

Public Law 100-688  
100th Congress

An Act

To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to provide for termination of ocean dumping of sewage sludge and industrial waste, and for other purposes.

Nov. 18, 1988

[S. 2030]

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

Environmental  
protection.

Ocean Dumping  
Ban Act of 1988.  
Safety.  
33 USC 1401  
note.

## TITLE I—OCEAN DUMPING OF SEWAGE SLUDGE AND INDUSTRIAL WASTE

### SEC. 1001. SHORT TITLE.

This title may be cited as the "Ocean Dumping Ban Act of 1988".

### SEC. 1002. ESTABLISHMENT OF FEES AND PENALTIES FOR OCEAN DUMPING OF SEWAGE SLUDGE AND INDUSTRIAL WASTE.

The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) is amended by striking the second section 104A and inserting in lieu thereof the following:

33 USC 1414a.

### "SEC. 104B. OCEAN DUMPING OF SEWAGE SLUDGE AND INDUSTRIAL WASTE.

33 USC 1414b.

#### "(a) TERMINATION OF DUMPING.—

"(1) PROHIBITIONS ON DUMPING.—Notwithstanding any other provision of law—

"(A) on and after the 270th day after the date of the enactment of this section, no person (including a person described in section 104A(a)(1)(C)) shall dump into ocean waters, or transport for the purpose of dumping into ocean waters, sewage sludge or industrial waste, unless such person—

"(i) has entered into a compliance agreement or enforcement agreement which meets the requirements of subsection (c) (2) or (3), as applicable; and

"(ii) has obtained a permit issued under section 102 which authorizes such transportation and dumping; and

"(B) after December 31, 1991, it shall be unlawful for any person to dump into ocean waters, or to transport for the purposes of dumping into ocean waters, sewage sludge or industrial waste.

"(2) PROHIBITION ON NEW ENTRANTS.—The Administrator shall not issue any permit under this Act which authorizes a person to dump into ocean waters, or to transport for the purposes of dumping into ocean waters, sewage sludge or industrial waste, unless that person was authorized by a permit issued under section 102 or by a court order to dump into ocean waters, or to transport for the purpose of dumping into ocean waters, sewage sludge or industrial waste on September 1, 1988.

#### "(b) SPECIAL DUMPING FEES.—

"(1) IN GENERAL.—Subject to paragraph (4), any person who dumps into ocean waters, or transports for the purpose of dumping into ocean waters, sewage sludge or industrial waste shall be liable for a fee equal to—

"(A) \$100 for each dry ton (or equivalent) of sewage sludge or industrial waste transported or dumped by the person on or after the 270th day after the date of the enactment of this section and before January 1, 1990;

"(B) \$150 for each dry ton (or equivalent) of sewage sludge or industrial waste transported or dumped by the person on or after January 1, 1990, and before January 1, 1991; and

"(C) \$200 for each dry ton (or equivalent) of sewage sludge or industrial waste transported or dumped by the person on or after January 1, 1991, and before January 1, 1992."

"(2) PAYMENT OF FEES.—Of the amount of fees under paragraph (1) for which a person is liable, such person—

"(A) shall pay into a trust account established by the person in accordance with subsection (e) a sum equal to 85 percent of such amount;

"(B) shall pay to the Administrator a sum equal to \$15 per dry ton (or equivalent) of sewage sludge and industrial waste transported or dumped by such person, for use for agency activities as provided in subsection (f)(1);

"(C) subject to paragraph (5), shall pay into the Clean Oceans Fund established by the State in which the person is located a sum equal to 50 percent of the balance of such amount after application of subparagraphs (A) and (B); and

"(D) subject to paragraph (5), shall pay to the State in which the person is located a sum equal to the balance of such amount after application of subparagraphs (A), (B), and (C), for deposit into the water pollution control revolving fund established by the State under title VI of the Federal Water Pollution Control Act, as provided in subsection (f)(2).

"(3) SCHEDULE FOR PAYMENT.—Fees under this subsection shall be paid on a quarterly basis.

"(4) WAIVER OF FEES.—(A) The Administrator shall waive all fees under this subsection, other than the portion of fees required to be paid to the Administrator under paragraph (2)(B) for agency activities, for any person who has entered into a compliance agreement which meets the requirements of subsection (c)(2).

"(B) The Administrator shall reimpose fees under this subsection for a person for whom such fees are waived under subparagraph (A) if the Administrator determines that—

"(i) the person has failed to comply with the terms of a compliance agreement which the person entered into under subsection (c)(2); and

"(ii) such failure is likely to result in the person not being able to terminate by December 31, 1991, dumping of sewage sludge or industrial waste into ocean waters.

"(C) The Administrator may waive fees reimposed for a person under subparagraph (B) if the Administrator determines that the person has returned to compliance with a compliance agreement which the person entered into under subsection (c)(2).

“(5) PAYMENTS PRIOR TO ESTABLISHMENT OF ACCOUNT.—(A) In any case in which a State has not established a Clean Oceans Fund or a water pollution control revolving fund under title VI of the Federal Water Pollution Control Act, fees required to be paid by a person in that State under paragraph (2) (C) or (D), as applicable, shall be paid to the Administrator.

“(B) Amounts paid to the Administrator pursuant to this paragraph shall be held by the Administrator in escrow until the establishment of the fund into which such amounts are required to be paid under paragraph (2), or until the last day of the 1-year period beginning on the date of such payment, whichever is earlier, and thereafter—

“(i) if such fund has been established, shall be paid by the Administrator into the fund; or

“(ii) if such fund has not been established, shall revert to the general fund of the Treasury.

“(c) COMPLIANCE AGREEMENTS AND ENFORCEMENT AGREEMENTS.—

State and local governments.

“(1) IN GENERAL.—As a condition of issuing a permit under section 102 which authorizes a person to transport or dump sewage sludge or industrial waste, the Administrator shall require that, before the issuance of such permit, the person and the State in which the person is located enter into with the Administrator—

“(A) a compliance agreement which meets the requirements of paragraph (2); or

“(B) an enforcement agreement which meets the requirements of paragraph (3).

