

# Interim Information Sheet: MPRSA Permitting Process for Applicants

U.S. Environmental Protection Agency Marine Protection Permitting Program  
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Ocean-based activities that involve the transportation and disposition of material in ocean waters may require a Marine Protection, Research and Sanctuaries Act permit issued by the U.S. Environmental Protection Agency. For more information on the applicability of the MPRSA to ocean-based activities, please visit the EPA's [MPRSA Permitting webpages](#)<sup>1</sup>.

This document provides information for potential permit applicants and other interested entities on the EPA's permitting process for proposed activities subject to the MPRSA, including:

- I. [Background information on the MPRSA and MPRSA permit categories](#)
- II. [Contents of MPRSA permit applications for proposed activities](#)
- III. [MPRSA permitting process and timeline](#)
- IV. [Contents of an MPRSA permit](#)

Potential applicants should familiarize themselves with the requirements of the MPRSA regulations found in [40 C.F.R. parts 220-228](#) and, in particular, the permit application requirements described in [40 C.F.R. part 221](#). After reviewing the information contained in the MPRSA implementing regulations and this document, the EPA encourages potential permit applicants to contact the EPA by emailing [MarineProtectionPermitting@epa.gov](mailto:MarineProtectionPermitting@epa.gov) prior to submitting any application materials.

## I. BACKGROUND: MPRSA PERMITS

The MPRSA is the United States law regulating the transportation and disposition of any material into ocean waters<sup>2</sup>, unless expressly excluded. The MPRSA prohibits or restricts disposition in the ocean that would adversely affect human health, welfare, amenities, the marine environment, ecological systems or economic potentialities. Under the MPRSA, the EPA is responsible for establishing criteria for reviewing and evaluating permit applications and for issuing MPRSA permits for all materials other than dredged material<sup>3</sup>. The MPRSA also directs the EPA to identify, designate and manage MPRSA ocean sites for disposition of all types of materials. The MPRSA regulations are published in the Code of Federal Regulations at [40 C.F.R.](#)

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<sup>1</sup> <https://www.epa.gov/marine-protection-permitting/marine-protection-research-and-sanctuary-act-permits>

<sup>2</sup>“Ocean waters” include the open seas lying seaward of the “baseline” from which the “territorial seas” are measured. The baseline is the mean lower low water line (or ordinary low water mark) along the coast, including the beach, or “closing lines” that are drawn on maps across rivers mouths and openings of bays and that are depicted on official United States Nautical Charts.

<sup>3</sup> Under section 103 of the MPRSA, the U.S. Army Corps of Engineers is the permitting authority for the ocean dumping of dredged materials. MPRSA permits and federal projects involving ocean dumping of dredged material are subject to EPA review and concurrence.

[parts 220-229](#). The MPRSA regulations include the criteria and procedures for MPRSA permits and for the selection, designation and management of MPRSA ocean sites.

### Key Definitions

As provided in the MPRSA 33. U.S. Code Section 1402:

**Dumping** is defined broadly as “a disposition of material...” with specific exemptions and encompasses both disposal and non-disposal purposes.

**Material** is defined as “matter of any kind or descriptions...” with certain exclusions.

In the United States, the MPRSA implements the requirements of the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention), one of the first international agreements for the protection of the marine environment from human activities. The United States has also signed, but not yet ratified, the 1996 London Protocol—the newer marine protection treaty intended to modernize and eventually replace the London Convention. For more information, visit the EPA’s [MPRSA webpages on the London Convention and London Protocol](#)<sup>4</sup>.

### Do I need an MPRSA permit for my proposed activities?

Proposed activities that involve the transportation and dumping (disposition) of material in ocean waters generally require an MPRSA permit. For general information on the applicability of MPRSA to ocean-based activities, please visit the EPA’s [MPRSA Permitting webpages](#)<sup>5</sup>.

