

The Florida Agricultural Handbook of Solid and Hazardous Waste Regulation: Ocean Dumping Act (ODA)¹

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What is the Ocean Dumping Act (ODA)?

The Ocean Dumping Act (ODA) regulates

- the dumping of materials into U.S. territorial ocean waters;
- the transportation of materials for the purpose of dumping.

The purpose of the statute is to strictly limit ocean disposal of any material that would negatively affect

- human health;
- the marine environment;

- ecological systems;
- potential economic endeavors.

Who enforces ODA?

The Environmental Protection Agency (EPA), in concert with the Secretary of the Army and the Secretary of the Coast Guard, is entrusted with the responsibility for setting specific guidelines for dumping and enforcing those guidelines.

What does ODA regulate?

1. This is EDIS document FE769, a publication of the Food and Resource Economics Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL. Published November 2008. Please visit the EDIS website at <http://edis.ifas.ufl.edu>.

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Anyone may dump certain types of wastes into the ocean with a permit from EPA. However, if the material is "dredged material", which is material excavated from U.S. navigable waters, you must obtain a permit from the Secretary of the Army (via USACE) to place the material in the ocean (http://www.epa.gov/region04/water/oceans/Dredged_Material_Permit_Process.html).

What activities does ODA prohibit?

As of December 31, 1991, ODA totally prohibits the dumping of sewage sludge or industrial waste into ocean waters for these types of wastes:

- sewage sludge – solid, semisolid, or liquid waste from a municipal wastewater treatment plant
- industrial wastes – solid, semisolid, or liquid wastes generated by a manufacturing or processing plant

The ODA also prohibits the dumping of radiological, chemical, and biological warfare agents, and high-level radioactive waste into the ocean.

What are the exceptions to ODA?

There are a few exceptions to the requirement that you must have a permit to dump waste in the ocean. Fish waste may be dumped into the ocean without a permit if the waste is not dumped

- into harbors;
- into enclosed coastal waters;
- where EPA has determined that dumping would endanger human health or harm the environment.

Also, a permit is not required for activities regulated under the Clean Water Act ([FE770](#)).

What are the penalties under ODA?

Penalties for violations, including dumping without a permit, and dumping materials inconsistent with the specific limitations on your permit, are punishable by up to a \$65,000 fine for each first

violation, and \$157,500 for each subsequent violation.

Penalties for someone who knowingly violates ODA include

- imprisonment for up to five years;
- forfeiting any property derived directly or indirectly from the violation;
- forfeiting property intended to be used in the commission of the violation.

Additionally, a related law, the Shore Protection Act, has made it a crime to transport any commercial waste within coastal waters by a vessel without a permit and number or other marking.