

tivities otherwise carried out by the Secretary for underserved community harbors using funds appropriated pursuant to section 2238 of this title or section 102(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2238 note).

(g) Definitions

In this section:

(1) Project

The term “project” means a single cycle of maintenance dredging of an underserved community harbor and any associated placement of dredged material at a beneficial use placement site or disposal site.

(2) Underserved community harbor

The term “underserved community harbor” means an emerging harbor (as defined in section 2238(f) of this title), a harbor where passenger or freight service is provided to island communities dependent on that service, or a marina or berthing area that is located adjacent to, or is accessible by, a Federal navigation project, for which—

(A) no Federal funds have been obligated for maintenance dredging in the current fiscal year or in any of the 4 preceding fiscal years; and

(B) State and local investments in infrastructure have been made during any of the 4 preceding fiscal years.

(h) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section \$50,000,000 from the General Fund of the Treasury for each of fiscal years 2023 through 2029, to be deposited into the “CORPS OF ENGINEERS—CIVIL—OPERATION AND MAINTENANCE” account.

(2) Special rule

Not less than 35 percent of the amounts made available to carry out this section for each fiscal year shall be used for projects involving the beneficial use of dredged material.

(i) Projects for marina or berthing areas

The Secretary may carry out not more than 10 projects under this section that are projects for an underserved community harbor that is a marina or berthing area described in subsection (g)(2).

(Pub. L. 117–263, div. H, title LXXXI, §8132, Dec. 23, 2022, 136 Stat. 3719; Pub. L. 118–272, div. A, title III, §1356, Jan. 4, 2025, 138 Stat. 3161.)

Editorial Notes

REFERENCES IN TEXT

Section 102(a) of the Water Resources Development Act of 2020, referred to in subsec. (f), is section 102(a) of div. AA of Pub. L. 116–260, which is set out as a note under section 2238 of this title.

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2022, and also as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2025—Subsec. (a). Pub. L. 118–272, §1356(1), inserted “and for purposes of contributing to ecosystem restoration” before period at end.

Subsec. (g)(2). Pub. L. 118–272, §1356(2), in introductory provisions, inserted “, a harbor where passenger or freight service is provided to island communities dependent on that service, or a marina or berthing area that is located adjacent to, or is accessible by, a Federal navigation project,” before “for which”.

Subsec. (h)(1). Pub. L. 118–272, §1356(3), substituted “2029” for “2026”.

Subsec. (i). Pub. L. 118–272, §1356(4), added subsec. (i).

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 8002 of Pub. L. 117–263, set out as a note under section 2201 of this title.

§ 2239. Repealed. Pub. L. 101–640, title IV, § 412(f), Nov. 28, 1990, 104 Stat. 4650

Section, Pub. L. 99–662, title II, §211, Nov. 17, 1986, 100 Stat. 4106; Pub. L. 100–676, §32, Nov. 17, 1988, 102 Stat. 4030, directed Administrator of Environmental Protection Agency to designate one or more sites for disposal of dredged material as an alternative to disposal at the Mud Dump in New Jersey.

Statutory Notes and Related Subsidiaries

SEDIMENTS DECONTAMINATION TECHNOLOGY

Pub. L. 102–580, title IV, §405, Oct. 31, 1992, 106 Stat. 4863, as amended by Pub. L. 104–303, title II, §226, Oct. 12, 1996, 110 Stat. 3697; Pub. L. 106–53, title II, §204, Aug. 17, 1999, 113 Stat. 285, provided that:

“(a) DECONTAMINATION PROJECT.—

“(1) SELECTION OF TECHNOLOGIES.—Based upon a review of decontamination technologies identified pursuant to section 412(c) of the Water Resources Development Act of 1990 [Pub. L. 101–640, set out below], the Administrator of the Environmental Protection Agency and the Secretary shall, within 1 year after the date of the enactment of this Act [Oct. 31, 1992], jointly select removal, pre-treatment, post-treatment, and decontamination technologies for contaminated marine sediments for a decontamination project in the New York/New Jersey Harbor.

“(2) RECOMMENDED PROGRAM.—Upon selection of technologies, the Administrator and the Secretary shall jointly recommend a program of selected technologies to assess their effectiveness in rendering sediments acceptable for unrestricted ocean disposal or beneficial reuse, or both.

“(3) PROJECT PURPOSE.—The purpose of the project to be carried out under this section is to provide for the development of 1 or more sediment decontamination technologies on a pilot scale demonstrating a capacity of at least 500,000 cubic yards per year.

“(4) PRACTICAL END-USE PRODUCTS.—Technologies selected for demonstration at the pilot scale shall be intended to result in practical end-use products.

“(5) ASSISTANCE BY THE SECRETARY.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity.

“(b) DECONTAMINATION DEFINED.—For purposes of this section, ‘decontamination’ may include local or remote prototype or production and laboratory decontamination technologies, sediment pre-treatment and post-treatment processes, and siting, economic, or other measures necessary to develop a matrix for selection of interim prototype of long-term processes. Decontamination techniques need not be preproven in terms of likely success.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey

Harbor. Such sums shall remain available until expended.

“(d) **REPORTS.**—Not later than September 30, 1998, and periodically thereafter, the Administrator and the Secretary shall transmit to Congress a report on the results of the project to be carried out under this section, including an assessment of the progress made in achieving the purpose of the project set forth in subsection (a)(3).