As described in MPRSA Section 101 and the implementing regulations at [40 C.F.R. part 220](#), an MPRSA permit may be required for:

- A U.S. vessel or aircraft transporting material to dump it into ANY ocean waters.
- A U.S. department, agency or instrumentality transporting material to dump it into ANY ocean waters.
- Anyone transporting material from the U.S. to dump it into ANY ocean waters.
- Anyone dumping material transported from outside the U.S. into the U.S. territorial sea or into the contiguous zone to the extent that it may affect the territorial sea or a territory of the United States.

For questions regarding the applicability of MPRSA to proposed activities, please email the EPA at [MarineProtectionPermitting@epa.gov](mailto:MarineProtectionPermitting@epa.gov). Early communication with the EPA helps potential applicants determine whether a proposed activity is subject to the MPRSA and which category of MPRSA permit would be appropriate.

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<sup>4</sup> <https://www.epa.gov/marine-protection-permitting/london-convention-and-london-protocol-international-treaties-prevent>

<sup>5</sup> <https://www.epa.gov/marine-protection-permitting/marine-protection-research-and-sanctuary-act-permits>

## What are the categories of MPRSA permits?

MPRSA permit categories—which include research, special, general and emergency permits—have different purposes and therefore have different application requirements, permit terms and location specifications. Entities considering the disposition of material into ocean waters while conducting an ocean-based research project would likely seek authorization under a research permit. A special permit may be more suitable for longer-term, larger-scale activities, while a general permit may be more suitable for small-quantity activities that would have minimal adverse environmental impact. The table below summarizes the key differences among these research, special, and general MPRSA permit categories as described in [40 C.F.R. 220.3](#) and [40 C.F.R. 228.4](#).

### Research Permits

- **Description:** For the disposition of materials into ocean waters as part of a research project when it is determined that the scientific merit of the proposed project outweighs the potential environmental or other damage that may result. Research permits cannot be issued for disposition of [prohibited materials](#)<sup>6</sup> or for any [prohibited constituents except as trace contaminants](#)<sup>7</sup>, unless subject to the exclusion in [40 C.F.R. 227.6\(g\)](#). A research permit may be issued for a term of up to 18 months, with the possibility of renewal.
- **Authorized location:** Locations for materials released into ocean waters under a research permit are proposed by the permit applicant and assessed for approval by the EPA. Locations for research permits would depend on the nature of the proposed study. The EPA considers the [general](#)<sup>8</sup> and [specific](#)<sup>9</sup> criteria when evaluating potential study areas (research locations) and selecting a preferred location to minimize any potential adverse impacts to the marine environment or other ocean uses. The approved location is specified as a condition in the permit ([40 C.F.R. 228.4](#)).
- **More information and examples:** [EPA's MPRSA Research Permits webpage](#)<sup>10</sup>.

### Special Permits

- **Description:** For disposition of materials in ocean waters when the proposed activity satisfies the [EPA's marine protection criteria](#)<sup>11</sup>. Special permits cannot be issued for [prohibited materials](#)<sup>12</sup> or for any [prohibited constituents except as trace contaminants](#)<sup>13</sup>. A special permit may be issued for a term not to exceed three years, with the possibility of renewal thereafter.

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<sup>6</sup> [40 C.F.R. 227.5](#)

<sup>7</sup> [40 C.F.R. 227.6](#)

<sup>8</sup> [40 C.F.R. 228.5](#)

<sup>9</sup> [40 C.F.R. 228.6](#)

<sup>10</sup> <https://www.epa.gov/marine-protection-permitting/mprsa-research-permits>

<sup>11</sup> [40 C.F.R. parts 220 – 228](#)

<sup>12</sup> [40 C.F.R. 227.5](#)

<sup>13</sup> [40 C.F.R. 227.6](#)

- **Authorized location:** For special permits, the EPA designates ocean sites for authorized disposition of materials (MPRSA ocean sites) through rulemaking published in [40 C.F.R. part 228](#). The site designation process includes environmental studies of the site and surrounding area and typically entails assessment of alternatives consistent with the National Environmental Policy Act. Designated MPRSA ocean sites are precise geographic areas within which ocean disposition is permitted subject to specific conditions of an individual MPRSA special permit. Site designations are based on detailed environmental studies of the proposed site and regions adjacent to the site, as well as historical knowledge of the impact of disposition on areas similar in physical, chemical and biological characteristics. Designated MPRSA ocean sites are required to have a site management and monitoring plan.
- **More information and examples:** [EPA's MPRSA Special Permits webpage](#)<sup>14</sup>.

