

GAO
Accountability • Integrity • Reliability

Highlights

Highlights of [GAO-04-613](#), a report to the Honorable Jim Saxton

Why GAO Did This Study

Clean Water Act regulations generally prohibit boats from discharging untreated sewage but allow the discharge of treated sewage using certified marine sanitation devices. The act allows states to designate “no-discharge zones”—areas in which vessels are prohibited from discharging any sewage—if the Environmental Protection Agency (EPA) finds that adequate facilities exist in such zones for the removal and treatment of sewage from vessels. In some cases, such as for drinking water intake zones, EPA makes the designation. As requested, this report assesses 1) EPA’s process for determining the adequacy of facilities to remove and treat sewage in proposed no-discharge zones; (2) the extent to which EPA and the states ensure that adequate facilities remain available after designation; (3) the extent to which the Coast Guard and the states enforce discharge prohibitions; and (4) various effects of no-discharge zones, as identified by EPA, states, and localities.

What GAO Recommends

GAO recommends that EPA better ensure that facilities are and remain adequate in no-discharge zones and that EPA and the Coast Guard meet with relevant states to review and clarify enforcement roles. EPA agreed with the recommendations and EPA and the Coast Guard provided technical comments about the Coast Guard’s enforcement role that are incorporated in the report.

www.gao.gov/cgi-bin/getrpt?GAO-04-613.

To view the full product, including the scope and methodology, click on the link above. For more information, contact John Stephenson at (202) 512-3841 or stephensonj@gao.gov.

WATER QUALITY

Program Enhancements Would Better Ensure Adequacy of Boat Pumpout Facilities in No-Discharge Zones

What GAO Found

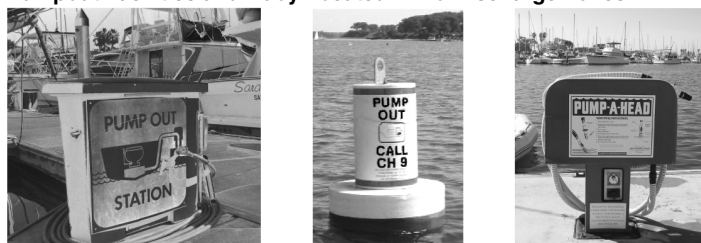
EPA’s process for determining whether adequate facilities are reasonably available to remove and treat sewage from boats in proposed no-discharge zones could be improved. EPA currently requires states to submit general estimates of need for facilities (known as pumpouts) in state applications for no-discharge zones, but other information that would support site-specific estimates is optional. As a result, EPA does not receive this information consistently. Moreover, EPA generally makes its determinations on adequacy without site visits to evaluate the facilities identified in the applications to ensure, for example, that they are accessible and functioning.

GAO found no EPA and limited state oversight of pumpout facilities after no-discharge zones are established. The Clean Water Act does not address the monitoring of such facilities in established no-discharge zones, nor does it define a specific role for EPA after the agency has initially determined that the facilities are adequate. Because the success of no-discharge zones depends in large measure on adequate facilities, GAO believes that EPA should assess the continued adequacy of these facilities, seeking additional authority, if needed, to require periodic recertifications or reassessments.

The Coast Guard limits its enforcement of no-discharge prohibitions to the three federally designated no-discharge zones; it does not enforce them in the 56 state-designated zones. While the Clean Water Act grants the Coast Guard authority to enforce in all no-discharge zones, Coast Guard’s regulations exercise enforcement authority only in areas where discharges are prohibited by EPA regulations—currently the three federally designated zones. EPA and others were not aware of the Coast Guard’s regulatory limitation of its enforcement authority. GAO found that states enforced in different ways, such as by issuing tickets or inspecting boats. Many states place more emphasis on boater education than on penalizing violators.

Although few data are available to assess the effects of no-discharge zones, a number of EPA, state, and local officials believe that water quality and environmental stewardship have increased after designation of these zones. In addition, officials cite gallons of boat sewage pumped as evidence that no-discharge zones reduce water pollution.

Pumpout Facilities and Buoy Located in No-Discharge Zones



Source: GAO.