“(e) **SUPPORT.**—In carrying out the program under this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.”

ALTERNATIVES TO MUD DUMP SITE FOR DISPOSAL OF DREDGED MATERIAL

Pub. L. 101-640, title IV, § 412, Nov. 28, 1990, 104 Stat. 4650, provided that:

“(a) **REPORT.**—Within 90 days after the date of the enactment of this Act [Nov. 28, 1990], the Administrator of the Environmental Protection Agency shall submit to the Congress a final report on the feasibility of designating an alternative site to the Mud Dump Site at a distance not less than 20 miles from the shoreline.

“(b) **PLAN.**—Within 180 days after the date of the enactment of this Act [Nov. 28, 1990], the Secretary and the Administrator of the Environmental Protection Agency shall submit to Congress a plan for the long-term management of dredged material from the New York/New Jersey Harbor region. The plan shall include—

“(1) an identification of the source, quantities, and characteristics of material to be dredged;

“(2) a discussion of potential alternative sites for disposal of dredged material, including the feasibility of altering the boundaries of the Mud Dump Site;

“(3) measures to reduce the quantities of dredged material proposed for ocean disposal;

“(4) measures to reduce the amount of contaminants in materials proposed to be dredged from the Harbor through source controls and decontamination technology;

“(5) a program for monitoring the physical, chemical, and biological effects of dumping dredged material at the Mud Dump Site; and

“(6) a study of the characteristics of the bottom sediments, including type and distribution.

“(c) **DEMONSTRATION PROJECT.**—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall implement a demonstration project for disposing on an annual basis up to 10 percent of the material dredged from the New York/New Jersey Harbor region in an environmentally sound manner other than by ocean disposal. Environmentally sound alternatives may include, among others, capping of borrow pits, construction of a containment island, application for landfill cover, habitat restoration, and use of decontamination technology.

“(d) **MUD DUMP SITE DEFINED.**—For purposes of this section, the term ‘Mud Dump Site’ means the area located approximately 5¾ miles east of Sandy Hook, New Jersey, with boundary coordinates of 40 degrees, 23 minutes, 48 seconds North, 73 degrees, 51 minutes, 28 seconds West; 40 degrees, 21 minutes, 48 seconds North, 73 degrees, 50 minutes, 00 seconds West; 40 degrees, 21 minutes, 48 seconds North; 73 degrees, 51 minutes, 28 seconds West; and 40 degrees, 23 minutes, 48 seconds North; 73 degrees, 50 seconds West.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary for fiscal year 1991, \$3,000,000 to implement subsection (b) and \$1,000,000 to implement subsection (c), and such sums as may be necessary for fiscal year 1992.

“(f) **REPEAL.**—Section 211 of the Water Resources Development Act of 1986 (33 U.S.C. 2239) is repealed.”

§ 2240. Emergency response services

(a) Grants

The Secretary is authorized to make grants to any non-Federal interest operating a project for

a harbor for provision of emergency response services in such harbor (including contingency planning, necessary personnel training, and the procurement of equipment and facilities either by the non-Federal interest, by a local agency or municipality, or by a combination of local agencies or municipalities on a cost-reimbursable basis, either by a cooperative agreement, mutual aid plan, or mutual assistance plan entered into between one or more non-Federal interests, public agencies, or local municipalities).

(b) Authorization of appropriations

There is authorized to be appropriated for fiscal years beginning after September 30, 1986, and ending before October 1, 1992, \$5,000,000.

(Pub. L. 99-662, title II, § 212, Nov. 17, 1986, 100 Stat. 4107.)

§ 2241. Definitions

For purposes of this subchapter—

(1) Deep-draft harbor

The term “deep-draft harbor” means a harbor which is authorized to be constructed to a depth of more than 45 feet (other than a project which is authorized by section 202 of this title).

(2) Eligible operations and maintenance

(A) Except as provided in subparagraph (B), the term “eligible operations and maintenance” means all Federal operations, maintenance, repair, and rehabilitation, including (i) maintenance dredging reasonably necessary to maintain the width and nominal depth of any harbor or inland harbor; (ii) the construction of dredged material disposal facilities that are necessary for the operation and maintenance of any harbor or inland harbor; (iii) dredging and disposing of contaminated sediments that are in or that affect the maintenance of Federal navigation channels; (iv) mitigating for impacts resulting from Federal navigation operation and maintenance activities; and (v) operating and maintaining dredged material disposal facilities.

(B) As applied to the Saint Lawrence Seaway, the term “eligible operations and maintenance” means all operations, maintenance, repair, and rehabilitation, including maintenance dredging reasonably necessary to keep such Seaway or navigation improvements operated or maintained by the Great Lakes St. Lawrence Seaway Development Corporation in operation and reasonable state of repair.

(C) The term “eligible operations and maintenance” does not include providing any lands, easements, or rights-of-way, or performing relocations required for project operations and maintenance.

(3) General cargo harbor

The term “general cargo harbor” means a harbor for which a project is authorized by section 202 of this title and any other harbor which is authorized to be constructed to a depth of more than 20 feet but not more than 45 feet;

(4) Harbor

The term “harbor” means any channel or harbor, or element thereof, in the United