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This section presents an overview of some relevant laws and regulations that apply to marinas and boaters. The information presented in this section is not comprehensive. Some of these laws and regulations are discussed in greater detail throughout this guidebook. In addition to the environmental laws and regulations discussed below there may be local environmental codes or requirements. When storing hazardous substances, please check with your local fire department and building department regarding storage and handling requirements.

## Federal/State Agencies that Regulate Environmental Issues at Marinas

- **Environmental Protection Agency (EPA)** is responsible for ensuring environmental protection federally and delegates certain environmental compliance programs to the state.
- **United States Army Corps of Engineers (ACOE)** builds structures for flood control, manages hydropower structures, maintains navigation channels, is responsible for dredging oversight, and is concerned with providing protection to wetlands and fish and wildlife habitat.
- **United States Coast Guard (USCG)** is an arm of the U.S. Department of Transportation that protects the public, the environment, and U.S. economic interests. They are responsible for responding to spills on the water and for enforcing regulations affecting aquatic mammals.
- **South Carolina Department of Health and Environmental Control, (SCDHEC)** is dedicated to promoting and protecting the health of the public and the environment in the State of South Carolina. SCDHEC is responsible for administering delegated federal environmental laws and regulations regarding Municipal Solid Waste Landfill Program, water quality, and hazardous waste management discussed in the subsection below entitled *Federal Laws and Regulations*. In addition, they administer the laws and regulations unique to South Carolina that are discussed in the subsection below entitled *Additional State Laws and Regulations*.
- **The South Carolina Department of Natural Resources (SC DNR)** registers boats and provides boating safety education and funding for recreational facilities associated with recreational boating such as launch ramps, sewage pump-out stations, restrooms, and parking lots. They are also responsible for protecting South Carolina's fish and wildlife, their habitat, and for the enforcement of fishing and wildlife laws and responding to emergencies.

# Federal Laws and Regulations

## Litter Laws on The Water

### **THE REFUSE ACT OF 1899**

The Refuse Act of 1899 prohibits throwing, discharging, or depositing any refuse matter of any kind (including trash, garbage, oil and other liquid pollutants) into the waters of the United States.

### **ANNEX V OF MARPOL (MARINE POLLUTION) 1973, 1978**

This international law prohibits dumping plastic refuse and garbage mixed with plastic into any waters and restricts dumping of other forms of garbage. It is illegal to dump plastic, dunnage, lining or packing materials that float, or any garbage within 25 miles of an ocean shoreline and in U.S. lakes, rivers, bays, and sounds.

### **THE FEDERAL WATER POLLUTION CONTROL ACT (THE CLEAN WATER ACT)**

The Clean Water Act prohibits the discharge of oil or hazardous substances into U.S. navigable waters. All vessels greater than 26 feet must display a MARPOL placard outlining the garbage dumping restrictions. All vessels over 40 feet must also have a written waste management plan on board.

The use of soaps or other harmful dispersing agents to dissipate oil is prohibited [40 CFR 110.4].

Ports and terminals, including recreational marinas, must have adequate and convenient reception facilities for their regular customers. That is, marinas must be capable of receiving garbage from vessels that normally do business with them (including transients).

The Clean Water Act prohibits the discharge of oil or oily waste 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. Discharges that cause a sheen on the water must be reported to the Coast Guard's National Response Center (1-800-424-8802) and to the SCDHEC Emergency Response Section at 1-888-481-0125.

## Sewage Laws on the Water

### **SECTION 312 OF THE CLEAN WATER ACT**

All vessels with an installed toilet must have a certified Marine Sanitation Device (MSD) attached. The direct discharge of sewage from a vessel is not permitted in virtually any inland bodies of water. Most recreational boats equipped with an MSD will have a Type III MSD – which is a holding tank. The holding tank cannot be emptied in waters of the United States. Sewage pumpouts are available at Ports and large marinas. Larger vessels have Type I or II MSDs.

### **NONPOINT SOURCE DISCHARGE**

The Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) Chapter 5 sets out pollution prevention guidelines for marinas and recreational boaters. The Amendments require that non-point source pollution from marinas be contained.

### **Spill Plans**

Under 40 CFR 112, any boating facility with an aboveground petroleum tank with an aggregate aboveground petroleum storage greater than 1,320 gallons, or total underground storage capacity greater than 42,000 gallons must have a Spill Prevention, Control and Countermeasure (SPCC) Plan. A professional engineer must certify that there is adequate containment, training, and emergency response equipment to prevent spills and releases of oil.

### **Hazardous Waste Regulations**

The Resource Conservation and Recovery Act requires businesses that generate waste to determine if their waste is hazardous. This is referred to as making a hazardous waste determination. Wastes that are ignitable, corrosive, reactive, toxic, or listed are considered hazardous and face additional restrictions on disposal and management. Additional requirements are in place for facilities that generate greater than 220 pounds of hazardous waste or 2.2 pounds of acutely hazardous waste per month.

