

One Hundred Tenth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Thursday,
the third day of January, two thousand and eight*

An Act

To clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) COVERED VESSEL.—The term “covered vessel” means a vessel that is—

(A) less than 79 feet in length; or

(B) a fishing vessel (as defined in section 2101 of title 46, United States Code), regardless of the length of the vessel.

(3) OTHER TERMS.—The terms “contiguous zone”, “discharge”, “ocean”, and “State” have the meanings given the terms in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

SEC. 2. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) NO PERMIT REQUIREMENT.—Except as provided in subsection (b), during the 2-year period beginning on the date of enactment of this Act, the Administrator, or a State in the case of a permit program approved under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), shall not require a permit under that section for a covered vessel for—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; or

(3) any other discharge incidental to the normal operation of a covered vessel.

(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to—

(1) rubbish, trash, garbage, or other such materials discharged overboard;

(2) other discharges when the vessel is operating in a capacity other than as a means of transportation, such as when—

(A) used as an energy or mining facility;

- (B) used as a storage facility or a seafood processing facility;
- (C) secured to a storage facility or a seafood processing facility; or
- (D) secured to the bed of the ocean, the contiguous zone, or waters of the United States for the purpose of mineral or oil exploration or development;
- (3) any discharge of ballast water; or
- (4) any discharge in a case in which the Administrator or State, as appropriate, determines that the discharge—
 - (A) contributes to a violation of a water quality standard; or
 - (B) poses an unacceptable risk to human health or the environment.

SEC. 3. STUDY OF DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) **IN GENERAL.**—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating and the heads of other interested Federal agencies, shall conduct a study to evaluate the impacts of—

- (1) any discharge of effluent from properly functioning marine engines;
- (2) any discharge of laundry, shower, and galley sink wastes; and
- (3) any other discharge incidental to the normal operation of a vessel.

(b) **SCOPE OF STUDY.**—The study under subsection (a) shall include—

- (1) characterizations of the nature, type, and composition of discharges for—
 - (A) representative single vessels; and
 - (B) each class of vessels;
- (2) determinations of the volumes of those discharges, including average volumes, for—
 - (A) representative single vessels; and
 - (B) each class of vessels;
- (3) a description of the locations, including the more common locations, of the discharges;
- (4) analyses and findings as to the nature and extent of the potential effects of the discharges, including determinations of whether the discharges pose a risk to human health, welfare, or the environment, and the nature of those risks;
- (5) determinations of the benefits to human health, welfare, and the environment from reducing, eliminating, controlling, or mitigating the discharges; and
- (6) analyses of the extent to which the discharges are currently subject to regulation under Federal law or a binding international obligation of the United States.

(c) **EXCLUSION.**—In carrying out the study under subsection (a), the Administrator shall exclude—

- (1) discharges from a vessel of the Armed Forces (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)));
- (2) discharges of sewage (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)))

from a vessel, other than the discharge of graywater from a vessel operating on the Great Lakes; and

(3) discharges of ballast water.

(d) PUBLIC COMMENT; REPORT.—The Administrator shall—

(1) publish in the Federal Register for public comment a draft of the study required under subsection (a);

(2) after taking into account any comments received during the public comment period, develop a final report with respect to the study; and

(3) not later than 15 months after the date of enactment of this Act, submit the final report to—

(A) the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*