“(2) COMPLIANCE AGREEMENTS.—An agreement shall be a compliance agreement for purposes of this section only if—

“(A) it includes a plan negotiated by the person, the State in which the person is located, and the Administrator that will, in the opinion of the Administrator, if adhered to by the person in good faith, result in the phasing out and termination of ocean dumping, and transportation for the purpose of ocean dumping, of sewage sludge and industrial waste by such person by not later than December 31, 1991, through the design, construction, and full implementation of an alternative system for the management of sewage sludge and industrial waste transported or dumped by the person;

“(B) it includes a schedule which—

“(i) in the opinion of the Administrator, specifies reasonable dates by which the person shall complete the various activities that are necessary for the timely implementation of the alternative system referred to in subparagraph (A); and

“(ii) meets the requirements of paragraph (4);

“(C) it requires the person to notify in a timely manner the Administrator and the Governor of the State of any problems the person has in complying with the schedule referred to in subparagraph (B);

“(D) it requires the Administrator and the Governor of the State to evaluate on an ongoing basis the compliance of the person with the schedule referred to in subparagraph (B);

"(E) it requires the person to pay in accordance with this section all fees and penalties the person is liable for under this section; and

"(F) it authorizes the person to use interim measures before completion of the alternative system referred to in subparagraph (A).

"(3) ENFORCEMENT AGREEMENTS.—An agreement shall be an enforcement agreement for purposes of this section only if—

"(A) it includes a plan negotiated by the person, the State in which the person is located, and the Administrator that will, in the opinion of the Administrator, if adhered to by the person in good faith, result in the phasing out and termination of ocean dumping, and transportation for the purpose of ocean dumping, of sewage sludge and industrial waste by such person through the design, construction, and full implementation of an alternative system for the management of sewage sludge and industrial waste transported or dumped by the person;

"(B) it includes a schedule which—

"(i) in the opinion of the Administrator, specifies reasonable dates by which the person shall complete the various activities that are necessary for the timely implementation of the alternative system referred to in subparagraph (A); and

"(ii) meets the requirements of paragraph (4);

"(C) it requires the person to notify in a timely manner the Administrator and the Governor of the State of any problems the person has in complying with the schedule referred to in subparagraph (B);

"(D) it requires the Administrator and the Governor of the State to evaluate on an ongoing basis the compliance of the person with the schedule referred to in subparagraph (B);

"(E) it requires the person to pay in accordance with this section all fees and penalties the person is liable for under this section; and

"(F) it authorizes the person to use interim measures before completion of the alternative system referred to in subparagraph (A).

"(4) SCHEDULES.—A schedule included in a compliance agreement pursuant to paragraph (2)(B) or an enforcement agreement pursuant to paragraph (3)(B) shall establish deadlines for—

"(A) preparation of engineering designs and related specifications for the alternative system referred to in paragraph (2)(A) or paragraph (3)(A), as applicable;

"(B) compliance with appropriate Federal, State, and local statutes, regulations, and ordinances;

"(C) site and equipment acquisitions for such alternative system;

"(D) construction and testing of such alternative system;

"(E) operation of such alternative system at full capacity; and

"(F) any other activities, including interim measures, that the Administrator considers necessary or appropriate.

"(5) CLEAN OCEANS FUNDS.—(A) Each State that is a party to a compliance agreement or an enforcement agreement under this

subsection shall establish an interest bearing account, to be known as a Clean Oceans Fund, into which a person shall pay fees and penalties in accordance with subsections (b)(2)(C) and (d)(2)(C)(i), respectively.

“(B) A State which establishes a Clean Oceans Fund pursuant to this paragraph shall allocate and pay from the fund each year, to each person in the State which has entered into a compliance agreement or enforcement agreement under this subsection, a portion of amounts in the fund on the last day of that year which is equal to the sum of—

“(i) amounts paid by the person into the fund in that year as fees pursuant to subsection (b)(2)(C) and as penalties pursuant to subsection (d)(2)(C)(i);

“(ii) amounts paid by the Administrator into the fund in that year as fees held in escrow for the person pursuant to subsection (b)(5)(B); and

“(iii) interest on such amounts.

“(C) Amounts allocated and paid to a person pursuant to subparagraph (B)—

“(i) shall be used for the purposes described in subsection (e)(2)(B); and

“(ii) may be used for matching Federal grants.

“(D) A Clean Oceans Fund established by a State pursuant to this paragraph shall be subject to such accounting, reporting, and other requirements as may be established by the Administrator to assure accountability of payments into and out of the fund.

“(6) PUBLIC PARTICIPATION.—The Administrator shall provide an opportunity for public comment regarding the establishment and implementation of compliance agreements and enforcement agreements entered into pursuant to this section.

“(d) PENALTIES.—

“(1) IN GENERAL.—In lieu of any other civil penalty under this Act, any person who has entered into a compliance agreement or enforcement agreement under subsection (c) and who dumps or transports sewage sludge or industrial waste in violation of subsection (a)(1)(B) shall be liable for a civil penalty, to be assessed by the Administrator, as follows:

“(A) For each dry ton (or equivalent) of sewage sludge or industrial waste dumped or transported by the person in violation of this subsection in calendar year 1992, \$600.

“(B) For each dry ton (or equivalent) of sewage sludge or industrial waste dumped or transported by the person in violation of this subsection in any year after calendar year 1992, a sum equal to—

“(i) the amount of penalty per dry ton (or equivalent) for a violation occurring in the preceding calendar year, plus

“(ii) a percentage of such amount equal to 10 percent of such amount, plus an additional 1 percent of such amount for each full calendar year since December 31, 1991.

“(2) PAYMENT OF PENALTY.—Of the amount of penalties under paragraph (1) for which a person is liable, such person—

“(A) shall pay into a trust account established by the person in accordance with subsection (e) a sum which is a percentage of such amount equal to—

“(i) 90 percent of such amount, reduced by

“(ii) 5 percent of such amount for each full calendar year since December 31, 1991;

“(B) shall pay to the Administrator a sum equal to \$15 per dry ton (or equivalent) of sewage sludge and industrial waste transported or dumped by such person in that year, for use for agency activities as provided in subsection (f)(1);

“(C) for violations in any year before calendar year 1995—

“(i) subject to paragraph (4), shall pay into the Clean Oceans Fund established by the State in which the person is located a sum equal to 50 percent of the balance of such amount; and

“(ii) subject to paragraph (4), shall pay to the State in which the person is located a sum equal to the portion of such amount which is not paid as provided in subparagraphs (A), (B), and (C), for deposit into the water pollution control revolving fund established by the State under title VI of the Federal Water Pollution Control Act, as provided in subsection (f)(2); and

“(D) for violations in any year after calendar year 1994, shall pay to the State in which the person is located a sum equal to the balance of such amount, for use by the State for providing assistance under subsection (f)(3).