### General Permits

- **Description:** The EPA may issue a general permit under the MPRSA for the disposition of materials into ocean waters that would have a minimal adverse environmental impact and are generally released in small quantities. General permits cannot be issued for [prohibited materials](#)<sup>15</sup> or for any [prohibited constituents except as trace contaminants](#)<sup>16</sup>. A general permit may be issued for a term not to exceed seven years, with the possibility of renewal thereafter.
- **Authorized location:** The geographical areas or regions where materials may be released under a general permit are specified as a condition in the general permit. General permits do not require a separate MPRSA ocean site designation or selection.
- **More information and examples:** [EPA's MPRSA General Permits webpage](#)<sup>17</sup>.

## II. CONTENTS OF MPRSA PERMIT APPLICATIONS FOR PROPOSED ACTIVITIES

MPRSA permit applications provide sufficient information for the EPA to:

- Develop appropriate permit conditions, controls, monitoring requirements and safety precautions.
- Develop a clear and informative public notice describing the proposed disposition of materials; the reasons for the disposition of materials; and the potential benefits and risks to the environment, human health and other uses of the ocean associated with the proposed activities.
- Provide appropriate information on the environmental assessment of potential impacts to the marine environment and other uses of the ocean, including information the EPA

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<sup>14</sup> <https://www.epa.gov/marine-protection-permitting/mprsa-special-permits>

<sup>15</sup> [40 C.F.R. 227.5](#)

<sup>16</sup> [40 C.F.R. 227.6](#)

<sup>17</sup> <https://www.epa.gov/marine-protection-permitting/mprsa-general-permits>

would use to facilitate coordination or consultation with Tribal, federal, state or other relevant entities.

### What is the administrative record for an MPRSA permit?

Data and information received by the EPA that are relevant to MPRSA permit-related decisions are retained within the Agency's record-keeping system as the administrative record. A subset of the EPA's administrative record becomes part of the public docket created to document the EPA's decisions. The information in the docket may include: the complete permit application, as determined by the EPA; the proposed permit; public comments and the EPA responses to comments; and the EPA's basis for its decisions, including documentation of analyses and consultations required under other federal

The list below summarizes permit application requirements in [40 C.F.R. part 221](#) and other relevant information for applicants to include in an MPRSA permit application for proposed activities. The following information is intended to help applicants understand the criteria the EPA uses to determine when an application is complete as required by the MPRSA regulations. This information does not revise or replace the requirements contained in the MPRSA regulations.

#### 1) Name and address of applicant.

- For research permits, applicants should also identify the research team members and affiliations.

#### 2) Name(s) of entities transporting or producing the material.

- Person(s) or firm(s) producing or processing all materials to be transported for disposition into ocean waters;
- Person or organization transporting the material to be released; and
- Name or other identification information of the vessel or other conveyance to be used in the transportation and disposition of the material.

#### 3) Physical and chemical description of the material to be released, including results of tests necessary to apply the relevant Criteria set forth in [40 C.F.R. part 227](#), and the number, size and physical configuration of any additional materials to be released.

- For example, ballast, bailing material or other items that would be released into ocean waters and not recovered.

#### 4) Quantity of material to be released into ocean waters.

#### 5) Proposed dates and times of the release of materials, including the duration and rates of the proposed disposition activities.

- For example, would the material be released at one location or while the vessel is moving? At set frequencies? Over what length of time? Over what distance?

