

§ 1414a. Special provisions regarding certain dumping sites

(a) New York Bight Apex

(1) For purposes of this subsection—

(A) The term “Apex” means the New York Bight Apex consisting of the ocean waters of the Atlantic Ocean westward of 73 degrees 30 minutes west longitude and northward of 40 degrees 10 minutes north latitude.

(B) The term “Apex site” means that site within the Apex at which the dumping of municipal sludge occurred before October 1, 1983.

(C) The term “eligible authority” means any sewerage authority or other unit of State or local government that on November 2, 1983, was authorized under court order to dump municipal sludge at the Apex site.

(2) No person may apply for a permit under this subchapter in relation to the dumping of, or the transportation for purposes of dumping, municipal sludge within the Apex unless that person is an eligible authority.

(3) The Administrator may not issue, or renew, any permit under this subchapter that authorizes the dumping of, or the transportation for purposes of dumping, municipal sludge within the Apex after the earlier of—

(A) December 15, 1987; or

(B) the day determined by the Administrator to be the first day on which municipal sludge generated by eligible authorities can reasonably be dumped at a site designated under section 1412 of this title other than a site within the Apex.

(b) Restriction on use of 106-mile site

The Administrator may not issue or renew any permit under this subchapter which authorizes any person, other than a person that is an eligible authority within the meaning of subsection (a)(1)(C), to dump, or to transport for the purposes of dumping, municipal sludge within the site designated under section 1412(c) of this title by the Administrator and known as the “106-Mile Ocean Waste Dump Site” (as described in 49 F.R. 19005).

(Pub. L. 92-532, title I, §104A, as added Pub. L. 99-662, title XI, §1172(b), Nov. 17, 1986, 100 Stat. 4259; Pub. L. 100-4, title V, §508(b), Feb. 4, 1987, 101 Stat. 79; Pub. L. 100-688, title I, §1002, Nov. 18, 1988, 102 Stat. 4139.)

Editorial Notes

AMENDMENTS

1988—Pub. L. 100-688 repealed the second of two identical sections 104A of Pub. L. 92-532, both classified to this section and enacted by Pub. L. 99-662 and Pub. L. 100-4, thereby involving no change in text.

Statutory Notes and Related Subsidiaries

NEW YORK BIGHT APEX NOT SUITABLE FOR DUMPING

Pub. L. 99-662, title XI, §1172(a), Nov. 17, 1986, 100 Stat. 4259, provided that: “The Congress finds that the New York Bight Apex is no longer a suitable location for the ocean dumping of municipal sludge.”

An identical provision was enacted by Pub. L. 100-4, title V, §508(a), Feb. 4, 1987, 101 Stat. 79.

§ 1414b. Ocean dumping of sewage sludge and industrial waste

(a) Termination of dumping

(1) Prohibitions on dumping

Notwithstanding any other provision of law—

(A) on and after the 270th day after November 18, 1988, no person (including a person described in section 1414a(a)(1)(C) of this title) shall dump into ocean waters, or transport for the purpose of dumping into ocean waters, sewage sludge or industrial waste, unless such person—

(i) has entered into a compliance agreement or enforcement agreement which meets the requirements of subsection (c)(2) or (3), as applicable; and

(ii) has obtained a permit issued under section 1412 of this title which authorizes such transportation and dumping; and

(B) after December 31, 1991, it shall be unlawful for any person to dump into ocean waters, or to transport for the purposes of dumping into ocean waters, sewage sludge or industrial waste.

(2) Prohibition on new entrants

The Administrator shall not issue any permit under this Act which authorizes a person to dump into ocean waters, or to transport for the purposes of dumping into ocean waters, sewage sludge or industrial waste, unless that person was authorized by a permit issued under section 1412 of this title or by a court order to dump into ocean waters, or to transport for the purpose of dumping into ocean waters, sewage sludge or industrial waste on September 1, 1988.

(b) Special dumping fees

(1) In general

Subject to paragraph (4), any person who dumps into ocean waters, or transports for the purpose of dumping into ocean waters, sewage sludge or industrial waste shall be liable for a fee equal to—

(A) \$100 for each dry ton (or equivalent) of sewage sludge or industrial waste transported or dumped by the person on or after the 270th day after November 18, 1988, and before January 1, 1990;

(B) \$150 for each dry ton (or equivalent) of sewage sludge or industrial waste transported or dumped by the person on or after January 1, 1990, and before January 1, 1991; and

(C) \$200 for each dry ton (or equivalent) of sewage sludge or industrial waste transported or dumped by the person on or after January 1, 1991, and before January 1, 1992.

(2) Payment of fees

Of the amount of fees under paragraph (1) for which a person is liable, such person—

(A) shall pay into a trust account established by the person in accordance with subsection (e) a sum equal to 85 percent of such amount;

(B) shall pay to the Administrator a sum equal to \$15 per dry ton (or equivalent) of