“(3) SCHEDULE FOR PAYMENT.—Penalties under this subsection shall be paid on a quarterly basis.

State and local governments.

“(4) PAYMENTS PRIOR TO ESTABLISHMENT OF ACCOUNT.—In any case in which a State has not established a Clean Oceans Fund or a water pollution control revolving fund under title VI of the Federal Water Pollution Control Act, penalties required to be paid by a person in that State under paragraph (2)(C) (i) or (ii), as applicable, shall be paid to the Administrator for holding and payment or reversion, as applicable, in the same manner as fees are held and paid or revert under subsection (b)(5).

“(e) TRUST ACCOUNT.—

“(1) IN GENERAL.—A person who enters into a compliance agreement or an enforcement agreement under subsection (c) shall establish a trust account for the payment and use of fees and penalties under this section.

“(2) TRUST ACCOUNT REQUIREMENTS.—An account shall be a trust account for purposes of this subsection only if it meets, to the satisfaction of the Administrator, the following requirements:

“(A) Amounts in the account may be used only with the concurrence of the person who establishes the account and the Administrator; except that the person may use amounts in the account for a purpose authorized by subparagraph (B) after 60 days after notification of the Administrator if the Administrator does not disapprove such use before the end of such 60-day period.

“(B) Amounts in the account may be used only for projects which will identify, develop, and implement—

“(i) an alternative system, and any interim measures, for the management of sewage sludge and industrial waste, including but not limited to any such system or measures utilizing resource recovery, recycling, thermal reduction, or composting techniques; or



“(ii) improvements in pretreatment, treatment, and storage techniques for sewage sludge and industrial waste to facilitate the implementation of such alternative system or interim measures.

“(C) Upon a finding by the Administrator that a person did not pay fees or penalties into an account as required by this section, or did not use amounts in the account in accordance with this subsection, the balance of the amounts in the account shall be paid to the State in which the person is located, for deposit into the water pollution control revolving fund established by the State under title VI of the Federal Water Pollution Control Act, as provided in subsection (f)(2).

“(3) USE OF UNEXPENDED AMOUNTS.—Upon a determination by the Administrator that a person has terminated ocean dumping of sewage sludge or industrial waste, the balance of amounts in an account established by the person under this subsection shall be paid to the person for use—

“(A) for debts incurred by the person in complying with this Act or the Federal Water Pollution Control Act;

“(B) in meeting the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) which apply to the person, including operations and maintenance; and

“(C) for matching Federal grants.

“(4) USE FOR MATCHING FEDERAL GRANTS.—Amounts in a trust account under this subsection may be used for matching Federal grants.

“(f) USE OF FEES AND PENALTIES.—

“(1) AGENCY ACTIVITIES.—Of the total amount of fees and penalties paid to the Administrator in a fiscal year pursuant to subsections (b)(2)(B) and (d)(2)(B), respectively—

“(A) not to exceed one-third of such total amount shall be used by the Administrator for—

“(i) costs incurred or expected to be incurred in undertaking activities directly associated with the issuance under this Act of permits for the transportation or dumping of sewage sludge and industrial waste, including the costs of any environmental assessment of the direct effects of dumping under the permits;

“(ii) preparation of reports under subsection (i); and

“(iii) such other research, studies, and projects the Administrator considers necessary for, and consistent with, the development and implementation of alternative systems for the management of sewage sludge and industrial waste;

“(B) not to exceed one-third of such total amount shall be transferred to the Secretary of the department in which the Coast Guard is operating for use for—

“(i) Coast Guard surveillance of transportation and dumping of sewage sludge and industrial waste subject to this Act; and

“(ii) such enforcement activities conducted by the Coast Guard with respect to such transportation and dumping as may be necessary to ensure to the maximum extent practicable complete compliance with the requirements of this Act; and

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“(C) not to exceed one-third of such total amount shall be transferred to the Under Secretary of Commerce for Oceans and Atmosphere for use for—

“(i) monitoring, research, and related activities consistent with the program developed pursuant to subsection (j)(1); and

“(ii) preparing annual reports to the Congress pursuant to subsection (j)(4) which describe the results of such monitoring, research, and activities.

“(2) DEPOSITS INTO STATE WATER POLLUTION CONTROL REVOLVING FUND.—(A) Amounts paid to a State pursuant to subsection (b)(2)(D), (d)(2)(C)(ii), or (e)(2)(C) shall be deposited into the water pollution control revolving fund established by the State pursuant to title VI of the Federal Water Pollution Control Act.

“(B) Amounts deposited into a State water pollution control revolving fund pursuant to this paragraph—

“(i) shall not be used by the State to provide assistance to the person who paid such amounts for development or implementation of any alternative system;

“(ii) shall not be considered to be State matching amounts under title VI of the Federal Water Pollution Control Act; and

“(iii) shall not be subject to State matching requirements under such title.

“(3) PENALTY PAYMENTS TO STATES AFTER 1994.—(A) Amounts paid to a State as penalties pursuant to subsection (d)(2)(D) may be used by the State—

“(i) for providing assistance to any person in the State—

“(I) for implementing a management program under section 319 of the Federal Water Pollution Control Act;

“(II) for developing and implementing a conservation and management plan under section 320 of such Act; or

“(III) for implementing technologies and management practices necessary for controlling pollutant inputs adversely affecting the New York Bight, as such inputs are identified in the New York Bight Restoration Plan prepared under section 2301 of the Marine Plastic Pollution Research and Control Act of 1987; and

“(ii) for providing assistance to any person in the State who was not required to pay such penalties for construction of treatment works (as defined in section 212 of the Federal Water Pollution Control Act) which are publicly owned.

“(B) Amounts paid to a State as penalties pursuant to subsection (d)(2)(D) which are not used in accordance with subparagraph (A) shall be deposited into the water pollution control revolving fund established by the State under title VI of the Federal Water Pollution Control Act. Amounts deposited into such a fund pursuant to this subparagraph—

“(i) shall not be used by the State to provide assistance to the person who paid such amounts;

“(ii) shall not be considered to be State matching amounts under title VI of the Federal Water Pollution Control Act; and

“(iii) shall not be subject to State matching requirements under such title.