**6) Description of proposed disposition location(s).**

- Information on proposed locations should include relevant physical, chemical and biological characterizations. Other criteria the EPA may consider include proximity to protected areas or resources, presence of protected species or other potential for adverse impacts to marine resources or ocean uses, including navigation. Refer to Section I of this document for information related to authorized locations for research, special and general permits.
- The EPA does not authorize disposition of materials for any activities at MPRSA ocean sites otherwise designated for the ocean dumping of dredged material in [40 C.F.R. part 228](#) because the activities would interfere with management, monitoring or maintenance of conditions at the designated site. The EPA regulations specify that sites designated for ocean dumping of dredged material shall only be used for that purpose. Areas around these sites should be avoided to the extent that the proposed activities could be influenced by, or interfere with, designated dredged material site activities.

**7) Description of proposed release method for the material and means by which the release rate can be controlled and modified as required.**

**8) Identification of the specific process or activity from which the material is generated.**

- For example, a description of the creation, processing or packaging of the materials to be released. Such information assists the EPA in determining the suitability of the material for release in the ocean, which may vary depending on how the material is generated.

**9) Description of how the type of material to be released has been previously disposed or entered ocean waters from other activities.**

- This could also include a discussion of similar studies or activities using the proposed materials or methods. The application may also state if the materials have not, to the applicant's knowledge, been "disposed or entered ocean waters" previously.

**10) A statement of the need and an evaluation of short-term and long-term alternatives to the proposed disposition.**

- This statement may include a brief explanation of the environmental impact of such alternatives. For proposed activities, the statement of need should include a justification for why these activities need or otherwise are ready to occur in the ocean (as opposed to on land.).
- For a research permit, the statement of need supports the scientific rationale for proposed research activities, including the rationale for the selection of the material type or volume identified in the study design. An evaluation of land-based alternatives

for a research project involving the addition of materials to the ocean might include an explanation of the theoretical, bench-scale, mesocosm or other research inquiries that support the “need” to scale up to research involving the release of materials in the ocean.

- For research activities, the EPA would rely on the statement of need to justify why these activities need to occur in the ocean. The statement of need and consideration of alternatives could include:
  - A discussion of alternative types or amounts of materials that the applicant considered but did not select and why.
  - A summary of relevant prior or in-progress research that supports the proposed research.
  - A description of the research underway or to be conducted as part of a research strategy (for example, how do the proposed activities fit into a larger research plan or objective?).
  - A rationale for the proposed location, scale of the activities, amounts of materials, equipment used and research methods.
  - An explanation of how unknowns or uncertainties could be addressed or accounted for, or how potential for adverse effects on the marine environment may be mitigated.
  - A discussion of why the scientific merit of the proposal should be considered to outweigh the potential environmental or other damage that may result from the proposed research activities. This could include an evaluation of the benefits of conducting the proposed research, which might include quantifiable benefits to human or marine communities, novel contributions to a scientific body of knowledge or other benefits.

**11) Assessment of the anticipated environmental impact.**

- A description of the expected movement and fate of the released material, if relevant, would facilitate the EPA’s review. The assessment should include the relative duration of the effect of the proposed disposition on the marine environment, navigation, living and non-living marine resource exploitation, scientific study, recreation and other uses of the ocean.
- The assessment should also include the expected interval before the marine environment recovers from any anticipatable biological, ecological, chemical or physical perturbations. The assessment should consider potential impacts to any sensitive species and critical habitats, for example species listed under the Endangered Species Act, dominant fisheries stocks and any essential fish habitat protected under the Magnuson-Stevens Fishery Conservation and Management Act.

**12) Description of the environmental monitoring plan designed to assess the short-term and long-term impacts in the ocean attributable to the disposition activity.**

- This should include the methods, timing, locations and duration of the planned monitoring activities.

**13) Description of any contingency actions should unacceptable adverse ocean impacts occur during transportation and during or after the disposition activity.**

- Specific thresholds or activities should be discussed along with any actions to be taken to mitigate or prevent adverse impacts.

### III. MPRSA PERMITTING PROCESS AND TIMELINE

The permit application process is described in the MPRSA regulations at [40 C.F.R. part 222](#). Key steps in the process are summarized below; however, this information does not revise or replace the requirements contained in the regulations.

