What is the Ocean Dumping Act (ODA)?
The Ocean Dumping Act (ODA) regulates:
- the dumping of materials into US 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

What does ODA regulate?
EPA may issue permits to allow dumping in certain limited circumstances, such as the disposal of fish wastes, human remains, and vessels. However, if the material is “dredged material” (material excavated from US navigable waters), you must obtain a permit from the Army Corps of Engineers 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:

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• 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

ODA also prohibits the dumping of radiological, chemical, and biological warfare agents; high-level radioactive waste; and medical 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

Although there is some overlap between ODA and the Clean Water Act (FE770), EPA is the principal regulatory authority under both statutes and has promulgated a uniform set of regulations. In general, ODA preempts the Clean Water Act in coastal and open waters, while the Clean Water Act regulates dumping in estuaries.

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 a fine of up to $50,000 for each first violation, and up to $125,000 for violations involving the dumping of medical waste.

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
• fines of up to $250,000

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