“(4) DEPOSITS INTO TREASURY AS OFFSETTING COLLECTIONS.—Amounts of fees and penalties paid to the Administrator pursu-



ant to subsection (b)(2)(B) or (d)(2)(B) which are used by an agency in accordance with paragraph (1) shall be deposited into the Treasury as offsetting collections of the agency.

**"(g) ENFORCEMENT.—**

**"(1) IN GENERAL.—**Whenever, on the basis of any information available, the Administrator finds that a person is dumping or transporting sewage sludge or industrial waste in violation of subsection (a)(1), the Administrator shall issue an order requiring such person to terminate such dumping or transporting (as applicable) until such person—

**"(A)** enters into a compliance agreement or an enforcement agreement under subsection (c); and

**"(B)** obtains a permit under section 102 which authorizes such dumping or transporting.

**"(2) REQUIREMENTS OF ORDER.—**Any order issued by the Administrator under this subsection—

**"(A)** shall be delivered by personal service to the person named in the order;

**"(B)** shall state with reasonable specificity the nature of the violation for which the order is issued; and

**"(C)** shall require that the person named in the order, as a condition of dumping into ocean waters, or transporting for the purpose of dumping into ocean waters, sewage sludge or industrial waste—

**"(i)** shall enter into a compliance agreement or an enforcement agreement under subsection (c); and

**"(ii)** shall obtain a permit under section 102 which authorizes such dumping or transporting.

**"(3) ACTIONS.—**The Administrator may request the Attorney General to commence a civil action for appropriate relief, including a temporary or permanent injunction and the imposition of civil penalties authorized by subsection (d)(1), for any violation of subsection (a)(1) or of an order issued by the Administrator under this section. Such an action may be brought in the district court of the United States for the district in which the defendant is located, resides, or is doing business, and such court shall have jurisdiction to restrain such violation and require compliance with subsection (a)(1) and any such order.

**"(h) STATE PROGRESS REPORTS.—**

**(1) IN GENERAL.—**The Governor of each State that is a party to a compliance agreement or an enforcement agreement under subsection (c) shall submit to the Administrator on September 30 of 1989 and of every year thereafter until the Administrator determines that ocean dumping of sewage sludge and industrial waste by persons located in that State has terminated, a report which describes—

**"(A)** the efforts of each person located in the State to comply with a compliance agreement or enforcement agreement entered into by the person pursuant to subsection (c), including the extent to which such person has complied with deadlines established by the schedule included in such agreement;

**"(B)** activity of the State regarding permits for the construction and operation of each alternative system; and

**"(C)** an accounting of amounts paid into and withdrawn from a Clean Oceans Fund established by the State.

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"(2) **FAILURE TO SUBMIT REPORT.**—If a State fails to submit a report in accordance with this subsection, the Administrator shall withhold funds reserved for such State under section 205(g) of the Federal Water Pollution Control Act (33 U.S.C. 1285(g)). Funds withheld pursuant to this paragraph may, at the discretion of the Administrator, be restored to a State upon compliance with this subsection.

"(i) **EPA PROGRESS REPORTS.**—

"(1) **IN GENERAL.**—Not later than December 31 of 1989 and of each year thereafter until the Administrator determines that ocean dumping of sewage sludge and industrial waste has terminated, the Administrator shall prepare and submit to the Congress a report on—

"(A) progress being made by persons issued permits under section 102 for transportation or dumping of sewage sludge or industrial waste in developing alternative systems for managing sewage sludge and industrial waste;

"(B) the efforts of each such person to comply with a compliance agreement or enforcement agreement entered into by the person pursuant to subsection (c), including the extent to which such person has complied with deadlines established by the schedule included in such agreement;

"(C) progress being made by the Administrator and others in identifying and implementing alternative systems for the management of sewage sludge and industrial waste; and

"(D) progress being made toward the termination of ocean dumping of sewage sludge and industrial waste.

"(2) **REFERRAL TO CONGRESSIONAL COMMITTEES.**—Each report submitted to the Congress under this subsection shall be referred to each standing committee of the House of Representatives and of the Senate having jurisdiction over any part of the subject matter of the report.

"(j) **ENVIRONMENTAL MONITORING.**—

"(1) **IN GENERAL.**—The Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall design a program for monitoring environmental conditions—

"(A) at the Apex site (as that term is defined in section 104A);

"(B) at the site designated by the Administrator under section 102(c) and known as the '106-Mile Ocean Waste Dump Site' (as described in 49 F.R. 19005);

"(C) at the site at which industrial waste is dumped; and

"(D) within the potential area of influence of the sewage sludge and industrial waste dumped at those sites.

"(2) **PROGRAM REQUIREMENTS.**—The program designed under paragraph (1) shall include, but is not limited to—

"(A) sampling of an appropriate number of fish and shellfish species and other organisms to assess the effects of environmental conditions on living marine organisms in these areas; and

"(B) use of satellite and other advanced technologies in conducting the program.

"(3) **MONITORING ACTIVITIES.**—The Administrator and the Under Secretary of Commerce for Oceans and Atmosphere shall

each conduct monitoring activities consistent with the program designed under paragraph (1).

“(4) REPORTS.—(A) Not later than 1 year after the date of the enactment of this section, the Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall submit to the Congress a report describing the program designed pursuant to paragraph (1).

“(B) Not later than December 31 of each year after the submission of a report under subparagraph (A), the Administrator and the Under Secretary of Commerce for Oceans and Atmosphere shall report to the Congress the results of monitoring activities conducted during the previous year under the program designed pursuant to paragraph (1).

“(k) DEFINITIONS.—For purposes of this section—

“(1) the term ‘alternative system’ means any method for the management of sewage sludge or industrial waste which does not require a permit under this Act;

“(2) the term ‘Clean Oceans Fund’ means such a fund established by a State in accordance with subsection (c)(5);

“(3) the term ‘excluded material’ means—

“(A) any dredged material discharged by the United States Army Corps of Engineers or discharged pursuant to a permit issued by the Secretary in accordance with section 103; and

“(B) any waste from a tuna cannery operation located in American Samoa or Puerto Rico discharged pursuant to a permit issued by the Administrator under section 102;

“(4) the term ‘industrial waste’ means any solid, semisolid, or liquid waste generated by a manufacturing or processing plant, other than an excluded material;

“(5) the term ‘interim measure’ means any short-term method for the management of sewage sludge or industrial waste, which—

“(A) is used before implementation of an alternative system; and

“(B) does not require a permit under this Act; and

“(6) the term ‘sewage sludge’ means any solid, semisolid, or liquid waste generated by a wastewater treatment plant, other than an excluded material.

