

Clean Water Notebook

The Clean Vessel Act

Volume 3

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1992 Clean Water Act, Legislative Background

In the final days of President Bush's term, the Clean Vessel Act of 1992 (Pub. L. 102-587, subtitle F) was signed into law. Congress had determined that there were an inadequate number of pumpout stations available for Type III marine sanitation device (holding tank) use, and that sewage discharged by pleasure craft was a "substantial contributor to localized degradation of water quality in the United States." The Clean Vessel Act provides for a five-year Federal Aid grant program to be administered by the U.S. Fish and Wildlife Service (USFWS) bureau of the Department of Interior. Funding for this program comes from the Sport Fish Restoration Account of the Aquatic Resources Trust Fund, commonly known as the Wallop-Breaux Fund. Increased motor boat fuel taxes have fed additional revenues into this trust fund. The Clean Vessel Act uses a portion of this new tax money to provide funds for "the construction, renovation, operation, and maintenance of pumpout stations and waste reception facilities in states."

A "pumpout station" is defined as a facility that pumps or receives wastewater from holding tanks on board recreational vessels. A "waste reception facility" (dump station) is a facility designated to receive waste discharge from onboard, removable, portable toilets. Public restrooms are specifically excluded from this definition.

The key elements of the Act include required coastal state surveys and plans, technical and grant guidance, educational outreach programs, and a schedule of funding and criteria for awarding grants.

State Surveys and Plans

Each coastal state must conduct a survey* to determine whether there are enough pumpout stations and dump stations in existence to adequately and reasonably meet the needs of recreational vessels in its coastal waters (includes public and private sector facilities). A list of the locations of all such facilities in operational condition must be forwarded to the U.S. Secretary of the Interior. States may use Wallop-Breaux money according to the authorized 75% Federal/25% State match under the Sport Fish Restoration Account to conduct the surveys.

Each coastal state has been given six months to draw up and submit to the Secretary of the Interior a plan for the construction and/or renovation of pumpout stations and dump stations that are needed to meet the needs of recreational vessels using its coastal waters. Wallop-Breaux funds may be used to draw up these plans.

**State Surveys
and Plans** (continued)

The Secretary of the Interior shall approve or disapprove the plan within 60 days. If a plan is disapproved, it is the Secretary's responsibility to recommend necessary modifications. A state is then allowed an additional 60 days to make any recommended changes and resubmit the plan.

The requirements for inventorying and planning for pumpout station and dump station needs shall not apply to any coastal state that proves to the Secretary of the Interior by May 1993 that it already has an adequate network of such facilities in place to meet the needs of recreational watercraft in its coastal waters.

* The Act specifies a three month time frame from the date that the USF&W Service notifies states of available funds, for states to conduct surveys. Processing time from the Federal agencies involved, however, may significantly lengthen this process.

**Technical and
Grant Guidance**

The Secretary of the Interior, in consultation with the Coast Guard, Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA) issued a technical guidance shortly after the enactment of the act.

The Technical Guidelines and instructions for developing surveys, educational programs, and planning for the construction of pumpout and dump stations at marinas are published in the Federal Register (Vol. 58, No. 115, 17 June 1993). The guidelines also identify the types of waters most likely to be affected by sewage from vessels, define what constitutes adequate and reasonably available facilities, and outline appropriate types and locations of facilities for construction.

Grant Guidelines, also published in the Federal Register, describe how states can apply for grants under this program. Marinas can access Federal Register Documents by contacting local libraries, congressmen, or by calling the Public Information Office at 202/523-5240.

Educational Outreach

In the future, NOAA charts will note the locations of all identified operational pumpout stations and dump stations for boaters' use. Wallop-Breaux funds may also be used by States to notify boaters of pumpout station and dump stations locations, as well as for educational programs which deal with sewage discharges from vessels and their associated problems.

Schedule of Funding

Total annual funding provisions for state grants are as follows:

1993 - \$5 million 1995 - \$7.5 million 1997 - \$10 million
1994 - \$7.5 million 1996 - \$10 million

- Grants are to be competitive and merit-driven.
- Money not spent will revert to State boating safety programs.

