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6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[EPA-R06-OW-2025-3359; FRL 13119-02-R6]

Marine Protection: Modification to Expand Ocean Dredged Material Disposal Sites Offshore of Corpus Christi, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is issuing a rule that modifies the existing EPA-designated ocean dredged material disposal sites (ODMDSs) offshore of Corpus Christi, Texas; specifically, the Corpus Christi Ship Channel (CCSC) ODMDS and the Corpus Christi New Work (CCNW) ODMDS to serve the long-term need for locations to dispose of suitable material dredged from the Corpus Christi Bay area. The modified sites will be subject to monitoring and management to ensure continued protection of the marine environment.

DATES: The final rule is effective on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: The EPA has established a docket for this action under Docket No. EPA-R06-OW-2025-3359. All documents in the docket are listed on the Federal e-Rulemaking Portal: http://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Wendy Jacques, Environmental Protection Agency, Region 6, Water Division, Marine Coastal and Nonpoint Source Section (6WD-AM) (R06-WD-APB-MCNSS), 1201 Elm Street, Suite 500, Dallas, TX 75270; telephone number: 214-665-7395; email address: jacques.Wendy@epa.gov. Further information is available via the EPA website at https://www.epa.gov/marine-protection-permitting/marine-protection-permitting-epa-region-6.

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I. Potentially Affected Persons

Persons potentially affected by this action include those who seek or might seek permits or approval to dispose of dredged material into ocean waters pursuant to the Marine Protection, Research and Sanctuaries Act (MPRSA) (*See* 33 U.S.C. 1401 *et seq*). The EPA's action is therefore relevant to persons, including dredging entities and government bodies, seeking to dump dredged material in ocean waters offshore of Corpus Christi, Texas (currently, the U.S. Army Corps of Engineers (USACE) and other persons with permits to use designated sites offshore of Corpus Christi, Texas), as well as persons interested in protection of the marine environment. Potentially affected categories and persons include:

Category	Examples of Potentially Regulated Persons
Federal Government	USACE Civil Works projects and other Federal agencies.
Industry and general public	Port authorities, marinas and harbors, shipyards and marine repair facilities, berth owners.
State, local and Tribal governments	Governments owning and/or responsible for ports, harbors, and/or berths, government agencies requiring disposal of dredged material associated with public works projects.

The table above is not intended to be exhaustive but rather provides a guide for readers regarding persons likely to be affected by this action. For any questions regarding the applicability of this action to a particular entity, please refer to the contact person listed in the

preceding **FOR FURTHER INFORMATION CONTACT** section.

II. Background

A. History of Disposal Sites Offshore of Corpus Christi, Texas

Dredged material was first disposed at the Corpus Christi Ship Channel Ocean Dredged Material Disposal Site (CSC ODMDS) location in 1969, prior to the enactment of the Marine Protection, Research and Sanctuaries Act (MPRSA) in 1972. In 1977, the EPA designated a disposal site that partially overlaps the existing site under MPRSA on an interim basis. In 1989, after a more recent siting analysis during the designation of the CCSC ODMDS, the EPA took action to exclude a portion of the interim site from consideration for additional disposal of dredged material due to the portion's proximity to a biologically sensitive area. Suitable dredged material from the regular maintenance dredging of the Corpus Christi Ship Channel may be disposed at the CCSC ODMDS.

The existing Corpus Christi New Work (CCNW) ODMDS, previously referred to as the New Work ODMDS, was designated in 1988 to provide a disposal area for both maintenance and new work material from the U.S. Navy's Homeport Project at Corpus Christi/Ingleside, Texas. The Navy did not proceed with the project, and the EPA subsequently re-designated the site for one-time disposal of native channel improvement construction (new work) material.

