

108TH CONGRESS  
1ST SESSION

# H. R. 1027

To amend the Federal Water Pollution Control Act relating to marine sanitation devices.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

Mr. SAXTON introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Federal Water Pollution Control Act relating to marine sanitation devices.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recreational Waters  
5 Protection Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Performance standards for marine sanita-  
9 tion devices were first authorized by the Federal

1 Water Pollution Control Act (33 U.S.C. 1251 et  
2 seq.).

3 (2) Marine sanitation device performance stand-  
4 ards have not been updated since regulations were  
5 first implemented pursuant to that Act.

6 (3) Advances in marine sanitation device tech-  
7 nology have now made it practical for wastes to be  
8 treated on board a vessel to the extent that pollut-  
9 ants can be reduced significantly below the current  
10 marine sanitation device standards.

11 (4) Setting new marine sanitation device per-  
12 formance standards will recognize existing techno-  
13 logical advances and spur further innovation to a  
14 level of on-board waste treatment far superior to  
15 that envisioned by the original marine sanitation de-  
16 vice standards of the Federal Water Pollution Con-  
17 trol Act.

18 (b) PURPOSE.—The purposes of this Act are—

19 (1) to promote the use of the best available  
20 technology in Type I marine sanitation devices;

21 (2) to establish a new minimum standard for a  
22 Type IA marine sanitation device so that such  
23 standard meets the best available technology; and

24 (3) to ensure that recreational boats have more  
25 than 1 option for legally handling their sewage in

1 coastal and tidal waters and that all inland waters  
2 as well as no-discharge zones already established by  
3 the States and approved by the Environmental Pro-  
4 tection Agency are exempt from section 312(f) of the  
5 Federal Water Pollution Control Act (33 U.S.C.  
6 1322(f)).

7 **SEC. 3. REVISED STANDARD FOR MARINE SANITATION DE-**  
8 **VICES.**

9 Not more than 180 days after the date of enactment  
10 of this Act, the Administrator of the Environmental Pro-  
11 tection Agency shall publish a revised standard for new  
12 Type I marine sanitation devices (in this section referred  
13 to as “Type IA marine sanitation devices”). The effluent  
14 from a Type IA marine sanitation device shall contain not  
15 more than 10 fecal coliform per 100 milliliters or its equiv-  
16 alent and achieve a 35 percent reduction in biological oxy-  
17 gen demand.

18 **SEC. 4. STATE PROHIBITION.**

19 Section 312(f) of the Federal Water Pollution Con-  
20 trol Act (33 U.S.C. 1322(f)) is amended—

21 (1) in paragraph (3)—

22 (A) by inserting “(A)” before “After”; and

23 (B) by adding at the end the following:

24 “(B) A prohibition under subparagraph (A) shall not  
25 apply to a vessel that operates in the coastal tidal waters

1 of the United States and operates a Type IA marine sani-  
2 tation device that meets the standards for marine sanita-  
3 tion devices revised pursuant to section 3 of the Rec-  
4 reational Waters Protection Act.”; and

5 (2) by adding at the end of paragraph (4)(A)  
6 the following: “A prohibition under this paragraph  
7 shall not apply to a vessel that operates in the coast-  
8 al tidal waters of the United States and operates a  
9 Type IA marine sanitation device that meets the  
10 standards for marine sanitation devices revised pur-  
11 suant to section 3 of the Recreational Waters Pro-  
12 tection Act.”.

13 **SEC. 5. LIMITATION ON STATUTORY CONSTRUCTION.**

14 Nothing in this Act (including any amendment made  
15 by this Act) shall be construed as affecting any prohibition  
16 of the discharge of sewage from vessels under section  
17 312(f)(4)(B) of the Federal Water Pollution Control Act  
18 (33 U.S.C. 1322(f)(4)(B)).

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