



H.R. 6556 – 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

FLOOR SITUATION

H.R. 6556 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative James Oberstar (D-MN) on July 21, 2008. The bill was referred to the Committee on Transportation and Infrastructure, but was never considered.

H.R. 6556 is expected to be considered on the floor of the House on July 22, 2008. Also under consideration on the floor on July 22, 2008 is H.R. 5949 which deals with recreational vessels.

SUMMARY

H.R. 6556 directs the Environmental Protection Agency (EPA) Administrator not to require a permit for the discharge of effluent from properly functioning marine engines, and other incidental discharges from covered vessels.

Note: 'Covered vessel' refers to a boat less than 79 feet in length or a fishing vessel of any length.

This permitting exemption does not apply to sewage discharges, ballast water discharges, or vessels when used as a mining or energy facility or food processing facility.

The bill requires the EPA Administrator to conduct a study to evaluate the impacts of engine discharges and other discharges incidental to the normal operation of a vessel. The study will include potential health, welfare, and environmental risks posed by such boat discharges. The study will also analyze the extent to which the discharges are currently subject to Federal or international law. H.R. 6556 requires the Administrator to publish a draft of the study in the Federal Register for public comment and submit a final report to Congress within 15 months of enactment.

BACKGROUND

In 1973, the Environmental Protection Agency (EPA) issued a regulation excluding recreational and commercial vessels from permitting requirements under the Federal Water Pollution Control Act for discharges that are incidental to normal boat operation. In September 2006, the U.S. District Court for the northern district of California ruled in *Northwest Environmental Advocates v. U.S. Environmental Protection Agency* that the EPA had exceeded its authority under the Federal Water Pollution Control Act. The court thus revoked the permit exclusion for recreational and commercial vessels effective September 30, 2008.

The owners and operators of commercial and fishing vessels would be required to obtain discharge permits. However, no permits are currently available and the cost of these permits is as of yet unknown. Under current law, failure to comply with permit requirements could result in fines of up to \$32,500 per day for a boater.

COST

The Congressional Budget Office (CBO) has not produced a cost estimate for H.R. 6556 as of July 21, 2008.



LEGISLATIVE DIGEST

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