The EPA is modifying the existing CCSC and CCNW ODMDSs boundaries by expanding the area covered by the ODMDSs rather than designating a new ocean disposal site or multiple sites off the coast of Corpus Christi. Monitoring studies at CCSC and CCNW ODMDSs have confirmed that there have been no significant adverse environmental consequences of disposal in this area and that there are no unique or limited habitats, features, or uses of the ocean that would be adversely affected by the disposal of additional dredged material at the expanded sites. Note that the EPA's modification of the existing site boundaries does not approve of the disposal of dredged material from any specific project at the sites. Before any person can ocean dump dredged material at the CCSC ODMDS or CCNW ODMDS, the EPA and USACE must

evaluate the dredged material from the project according to the marine protection criteria at 40 CFR part 227, and USACE must authorize the disposal under section 103 of the MPRSA (*See* 33 U.S.C. 1413(b)). The USACE relies on the EPA's marine protection criteria when evaluating permit requests for (and implementing Federal projects involving) the transportation of dredged material for the purpose of dumping it into ocean waters. MPRSA permits and Federal approvals for projects involving ocean dumping of dredged material are subject to the EPA's review and concurrence in accordance with 33 U.S.C. 1413(c). The EPA may concur with or without conditions or decline to concur (i.e., non-concur) on ocean dumping permits for dredged material or authorizations associated with Federal projects to transport and dump dredged material in the ocean. If the EPA concurs with conditions, the final permit or authorization must include those conditions. If the EPA declines to concur, the USACE cannot issue the permit for ocean dumping of dredged material or authorize the transportation and dumping of dredged material in the ocean associated with a Federal project.

B. Location and Configuration of the Modified CCSC and CCNW ODMDSs

Depths of the modified ODMDSs range from 35 to 55 feet of water, and the modified ODMDSs are located between 1.7 nautical miles (nmi) and 2.7 nmi offshore. With this action, the EPA expands the existing CCSC ODMDS 0.5 nmi to the southwest from an area of 0.61 nmi^2 to 1.05 nmi^2. Additionally, the EPA expands the existing CCNW ODMDS 0.5 nmi to the northwest; 0.6 nmi to the northeast; 0.4 nmi to the southeast; and 0.8 nmi to the southwest from an area of 1.39 nmi^2 to 5.57 nmi^2.

Modified CCSC ODMDS Coordinates (North American Datum of 1983 (NAD83)):

Northwest 27° 49’ 11.28” N, 97° 01’ 9.84” W;

Northeast 27° 48’ 43.20” N, 97° 00’ 22.32” W;

Southeast 27° 47’ 40.56” N, 97° 01’ 9.12” W; and

Southwest 27° 48’ 7.20” N, 97° 01’ 56.64” W.

Modified CCNW ODMDS Coordinates (NAD83):

Northwest 27° 48' 31.68" N, 97° 00' 24.12" W;

Northeast 27° 47' 32.64" N, 96° 58' 40.44" W;

Southeast 27° 45' 1.08" N, 97° 00' 32.04" W; and

Southwest 27° 46' 0.48" N, 97°02'19.32" W.

The modification of the existing ODMDSs provides ongoing disposal capacity for suitable dredged material without causing significant adverse impacts, while also affording the most operational flexibility for managing the dredged material in a manner that minimizes physical impacts over time.

C. Management and Monitoring of the Sites

The modified ODMDSs are expected to receive suitable dredged material from the Port of Corpus Christi's Channel Deepening Project (CDP) and suitable dredged material from other applicants who obtain a permit that could authorize disposal of dredged material at the modified ODMDSs. Under MPRSA section 102(c)(3) and its implementing regulations, the EPA is responsible for the management of all ocean disposal sites designated under the MPRSA (*See* 40 CFR 228.3(b)). Management of the ocean disposal sites consists of regulating the times, quantity and characteristics of the material dumped at the site; establishing disposal controls, conditions and requirements to avoid and minimize potential impacts to the marine environment; and monitoring the site and surrounding environment to verify that unanticipated or significant adverse effects are not occurring from past or continued use of the ocean disposal site and that terms of the MPRSA permit are met.

As with the existing ODMDSs, the modified ODMDSs will be maintained according to a Site Management and Monitoring Plan (SMMP) specifying adaptive management provisions to ensure that significant environmental impacts do not occur within the sites and adjacent areas. The EPA provides the updated SMMP for the modified ODMDSs with the environmental assessment (EA) in the rulemaking docket. These documents are also accessible at: https://www.epa.gov/marine-protection-permitting/marine-protection-permitting-epa-region-6.

