

Maryland Department of the Environment

Frequently Asked Questions (FAQ) regarding the Draft Innovative Reuse and Beneficial Use of Dredged Material Guidance Document

General Questions

Q Who is this guidance for?

A. The guidance is intended for generators of dredged material, potential users of dredged material for beneficial use or innovative reuse projects, and their environmental contractors. The accompanying Fill Material and Soil Management Fact Sheet is intended for any person who is considering using off-site material as soil or fill, such as at an industrial, commercial, or residential development site.

Q Can I reuse dredged material from outside Maryland on a project within Maryland?

A. Unless otherwise stated, material meeting the requirements for the specific end use can be reused regardless of the source. However, it should be noted that transportation/hauling costs may preclude the use of out-of-state material.

Q Do these guidelines apply to reusing dredged material from Maryland on projects outside Maryland (for example, Shirley Plantation)?

A. No. Each state's guidance, approvals, statutes or regulations would determine if dredged material could be used at a project in that state.

Q How do you ensure that dredged material is safe to use for the environment and human health?

A. MDE oversees the proper use of dredged material in Maryland using existing regulatory requirements that protect human health and the environment. The Guidance Document lays out laboratory testing parameters and methods to characterize the dredged material before it is used. For innovative reuse, the results of this sediment characterization are then compared with risk-based criteria to determine whether the dredged material is suitable for specific end uses. For beneficial use, sediment characterization results are compared to thresholds developed from studies of sediment contamination effects on aquatic communities.

- Q** Do other states reuse their port's dredged material?/ Has this been done before? Where? Was it successful?
- A. Yes, other states, including but not limited to, New Jersey, Ohio, and Virginia, have successfully beneficially used and innovatively reused dredged material.
- Q** How do we benefit from reusing dredged material?
- A. By innovatively reusing or beneficially using dredged material, we are recycling dredged material instead of disposing of a resource.
- Q** With increased utilization of dredged material, will there still be a need for Dredged Material Containment Facilities (DMCFs)?
- A. Up to 5 million cubic yards of material can be dredged from the channels of the Chesapeake Bay and Baltimore Harbor annually. Currently the goal is to reuse 500,000 cubic yards of this material on an annual basis. Exceeding this goal would be ideal, but in the foreseeable future the need for DMCFs will continue. However, reuse of the material may extend the capacity of existing DMCFs. Further, DMCFs are now ultimately converted to beneficial use projects that create uplands, wetlands, and other aquatic habitat to achieve the State's environmental goals.
- Q** What about other uses not covered in the Guidance Document? When will guidance be available for those uses?
- A. The Guidance Document is a living document and will be updated as new uses for dredged material are approved through established processes that ensure the use will not cause an undue risk to the environment or public health, safety, or welfare as may be determined by MDE.

Permits, Approvals, and Regulatory Authority

- Q** How long should I expect it to take to get approval from the Maryland Department of the Environment (MDE) for use of dredged material?
- A. Approvals are determined by the type of end use. Specific permits and approvals required for the listed end uses can be found within the applicable sections of the guidance document. The guidance also contains links to permit fact sheets that identify the typical time frames associated with each type of permit.
- Q** Do I need a permit or other approval from MDE to use dredged material at my project site?

A. Approvals and requirements for each project are determined by end use. Specific use approvals can be found within the end use section of the guidance document. See §IV of the Guidance Document.

Q Is this a new permit program? Will this be an additional permitting burden to businesses?

A. This is not a new permit or regulations. This Document provides guidance to innovatively reuse or beneficially use dredged material under existing regulations and approval processes.

Q Are these new regulations or does this guidance change any existing regulations?

A. No, this Guidance Document is not a new regulation. The Guidance Document establishes a framework using existing MDE authority.

Testing and Screening Criteria

Q How can a potential user of dredged material determine if the planned use of dredged material is in a groundwater or non-groundwater use area?

A. A property is generally considered a groundwater use area if the property is located within a ½ mile radius of a potable use well, or an area not served by a public water distribution system and reliant on groundwater for potable consumption, or an area where there is potential for future groundwater use as a potable water supply source, or a wellhead protection area for public supply wells that have been approved by MDE.

Q Are the testing requirements for the various uses referenced in the Guidance Document the same for material from all dredging?

A. Generally the testing requirements are the same for material from all dredging. However, additional testing requirements will be considered when the source of dredged material is proximal to a known discharge or historical contaminant source. Testing is required for all sources in accordance with existing programs.

Q I dredge small stormwater ponds – does this program apply to me? Do I need to do something new now?

A. The Guidance Document alter the established permitting process for dredging. The Guidance Document outlines how to innovatively reuse or beneficially use the material once it is dredged. Current dredged material placement options are not affected.

- Q** How does this guidance address the North Point/Rock Point line?
- A. As outlined in the Guidance Document, all dredged material testing requirements are based on end use. Therefore, the ability to innovatively reuse specific material is based on sediment characterization criteria for a specific end use rather than the source of material.
- Q** How does this guidance differ from screening levels used in VCP?
- A. The categories referenced in this guidance document represent a greater dynamic range of contaminant concentrations and potential land uses than the screening levels in the VCP guidance document. The fundamental toxicity values and exposure assumptions that form the foundation of the screening levels within both documents are the same and are based upon EPA guidance.
- Q** Can you provide an explanation of the cancer risk of 1×10^{-5} ?
- A. A cancer risk of 10^{-5} means there is a risk of one additional occurrence of excess lifetime cancer, in one hundred thousand people, at the given exposure assumptions (i.e. daily exposure over 30 years during a 70 year lifetime), compared to an unexposed population. There is no zero risk of cancer.
- Q** How do I determine whether dredged material meets a particular category for use as soil or fill?
- A. First the dredged material is sampled and analyzed in a lab. Tables 5 and 6 in the guidance document show typical sampling analyses and number of samples, respectively. The results of the sampling are then compared with the criteria for the category desired.

For categories 1 and 2, the guidance incorporates some additional flexibility in how to determine whether the criteria are met. The simplest option is to compare the sampling results to the preliminary screening criteria, based on the EPA Soil RSLs set at a HQ of 0.1 for non-carcinogens and a risk of 1×10^{-6} for carcinogens. If the material falls below all of those values, no further assessment is required and the material fits within the category. If the material does not fall below the screening criteria for all the relevant analytes, a more detailed risk assessment can be conducted, typically by an environmental contractor or other person knowledgeable about risk assessments. If the risk assessment demonstrates that the material meets a HI of 1 for non-carcinogens and a risk of 1×10^{-5} for carcinogens, the material fits within the category.

- Q** If the dredged material meets category 3 criteria, does that mean it can be used at any industrial or commercial site under a cap?
- A. Dredged material that qualifies as category 3 material can only be used at a site that has existing soils that fall within the category 3 or 4 criteria. The guidance promotes the consolidation of category 3 soil and fill at sites with appropriate controls, while ensuring that cleaner sites remain clean.