



The Draft EPA Permit for Recreational Boat Discharges:
What's it mean for boaters?

Effective September 30, 2008, every boat in the U.S. will be required to operate under an EPA discharge permit. On June 17, 2008 the EPA issued a draft permit for discharges from recreational or uninspected passenger vessels less than 79'. (There is a separate permit for other vessels.) This permit is open for public comments until August 1, 2008.

Important facts about the permit:

- All boats need a permit when in the "waters of the United States" in all states and territories, and extending into the ocean 3 miles.
- You must allow EPA, their contractor, the USCG, or state authority to inspect your vessel, and take discharge samples.
- If you don't comply with the permit requirements, each day is a separate Clean Water Act violation and each violation is subject to a \$32,500 penalty.
- You may be sued under the Clean Water Act citizen lawsuit provisions.

How does this work?

- It starts out easy. The initial permit is a 5 year national permit that automatically includes all boats and has no fee. However, every state is required to approve the national permit before 9/30/08, at which time they can add their own set of requirements for boaters. (By the way, if your state doesn't meet this deadline, all boats in the state are operating illegally until the state approves the permit.)
- The future permit requirements – both national and state by state – are unknown.
 - EPA will allow the permits to be issued by states, where they may be further customized and states can charge a fee. Boaters may need multiple permits (multiple fees, multiple discharge regulations, additional paperwork) to legally cruise between states.
 - EPA may impose additional limitations on a site-specific basis or require that you obtain an individual permit if they determine your discharges are not adequate for the waters you are in. This means multiple permits may be needed to operate even within one state.
 - Being automatically included in the permit may also change. Any interested party can ask EPA to require individual permits instead.

BoatU.S. has significant concerns about what will be required, in terms of paperwork, fees, and measures to comply with the yet undefined future permits.

Basically, what are the current permit requirements?

1. You must obey existing federal laws restricting overboard discharge of untreated sewage, no discharge of fuel or oil that creates a sheen, no discharge of plastics anywhere and no discharge of all garbage within 3 miles offshore.
2. Your discharges can't have any visual indicator of pollutants, such as foam, or contain material from accidental spills, or contain any visible living organisms.
3. "Do not top off your fuel tanks", use an oil absorbent product while fueling and under your engine to catch drips.
4. You must have something to put trash in, store any used antifreeze, paint, toxics, and out-of-date flares in secure containers, secure all loose items on deck, and can't dispose of fishing waste overboard while in a harbor or marina.
5. Any soap or other cleaner you use must be non-toxic and phosphate free.
6. "Don't clean anti-foulant paint which releases biocides in the first 90 days after application." Cleaning must not cause a plume of paint.
7. EPA is also encouraging boaters to use onshore head facilities, use biodegradable soaps, pack food in reusable containers, and conduct large hull cleaning jobs out of the water.

What can I do about this impending permit?

This permit will come into effect on 9/30/08 unless legislation is passed by Congress that will restore the 35 year old permit exemption that EPA created in 1973. "The Clean Boating Act of 2008" (Senate Bill 2766/House Bill 5949) provides a permanent permit exemption for recreational boats. This legislation is supported by BoatU.S., National Marine Manufacturers Association, and many other boating and fishing groups. You can help by contacting your Members of Congress and urging them to push the bill to a floor vote now and to vote YES to give boats permit exemptions.

Meanwhile the clock is ticking for EPA. Boaters can pose specific questions about the permit at the EPA public meetings in Portland, Oregon (June 24), Chicago (June 26), or Washington DC (July 21), or their national webcast (July 2). You can submit written comments to EPA before 8/1/08. You may wish to consider the questions EPA has posed:

Should "encouraged" behaviors be mandated (i.e. store graywater for disposal onshore)? Should EPA establish numeric discharge limits (i.e. telling you how much soap and water you can use while boat washing)? Should the permit be designed so boaters will individually apply for the permit?

For more information:

Draft permits and EPA's fact sheets:

http://cfpub.epa.gov/npdes/home.cfm?program_id=350

EPA summary and details on the public comment process:

http://www.epa.gov/npdes/regulations/vessel_frnotice.pdf

For the latest information and to support "The Clean Boating Act":

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