Criteria for Awarding Grants

The Clean Vessel Act directs the USFWS to give priority consideration to state grant applications that fall into the following categories.

- A. Priority should be given to projects which implement a **coastal** state's approved construction and renovation plan. Compliance with a state plan is necessary because projects should be funded in the context of the overall needs of the state. Grants are also authorized to pay 75% of the associated costs to **inland** states, if that state can demonstrate they have inadequate numbers of pumpout stations and waste reception facilities.
- B. Priority should be give to projects which include public/private partnerships to develop and operate pumpout stations and waste reception facilities. Projects built at private facilities must be available to the public on the same basis that they are available to private patrons in order to use Wallop-Breaux funds. In addition, operators of private facilities may only charge pumpout station users for the operation and maintenance of their facilities. They may not charge the cruising public more than they charge marina patrons. The owners or operators of private facilities shall be required to pay at least 25% of the cost of projects funded with a grant awarded under this section. Priority should be given to grant proposals which include greater than 25% private money.
- C. Priority should be given to projects who propose innovative ways to increase the availability and use of pumpout stations and dump stations.

Current Status

As of December, 1994, the USFWS has awarded approximately \$18.0 million in grants for Clean Water Act projects nationwide. The projects selected for funding incorporate surveys and plans, educational programs, and miscellaneous projects, such as the operation, maintenance and upgrading of waste treatment facilities to accept marine sewage (See Appendix).

Endnotes

- 1 This Clean Water Notebook has been adapted from USFWS, "Fish and Wildlife Service Announces Award of Clear Vessel Act Pumpout Grants", Fish and Wildlife Service Bulletin, 23 November 1993 and 31 October 1994. (Washington, D.C.: 1849 C St. N.W., Room 3447).

Appendix: Clean Vessel Act Funding For 1993

State of...	Amount Funded	The Following Projects Were Funded
Alabama	\$218,106	The Alabama Department of Environmental Management will conduct a survey, develop a plan, build 14 pumpout stations, and implement an education program.
Alaska	\$412,500	The Alaska Department of Fish and Game will build 13 pumpout stations and implement an education program.
California	\$636,000	The California Department of Boating and Waterways will conduct a survey, develop a plan, build 50 pumpout and/or dump stations, and implement an education program.
Colorado	\$87,943	The State of Colorado will build five pumpout stations and three dump stations.
Connecticut	\$120,000	The Connecticut Department of Environmental Protection will conduct a survey, develop a plan, build 50 pumpout stations, and implement an education program.
Delaware	\$70,500	The State of Delaware will conduct a survey, develop a plan, build two pumpout stations and two dump stations, and implement an education program.
District of Columbia	\$120,000	The District of Columbia will build two pumpout stations and implement an education program.
Florida	\$937,500	The Florida Department of Environmental Protection will conduct a survey, develop a plan, build 20 pumpout stations, and implement an education program.
Hawaii	\$623,000	The Division of Boating and Ocean Recreation in the Hawaii Department of Land and Natural Resources will conduct a survey, develop a plan, build three pumpout/dump stations, and implement an education program.
Idaho	\$41,500	The Idaho Department of Parks and Recreation will build one pumpout station and one dump station, and implement an education program.
Illinois	\$65,096	The Illinois Department of Conservation will conduct a survey, develop a plan, and implement an education program.
Indiana	\$48,156	The Indiana Department of Environmental Management will conduct a survey and develop a plan for building facilities.
Kentucky	\$212,051	The State of Kentucky will build four pumpout stations and one dump station, and implement an education program.
Louisiana	\$109,453	The Louisiana Department of Wildlife and Fisheries will conduct a survey and develop a plan for building facilities.
Maine	\$92,250	The State of Maine will conduct a survey, develop a plan, build 20 dockside pumpout stations, acquire 1 pumpout boat, and implement an education program.
Maryland	\$1,463,289	The Boating Administration of the Maryland Department of Natural Resources will conduct a survey, develop a plan, build pumpout stations, provide operation and maintenance for 115 pumpout stations, provide technical assistance for 25 waste treatment plants, upgrade 5 waste treatment plants to accept marine sewage, and implement an education program.
Massachusetts	\$1,557,975	The Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement will conduct a survey, develop a plan, build/renovate 30 pumpout stations and 19 floating dump stations, acquire 42 pumpout boats, provide operation and maintenance for pumpout stations, and implement an education program.
Michigan	\$376,500	The Michigan Department of Natural Resources will conduct a survey, develop a plan, build 20 dump stations, and implement an education program.

