

# Plastic and Marine Debris

- ☸ The International Treaty to Prevent Pollution from Ships (MARPOL Annex V) prohibits dumping plastic into the water anywhere and restricts dumping of other forms of garbage within specified distance from the shore. Annex V restrictions apply to all ocean-going-vessels-recreational and commercial. Violators are subject to a maximum penalty of six years imprisonment and/or fine of up to \$250,000 for an individual, \$500,000 for an organization and civil penalties of up to \$32,500 (33 USC 1908).
- ☸ The Federal Refuse Act (1899 33 USC 407) prohibits discharging or depositing any refuse matter of any kind into United States waters. Refuse includes: garbage, trash, oil and other liquid pollutants.
- ☸ Under the Federal Ocean Dumping Act (33 USC 1401, et seq.) no person shall dump any material transported from a location outside the United States (1) into the territorial sea of the United States, or (2) into a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States. Violators are subject to a civil penalty of not more than \$50,000 for each violation and imprisonment up to five years.
- ☸ California law further prohibits:
  - Dumping any garbage into the navigable waters of the state including inland waters and up to three miles from shores.
  - Loading garbage on a vessel with the intent to dump it into navigable waters of the state or in waters up to 20 miles from shore; or
  - Any person in charge of a vessel from permitting it to be loaded with garbage with the intent to dump it into navigable waters or in waters up to 20 miles from shore. A violation of any of the above laws is a misdemeanor (CHSC sections 117475 through 117500).
- ☸ All boats, 26 feet and longer, must display, in a prominent place where the crew and the passengers can read it, an informational placard on the subject of these prohibitions. The placard must be 40 square inches as minimum size (Marine Plastic Pollution Research and Control Act. 33 CFR 151.59).
- ☸ Vessels 40 feet and over which operate beyond three nautical miles from shore must not only display the aforementioned placard but must also prepare and carry a written Waste Management Plan describing the procedures for collecting, processing, storing and properly disposing of garbage in a way that will not violate the MARPOL requirements. The plan must also designate a person responsible for implementing it. The plan doesn't need to be complicated. It needs to contain a minimum of three elements: a) name of the vessel; b) the person in charge of implementing the plan, and c) a short description on how the boater is planning to deal with the waste (33 CFR 151.57). The US Coast Guard is the enforcement agency for MARPOL within the Exclusive Economic Zone of the U.S., which extends 200 miles from shore. Since the Coast Guard can't catch every violation, the USCG Marine Safety Office (MSO) or local marine patrols also assist enforcing these laws.
- ☸ Don't place any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, or the viscera or carcass of any dead mammal, or the carcass of any dead bird where it can pass into the waters of the state or within 150 feet of the high-water mark of the waters of the state. The abandonment of any motor vehicle in any manner that violates this section shall constitute a rebuttable presumption affecting the burden of producing evidence that the last registered owner of record, not having complied with Section 5900 of the California Vehicle Code, is responsible for that abandonment and is thereby liable for the cost of removal



