

## CIRCUIT COURT RULING ON PROPOSED EPA PERMIT REQUIREMENTS FOR RECREATIONAL BOATS

This is the latest on the Circuit Court Ruling which could end up requiring all recreational vessels to have a water discharge permit. I have some detail on the oral arguments of the plaintiff and appellants, questions/statements from the judges, etc. if anyone is interested.

Regards to everyone.

Earl

### **Ninth Circuit Court of Appeals on Water Discharge Ruling**

On 14 August the U.S. Court of Appeals, Ninth Circuit, heard oral arguments in the appeal for Northwest Environmental Advocates v. EPA. The appeal was on the Court ruling that took away the exemption for recreational vessels from the Clean Water Act allowing normal water discharges. The three judge panel heard arguments from the appellants, the US Dept of Justice speaking for the EPA and the environmental group plaintiffs with no decision being reached. Some at the hearing indicated there was only a 50/50 chance for a successful ruling. The judges indicated the case would be submitted for a decision and by their questions seemed to have some sympathy for the appellants. We are hoping for a decision within six months.

Failing a favorable court decision our only hope is in HR 2550 which would exempt us from any discharge permit process. We now have 50 co-sponsors in the House for this bill. A companion bill will be introduced in the Senate when Congress reconvenes after the August recess. Again, all are encouraged to write their Senators requesting their support for this legislation so important to the future of boating.

The EPA posted a request for comments on the docket: "Development of Clean Water Act National Pollution Discharge Elimination System Permits for Discharges Incidental to the Normal Operation of Vessels." NBF submitted comments along with 2000 other respondents. The comment period has concluded and 99% of the respondents opposed the permit process.

We will continue to address all these issues, working with the BoatBlue Coalition, which includes many industry and boating organizations until we have achieved a successful conclusion.

For more information visit: [www.boatblue.org](http://www.boatblue.org)