

# The Florida Handbook of Solid and Hazardous Waste Regulation: Ocean Dumping Act (ODA)<sup>1</sup>

Michael T. Olexa and Christopher Hill<sup>2</sup>

## What is the Ocean Dumping Act (ODA)?

Also known as the Marine Protection, Research, and Sanctuaries Act (MPRSA), 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

## 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 of setting and enforcing specific guidelines for dumping. The Army Corps of Engineers is responsible for regulating the disposal of dredged materials, while the Coast Guard is charged with maintaining surveillance of ocean dumping.

## 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](http://www.epa.gov/region04/water/oceans/Dredged_Material_Permit_Process.html)).

1. This is EDIS document FE769, a publication of the Food and Resource Economics Department, UF/IFAS Extension. Original publication date November 2008. Revised March 2023. Please visit the EDIS website at <https://edis.ifas.ufl.edu> for the currently supported version of this publication.

2. Michael T. Olexa, professor, Food and Resource Economics Department; director, Center for Agricultural and Natural Resource Law, and member, The Florida Bar; and Christopher Hill, law student, Levin College of Law; UF/IFAS Extension, Gainesville, FL 32611.

This handbook is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice and that the information contained herein should not be regarded or relied on as a substitute for professional advice. This handbook is not all-inclusive in providing information to achieve compliance with laws and regulations governing the practice of agriculture. For these reasons, using these materials constitutes an agreement to hold harmless the authors, the Center for Agricultural and Natural Resource Law, the Institute of Food and Agricultural Sciences, and the University of Florida for any liability claims, damages, or expenses that may be incurred by any person or party as a result of reference to or reliance on the information contained in this handbook.

The Institute of Food and Agricultural Sciences (IFAS) is an Equal Opportunity Institution authorized to provide research, educational information and other services only to individuals and institutions that function with non-discrimination with respect to race, creed, color, religion, age, disability, sex, sexual orientation, marital status, national origin, political opinions or affiliations. For more information on obtaining other UF/IFAS Extension publications, contact your county's UF/IFAS Extension office. U.S. Department of Agriculture, UF/IFAS Extension Service, University of Florida, IFAS, Florida A & M University Cooperative Extension Program, and Boards of County Commissioners Cooperating. Andra Johnson, dean for UF/IFAS Extension.

## 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

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.

## Acknowledgment

The authors are indebted to the personnel of both state and federal agencies who gave of their time and advice in the preparation of this handbook. The authors are also indebted to the O. R. and Shirley Minton and the James S. and Dorothy F. Wershow Endowments for funding assistance in the development of this handbook, and Andra Johnson, Ph.D., dean and professor, Office of Dean for Extension and the Florida Cooperative Extension Service.