

110TH CONGRESS
2D SESSION

S. 3298

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.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2008

Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. NELSON of Florida, Mrs. MURRAY, Ms. LANDRIEU, Mr. WHITEHOUSE, Mr. MARTINEZ, Ms. SNOWE, Mr. KERRY, Mrs. DOLE, Mr. ISAKSON, Mr. VITTER, Mr. CHAMBLISS, Mr. WICKER, Ms. CANTWELL, and Ms. COLLINS) introduced the following bill; which was read twice, considered, read the third time, and passed

A BILL

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.

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. DEFINITIONS.**

4 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) COVERED VESSEL.—The term “covered ves-
5 sel” means a vessel that is—

6 (A) less than 79 feet in length; or

7 (B) a fishing vessel (as defined in section
8 2101 of title 46, United States Code), regard-
9 less of the length of the vessel.

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

14 **SEC. 2. DISCHARGES INCIDENTAL TO NORMAL OPERATION**
15 **OF VESSELS.**

16 (a) NO PERMIT REQUIREMENT.—Except as provided
17 in subsection (b), during the 2-year period beginning on
18 the date of enactment of this Act, the Administrator, or
19 a State in the case of a permit program approved under
20 section 402 of the Federal Water Pollution Control Act
21 (33 U.S.C. 1342), shall not require a permit under that
22 section for a covered vessel for—

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

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

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

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

7 (1) rubbish, trash, garbage, or other such mate-
8 rials discharged overboard;

9 (2) other discharges when the vessel is oper-
10 ating in a capacity other than as a means of trans-
11 portation, such as when—

12 (A) used as an energy or mining facility;

13 (B) used as a storage facility or a seafood
14 processing facility;

15 (C) secured to a storage facility or a sea-
16 food processing facility; or

17 (D) secured to the bed of the ocean, the
18 contiguous zone, or waters of the United States
19 for the purpose of mineral or oil exploration or
20 development;

21 (3) any discharge of ballast water; or

22 (4) any discharge in a case in which the Admin-
23 istrator or State, as appropriate, determines that the
24 discharge—

1 (A) contributes to a violation of a water
2 quality standard; or

3 (B) poses an unacceptable risk to human
4 health or the environment.

5 **SEC. 3. STUDY OF DISCHARGES INCIDENTAL TO NORMAL**
6 **OPERATION OF VESSELS.**

7 (a) IN GENERAL.—The Administrator, in consulta-
8 tion with the Secretary of the department in which the
9 Coast Guard is operating and the heads of other interested
10 Federal agencies, shall conduct a study to evaluate the im-
11 pacts of—

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

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

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

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

20 (1) characterizations of the nature, type, and
21 composition of discharges for—

22 (A) representative single vessels; and

23 (B) each class of vessels;

24 (2) determinations of the volumes of those dis-
25 charges, including average volumes, for—

1 (A) representative single vessels; and

2 (B) each class of vessels;

3 (3) a description of the locations, including the
4 more common locations, of the discharges;

5 (4) analyses and findings as to the nature and
6 extent of the potential effects of the discharges, in-
7 cluding determinations of whether the discharges
8 pose a risk to human health, welfare, or the environ-
9 ment, and the nature of those risks;

10 (5) determinations of the benefits to human
11 health, welfare, and the environment from reducing,
12 eliminating, controlling, or mitigating the discharges;
13 and

14 (6) analyses of the extent to which the dis-
15 charges are currently subject to regulation under
16 Federal law or a binding international obligation of
17 the United States.

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

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

23 (2) discharges of sewage (as defined in section
24 312(a) of the Federal Water Pollution Control Act
25 (33 U.S.C. 1322(a)) from a vessel, other than the

1 discharge of graywater from a vessel operating on
2 the Great Lakes; and

3 (3) discharges of ballast water.

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

6 (1) publish in the Federal Register for public
7 comment a draft of the study required under sub-
8 section (a);

9 (2) after taking into account any comments re-
10 ceived during the public comment period, develop a
11 final report with respect to the study; and

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

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

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

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