All parties using the CCSC or CCNW ODMDSs will be required to follow any project-specific conditions, as well as provisions of the updated SMMPs for the modified sites as identified or incorporated into a permit or Federal project approval.

D. MPRSA Criteria

In evaluating the modified ODMDSs, the EPA assessed the sites according to the marine protection criteria of the MPRSA, with emphasis on the general and specific regulatory criteria at 40 CFR part 228, to determine whether the site designations satisfy those criteria. The EPA's EA provides an extensive evaluation of the criteria and other related factors for the modification of the existing ODMDSs.

General Criteria (40 CFR 228.5)

(a) Sites must be selected to minimize interference with other activities in the marine environment, particularly avoiding areas of existing fisheries or shellfisheries, and regions of heavy commercial or recreational navigation (40 CFR 228.5(a)).

The EPA developed the original site designations for the existing 1989 CCSC and the existing 1988 CCNW ODMDSs using a Zone of Siting Feasibility (ZSF) approach, including dredged material fate modeling with considerations of potential interference with other activities in the marine environment such as avoiding areas of existing critical fisheries or shellfisheries and regions of heavy commercial or recreational navigation. The existing sites do not interfere with other legitimate uses of the ocean, because the original designations were designed to avoid interferences and to minimize adverse impacts. The expanded sites are not expected to have any additional impact beyond baseline effects assumed in these earlier evaluations.

(b) Sites must be situated such that temporary perturbations to water quality or other environmental conditions during initial mixing caused by disposal operations would be reduced to normal ambient levels or undetectable contaminant concentrations or effects before reaching any beach, shoreline, marine sanctuary, or known geographically limited fishery or shellfishery (40 CFR 228.5(b)).

The modified ODMDSs will be used for disposal of suitable dredged material as determined by the USACE and the EPA under section 103 of the MPRSA. Based on the USACE and EPA dredged material testing and evaluation procedures, disposal of dredged maintenance material and new work material is not expected to have any long-term adverse impact on water quality. The existing ODMDSs and modified ODMDSs are located sufficiently far from shore and fisheries resources to allow temporary water quality disturbances caused by disposal of dredged material to be reduced to ambient conditions before reaching any environmentally sensitive areas.

(c) The sizes of disposal sites will be limited to localize for identification and control any immediate adverse impacts, and to permit the implementation of effective monitoring and surveillance to prevent adverse long-range impacts. Size, configuration, and location are to be determined as part of the disposal site evaluation (40 CFR 228.5(d)).

When determining the size of the modified sites, the EPA considered the ability to implement effective monitoring and surveillance programs to ensure that the environment of the sites could be protected, and that navigational safety would not be compromised by the mounding of dredged material. The EPA determined the original site footprints based on a ZSF analysis as well as a dredged material fate model in support of the original site designations. Site use history of both the CCSC and CCNW ODMDSs confirms the previous modeling accuracy. Based on a dredged material fate model developed to support the CDP, the EPA determined that material at each site would remain within the ODMDS boundaries and not reach a height which would impair navigation. The SMMP describes the future monitoring and management activities the EPA and USACE would implement to confirm that disposal at each of the sites is not significantly affecting adjacent areas.

(d) The EPA will, wherever feasible, designate ocean dumping sites beyond the edge of the continental shelf and other such sites where historical disposal has occurred (40 CFR 228.5(e)).

The existing and modified CCSC ODMDS is approximately 1.7 nmi offshore and lies

partially within the boundary of the site designated on an interim basis in 1977. The modified CCNW ODMDS is approximately 2.7 nmi offshore and would fully encompass the existing site. The break of the continental shelf is approximately 60 nmi offshore. A dredged material disposal site at that location has been deemed unsuitable, because safety risks increase and the economic practicality and feasibility of monitoring and surveillance decrease with increasing distance from shore. Additionally, benthos living beyond the continental shelf are not expected to be as resilient to sediment resuspension as in the nearshore, higher energy environment. The ZSF analysis prepared by the USACE in support of the original 1988 and 1989 designations for the CCNW ODMDS and the CCSC ODMDS, respectively, analyzed geographic constraints due to biological and physical resources, cultural and historical resources, environmental quality and recreational uses and concluded that designating a disposal site in an area beyond the continental shelf was unsuitable.

