.
- 227.10 Hazards to fishing, navigation, shorelines or beaches.
- 227.11 Containerized wastes.
- 227.12 Insoluble wastes.
- 227.13 Dredged materials.

Subpart C—Need for Ocean Dumping

- 227.14 Criteria for evaluating the need for ocean dumping and alternatives to ocean dumping.
- 227.15 Factors considered.
- 227.16 Basis for determination of need for ocean dumping.

Subpart D—Impact of the Proposed Dumping on Esthetic, Recreational and Economic Values

- 227.17 Basis for determination.
- 227.18 Factors considered.
- 227.19 Assessment of impact.

Subpart E—Impact of the Proposed Dumping on Other Uses of the Ocean

- 227.20 Basis for determination.
- 227.21 Uses considered.
- 227.22 Assessment of impact.

Subpart F—Special Requirements for Interim Permits Under Section 102 of the Act

- 227.23 General requirement.
- 227.24 Contents of environmental assessment.
- 227.25 Contents of plans.
- 227.26 Implementation of plans.

Subpart G—Definitions

- 227.27 Limiting permissible concentration (LPC).
- 227.28 Release zone.
- 227.29 Initial mixing.
- 227.30 High-level radioactive waste.
- 227.31 Applicable marine water quality criteria.
- 227.32 Liquid, suspended particulate, and solid phases of a material.

AUTHORITY: 33 U.S.C. 1412 and 1418.

SOURCE: 42 FR 2476, Jan. 11, 1977, unless otherwise noted.