#### SEC. 1003. CONFORMING AMENDMENTS.

(a) PUBLIC LAW 95-153.—Section 4 of Public Law 95-153 (33 U.S.C. 1412a) is amended—

(1) by striking subsection (a);

(2) by striking subsection (b);

(3) by redesignating subsection (c), and any reference thereto, as subsection (a);

(4) in subsection (a) (as so redesignated) by striking “After” and inserting “Notwithstanding section 104B of the Marine Protection, Research, and Sanctuaries Act of 1972, after”;

(5) in subsection (a) (as so redesignated) by striking “such title I” and inserting “title I of such Act”;

(6) by striking subsection (d); and

(7) by adding at the end the following:

“(b) For purposes of this section, the term ‘industrial waste’ means any solid, semisolid, or liquid waste generated by a manufacturing or processing plant.”.

33 USC 2267  
note.

33 USC 2267  
note.

(b) **ALTERNATIVES ASSESSMENT.**—Section 2301(b)(8) of the Marine Plastic Pollution Research and Control Act of 1987 is amended by striking “dumping of municipal sludge and”.

(c) **PRELIMINARY REPORT ON ALTERNATIVES.**—Section 2303 of the Marine Plastic Pollution Research and Control Act of 1987 is amended—

(1) by striking subsection (b), and

(2) redesignating subsections (c), (d), and (e), and any reference thereto, as subsections (b), (c), and (d), respectively.

#### **SEC. 1004. ENFORCEMENT MONITORING REPORT.**

Not later than 6 months after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency (hereinafter in this title referred to as the “Administrator”), in consultation with the Secretary of Transportation, shall submit a report to the Congress which outlines progress made in using electronic monitoring equipment, and other means to monitor and prevent dumping of sewage sludge outside the site designated by the Administrator under section 102(c) and known as the “106-Mile Ocean Waste Dump Site” (as described in 49 F.R. 19005), and by vessels in transit to that site.

#### **SEC. 1005. PROHIBITION ON DISPOSAL OF SEWAGE SLUDGE AT LANDFILLS ON STATEN ISLAND.**

The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.), as amended by this Act, is amended by inserting after section 104B the following:

New York.  
33 USC 1414c.

#### **“SEC. 104C. PROHIBITION ON DISPOSAL OF SEWAGE SLUDGE AT LANDFILLS ON STATEN ISLAND.**

“(a) **IN GENERAL.**—No person shall dispose of sewage sludge at any landfill located on Staten Island, New York.

“(b) **EXCLUSION FROM PENALTIES.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), a person who violates this section shall not be subject to any penalty under this Act.

“(2) **INJUNCTION.**—Paragraph (1) shall not prohibit the bringing of an action for, or the granting of, an injunction under section 105 with respect to a violation of this section.

“(c) **DEFINITION.**—For purposes of this section, the term ‘sewage sludge’ has the meaning such term has in section 104B.”.

New York.  
New Jersey.

#### **SEC. 1006. USE OF STATE WATER POLLUTION CONTROL REVOLVING FUND GRANTS FOR DEVELOPING ALTERNATIVE SYSTEMS.**

(a) **GENERAL REQUIREMENT.**—Notwithstanding the provisions of title VI of the Federal Water Pollution Control Act, each of the States of New York and New Jersey shall use 10 percent of the amount of a grant payment made to such State under such title for each of the fiscal years 1990 and 1991 and 10 percent of the State’s contribution associated with such grant payment in the 6-month period beginning on the date of receipt of such grant payment for making loans and providing other assistance as described in section 603(d) of the Federal Water Pollution Control Act to any governmental entity in such State which has entered into a compliance agreement or enforcement agreement under section 104B of the Marine Protection, Research, and Sanctuaries Act of 1972 for identi-

fying, developing, and implementing pursuant to such section alternative systems for management of sewage sludge.

(b) **LIMITATION.**—If, after the last day of the 6-month period beginning on the date of receipt of a grant payment by the State of New York or New Jersey under title VI of the Federal Water Pollution Control Act for each of fiscal years 1990 and 1991, 10 percent of the amount of such grant payment and the State's contribution associated with such grant payment has not been used for providing assistance described in subsection (a) as a result of insufficient applications for such assistance from persons eligible for such assistance, the 10 percent limitations set forth in subsection (a) shall not be applicable with respect to such grant payment and associated State contribution.

#### SEC. 1007. OCEAN DISCHARGES.

(a) **IN GENERAL.**—Within 6 months after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report on the implementation of section 403(c) of the Federal Water Pollution Control Act (33 U.S.C. 1343(c)).

Reports.

(b) **REPORT CONTENTS.**—The report under this section shall contain—

(1) an accounting of discharges into the waters of the territorial sea, the contiguous zone, and the ocean, including—

(A) the total number of discharges;

(B) the location, source, volume, and potential environmental effects of each discharge;

(C) the date of original issuance, review, and reissuance of each discharge permit; and

(D) the number of discharges that have been determined by the Administrator to be in compliance with the ocean discharge criteria regulations promulgated pursuant to section 403(c) of the Federal Water Pollution Control Act;

(2) a schedule for implementing section 403(c) of such Act and achieving compliance with guidelines promulgated under such section as expeditiously as practicable, and an estimate of the resources required to meet such schedule; and

(3) recommendations for any additional legislative authorities needed to achieve compliance with such guidelines.

#### SEC. 1008. CLERICAL AMENDMENT RELATING TO GREAT LAKES WATER QUALITY AGREEMENT OF 1978.

Section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268) is amended by inserting “, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments,” immediately after “the Great Lakes Water Quality Agreement of 1978” each place that term appears.

## TITLE II—DESIGNATION OF AREAS FOR PRIORITY CONSIDERATION UNDER NATIONAL ESTUARY PROGRAM

State listing.

