

(2) Where transportation for dumping is to originate in one Region and dumping is to occur at a location within another Region's jurisdiction conferred by order of the Administrator, the Region in which transportation is to originate shall be responsible for review of the application and shall prepare the technical evaluation of the need for dumping and alternatives to ocean dumping. The Region having jurisdiction over the proposed dump site shall take all other actions required by this subchapter H with respect to the permit application, including without limitation, determining to issue or deny the permit, specifying the conditions to be imposed, and giving public notice. If both Regions do not concur in the disposition of the permit application, the Administrator will make the final decision on all issues with respect to the permit application, including without limitation, issuance or denial of the permit and the conditions to be imposed.

(c) *Review of Corps of Engineers Dredged Material Permits.* Regional Administrators have the authority to review, to approve or to disapprove or to propose conditions upon Dredged Material Permits for ocean dumping of dredged material at locations within the respective Regional jurisdictions. Regional jurisdiction to act under this paragraph (c) of §220.4 is determined by the Administrator in accordance with §228.4(e).

[42 FR 2468, Jan. 11, 1977, as amended at 73 FR 74986, Dec. 10, 2008]

## PART 221—APPLICATIONS FOR OCEAN DUMPING PERMITS UNDER SECTION 102 OF THE ACT

Sec.

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

SOURCE: 42 FR 2470, Jan. 11, 1977, unless otherwise noted.

### § 221.1 Applications for permits.

Applications for general, special, emergency, and research permits under section 102 of the Act may be filed with the Administrator or the appropriate Regional Administrator, as the case may be, authorized by §220.4 of this chapter to act on the application. Applications shall be made in writing and shall contain, in addition to any other material which may be required, the following:

- (a) Name and address of applicant;
- (b) Name of the person or firm transporting the material for dumping, the name of the person(s) or firm(s) producing or processing all materials to be transported for dumping, and the name or other identification, and usual location, of the conveyance to be used in the transportation and dumping of the material to be dumped, including information on the transporting vessel's communications and navigation equipment;
- (c) Adequate physical and chemical description of material to be dumped, including results of tests necessary to apply the Criteria, and the number, size, and physical configuration of any containers to be dumped;
- (d) Quantity of material to be dumped;
- (e) Proposed dates and times of disposal;
- (f) Proposed dump site, and in the event such proposed dump site is not a dump site designated in this subchapter H, detailed physical, chemical and biological information relating to the proposed dump site and sufficient to support its designation as a site according to the procedures of part 228 of this subchapter H;
- (g) Proposed method of releasing the material at the dump site and means by which the disposal rate can be controlled and modified as required;
- (h) Identification of the specific process or activity giving rise to the production of the material;
- (i) Description of the manner in which the type of material proposed to be dumped has been previously disposed of by or on behalf of the person(s) or firm(s) producing such material;
- (j) A statement of the need for the proposed dumping and an evaluation of short and long term alternative means

of disposal, treatment or recycle of the material. Means of disposal shall include without limitation, landfill, well injection, incineration, spread of material over open ground; biological, chemical or physical treatment; recovery and recycle of material within the plant or at other plants which may use the material, and storage. The statement shall also include an analysis of the availability and environmental impact of such alternatives; and

(k) An assessment of the anticipated environmental impact of the proposed dumping, including without limitation, the relative duration of the effect of the proposed dumping on the marine environment, navigation, living and non-living marine resource exploitation, scientific study, recreation and other uses of the ocean.

[42 FR 2470, Jan. 11, 1977, as amended at 73 FR 74986, Dec. 10, 2008]

#### **§ 221.2 Other information.**

In the event the Administrator, Regional Administrator, or a person designated by either to review permit applications, determines that additional information is needed in order to apply the Criteria, he shall so advise the applicant in writing. All additional information requested pursuant to this § 221.2 shall be deemed part of the application and for purposes of applying the time limitation of § 222.1, the application will not be considered complete until such information has been filed.

#### **§ 221.3 Applicant.**

Any person may apply for a permit under this subchapter H even though the proposed dumping may be carried on by a permittee who is not the applicant; provided however, that the Administrator or the Regional Administrator, as the case may be, may, in his discretion, require that an application be filed by the person or firm producing or processing the material proposed to be dumped. Issuance of a permit will not excuse the permittee from any civil or criminal liability which may attach by virtue of his having transported or dumped materials in violation of the terms or conditions of a permit, notwithstanding that the permittee may not have been the applicant.

#### **§ 221.4 Adequacy of information in application.**

No permit issued under this subchapter H will be valid for the transportation or dumping of any material which is not accurately and adequately described in the application. No permittee shall be relieved of any liability which may arise as a result of the transportation or dumping of material which does not conform to information provided in the application solely by virtue of the fact that such information was furnished by an applicant other than the permittee.

#### **§ 221.5 Processing fees.**

(a) A processing fee of \$1,000 will be charged in connection with each application for a permit for dumping in an existing dump site designated in this subchapter H.

(b) A processing fee of an additional \$3,000 will be charged in connection with each application for a permit for dumping in a dump site other than a dump site designated in this subchapter H.

(c) Notwithstanding any other provision of this § 221.5, no agency or instrumentality of the United States or of a State or local government will be required to pay the processing fees specified in paragraphs (a) and (b) of this section.

### **PART 222—ACTION ON OCEAN DUMPING PERMIT APPLICATIONS UNDER SECTION 102 OF THE ACT**

Sec.

- 222.1 General.
- 222.2 Tentative determinations.
- 222.3 Notice of applications.
- 222.4 Initiation of hearings.
- 222.5 Time and place of hearings.
- 222.6 Presiding Officer.
- 222.7 Conduct of public hearing.
- 222.8 Recommendations of Presiding Officer.
- 222.9 Issuance of permits.
- 222.10 Appeal to adjudicatory hearing.
- 222.11 Conduct of adjudicatory hearings.
- 222.12 Appeal to Administrator.
- 222.13 Computation of time.

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

SOURCE: 42 FR 2471, Jan. 11, 1977, unless otherwise noted.