



Announcement of Legislative Development

October 2005

****** California Enacts Clean Coast Act ******

Summary

Freighter, oil tankers, and other large transport ships make more than 9,500 port calls in California each year. These ships annually produce around 1.5 million gallons of sewage and 9.3 million gallons of graywater. The dumping of graywater, sewage sludge, and other wastes into California's state waters poses hazards to humans, animals, and the environment. To address this situation, California Governor Arnold Schwarzenegger recently signed into law the Clean Coast Act (S.B. 771). The Act, approved by the Governor on October 6, 2005, prohibits oceangoing ships from incinerating garbage or dumping oily bilge water, graywater, sewage, sewage sludge, hazardous waste or other waste within three miles of the state's shoreline. The Clean Coast Act will become effective January 1, 2006.

Clean Coast Act (S.B. 771)

- ✍ Oceangoing ship means ***a private, commercial, government, or military vessel of 300 gross registered tons or more calling on California ports or places*** (Cal. Health and Safety Code § 39361).
- ✍ Oceangoing ships ***shall not conduct onboard incineration operations while operating within three miles of the California coast, to the extent allowed under Federal law*** (Cal. Health and Safety Code § 39362).
- ✍ While in California waters, the Clean Coast Act prohibits oceangoing ships from discharging the following:
 - ✍ Any sewage or sewage sludge (Cal. Pub. Res. Code § 72420)
 - ✍ Oily bilgewater, graywater, hazardous wastes, or other wastes (Cal. Pub. Res. Code § 72420.2)
- ✍ Violators can incur a fine of up to \$25,000 per incident (Cal. Pub. Res. Code § 72430).

Reporting and Documentation

If an oceangoing ship discharges sewage, sewage sludge, oily bilgewater, graywater, hazardous waste, or other waste into state waters or a marine sanctuary, the ship's owner or operator must notify the State Water Resources Control Board within twenty-four hours. The Board requires a detailed report, including the time, date, and place of the release, as well as what efforts will be taken to avoid future discharges.

The first time an oceangoing ship departs from a California port in 2006, the ship must provide detailed information to the State Lands Commission, including its ability to store graywater and blackwater. This information must also be kept onboard the ship at all times.

California plans to ask Congress to amend the Clean Water Act, so that the state has clear authority to regulate the release of sewage in its state waters. Alaska was successful in a similar Congressional request. The Clean Coast Act will not apply to vessels operating in California's waters solely in innocent passage (not using the state's ports). The Act will be repealed January 1, 2010, unless it is extended by the California Legislature.

A Coordinated Effort

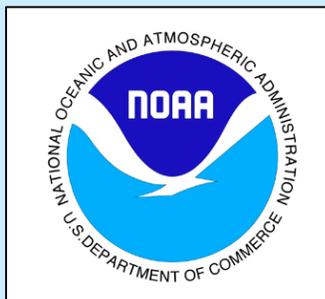
The Clean Coast Act is only the latest California law to prevent vessel pollution in state waters. To protect California's state waters from abuse by large passenger ships, Gov. Schwarzenegger signed into law Assembly Bill Nos. 471, 2093, and 2672 in September 2004. A.B. 471 prevents cruise ships from conducting onboard incineration operations within three miles of California's coast (Cal. Health and Safety Code § 39632). A.B. 2093 bans the dumping of graywater by commercial passenger ships of 300 gross registered tons and larger (Cal. Pub. Res. Code § 72525). A.B. 2672 prohibits large passenger vessels from dumping sewage into state marine waters (Cal. Pub. Res. Code § 72425).

The complete text of S.B. 771 is available at <http://www.leginfo.ca.gov/>.

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