Specific Criteria (40 CFR 228.6):

(1) Geographical position, depth of water, bottom topography and distance from coast (40 CFR 228.6(a)(1)).

The modified CCSC ODMDS boundary is located approximately 1.7 nmi offshore in water depths of approximately 35 to 50 feet. The modified CCNW ODMDS boundary is located further offshore, approximately 2.7 nmi, in water depths of approximately 45 to 55 feet. The seafloor in this area slopes gently with significant variation in sediment composition throughout.

(2) Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases (40 CFR 228.6(a)(2)).

The modified CCSC and CCNW ODMDSs provide feeding and breeding areas for common resident benthic organisms, fish, marine mammal, sea turtle, and seabird species. However, habitat in the region of the sites and expansion areas is not unique in this portion of the Gulf of America and is not critical habitat to the survival of any species of fish, invertebrates, sea turtles, whales, or threatened and endangered species. Floating larvae and eggs

of various species of marine organisms are expected to be found at and near the water surface in the areas of the ODMDSs and expansion areas. The stress and possible mortality of individual organisms encountering adverse conditions during dredged disposal operations in the ODMDSs would be negligible compared to organisms in the greater region of the Gulf of America. Fish and invertebrates in this region of the Gulf of America use the nearshore areas for breeding, spawning, and feeding, and the nearshore jetties provide for migratory passage. The modified ODMDSs are located outside of these sensitive nearshore areas and outside of the buffer zone so as not to impact the biologically sensitive areas.

(3) Location in relation to beaches and other amenity areas (40 CFR 228.6(a)(3)).

The modified CCSC ODMDS is located approximately 1.7 nmi from the nearest beach or amenity area. The modified CCNW ODMDS is located approximately 2.7 nmi from the nearest beach or amenity area. Transport of dredged material disposed at the sites occurs parallel to the beach. No significant impacts to beaches or amenity areas have been associated or detected with the existing sites and none are expected from the modified ODMDS boundaries.

(4) Types and quantities of disposal, and proposed methods of release (40 CFR 228.6(a)(4)).

The Corpus Christi Ship Channel Improvement Project (CCSCIP) generated approximately 41 million cubic yards (MCY) of new work dredged material and is expected to generate approximately 208 MCY of maintenance dredged material over the life of the project. The proposed CDP is expected to generate an additional amount, approximately 46 MCY of new work dredged material and approximately 7.8 MCY of maintenance dredged material. Alternatives for placement of dredged material have been developed as follows: ocean disposal; upland confined placement; and beneficial use. The USACE anticipates employing a combination of these options. Only dredged material that is determined to be suitable for ocean disposal under national and regional testing guidance would be disposed in the modified CCSC and CCNW ODMDSs. In addition, all disposal of dredged material in the ocean requires an ocean dumping permit issued by the USACE, or in the case of a Federal project involving ocean

dumping must be authorized by the USACE pursuant to MPRSA section 103, with review and concurrence from EPA Region 6. Recent and historical chemical, physical, and bioaccumulation assessments performed by the USACE have indicated that there are no concerns with contaminated sediments in the Corpus Christi Ship Channel sediments.

The maintenance material ranges from silt or sandy silt in the Inner Harbor, Upper Bay, and La Quinta Channel to fine or silty sand and silt in the entrance channel to silt or sandy silt, fine or silty sand and sand in the Lower Bay. The new work material ranges from mostly hard clay in the Inner Harbor and La Quinta Extension to mostly soft clay in the Upper Bay, mostly medium-to-dense sand in the Lower Bay, to very dense sand in the Jetty Channel to soft and firm clay toward the Extension Channel. The amount of material to be disposed of at the ODMDSs is expected to increase due to authorized private development projects and limited upland capacity. Material would be discharged from the hopper dredge within the ODMDSs. There would not be any waste contained or disposed of with the maintenance dredged material or new work material.