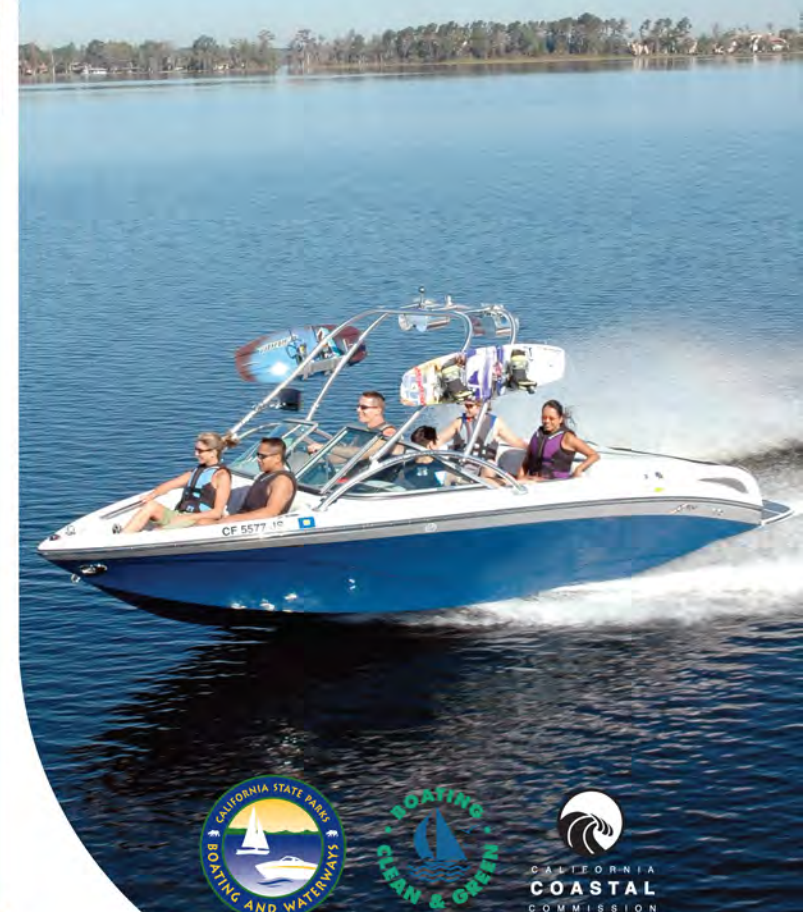
and disposition of the vehicle. This section prohibits the placement of a vehicle body on privately owned property along a streambank by the property owner or tenant for the purpose of preventing erosion of the streambank. Misdemeanor. \$1,000/ six months in jail (F&GC 5652, 12002 and CVC 5900)

- ☸ Don't deposit in, permit to pass into, or place where it can pass into the waters of this state any substance or material deleterious to fish, plant life, mammals, or bird life, including any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, carbonaceous material or substance, sawdust, shavings, slabs, or edgings, or any *cocculus indicus*. Misdemeanor. \$2,000 fine/one year jail (F&GC 5650, 12002).
- ☸ If you are responsible for polluting, contaminating, or obstructing waters of this state, or depositing or discharging materials threatening to pollute, contaminate, or obstruct waters of this state, to the detriment of fish, plant, bird, or animal life in those waters, you can be required to undertake removal actions, pay for removal costs, and pay for environmental damages. (F&GC 5655, 12015, 12016; GC 8670.25, 8670.56).

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## ENVIRONMENTAL BOATING LAWS

### EVERY RECREATIONAL BOATER SHOULD KNOW





# Fuel and Oil



☼ The discharge of fuel, oil, oily wastes and hazardous substances is absolutely prohibited into or upon the navigable waters of the United States or the waters of the contiguous zone if such discharge causes a film or sheen upon, or discoloration of the surface of the water, or causes a sludge or emulsion beneath the surface of the water (40 CFR 110.3). Violators could be liable for up to three times the cost of the clean up and are also subject to substantial civil and/or criminal penalties, including fines and imprisonment for unlawful discharges.

The maximum criminal penalties range from:

- One to 15 years imprisonment and/or,
- Fines between \$2,500 to \$500,000.
- Civil penalties of up to \$40,000 per incident can be imposed for unlawful discharges (33 USC 1321).

In addition, under state law F&GC §5650 prohibits discharges of petroleum and other substances harmful to fish, plants, mammals, and birds. Violators can receive up to a year in jail and pay a penalty up to \$25,000 per discharge.

☼ Oil and chemicals spills need to be reported to both the National Response Center (800-424-8802) and the State Line (800-OILS911) (33 USC 1321 [b][5]) and Government Code 8670.25.5). Failure to notify a known discharge is unlawful. If convicted, maximum punishment is: 5 years imprisonment and/or fine up to \$250,000 for an individual, \$500,000 for an organization (33 USC 1321 [b][5]).

☼ If a discharge occurs, the responsible party must act in accordance with the CWA (33 CFR 153.305). In general that means that the responsible party must control the source of the discharge, prevent further discharges, halt or slow the spread of the discharge, and remove as much of the substance as possible using mechanical means such as containment booms, vacuum trucks and absorbents. The responsible party will have to pay for the costs incurred in connection with the discharge.

☼ Federal law (CWA) requires that all boats 26 feet or longer display an oily waste discharge placard in the engine compartment or near fuel pumping station.

