

106TH CONGRESS  
2D SESSION

# H. R. 3893

To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to restrict ocean dumping at the site off the coast of New Jersey known as the “Historic Area Remediation Site”, to dumping of dredged material having levels of contaminants that do not exceed background ambient contamination levels.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2000

Mr. PALLONE introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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## A BILL

To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to restrict ocean dumping at the site off the coast of New Jersey known as the “Historic Area Remediation Site”, to dumping of dredged material having levels of contaminants that do not exceed background ambient contamination levels.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Anti-Ocean Dumping  
5        Act of 2000”.

1 **SEC. 2. RESTRICTION ON OCEAN DUMPING AT THE HIS-**  
2 **TORIC AREA REMEDIATION SITE.**

3 Section 103 of the Marine Protection, Research, and  
4 Sanctuaries Act of 1972 (33 U.S.C. 1413) is amended by  
5 adding at the end the following:

6 “(f) RESTRICTION ON OCEAN DUMPING AT THE HIS-  
7 TORIC AREA REMEDIATION SITE.—

8 “(1) IN GENERAL.—No permit may be issued  
9 authorizing transportation of material for the pur-  
10 pose of dumping at the Historic Area Remediation  
11 Site, and no permit authorizing such transportation  
12 shall be effective, other than a permit for transpor-  
13 tation of qualified dredged material.

14 “(2) REQUIREMENTS FOR QUALIFIED DREDGED  
15 MATERIAL.—

16 “(A) IN GENERAL.—The Administrator  
17 shall issue regulations that establish require-  
18 ments for material to be considered qualified  
19 dredged material.

20 “(B) CRITERIA.—Regulations under this  
21 paragraph shall provide that material is not  
22 qualified dredged material unless the level of  
23 each contaminant in the material—

24 “(i) does not exceed the background  
25 ambient contamination level for that con-  
26 taminant;

1                   “(ii) will not cause undesirable effects,  
2                   including through bioaccumulation; and

3                   “(iii) will be protective to the most  
4                   sensitive marine species at the most sen-  
5                   sitive life stages.

6                   “(3) DEFINITIONS.—In this subsection:

7                   “(A) BACKGROUND AMBIENT CONTAMINA-  
8                   TION LEVEL.—The term ‘background ambient  
9                   contamination level’ means, with respect to a  
10                  contaminant, a level of contamination by that  
11                  contaminant that is substantially equivalent to  
12                  or less than the level of such contamination in  
13                  biota and sediments found occurring naturally  
14                  in the ocean in areas that have never been im-  
15                  pacted by ocean dumping.

16                  “(B) CONTAMINANT.—The term ‘contami-  
17                  nant’ means any substance that poses an unac-  
18                  ceptable threat to human health or the environ-  
19                  ment.

20                  “(C) HISTORIC AREA REMEDIATION  
21                  SITE.—The term ‘Historic Area Remediation  
22                  Site’ means the dredged material disposal area  
23                  known by that name that is located east of  
24                  Sandy Hook, New Jersey, and described in part

1           228.15(d)(6) of title 40, Code of Federal Regu-  
2           lations (as in effect on July 1, 1999).

3           “(D) QUALIFIED DREDGED MATERIAL.—  
4           The term ‘qualified dredged material’ means  
5           material that is qualified dredged material  
6           under regulations issued under paragraph (2).”.

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