(5) Feasibility of surveillance and monitoring (40 CFR 228.6(a)(5)).

Both the modified CCSC and CCNW ODMDSs will continue to be amenable to surveillance and monitoring due to their proximity to Corpus Christi and their relatively shallow depths. These factors facilitate site accessibility and reduce sampling costs and safety risks. The EPA and USACE will continue periodic environmental monitoring of the sites, approximately every 10 years, which consists of water, sediment and elutriate chemistry, bioassays, bioaccumulation studies and benthic infauna analyses, as described in the updated SMMP.

(6) Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity (40 CFR 228.6(a)(6)).

Though ocean current monitoring in the vicinity of ODMDSs has confirmed both horizontal and vertical current directions (depending on the season), the modified sites are predominantly characterized by longshore currents. The steady longshore transport and occasional storms, including hurricanes, disperse the disposed material from the site. These

conditions have not adversely affected the ability to successfully and precisely dispose of suitable dredged material at both ODMDSs in the past and are not expected to affect disposal at the modified sites in the future.

(7) Existence and effects of current and previous discharges and dumping in the area (including cumulative effects) (40 CFR 228.6(a)(7)).

The EPA is responsible for ODMDS monitoring in accordance with requirements specified at 40 CFR 228.13. ODMDS monitoring requirements are based on site designation parameters established in the MPRSA and its implementing regulations and are described in the SMMP for each ODMDS. Site monitoring activities include but are not limited to water column data collection, hydrodynamic analysis, sediment sampling and analyses for chemical content and concentrations, infauna sampling for benthic community analyses, geophysical surveys to determine distribution of native seabed features and deposits of disposed material, and other surveys to assess the characteristics at oceanographic sites. A 2020 survey of the existing CCSC and CCNW ODMDSs and proposed expansion areas indicated no significant changes to the benthic communities and grain size at the sites and that conditions within the ODMDSs were similar to those throughout the greater study area. Water and sediment chemistry sampling over the past four decades demonstrate that there are no water or sediment quality problems in the study area, and that dredged material disposal at the site has not caused or contributed to water or sediment quality contamination at the sites. Water quality perturbations from active disposal are temporary, minor, and insignificant. Short-term, long-term, and cumulative effects of dredged material disposal in the modified sites would be minor, and similar to those for the existing sites.

In conjunction with maintenance dredging and chemical, physical, and bioaccumulation assessments, the USACE has collected water and sediment chemistry data from the Corpus Christi Ship Channel since 1975. The data indicate that sediments in the Corpus Christi Ship Channel are not contaminated and are likely to remain acceptable for ocean dumping.

(8) Interference with shipping, fishing, recreation…and other legitimate uses of the ocean (40 CFR 228.6(a)(8)).

Listed uses pertinent to the CCSC and CCNW ODMDSs include shipping, mineral extraction, commercial and recreational fishing, and recreational and historical sites. The existing sites do not interfere with other legitimate uses of the ocean, because the site selection process was expressly designed and conducted to avoid interferences and minimize adverse impacts. Past dumping of maintenance dredged material or new work material has not been known to interfere with other uses, and no changes are expected at the modified sites that would alter the status quo.

(9) Existing water quality and ecology of the sites as determined by available data or trend assessment of baseline surveys (40 CFR 228.6(a)(9)).

According to the 2024 Texas Integrated Report, the existing and modified ODMDSs are located within an impaired water body, Texas assessment unit ID TX-2501_06. The subsegment is listed as a fish consumption advisory for mercury. Water and sediment chemistry data from the 2020 monitoring survey indicate no significant water quality issues and no significant trends in water quality resulting from dredged material dumping. Both the CCSC and CCNW ODMDSs support benthic and epibenthic fauna characteristic of the region and there are no unique or limited habitats in the vicinity. No adverse impacts to benthos, both inside and outside the existing or modified sites, have been identified based on previous monitoring and none are expected.

(10) Potential for the development or recruitment of nuisance species (40 CFR 228.6(a)(10)).