CFR: Code of Federal Regulation, CHNC: CA Harbors and Navigation Code, CHSC: California Health and Safety Code, CVC: California Vehicle Code, CWA: Clean Water Act, F&GC: California Fish and Game Code, GC: California Government Code, USC: US Code

# Sewage

☼ It is against federal and state law to discharge untreated sewage anywhere within the three-mile territorial limit (including lakes, rivers, reservoirs or coastal water within three miles of shore) or even treated sewage into any designated No Discharge Zone (33 CFR 140.3 and 33 USC 1251 et seq.). Fines of up to \$2,000 can be imposed for illegal discharges (CWA §312 (j)).

☼ No person shall place, deposit, or dump any human excreta in or upon the navigable waters of the state, that are within a marina, yacht harbor, freshwater lake, or fresh water impoundment, from any vessel tied to any dock, slip, or wharf that has toilet facilities available for the use of persons on the vessel. Any violation of this article is a misdemeanor (CHSC Div 104. Part 13 §117515 and 117525).

☼ Vessels are prohibited from discharging any sewage, whether treated by a Marine Sanitation Device (MSD) or not, into the following types of water bodies: A water body that has been designated as a No Discharge Zone, yacht harbor, freshwater lake, freshwater reservoirs or other freshwater impoundments whose entrance point(s) and exit point(s) are too shallow to allow these vessels to enter and leave, and into rivers that do not support interstate traffic by vessels subject to CWA section 312 (includes all recreational vessels). If operating in these waters, your MSDs must be secured in a manner which prevents discharge of treated or untreated sewage (40 CFR 140.3(a)(1) and 33 CFR 159.7 (b) and (c)).

☼ It is generally illegal to discharge untreated sewage into a California National Marine Sanctuary. It is generally illegal to discharge treated sewage (from Type I or II MSD) if you have sufficient holding tank capacity. See 15 CFR §922.72; 922.82; 922.112; and 922.132.

☼ Any vessels with an installed toilet on board must have a US Coast Guard approved MSD (33 CFR Part 159 and CWA Section 312). Violators are subject to fines from \$375 to \$6,500.

☼ Vessels with Type I or Type II MSD must treat their sewage before discharge. For Type I MSD the fecal coliform count in the effluent must be no greater than 1,000 per 100 milliliters of water and have no visible floating solids. This system must bear a US Coast Guard approved label. For a Type II MSD, the fecal coliform count must be no greater than 200 per 100 milliliters and suspended solids no greater than 150 milligrams per liter (33 CFR Part 159). Type II systems must also have a US Coast Guard certification label. Violators are subject to fines from \$375 to \$6,500.

☼ Y-valve must be secured in a closed position when navigating inland waters (lake, reservoir or freshwater impoundment) or less than three miles off-shore to prevent accidental spills (33 CFR 159.7 and Div 104 Part 13 Chapter A CHSC).

☼ A state or local peace officer who reasonably suspects that a vessel is discharging sewage in an area where the discharge is prohibited may board the vessel, if the owner or operator is aboard, for the purpose of inspecting the MSD for proper operation and placing a dye tablet in the holding tank (CHNC, Section 782 d).

# Hazardous Wastes

☼ The discharge of fuel, oil, oily wastes and hazardous substances is absolutely prohibited into or upon the navigable waters of the United States or the waters of the contiguous zone if such discharge causes a film or sheen upon, or discoloration of the surface of the water, or causes a sludge or emulsion beneath the surface of the water. Violators are liable for the cost of the clean up and are also subject to substantial civil penalties and/or criminal sanctions, including fines and imprisonment for unlawful discharges. The criminal penalties range from:

- One to 15 years imprisonment and/or,
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# Dispersants

☼ It is illegal to use soaps or other dispersing agents to dissipate and/or mask oil on the water. Violators are subject to Federal civil or criminal penalties of \$40,000 per day, per incident (33 CFR 135.305).

California civil and criminal penalties can range from \$1,000 to \$1,000,000 depending on the facts of the violation. (F&GC. §5650.1, §12002; GC. §8670.64 et seq.)



**Learn more about clean boating at**  
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