#### SEC. 2001. DESIGNATION OF AREAS.

Section 320(a)(2)(B) of the Federal Water Pollution Control Act is amended—

33 USC 1330.

(1) by inserting "Massachusetts Bay, Massachusetts (including Cape Cod Bay and Boston Harbor);" after "Buzzards Bay, Massachusetts;"

(2) by striking "and" before "Galveston Bay, Texas"; and

(3) by inserting after "Galveston Bay, Texas;" the following: "; Barataria-Terrebonne Bay estuary complex, Louisiana; Indian River Lagoon, Florida; and Peconic Bay, New York".

## TITLE III—DUMPING OF MEDICAL WASTE

### Subtitle A—Dumping by Public Vessels

United States  
Public Vessel  
Medical Waste  
Anti-Dumping  
Act of 1988.  
Safety.  
33 USC 2501  
note.  
33 USC 2501.

#### SEC. 3101. SHORT TITLE.

This subtitle may be cited as the "United States Public Vessel Medical Waste Anti-Dumping Act of 1988".

#### SEC. 3102. FINDINGS.

The Congress finds the following:

(1) The washing ashore of potentially infectious medical wastes from public vessels of the United States may pose serious and widespread risks to public health and to the welfare of coastal communities.

(2) Current Federal law provides inadequate protections against the disposal of such wastes from such vessels into ocean waters.

(3) Operators of such vessels must take immediate action to stop disposing of such wastes into ocean waters.

33 USC 2502.

#### SEC. 3103. DEFINITIONS.

For the purposes of this subtitle:

(1) **POTENTIALLY INFECTIOUS MEDICAL WASTE.**—The term "potentially infectious medical waste" includes isolation wastes; infectious agents; human blood and blood products; pathological wastes; sharps; body parts; contaminated bedding; surgical wastes; and other disposable medical equipment and material that may pose a risk to the public health, welfare or the marine environment.

(2) **PUBLIC VESSEL.**—The term "public vessel" means a vessel of any type whatsoever (including hydrofoils, air-cushion vehicles, submersibles, floating craft whether propelled or not, and fixed or floating platforms) that is owned, or demise chartered, and operated by the United States Government, and is not engaged in commercial service.

33 USC 2503.

#### SEC. 3104. PROHIBITION.

After 6 months after the date of the enactment of this Act, no public vessel shall dispose of potentially infectious medical waste into ocean waters unless—

(1)(A) the health or safety of individuals on board the vessel is threatened; or

(B) during time of war or a declared national emergency;

(2) the waste is disposed of beyond 50 nautical miles from the nearest land; and

(3)(A) in the case of a public vessel which is not a submersible, the waste is sterilized, properly packaged, and sufficiently



weighted to prevent the waste from coming ashore after disposal; and

(B) in the case of a public vessel which is a submersible, the waste is properly packaged and sufficiently weighted to prevent the waste from coming ashore after disposal.

**SEC. 3105. GUIDANCE.**

33 USC 2504.

Not later than 3 months after the date of the enactment of this Act, the Secretary of Defense and the head of each affected agency, in consultation with the Administrator of the Environmental Protection Agency, shall each issue guidance for public vessels under the jurisdiction of their agency regarding implementation of section 3104.

## **Subtitle B—Dumping by Vessels**

**SEC. 3201. AMENDMENTS TO MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972.**

(a) **DEFINITION.**—Section 3 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1402) is amended—

(1) by redesignating subsection (k) and (l), and any reference thereto, as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following:

“(k) ‘Medical waste’ means isolation wastes; infectious agents; human blood and blood products; pathological wastes; sharps; body parts; contaminated bedding; surgical wastes and potentially contaminated laboratory wastes; dialysis wastes; and such additional medical items as the Administrator shall prescribe by regulation.”.

(b) **PROHIBITION.**—Subsection (a) of section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(a)) is amended in the first sentence—

(1) by striking “biological warfare agents and” and inserting “biological warfare agents,”; and

(2) by inserting “and medical waste,” after “radioactive waste,”.

(c) **CIVIL PENALTIES.**—Section 105(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(a)) is amended by inserting after the first sentence the following: “In addition, any person who violates this title or any regulation issued under this title by engaging in activity involving the dumping of medical waste shall be liable for a civil penalty of not more than \$125,000 for each violation, to be assessed by the Administrator after written notice and an opportunity for a hearing.”.

(d) **CRIMINAL PENALTIES AND FORFEITURES.**—Section 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(b)) is amended—

(1) by inserting “(1)” before “In addition”; and

(2) by adding at the end the following:

“(2) In addition to any action which may be brought under subsection (a), any person—

“(A) who knowingly violates any provision of this title by engaging in activity involving the dumping into ocean waters of medical waste shall upon conviction be fined not more than \$250,000, or imprisoned for not more than 5 years, or both; and

“(B) convicted of a violation involving such activity shall forfeit to the United States any property constituting or derived from any proceeds the person obtained, directly or indirectly, as a result of such violation, and any of the property of the person which was used, or intended to be used in any manner or part, to commit or to facilitate the commission of the violation.”.

**SEC. 3202. AMENDMENTS TO FEDERAL WATER POLLUTION CONTROL ACT.**

(a) **DEFINITION.**—Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

“(20) The term ‘medical waste’ means isolation wastes; infectious agents; human blood and blood products; pathological wastes; sharps; body parts; contaminated bedding; surgical wastes and potentially contaminated laboratory wastes; dialysis wastes; and such additional medical items as the Administrator shall prescribe by regulation.”.

(b) **PROHIBITION.**—Section 301(f) of the Federal Water Pollution Control Act (33 U.S.C. 1311(f)) is amended by striking “or high-level radioactive waste” and inserting “, any high-level radioactive waste, or any medical waste,”.

Shore Protection  
Act of 1988.

## **TITLE IV—SHORE PROTECTION ACT OF 1988**

33 USC 2601  
note.

**SEC. 4001. SHORT TITLE.**

This title may be cited as the “Shore Protection Act of 1988”.

### **Subtitle A—Shore Protection**

33 USC 2601.

**SEC. 4101. DEFINITIONS.**

In this title—

(1) “Administrator” means the Administrator of the Environmental Protection Agency.

(2) “coastal waters” means—

(A) the territorial sea of the United States;

(B) the Great Lakes and their connecting waters;

(C) the marine and estuarine waters of the United States up to the head of tidal influence; and

(D) the Exclusive Economic Zone as established by Presidential Proclamation Number 5030, dated March 10, 1983.