State of...	Amount Funded	The Following Projects Were Funded
Minnesota	\$100,000	The Minnesota Department of Natural Resources will conduct a survey, develop a plan, build 20 dump stations, and implement an education program.
Mississippi	\$37,500	The Bureau of Fisheries of the Mississippi Department of Wildlife, Fisheries and Parks will conduct a survey, develop a plan, and implement an education program.
New Jersey	\$200,000	The Division of Fish, Game and Wildlife of the New Jersey Department of Environmental Protection and Energy will conduct a survey, develop a plan, and implement an education program.
New Mexico	\$90,000	The New Mexico Parks and Recreation Division will build two pumpout stations.
New York	\$1,000,000	The New York Department of Environmental Conservation will conduct a survey, develop a plan, build 170 pumpout stations, and implement an education program.
North Carolina	\$206,250	The Division of Marine Fisheries of the North Carolina Department of Environment, Health and Natural Resources will conduct a survey, develop a plan, build 30 pumpout stations and 25 dump stations, and implement an education program.
Oregon	\$698,875	The Oregon Marine Board will conduct a survey, develop a plan, build 15 pumpout stations, 18 dump stations, and 4 floating dump stations, provide operation and maintenance for 20 pumpout stations, 12 dump stations, and 4 floating dump stations, and implement an education program.
Pennsylvania	\$99,324	The Pennsylvania Fish and Boat Commission will conduct a survey, develop a plan, build two pumpout stations, provide operation and maintenance for pumpout stations, and implement an education program.
Puerto Rico	\$13,000	The Puerto Rico Department of Natural Resources will conduct a survey, develop a plan, and implement an education program.
Rhode Island	\$362,890	The Rhode Island Department of Environmental Management will conduct a survey, develop a plan, build 21 pumpout stations, and implement an education program.
South Carolina	\$125,100	The State of South Carolina will conduct a survey, develop a plan, build five pumpout stations and two dump stations, and implement an education program.
South Dakota	\$30,000	The State of South Dakota will build four pumpout stations and two dump stations.
Tennessee	\$91,898	The Tennessee Wildlife Resources Agency will implement an education program.
Texas	\$224,625	The Texas Parks and Wildlife Department will coordinate a survey and plan development, build six pumpout stations, and implement an education program.
Utah	\$419,400	The State of Utah will build 15 pumpout stations and 12 dump stations, and implement an education program.
Virgin Islands	\$16,000	The Virgin Islands Planning and Natural Resources Commission will conduct a survey of pumpout and dump stations and vessels with holding tanks and portable toilets.
Virginia	\$122,663	The Virginia Department of Health, through the Department of Game and Inland Fisheries, will conduct a survey, develop a plan, build five pumpout stations and five dump stations, and implement an education program.
Washington	\$450,000	The Washington State Parks and Recreation Commission will conduct a survey, develop a plan, build 10 pumpout and dump stations, and implement an education program.
Wisconsin	\$247,500	The Wisconsin Department of Natural Resources will conduct a survey, develop a plan, build/renovate eight pumpout stations, and implement an education program.