Vessels traveling between multiple distant ports can facilitate nuisance species transfer through the uptake and discharge of ballast water, as well as through biofouling (and associated cleaning) of vessel hulls and appendages. Both the EPA and the U.S. Coast Guard administer requirements for ballast water discharges and biofouling management that apply to vessels operating in U.S. waters. These requirements are unaffected by the action. The U.S. Coast Guard

and the Smithsonian Environmental Research Center also jointly operate the National Ballast Information Clearinghouse, which collects and analyzes ballast water management data from vessels. Moreover, nuisance species control would continue to be managed by State, Federal and private organizations.

(11) Existence of Significant Natural or Cultural Feature of Historical Importance (40 CFR 228.6(a)(11)).

The Environmental Impact Statements (EISs) developed to support the original designations described the location and types of areas and features of natural or historical importance that were considered during the site selection process. Exclusion areas, including buffer zones, were documented during the original siting process. No known significant natural or cultural features of historical importance were identified in the vicinity of the ODMDSs. The 2020 EPA survey of the CCSC and CCNW ODMDSs and proposed expansion areas likewise indicated no known significant natural or historical resources in the vicinity. The modified ODMDSs would not affect any natural or cultural features of historical importance.

III. Environmental Statutory Review

A. National Environmental Policy Act

Section 102 of the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. 4321 through 4370f, requires Federal agencies to prepare an EIS for major Federal actions significantly affecting the quality of the human environment. The EPA is not required to apply NEPA to designations of MPRSA ocean disposal sites; courts have recognized that the EPA's actions applying the MPRSA criteria and procedural requirements are functionally equivalent to the procedures applicable under NEPA. As a matter of policy, however, the EPA documents its consideration of alternatives (as if NEPA applied) to inform certain EPA regulatory actions, including certain actions under the MPRSA.

The EPA developed an EA for the site modifications which addressed project alternatives and environmental impacts of the expansion, in functional and effective compliance with NEPA.

The EPA has relied on information from the original Final EIS documents prepared to support the 1988 and 1989 designations of the CCNW ODMDS and the CCSC ODMDS, respectively, in the development of this EA.

B. Endangered Species Act and Marine Mammal Protection Act

In accordance with section 7 of the Endangered Species Act, as amended, and in consultation with the National Marine Fisheries Service (NMFS) Southeast Regional Office, the EPA conducted an evaluation of the threatened and endangered species that may occur in the CCSC and CCNW ODMDS project areas. In a letter dated January 21, 2025, the EPA determined that the modification for expansion of the CCSC and CCNW ODMDS boundaries is not likely to adversely affect any listed species and will have no effect on critical habitat under NMFS's jurisdiction. The NMFS concurred with the EPA's findings on January 28, 2025.

Additionally, the EPA compiled a current list of the threatened and endangered species that are under the jurisdiction of the U.S. Fish and Wildlife Service's (USFWS) Texas Coastal Ecological Services Field Office and that may be affected by the action. In an evaluation dated March 21, 2025, the EPA determined that the modification for expansion of the CCSC and CCNW ODMDS boundaries will have no effect on the listed species with one exception. The EPA determined that the modification is not likely to adversely affect the federally-listed West Indian manatee. In a letter dated June 6, 2025, the USFWS concurred with the EPA's findings.

C. Magnuson-Stevens Fisheries Conservation and Management Act

The 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) require that each Federal agency consult with NMFS for any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by the agency that may adversely affect any essential fish habitat (EFH) identified under the Magnuson-Stevens Act. The EPA prepared an EFH assessment dated March 13, 2025, and determined that the modification for expansion of the CCSC and CCNW ODMDS boundaries would not have a substantial impact on EFH or federally managed fisheries in the Gulf of America. The NMFS

concurred with the EPA's findings on March 25, 2025, and provided no conservation recommendations.

D. Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) of 1972, as amended, requires Federal agencies proposing activities within or outside the coastal zone to ensure that those activities are conducted in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State coastal management programs. The Texas Coastal Management Program (TCMP) was developed and approved by NOAA pursuant to the requirements of the CZMA. The Texas General Land Office administers the State program, including review of Federal agency actions in the Texas coastal zone that affect coastal natural resource areas to ensure consistency with the enforceable policies of the TCMP. The enforceable policy components of the TCMP are published in Title 31 of the Texas Administrative Code (TAC), Chapter 501, as amended. The EPA submitted to TCMP a Consistency Determination, documenting EPA's determination that the site modifications are consistent to the maximum extent practicable with the enforceable policies of the approved TCMP program (esp. the Coast Act, Chapter 501 policies). In a letter dated April 21, 2026, the Texas GLO concurred with the EPA's findings.

E. National Historic Preservation Act

Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, as amended, requires Federal agencies to "take into account" the effect of agency actions on districts, sites, buildings, structures, or objects significant in American history, architecture, archaeology, engineering, and culture, included in, or eligible for inclusion in the National Register of Historic Places. The EPA determined during the original site designations (prior to the expansion) that no historic properties were affected or would be affected by the designation of the CCSC and CCNW ODMDSs. In a letter to the Texas Historical Commission dated March 20, 2025, the EPA determined that the modification for expansion of the existing CCSC and CCNW ODMDS

boundaries will likewise have no effect on historic properties. In a letter dated August 8, 2025, the Texas Historical Commission concurred with the EPA's findings.

IV. Response to Comments on the Proposed Rule, Draft EA and Draft SMMP

The EPA published the proposed rule, the draft EA, and the draft SMMP for a 30-day public comment period on March 12, 2026, and accepted comments until April 13, 2026 (91 FR 12126, March 12, 2026). The documents were available at www.regulations.gov (Docket ID No. EPA-R06-OW-2025-3359) and at https://www.epa.gov/marine-protection-permitting/marine-protection-permitting-epa-region-6.

The EPA received discrete comments from eight commenters. The full comments and the EPA's responses are included in Appendix E to the Final EA and are summarized below. No substantive changes were made to the final documents based on the comments received.

One commenter expressed concern over solid contaminants, specifically plastic pellets, in dredged material placed in the ODMDSs. The proposal, however, only addressed expansion of an available ocean disposal location (that will be monitored to assess future effects), and would not have authorized any actual dredged material disposal. Any such authorization to place any material into the site does not occur until a separate, later proceeding conducted by the USACE. Therefore, the comment is beyond the scope of the action. Plastics in dredged materials are a contaminant of emerging concern, though environmental criteria specific to gross plastics are not presently available. The MPRSA assessment framework does, however, incorporate biological assessments (bioassays) of dredged material to determine its suitability for ocean disposal. Bioassays measure acute toxicity and larval development using test organisms of representative species to assess the combined toxic effects of contaminant mixtures in whole dredged material samples.

One commenter supported the expansion of the sites but raised concerns about the resuspension of old sediments contaminated with heavy metals. The EPA responded that a 2020 baseline characterization survey of the ODMDSs and expansion areas, which included an

assessment of certain heavy metals, found no significant contaminant loading and no adverse impacts related to the sediment chemistry from previous dredged material disposal

One commenter expressed concern that the proposed rule de-emphasized the environmental impacts of dredged material disposal as "temporary, minor, and insignificant" and that the characterization is contradicted by statements in the draft EA about the consideration of alternatives that would have "less adverse environmental impact" on the aquatic environment. The EPA explained that both statements are accurate based on: (1) the benign nature of material assessed to be suitable for ocean disposal; and (2) the MPRSA requirement to consider land-based disposal alternatives.

One commenter questioned whether the dredged material will be tested. The EPA explained that all dredged material considered for ocean disposal is evaluated, and if necessary, tested for compliance with the ocean dumping criteria defined at 40 CFR part 227. Some material is excluded from analytical testing requirements, for example, material composed predominantly of sand, gravel, or rock that is found in areas of high current or wave energy.

One commenter expressed opposition to the site expansions citing concerns that the expansions would increase the difficulty and expenses required to monitor the ocean disposal sites. The EPA responded by clarifying the need for the site expansions, explained why the EPA does not expect the increases in site area to significantly increase the difficulty nor expense required to monitor the sites, and confirmed that site monitoring over the past 50 years indicates no significant adverse impacts from dredged material disposal.