(3) “municipal or commercial waste” means solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) except—

(A) solid waste identified and listed under section 3001 of the Solid Waste Disposal Act (42 U.S.C. 6921);

(B) waste generated by the vessel during normal operations;

(C) debris solely from construction activities;

(D) sewage sludge subject to regulation under title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.); and

(E) dredged or fill material subject to regulation under title I of the Marine Protection, Research, and Sanctuaries

Act of 1972 (33 U.S.C. 1401 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), or the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401 et seq.).

(4) "person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

(5) "receiving facility" means a facility or operation where municipal or commercial waste is unloaded from a vessel.

(6) "United States", when used in a geographic sense, means the States of the United States, Puerto Rico, the District of Columbia, the Virgin Islands, American Samoa, Guam, the Northern Mariana Islands, and any other territory or possession of the United States.

(7) "waste source" means a facility or vessel from which municipal or commercial waste is loaded onto a vessel, including any rolling stock or motor vehicles from which that waste is directly loaded.

#### SEC. 4102. VESSEL PERMITS AND NUMBERS.

33 USC 2602.

(a) **IN GENERAL.**—A vessel (except a public vessel as defined in section 2101 of title 46, United States Code) may not transport municipal or commercial waste in coastal waters without—

(1) a permit for that vessel from the Secretary of Transportation; and

(2) displaying a number or other marking on the vessel as prescribed by the Secretary under chapter 123 or section 12502(b) of title 46, United States Code.

(b) **PERMIT APPLICATIONS.**—Application for a permit required by subsection (a) of this section shall be made by the vessel owner or operator and include—

(1) the name, address, and telephone number of the vessel owner and operator;

(2) the vessel's name and identification number;

(3) the vessel's area of operation;

(4) the vessel's transport capacity;

(5) a history of the types of cargo transported by that vessel during the previous year, including identifying the type of municipal or commercial waste transported as—

(A) municipal waste;

(B) commercial waste;

(C) medical waste; or

(D) waste of another character.

(6) any other information the Secretary may require; and

(7) an acknowledgment.

(c) **EFFECTIVE DATE OF PERMITS.**—A permit issued under this section—

(1) is effective 30 days after the date on which it was issued;

(2) may be issued only for a period of not more than 5 years after the effective date of the permit;

(3) may be renewed for periods of not more than 5 years only by the vessel owner or operator that applied for the original permit; and

(4) is terminated when the vessel is sold.

(d) **DENIAL OF PERMITS.**—The Secretary may, or at the request of the Administrator shall, deny the issuance of a permit for any vessel

if the owner or operator of the vessel has a record of a pattern of serious violations of—

- (1) this subtitle;
- (2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);
- (3) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);
- (4) the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401 et seq.); or
- (5) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(e) **PERMIT DECISION.**—The Secretary, after consultation with the Administrator, shall issue or deny a vessel permit under this section within 30 days after receiving a complete application. On denying the issuance of the permit for a vessel the Secretary shall—

- (1) notify the applicant of the denial and the reasons for the denial; and
- (2) provide an opportunity for a hearing on the denial.

(f) **MAINTAINING PERMIT.**—

(1) **IN GENERAL.**—The permit issued for a vessel under this title shall be maintained in a manner prescribed by the Secretary.

(2) **ENDORSEMENTS.**—If a vessel is a documented vessel, the Secretary may endorse a permit on the vessel's certificate of documentation.

(g) **VESSEL INFORMATION SYSTEM.**—The Secretary may include information in a permit in the vessel information system maintained under chapter 125 of title 46, United States Code.

33 USC 2603.

#### **SEC. 4103. WASTE HANDLING PRACTICES.**

(a) **IN GENERAL.**—

(1) **LOADING.**—The owner or operator of the waste source shall take all reasonable steps to assure that all municipal or commercial waste is loaded onto a vessel in a manner that assures that waste deposited in coastal waters is minimized.

(2) **SECURING.**—The owner or operator of a vessel shall assure that all municipal or commercial waste loaded onto the vessel is secured by netting or other means to assure that waste will not be deposited into coastal waters during transport.

(3) **OFFLOADING.**—The owner or operator of the receiving facility shall take all reasonable steps to assure that any municipal or commercial waste is offloaded from a vessel in a manner that assures that waste deposited into coastal waters is minimized.

(4) **CLEANING UP.**—The owner or operator of any waste source or receiving facility shall provide adequate control measures to clean up any municipal or commercial waste which is deposited into coastal waters.

(b) **REGULATIONS.**—The Administrator, in consultation with the Secretary of Transportation, shall prescribe regulations—

(1) requiring that waste sources, receiving facilities, and vessels provide the means and facilities to assure that the waste will not be deposited into coastal waters during loading, offloading, and transport;

(2) requiring, as appropriate, the submission and adoption by each responsible party of an operation and maintenance manual identifying procedures to be used to prevent, report,

Records.

and clean up any deposit of municipal or commercial waste into coastal waters, including record keeping requirements; and

(3) if the Administrator determines that tracking systems are required to assure adequate enforcement of laws preventing the deposit of municipal or commercial waste into coastal waters, requiring installation of the appropriate systems within 18 months after the Administrator makes that determination.

**SEC. 4104. SUSPENSION, REVOCATION, AND INJUNCTIONS.**

33 USC 2604.

(a) **SUSPENSION AND REVOCATION.**—After notice and opportunity for a hearing, the Secretary of Transportation may, and at the request of the Administrator shall, suspend or revoke a permit issued to a vessel under this title for a violation of this title or a regulation prescribed under this title.

(b) **INJUNCTIONS.**—The Secretary or the Administrator may bring a civil action to enjoin any operation in violation of this title or a regulation prescribed under this title in the district court of the United States for the district in which the violation occurred.

**SEC. 4105. ENFORCEMENT.**

33 USC 2605.

(a) **GENERAL AUTHORITY.**—The Secretary of Transportation shall enforce this title under section 89 of title 14, United States Code. The Secretary may authorize other officers or employees of the United States Government to enforce this title under that section.

(b) **PERIODIC EXAMINATIONS.**—The Secretary shall conduct periodic examinations of vessels operating under this title transporting municipal or commercial waste to determine that each of these vessels has a permit issued under section 4102 of this Act.

(c) **REFUSAL OF CLEARANCE.**—The Secretary of the Treasury may refuse the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91), to any vessel subject to this title which does not have a permit required under section 4102 of this Act.