Appendix: Clean Vessel Act Funding For 1994

State of...	Amount Funded	The Following Projects Will Be Funded This Year
Alabama	\$144,800	The Alabama Department of Environmental Management asked to build nine pumpout stations and implement an education program.
Arkansas	\$47,400	The Arkansas Game and Fish Commission asked to build six pumpout stations.
California	\$359,500	The California Department of Boating and Waterways asked to build 50 pumpout stations and 62 dump stations and implement an education program.
Colorado	\$19,500	The Colorado Division of Parks and Outdoor Recreation asked to build one pumpout station and one dump station and implement an education program.
Connecticut	\$397,200	The Connecticut Department of Environmental Protection asked to build 34 pumpout stations and 26 dump stations and implement an education program.
Delaware	\$82,100	The Delaware Department of Natural Resources and Environmental Control asked to build four pumpout stations and five dump stations and implement an education program.
District of Columbia	\$34,400	The District of Columbia asked to build four pumpout stations and implement an education program.
Florida	\$578,123	The Florida Department of Environmental Protection asked to build 42 pumpout stations and implement an education program.
Georgia	\$10,954	The Coastal Resources Division of the Georgia Department of Natural Resources will conduct a pumpout survey.
Idaho	\$19,800	The Idaho Department of Parks and Recreation asked to build one pumpout station and one dump station.
Indiana	\$104,700	The Indiana Department of Environmental Management asked to build 11 pumpout stations and implement an education program.
Kentucky	\$67,300	The Kentucky Department of Fish and Wildlife Resources asked to build six pumpout stations and implement an education program.
Louisiana	\$204,200	The Louisiana Department of Wildlife and Fisheries asked to build 15 pumpout stations and implement an education program.
Maryland	\$578,100	The Boating Administration of the Maryland Department of Natural Resources asked to build 76 pumpout stations and implement an education program.
Massachusetts	\$578,100	The Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement asked to build 36 pumpout stations and 12 dump stations and implement an education program.
Michigan	\$163,100	The Michigan Department of Natural Resources asked to build 50 dump stations, and implement an education program.
Minnesota	\$60,800	The Minnesota Department of Natural Resources asked to build 10 dump stations.
Mississippi	\$83,700	The Bureau of Marine Resources of the Mississippi Department of Wildlife, Fisheries and Parks asked to build 10 pumpout stations and implement an education program.
Montana	\$19,300	Montana Fish, Wildlife, and Parks asked to build four pumpout stations and implement an education program.
Nebraska	\$76,500	The Nebraska Game and Parks Commission asked to build three pumpout stations and three dump stations.

State of...	Amount Funded	The Following Projects Will Be Funded This Year
New Hampshire	\$27,848	The New Hampshire Department of Environmental Services will conduct a survey, develop a plan, and build two pumpout stations.
New Jersey	\$507,600	The Division of Fish, Game and Wildlife of the New Jersey Department of Environmental Protection and Energy asked to build 45 pumpout stations and 174 dump stations, and implement an education program.
New York	\$507,600	The New York Department of Environmental Conservation asked to build 67 pumpout stations and implement an education program.
Ohio	\$102,930	The Ohio Department of Health will conduct a survey, develop a plan, build 12 pumpout stations and 12 dump stations, and implement an education program.
Oklahoma	\$30,300	The State of Oklahoma asked to build four pumpout stations.
Oregon	\$314,300	The Oregon Marine Board asked to build 13 pumpout stations and 20 dump stations and implement an education program.
Pennsylvania	\$107,200	The Pennsylvania Fish and Boat Commission asked to build 11 pumpout stations and three dump stations and implement an education program.
Puerto Rico	\$76,500	Puerto Rico Department of Natural and Environmental Resources will develop a plan and implement an education program.
Rhode Island	\$158,100	The Rhode Island Department of Environmental Management asked to build five pumpout stations and implement an education program.
South Carolina	\$267,900	The South Carolina Coastal Council asked to build 28 pumpout stations and 84 dump stations.
Tennessee	\$252,400	The Tennessee Wildlife Resources Agency asked to build 71 pumpout stations.
Texas	\$317,300	The Texas Parks and Wildlife Department asked to build 40 pumpout stations and 84 dump stations.
Virgin Islands	\$25,000	The Virgin Islands Department of Planning and Natural Resources – Division of Fish and Wildlife, and the Virgin Islands Marine Advisory Service – University of the Virgin Islands will implement an education program.
Virginia	\$163,300	The Virginia Department of Health, through the Department of Game and Inland Fisheries, asked to build 25 pumpout stations and 25 dump stations and implement an education program.
Washington	\$569,100	The Washington State Parks and Recreation Commission asked to build 24 pumpout stations and 24 dump stations, and implement an education program.
Wisconsin	\$19,950	The Wisconsin Department of Natural Resources will build four pumpout stations.

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