One commenter expressed opposition to ocean disposal of dredged material generally and urged landfill disposal. The comment is beyond the scope of the proposal (which did not purport to authorize disposal itself) but the EPA explained that the MPRSA requires that any authorization of dredged material disposal in the ocean requires prior consideration of the need for ocean disposal and consideration of land-based alternatives.

One commenter expressed general opposition to expansion of the port and its costs, rather than the disposal sites. The comment is beyond the scope of the proposal, which only indirectly relates to any port expansion in that the site expansion will accommodate the capacity needs for material from future maintenance dredging at a location that will be monitored over time.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at https://www.epa.gov/laws-regulations/laws-and-executive-orders.

a. Executive Order 12866, Regulatory Planning and Review and Executive Order 13563, Improving Regulation and Regulatory Review (58 FR 51735, October 4, 1993);

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

b. Executive Order 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, February 6, 2025);

This action is not an Executive Order 14192 regulatory action.

c. Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.);

This action does not impose an information collection burden under the PRA.

d. Regulatory Flexibility Act (UMRA) (5 U.S.C. 601 et seq.);

After considering the economic impacts of this rule, the EPA determined that this action will not have a significant economic impact on a substantial number of small entities.

e. Unfunded Mandates Reform Act (UMRA) (Pub. L. 104-4);

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531-1538 and does not significantly or uniquely affect small governments.

f. Executive Order 13132 Federalism (64 FR 43255, August 10, 1999);

This action does not have federalism implications. It will not have substantial effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

g. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000);

This action does not have Tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes, the EPA consulted with Tribal officials during the development of this action. A summary of that consultation is provided in the EA.

h. Executive Order 13045, Protection of Children from Environmental Health and Safety Risks (62 FR 19885, April 23, 1997);

This action is not subject to Executive Order 13045, because it does not establish an environmental standard intended to mitigate health or safety risks.

i. Executive Order 13211, Actions that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001);

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

j. National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note);

This action includes environmental monitoring and measurement as described in the updated SMMP. The EPA will not require the use of specific, prescribed analytic methods for monitoring and managing the modified CCSC and CCNW ODMDSs. The EPA plans to allow the use of any method, whether it constitutes a voluntary consensus standard or not, that meets the monitoring and measurement criteria discussed in the SMMP.

k. Executive Order 13089, Coral Reef Protection (63 FR 32701, June 16, 1998); and

This order is not applicable to this action. No coral reefs, banks or other major physiographic features characterize the shelf in the Corpus Christi area.

l. Executive Order 13112, Invasive Species (64 FR 6183, February 8, 1999)

This action will not positively or negatively affect the status of invasive species.

List of Subjects in 40 CFR Part 228

Environmental Protection, Water Pollution Control.

Dated: September 14, 2026

Walter Mason
Regional Administrator, Region 6
U.S. Environmental Protection Agency

For the reasons set out in the preamble, the EPA amends part 228 of chapter I, title 40 of the Code of Federal Register as follows:

PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING

1. The authority citation for part 228 continues to read as follows:

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

2. Amend § 228.15 by:

a. Revising paragraphs (j)(16)(i) and (ii); and

b. Revising paragraphs (j)(17)(i) and (ii).

The revisions read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * *

(j) * * *

(16) * * *

(i) *Location:* 27°48’31.68” N, 97°00’24.12” W; 27°47’32.64” N, 96°58’40.44” W; 27°45’1.08” N, 97°00’32.04” W; 27°46’0.48” N, 97°02’19.32” W (NAD83).

(ii) *Size:* 5.57 square nautical miles.

* * * * *

(17) * * *

(i) *Location:* 27°49’11.28” N, 97°01’9.84” W; 27°48’43.20” N, 97°00’22.32” W; 27°47’40.56” N, 97°01’9.12” W; 27°48’7.20” N, 97°01’56.64” W (NAD83).

(ii) *Size:* 1.05 square nautical miles.

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