(d) **DENIAL OF ENTRY AND DETENTION.**—If a vessel does not comply with this title, the Secretary of Transportation may—

(1) deny entry to any place in the United States; and

(2) detain at the place in the United States from which it is about to depart.

(e) **PERSISTENT VIOLATORS.**—The Administrator shall conduct an investigation of the owner or operator of a vessel or facility if the owner has 5 or more separate violations during a 6-month period.

**SEC. 4106. SUBPENA AUTHORITY.**

33 USC 2606.

(a) **GENERAL AUTHORITY.**—In an investigation under this title, the attendance and testimony of witnesses, including parties in interest, and the production of any evidence may be compelled by subpoena. The subpoena authority granted by this section is coextensive with that of a district court of the United States, in civil matters, for the district in which the investigation is conducted.

(b) **SUBPENA AUTHORITY.**—An official designated by the Secretary of Transportation or Administrator to conduct an investigation under this part may issue subpoenas as provided in this section and administer oaths to witnesses.

(c) **FAILURE TO COMPLY.**—When a person fails to obey a subpoena issued under this section, the district court of the United States for the district in which the investigation is conducted or in which the person failing to obey is found, shall on proper application issue an

Courts, U.S.

order directing that person to comply with the subpoena. The court may punish as contempt any disobedience of its order.

(d) **WITNESS FEES.**—A witness complying with a subpoena issued under this section may be paid for actual travel and attendance at the rate provided for witnesses in the district courts of the United States.

33 USC 2607.

**SEC. 4107. FEES.**

The Secretary of Transportation may collect a fee under section 9701 of title 31, United States Code, of not more than \$1,000, from each person to whom a permit is issued under this subtitle for a permitting system and to maintain information.

33 USC 2608.

**SEC. 4108. CIVIL PENALTY PROCEDURES.**

(a) **GENERAL PROCEDURES.**—After notice and an opportunity for a hearing, a person found by the Secretary of Transportation to have violated this title or a regulation prescribed under this title for which a civil penalty is provided, is liable to the United States Government for the civil penalty provided. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(b) **COMPROMISING PENALTIES.**—The Secretary may compromise, modify, or remit, with or without consideration, a civil penalty under this title until the assessment is referred to the Attorney General.

(c) **REFERRAL TO THE ATTORNEY GENERAL.**—If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

(d) **REFUND OF PENALTY.**—The Secretary may refund or remit a civil penalty collected under this title if—

(1) application has been made for refund or remission of the penalty within one year from the date of payment; and

(2) the Secretary finds that the penalty was unlawfully, improperly, or excessively imposed.

33 USC 2609.

**SEC. 4109. PENALTIES.**

(a) **GENERAL PENALTY.**—Except as provided in subsection (b) of this section, a person violating this title is liable to the United States Government for a civil penalty of not more than \$25,000. Each day of a continuing violation is a separate violation. A vessel involved in the violation also is liable in rem for the penalty.

(b) **OPERATING WITHOUT A PERMIT.**—A person violating section 4102 of this Act is liable to the United States Government for a civil penalty of not more than \$10,000. Each day of a continuing violation is a separate violation. A vessel involved in the violation also is liable in rem for the penalty.

(c) **CRIMINAL PENALTY.**—Any person that knowingly violates, or that knowingly aids, abets, authorizes, or instigates a violation of this title, shall be fined under title 18, United States Code, imprisoned for not more than 3 years, or both.



(d) **PAYMENTS FOR INFORMATION.**—The court, the Secretary of Transportation, or the Administrator, as the case may be, may pay up to one-half of a fine or penalty to any person giving information leading to the assessment of the fine or penalty.

## **Subtitle B—Related Provisions**

### **SEC. 4201. STUDY AND RECOMMENDATIONS.**

33 USC 2621.

(a) **STUDY.**—The Administrator, in consultation with the Secretary of Transportation, shall conduct a study to determine the need for, and effectiveness of additional tracking systems for vessels to assure that municipal or commercial waste is not deposited in coastal waters. In conducting this study, the Administrator shall use the data collected from its permitting and enforcement activities under this title. In determining the effectiveness of tracking systems, the Administrator shall rely on the information provided by the Secretary under subsection (b) of this section. The report shall include a recommendation whether additional tracking systems are needed. This study shall be submitted to Congress within 24 months after the date of enactment of this title.

(b) **RECOMMENDATIONS.**—The Secretary shall provide recommendations to the Administrator concerning the various tracking systems that might be applicable to vessels transporting municipal or commercial waste which the Secretary currently is studying. The Secretary shall consider the relative effectiveness of various systems and the relative costs of the systems both to the United States Government and to the vessel owner.

### **SEC. 4202. RELATION TO OTHER LAWS.**

33 USC 2622.

(a) **EFFECT ON FEDERAL AND STATE LAWS.**—This title does not affect the application of any other Federal or State law, statutory or common, including the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(b) **EFFECT ON FOREIGN VESSELS.**—This title shall be carried out with respect to foreign vessels consistent with the obligations of the United States under international law.

33 USC 2623.

**SEC. 4203. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$1,500,000 for each of the fiscal years 1989 and 1990, to carry out this title.

33 USC 2602  
note.**SEC. 4204. APPLICATIONS AND EFFECTIVE DATES.**

(a) **APPLICATIONS.**—The Secretary shall make vessel applications for permits to be issued under section 4102 of this Act publicly available within 60 days after the date of enactment of this Act.

33 USC 2602  
note.

(b) **EFFECTIVE DATE FOR PERMITS.**—Section 4102(a) of this Act is effective 240 days after the date of enactment of this Act.

33 USC 2603  
note.

(c) **EFFECTIVE DATE FOR HANDLING PRACTICES.**—Section 4103 of this Act takes effect 60 days after the date of enactment of this Act.

Approved November 18, 1988.

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**LEGISLATIVE HISTORY—S. 2030 (H.R. 5430):****HOUSE REPORTS:** No. 100-1090 (Comm. of Conference).**SENATE REPORTS:** No. 100-431 (Comm. on Environment and Public Works).**CONGRESSIONAL RECORD,** Vol. 134 (1988):

Aug. 9, considered and passed Senate.

Oct. 3, 4, H.R. 5430 considered and passed House; proceedings vacated and

S. 2030, amended, passed in lieu.

Oct. 18, Senate agreed to conference report.

Oct. 19, House agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS,** Vol. 24 (1988):

Nov. 18, Presidential statement.