MPRSA regulations identify several administrative deadlines for various steps during the application process. Final action on any application for a permit will, to the extent practicable, be taken within 180 days from the date the EPA receives a complete application. The length of time from application development to final determination depends on various factors, including the time required for the applicant to develop a complete application, time required to conclude various consultation or coordination activities with non-EPA entities, and time necessary to resolve and respond to public comments, including any requests for public hearings.

#### **Step 1: Applicant may request a pre-application meeting**

- The EPA encourages potential applicants to request an informal pre-application meeting by emailing [MarineProtectionPermitting@epa.gov](mailto:MarineProtectionPermitting@epa.gov).
- An informal pre-application meeting provides an opportunity for the applicant and the EPA to discuss preliminary information about the proposed activities, the category of permit that may be needed for the proposed activity and the permit application process.

#### **Step 2: Applicant develops permit application**

- The application includes all necessary information detailed in the regulatory criteria at [40 C.F.R. part 221](#), depending on the nature of the proposed activity.
- Development of the permit application will likely occur through an iterative process, which may include the following:
  - Applicant submits a preliminary permit application for the EPA to review.
  - Within 30 days of the receipt of the preliminary application, the EPA reviews the preliminary application and notifies the applicant whether the application is complete or if additional information is required ([40 C.F.R. 222.2\(a\)](#)).
  - The EPA and applicant follow up to address questions and discuss additional information needs and further steps in the process to conclude permit application review.

- The EPA provides the applicant with information on how to provide the permit application processing fee as part of the complete permit application. Application processing fees are published at [40 C.F.R. 221.5](#).

**Step 3: The EPA determines permit application is complete**

- The EPA notifies the applicant that their permit application is complete based upon the regulatory criteria at [40 C.F.R. part 221](#).

**Step 4: The EPA conducts intergovernmental and interagency coordination (Tribal, state, federal, etc.)**

- Notification, coordination and consultation actions would be initiated as soon as practicable and may begin during the application development stage and would occur concurrently with the public comment period.
- The EPA prepares additional analyses for consultation(s) and other coordination actions required under federal laws, as appropriate (for example, a biological evaluation for consultation under Section 7 of the Endangered Species Act). In some cases, the project proponent prepares additional necessary analyses.
- The consultation or coordination requirements for a specific permit application are determined on a case-by-case basis depending on the nature and location of the proposed project. Entities that the EPA may notify, consult or coordinate with include:
  - Tribal governments;
  - Relevant state entities needed to satisfy the requirements of the Coastal Zone Management Act, Clean Water Act Section 401 and National Historic Preservation Act, if applicable;
  - National Oceanic and Atmospheric Administration's Marine Fisheries Service regarding coordination requirements under the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act and Marine Mammal Protection Act, and NOAA's Office of National Marine Sanctuaries regarding permitting and coordination requirements under the National Marine Sanctuaries Act for activities in or near a national marine sanctuary;
  - U.S. Fish and Wildlife Service regarding coordination requirements under the Endangered Species Act;
  - U.S. Coast Guard regarding conditions to be included in the permit to facilitate surveillance and enforcement;
  - U.S. Army Corps of Engineers regarding matters related to any adverse impacts to navigation, harbor approaches and artificial islands on the outer continental shelf that may result from the proposed action;
  - Other federal agencies, if applicable (for example, Department of Interior); and
  - Potentially affected countries and relevant international bodies.