### **Used Oil**

Under DHEC R.61-107.279, used oil that is recycled is subject to less stringent regulations than hazardous waste. Containers of used oil must be labeled “used oil.” Spills of used oil must be cleaned up immediately and wastes properly characterized and disposed. Used oil may be hauled off site for recycling by registered used oil transporters.

### **Habitat Protection**

The 1973 Endangered Species Act provides for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend, both through Federal action and by encouraging the establishment of State programs.

## Environmental Permits and Licenses

### **NPDES Permits**

National Pollution Discharge Elimination System (NPDES) permits are required for industrial wastewater discharges to surface waters and some stormwater discharges to surface waters not otherwise covered by NPDES general permit. An NPDES permit is required for domestic wastewater treatment facilities discharging to surface waters. Contact your local DEQ office for additional information or to apply for a permit.

## **Stormwater**

In 1990, the EPA implemented regulations requiring permits for stormwater discharges from certain activities. The stormwater permit program requires that certain marinas classified with Standard Industrial Classification (SIC) system number 4493 be covered by a National Pollution Discharge Elimination System (NPDES) permit. Any marina or boat yard that performs boat construction or rebuilding and has a defined stormwater outfall needs a stormwater permit. Under the permit, marina operators must develop a stormwater pollution prevention plan and implement best management practices to ensure that stormwater leaving the marina property will not harm the quality of the surrounding waters. For additional information to apply for a permit, contact your local DHEC office.

## **Total Maximum Daily Loads (TMDLs)**

The EPA requires state agencies such as the SCDHEC to calculate pollution load limits, known as TMDLs, for each pollutant entering a body of water. TMDLs describe the amount of each pollutant a waterway can receive and still not violate water quality standards. TMDLs take into account the pollution from all sources, including marinas.

## **Section 404**

Section 404 of the Clean Water Act requires that any applicant for a permit to conduct any activity which may result in a discharge to waters of South Carolina to obtain certification from SCDHEC that the activity complies with water quality requirements and standards. Section 404 permits are issued by the Army Corps of Engineers. In South Carolina, projects in which the applicant will dredge, fill, or otherwise alter a waterway will require a permit from the SCDHEC.

# Additional State Laws and Regulations

## **Waste and Hazardous Waste**

Abrasive Blast Waste Containing Pesticides that are not federally regulated as hazardous waste are considered special waste under DHEC R. 61-107.258. The abrasive blast waste associated with hull cleaning is subject to this regulation.

## **Water Quality**

**The SC Pollution Control Act makes it unlawful for any person, directly or indirectly, to throw, drain, run, allow to seep, or otherwise discharge into the environment of the State, organic or inorganic matter, including sewage, industrial wastes, and other wastes, except as in compliance with a permit issued by SCDHEC (SC Code 48-1-90(a)).**

- ◆ **DHEC R.61-67, Standards for Wastewater Facility Construction** requires persons who plan to build an on-site sewage disposal system to obtain a construction-installation permit before construction.

## **General Permits**

The SCDHEC issues a general permit for certain activities such as vehicle wash water discharges. For information, go to SCDHEC's website at <http://www.scdhec.gov/eqc/water/generalpermits>.

## **Sewage Collection**

SCDHEC-OCRM R.30-12(E)(1)(b)(i)(ii) addresses the requirement that adequate working wastewater pumpout facilities be provided at each marina, unless specific exceptions are allowed in writing by the Department. These facilities must be adequate to handle all wastewater generated at the marina. The marina operator may charge a reasonable fee for the use of the pumpout facilities.

## **Solid Waste**

Under SC Code 16-11-700(a)(2), no person can dispose of or authorize the disposal of solid waste except at a solid waste disposal site permitted or authorized by the SCDHEC to receive that waste.

## **Spills**

Spills of reportable quantities must be reported to SCDHEC Emergency Response Section. This includes any spill of oil causing a sheen to water or threatens the waters of the state in include groundwater. There are specified spill reporting quantities for oil and hazardous materials that facilities should be aware of. Reporting may be required to both state and federal agencies. The SCDHEC Emergency Response Section number is 1-888-481-0125. This rule also requires a person to clean up spills of oil and hazardous material immediately, regardless of the quantity spilled.

Any person owning or having control over oil or hazardous material that has knowledge of a spill or release is required to immediately notify SCDHEC Emergency Response Section number is 1-888-481-0125 as soon as that person knows the spill or release is a reportable quantity.

## **Air Quality**

**SCDHEC Regulation R.61-62.2** regulates open burning. The SCDHEC Bureau of Air Quality enforces prohibitions of open burning.

**SCDHEC Regulation R.61-62.6** discusses airborne or "fugitive" toxins.

Information on state and federal air permitting and reporting requirements may be found on the SCDHEC website at [www.scdhec.gov/eqc/baq](http://www.scdhec.gov/eqc/baq).

