

# Marine Protection, Research, and Sanctuaries Act:

## Ocean Dumping Provisions

### 33 U.S.C. §§1401-1445

#### Prohibited acts

Except as authorized by permit, no person shall transport from the United States, or from any location if on an American vessel, material for the purpose of dumping it into ocean waters. [33 U.S.C. §1411(a)]

The dumping of material into the **U.S. territorial sea or contiguous zone** without a permit is prohibited. [33 U.S.C. §1411(b)]

#### Dumping permit program

The EPA Administrator may issue **permits** for the transportation of material for the purpose of dumping, and for the dumping of material, into ocean waters. The Administrator must determine that such dumping will not unreasonably degrade or endanger human health, welfare, or amenities; the marine environment; or economic opportunities. [33 U.S.C. §1412(a)]

In issuing permits, the Administrator shall consider such **criteria** as the need for the proposed dumping, its effect on human health and the environment, alternatives to dumping, and the effect on alternate uses of the ocean. [33 U.S.C. §1412(a)]

No permit may be issued for the dumping of radiological, chemical, and biological warfare agents; high-level radioactive waste; or medical waste. [33 U.S.C. §1412(a)]

#### Emergency permits for dumping of industrial waste

The Administrator may issue **emergency permits** for the dumping of "industrial waste" when the Administrator determines that there is an emergency requiring the dumping of waste that poses an unacceptable risk to human health and that there is no other feasible solution. [33 U.S.C. §1412a]

#### Dumping permit program for dredged material

The Secretary of the Army may issue permits for the transportation of **dredged material** for the purpose of dumping, and for the dumping of dredged material, into ocean waters. The Secretary must determine that dumping will not unreasonably degrade or endanger human health, welfare, or amenities; the marine environment; or economic opportunities. [33 U.S.C. §1413(a)]

In issuing such permits, the Secretary shall consider those **criteria** that the Administrator must consider with regard to the issuance of permits for the dumping of materials. [33 U.S.C. §1413(b)]

In any case when the Secretary and the Administrator

disagree as to the effects of the dumping or as to the need to protect certain critical areas from dumping, the determination of the Administrator shall prevail. [33 U.S.C. §1413(c)(3)]

#### Permit conditions

The Act identifies necessary **permit conditions**, including restrictions on the type and amount of material to be dumped, and the location of the dumping. [33 U.S.C. §1414(a)]

#### Ocean dumping of sewage sludge and industrial waste

After December 31, 1991, it shall be **unlawful** for any person to dump into ocean waters, or to transport for dumping, sewage sludge or industrial waste. [33 U.S.C. §1414b(a)(1)(B)]

Persons receiving permits to transport or dump sewage sludge or industrial waste must enter into **compliance agreements** with the Administrator to phase out their activities by December 31, 1991, or **enforcement agreements** to phase out their activities by some other time. [33 U.S.C. §1414b(c)]

The Act establishes **special dumping fees**, most of which shall be waived for persons who have entered into compliance agreements to end their activities by December 31, 1991. [33 U.S.C. §1414b(b)]

The Act includes **special penalty provisions** for persons dumping and transporting for dumping after December 31, 1991. [33 U.S.C. §1414b(d)]

#### Enforcement

The Act establishes **civil and criminal penalties** for violations, authorizes seizure and forfeiture of vessels used to commit an act for which a penalty is imposed, and establishes the circumstances under which **citizen suits** may be brought to enforce the Act's requirements. [33 U.S.C. §1415]

#### State authority

Nothing in this Act precludes or denies any state's right to adopt or enforce **more stringent requirements** respecting dumping of materials into ocean waters within the state's jurisdiction. [33 U.S.C. §1416(d)(1)]

In the case of a **federal project**, a state may not enforce a more stringent requirement if the Administrator finds that such requirement is not supported by relevant scientific evidence, is arbitrary or capricious, or is not applied to all projects without regard to federal, state, or private participation. [33 U.S.C. §1416(d)(2)]