**Step 5: The EPA makes a tentative determination and initiates a public comment period**

- Within 30 days of notifying the applicant their application is complete, the EPA publishes a notice of the EPA's tentative determination on whether to issue the permit and invites public comment ([40 C.F.R. 222.2\(b\)](#)).
  - For research and special permits – The EPA publishes notices in a local newspaper for the state closest to the proposed activities and in the city where the EPA office giving notice is located.
  - For general permits – The EPA publishes notices and invites public comment through the Federal Register.
- The EPA may also conduct additional notification or outreach actions such as providing information on the EPA's website and social media outlets, sending additional email notifications, releasing a press statement or other media information or holding a public informational meeting during the public comment period.
- The public notice includes details on how to access the data and information the EPA relied on for tentative determination and how to submit comments. The public notice may also include information about any public engagement opportunities, such as a public informational meeting.
- The public comment period remains open for 30 days, unless otherwise noted for a longer period of time. Any person may provide comment during the public comment period or request a public hearing within 30 days of the publication of the public notice.
  - If no comments are received, the EPA continues the consultation and coordination processes required under other federal statutes.
  - If comments are received and no public hearing is requested, the EPA promptly prepares a written response to comments for inclusion in the supporting record.
  - If a public hearing is requested within the public comment period and the request is granted by the EPA, the EPA would follow the procedures described in [40 C.F.R. 222.4 to 222.8](#).

#### **Step 6: The EPA makes a final determination**

- To the extent practicable, the EPA issues a final permit determination to issue or deny the permit within 180 days of the filing of a complete permit application. The time needed to conclude intergovernmental and interagency consultations required under other federal laws may extend the timeline for a final determination.
- If no hearing is held, the permit may be made effective as soon as the final determination is made. If a hearing is held, the EPA follows the timelines and processes described in [40 C.F.R. 222.9](#).

#### **IV. CONTENTS OF AN MPRSA PERMIT**

MPRSA permits typically summarize key details included in the permit application and describe any additional monitoring, reporting or other EPA-specified requirements or permit conditions.

## Research Permits

In general, a research permit would include:

- The permit duration, including the days and times during which the research activities may occur, and the effective term of the permit itself.
- A description of the materials allowed to be released into the ocean as part of the research project..
- The person(s) or entities who will be allowed to undertake specific actions under the permit.
- The equipment to be used for the transportation and disposition of the materials for the research activities.
- A chemical and physical description of the material authorized for disposition in ocean waters and results of any required biological testing.
- The specific location(s) where the release of the material is authorized.
- The details of the processes allowed to be used to generate, transport and handle the material.
- A description of required *in situ* sampling or environmental monitoring to be conducted as part of the authorized research activities, including any sampling and environmental monitoring required to protect the environment from adverse impacts due to the disposition of materials and any compliance monitoring and contingency-related monitoring.
- A description of environmental conditions which would trigger contingency actions or permit termination, and a description of the required contingency responses, including preventative measures and contingency actions.
- A description of the recordkeeping and reporting requirements, for example, an initial and a final report submitted to the EPA.
- A description of any other requirements determined to be necessary by the EPA for the transportation and disposition of materials in the ocean for the specific research project.

## Special Permits

A special permit would include:

- The permit duration, including the days and times during which the activities may occur, and the effective term of the permit itself.
- Persons or entities who will be allowed to undertake specific actions under the permit.
- A detailed chemical and physical description of the material permitted to be released into ocean waters the details of the processes allowed to be used to generate, transport and handle the material.
- A description of any required biological testing.
- A description of the equipment and methods of transporting and releasing the materials.
- The quantity and timing of the material to be released to ocean waters, including the effective and expiration date of the permit.

- The specific ocean site where the release of materials associated with the activities will be taking place. Note that for special permits, the location is designated through a rulemaking process as described in [40 C.F.R. part 228](#).
- Descriptions of any necessary sampling, environmental monitoring or surveillance of the transportation or disposition of the material to ensure permit compliance and assess impacts of permitted activities on the marine environment.
- A description of the contingency plans including contingency-related monitoring and mitigation responses, as appropriate.
- A description of any recordkeeping and reporting requirements, such as biannual reports.
- A description of any other requirements determined to be necessary by the EPA for the transportation and disposition of materials associated with the specific activities.

### **General Permits**

In accordance with [40 C.F.R. 223.1](#), general permits contain terms and conditions that the EPA deems necessary or appropriate. If issued for conducting research, terms may include the type of information that otherwise would be in a research permit.