



National Sea Grant Law Center  
Announcement of Legislative Development

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\*\*\* California Enacts New Laws to Regulate Cruise Ship Pollution \*\*\*

### Summary

A large cruise ship can generate more than 200,000 gallons of sewage and 1 million gallons of graywater from sinks and showers in a single week. Under federal law, cruise ships may discharge raw sewage and graywater anywhere outside state waters (within three miles of the California coast). Cruise ship traffic in California has doubled in the last two years and political pressure to curb cruise ship pollution mounted after a Crystal Cruise Line ship dumped approximately 36,000 gallons of sewage and wastewater into Monterey Bay National Marine Sanctuary in October 2002. In 2003, California prohibited the discharge of sewage sludge, oily bilge water, hazardous wastes, and other wastes such as dry cleaning chemicals and medical wastes. In September 2004, California enacted three new laws which prohibit cruise ships from discharging gray water and sewage or conducting onboard incineration in state waters becoming the first state to unconditionally prohibit these activities. California's laws are now the most stringent in the nation.

**Assembly Bill No. 471 (Approved by the Governor on September 23, 2004)**

AB 471 added a new chapter to the California Health and Safety Code prohibiting onboard incineration.

- ❖ Commencing on January 1, 2005, **a cruise ship shall not conduct onboard incineration** while operating within three miles of the California coast (CAL. HEALTH & SAFETY CODE § 39632).
- ❖ "Cruise ship" means a passenger vessel that has the capacity to carry 250 or more passengers for hire. "Cruise ship" does not include the following: vessels without berths or overnight accommodations for passengers, noncommercial vessels, warships, vessels operated by nonprofit entities as determined by the Internal Revenue Service, and vessels operated by the state, United States, or a federal government. (CAL. HEALTH & SAFETY CODE § 39631).

**Assembly Bill No. 2093 (Approved by the Governor on September 23, 2004)**

AB 2093 adds section 72525 to the California Public Resources Code and amends sections 72505, 72521, and 72530 to prohibit the release of graywater into the marine waters of the state.

- ❖ Graywater is defined as "drainage from dishwasher, shower, laundry, bath, and washbasin drains, but does not include drainage from toilets, urinals, hospitals, or cargo spaces." (CAL. PUB. RES. CODE § 72505(c)).
- ❖ **The owner or operator of a large passenger vessel shall not release, or permit anyone to release, graywater from the vessel into the marine waters of the state.** (CAL. PUB. RES. CODE § 72525).
  - This section applies to vessels of 300 gross registered tons or greater that are engaged in the carrying of passengers for hire, excluding vessels without overnight accommodations, noncommercial vessels, warships, vessels operated by nonprofit organizations and the state or federal government.
- ❖ A person who violates § 72525 is subject to a \$25,000 fine for each violation.

- ❖ Owners and operators must report releases of graywater to the State Water Resources Control Board within 24 hours of the release. (CAL. PUB. RES. CODE § 72521).

Assembly Bill No. 2672 (Approved by the Governor on September 24, 2004)

With AB 2672, California seeks to prohibit the discharge of sewage into the marine waters of the state.

- ❖ Sewage is defined as "human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste" and includes material that have been collected or treated through a marine sanitation device or material that is a byproduct of sewage treatment.
- ❖ ***An owner or operator of a large passenger vessel may not release, or permit anyone else to release, any sewage from the vessel into the marine waters of the state.*** (CAL. PUB. RES. CODE § 72425).

➤ **NOTE:** This prohibition can only take effect upon approval by the Environmental Protection Agency.

- Under current federal law, cruise ships are permitted to discharge treated sewage into state waters.
- "If any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters." (33 U.S.C. § 1322). However, "no such prohibition shall apply until the Administrator [of the Environmental Protection Agency] determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply."

➤ AB 2672 requires the State Water Resources Control Board to determine whether an application to the federal government is necessary. If authorization is necessary, the Board is required to apply for approval.

➤ If the Administrator approves the state's application or an application is not required, the prohibition shall remain in effect until **January 1, 2010**, unless a later statute deletes or extends that date.

- ❖ A person who violates §72425 is subject to a \$25,000 fine for each violation.
- ❖ If a passenger vessel releases sewage sludge, sewage, or oily bilgewater into the marine waters of the state or a marine sanctuary, the owner or operator must notify the State Water Resources Control Board of the release. (CAL. PUB. RES. CODE § 72421).

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