

United States Code Annotated

Title 33. Navigation and Navigable Waters (Refs & Annos)

Chapter 26. Water Pollution Prevention and Control (Refs & Annos)

Subchapter IV. Permits and Licenses (Refs & Annos)

33 U.S.C.A. § 1343

§ 1343. Ocean discharge criteria

Currentness

**(a) Issuance of permits**

No permit under [section 1342](#) of this title for a discharge into the territorial sea, the waters of the contiguous zone, or the oceans shall be issued, after promulgation of guidelines established under subsection (c) of this section, except in compliance with such guidelines. Prior to the promulgation of such guidelines, a permit may be issued under such [section 1342](#) of this title if the Administrator determines it to be in the public interest.

**(b) Waiver**

The requirements of [subsection \(d\) of section 1342](#) of this title may not be waived in the case of permits for discharges into the territorial sea.

**(c) Guidelines for determining degradation of waters**

**(1)** The Administrator shall, within one hundred and eighty days after October 18, 1972 (and from time to time thereafter), promulgate guidelines for determining the degradation of the waters of the territorial seas, the contiguous zone, and the oceans, which shall include:

**(A)** the effect of disposal of pollutants on human health or welfare, including but not limited to plankton, fish, shellfish, wildlife, shorelines, and beaches;

**(B)** the effect of disposal of pollutants on marine life including the transfer, concentration, and dispersal of pollutants or their byproducts through biological, physical, and chemical processes; changes in marine ecosystem diversity, productivity, and stability; and species and community population changes;

**(C)** the effect of disposal, of pollutants on esthetic, recreation, and economic values;

**(D)** the persistence and permanence of the effects of disposal of pollutants;

**(E)** the effect of the disposal of varying rates, of particular volumes and concentrations of pollutants;

- (F) other possible locations and methods of disposal or recycling of pollutants including land-based alternatives; and
  - (G) the effect on alternate uses of the oceans, such as mineral exploitation and scientific study.
- (2) In any event where insufficient information exists on any proposed discharge to make a reasonable judgment on any of the guidelines established pursuant to this subsection no permit shall be issued under [section 1342](#) of this title.

**CREDIT(S)**

(June 30, 1948, c. 758, Title IV, § 403, as added [Pub.L. 92-500](#), § 2, Oct. 18, 1972, 86 Stat. 883.)

33 U.S.C.A. § 1343, 33 USCA § 1343  
Current through PL 117-51.

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