The US EPA is now developing “clean boating” requirements for all boats.

-Make sure they hear you this spring-

Remember the Clean Boating Act (CBA)? This is the federal law that BoatU.S. helped pass in 2008 to exempt recreational boats from an impending permit requirement intended for large, ocean-going ships in order to fight the onslaught of aquatic nuisance species from abroad. But the law also required the US Environmental Protection Agency (EPA) to analyze “normal operational discharges” from recreational boats and address any that are of environmental concern. That’s going on right now. As a result, it’s important that EPA hears from boaters.

I thought the Clean Boating Act took care of boaters. What is EPA doing now?

Since the CBA passed, EPA has gathered information from around the country on existing, voluntary “clean boating” and “clean marina” practices, and has started to review the types of discharges that may come from recreational vessels. Earlier this spring, the agency undertook a series of listening sessions, and following that, will propose management practices to be required for some discharges. In the next step, EPA will create performance standards for those management practices and the Coast Guard will draft regulations to implement them. Finally, the law will require recreational boaters to use these practices while on their boats.

What is a “management practice”?

For EPA, management practices “include methods, techniques, or tools which, when used correctly, can mitigate the adverse environmental impact of discharges from recreational vessels into our waters. Recreational boaters are responsible for applying the appropriate management practices for each type of discharge their vessel creates.”

Traditionally best management practices have been voluntary actions to minimize pollution discharges (i.e. recycling used oil at a marina). EPA applies the term “management practices” to the requirements they are now developing.

From a practical standpoint, management practices will vary depending on the type of boat and its potential discharges. For example, EPA is looking at fueling practices and engine maintenance, and could create a management practice requiring the use of a bilge boom to soak up oil. Obviously this requirement would not apply to a rowboat.

What general topics are being pursued?

- Antifouling paints and zins;
- Cleaning/maintenance;
- Disposal of garbage and fishing waste;
- Transport of invasive species;
- Gray water (from showers and sinks);
- Bilge water (with concern about oil and grease, which are already illegal to discharge).
How does EPA intend to assess various types of discharges?

The Clean Boating Act requires EPA to consider:

- the nature of the discharge,
- the environmental effects of the discharge,
- the practicability of using a management practice,
- the effect of the management practice on boat operation, operational capability, or safety,
- applicable federal and state law, and international standards, and
- the economic costs of a management practice.

How can I ask EPA my questions, tell them about my boating, or share concerns?

EPA scheduled two live “Listening Sessions” in Annapolis, Maryland (March 18/April 29) and six “Webinars” (March 21 – 2 pm, March 29 – 4 pm, April 6 – 6 pm, April 14 – 8 pm, April 22 – 10 am, April 25 – noon (all eastern time). Registration is required to participate:

http://water.epa.gov/lawsregs/lawsguidance/cwa/vessel/CBA/participate.cfm

You can also email comments by June 2, 2011: CleanBoatingAct-HQ@EPA.GOV

The first meeting is over – what happened there?

Over sixty Maryland boaters donated their Friday night, March 18 to attend the first live listening session. (Thanks to all who did!) EPA presented an overview of the Clean Boating Act, and then asked for questions and public comments. Specifically, they wanted to know:

- How can EPA best communicate with boat owners now and share requirements later?
- Are there specific discharges (e.g., ballast water) or broad categories of discharges (e.g., oily wastes) that EPA should work on?
- Are there specific effluent limitations or best management practices that EPA should use?
- Are there specific federal/state laws, or international permits/rules/guidance that EPA should consider?

(Questions and comments from attendees, including BoatU.S., emphasized that boaters care about water quality and practice clean boating and that future requirement must be reasonable, practical, economical, and based in hard science. BoatU.S. also asked EPA to hold more listening sessions around the country.)

How will these “Webinars” work?

The Webinars will be similar in content to the live listening session but will use an online “chat” format for participants to type in their questions and for EPA to provide answers.

Realistically speaking, what can boaters expect to come out of all this?

EPA has shared that they expect to use common clean boating techniques already developed as the basis for some of the required management practices. No specific proposal or required action was presented, so more details are elusive. As a result, boaters need to stay tuned to what EPA is planning and make their voices heard in these “listening sessions.”

For more information from EPA:
http://water.epa.gov/lawsregs/lawsguidance/cwa/vessel/CBA/about.cfm

For the latest on this topic:
www.boatus.com/gov or call BoatU.S. Government Affairs at 703-823-9550 x8363 4/1/11