Ocean Dumping Ban Act of 1988

[EPA press release - November 21, 1988]

The President on November 18 signed into law the Ocean Dumping Ban Act of 1988, which prohibits all municipal sewage sludge and industrial waste dumping into the ocean after December 31, 1991.

A fact sheet on the new law is attached.

Highlights of the "Ocean Dumping Ban Act of 1988" (S. 2030) as passed by the House and the Senate

TITLE I - OCEAN DUMPING BAN ACT OF 1988 (Amends the Marine Protection, Research, and Sanctuaries Act, commonly called the "Ocean Dumping Act")

- Makes it unlawful for any person to dump, or transport for the purpose of dumping, sewage sludge or industrial waste into ocean waters after December 31, 1991;

- Prohibits, after the 270th day after enactment, any person from dumping, or transporting for the purpose of dumping, sewage sludge or industrial waste into ocean waters unless the person: (1) enters into a compliance or enforcement agreement (which includes a plan negotiated by the dumper, the State, and EPA for terminating dumping as well as a schedule which EPA believes will result in the termination of the dumping), and (2) obtains a permit issued by EPA under authority of sec. 102 of the Marine Protection, Research, and Sanctuaries Act (MPRSA);

- Provides for the payment of special fees for dumping and any penalties incurred by a dumper to be deposited into certain funds for use in finding alternatives to ocean dumping.

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

- This title adds four new areas to the list of sites which EPA must give priority consideration when designating new estuaries for inclusion in the National Estuary Program: Massachusetts Bay; Barataria-Terrebonne Estuary Complex, Louisiana; Indian River Lagoon, Florida; and Peconic Bay, New York.
TITLE III - DUMPING OF MEDICAL WASTE

- Cited as the "United States Public Vessel Medical Waste Anti-Dumping Act of 1988", this section prohibits, 6 months after enactment, disposal of potentially infectious medical waste into ocean waters by a "public vessel". Two narrowly crafted exceptions to this prohibition relating to health and safety of the crew, or times of war or national emergency are set forth.

- This title also: defines "medical waste" for purposes of the Ocean Dumping Act; adds medical wastes to the list of materials the dumping of which is prohibited under the Ocean Dumping Act; increases the civil penalties for illegal dumping of medical wastes under the Ocean Dumping Act and includes a provision for forfeiture of the vessel; and provides increased criminal sanctions under the Ocean Dumping Act for illegal dumping of medical wastes; defines "medical waste" for purposes of the CWA using the same definition as for the MPRSA; and, incorporates the term "medical waste" into the list of pollutants for which the discharge is prohibited under sec. 301 (f) of the CWA.

TITLE IV - SHORE PROTECTION ACT OF 1988

- This section prohibits the transportation of municipal or commercial waste within coastal waters by a vessel without a permit and number or other marking. The Secretary of Transportation will issue the permits. The application procedure is set forth. Grounds on which a permit may be denied are set forth. The federal Department of Transportation has discretion to deny permits, but must deny a permit if so requested by EPA. Other specifics as to this process are detailed.