

## TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

### PART 10: DISPOSAL OF PLASTICS AND OTHER GARBAGE IN MARINE WATERS OF THE STATE OF MISSISSIPPI

#### CHAPTER 01: INTRODUCTION

Rule 1.1 This Part provides regulations to prohibit the disposal of plastic and other garbage in marine waters. This Part also provides for disposal facilities on vessels and at certain access areas.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

#### CHAPTER 02: JUSTIFICATION AND AUTHORITY

Rule 2.1 The Mississippi Department of Marine Resources (MDMR) Marine Patrol officers will enforce the provisions set forth in the Marine Litter Act of 1989.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

#### CHAPTER 03: DEFINITIONS

Rule 3.1 Definitions

- A. **ACCESS AREAS** - include but are not limited to ports, harbors, boat launching ramps, seafood and ice dealers, bait camps, yacht clubs, vessel repair and construction yards, and private mooring facilities including boat slips, or any other facilities offering services or wharfage to recreational or commercial vessels.
- B. **CLOSED CONTAINER** - means any sealed and properly labeled receptacle. The size and volume of the container shall be determined by the length and purpose of the cruise/voyage, the number of passengers and crew on board, and the amount of trash or garbage to be generated. Closed containers shall include, but not be limited to, buckets or cans with lids, or water-tight garbage bags with appropriate ties. Closed containers shall be clearly and permanently marked with weather resistant materials.
- C. **DISCHARGE** - means any release however caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. It does not include release of harmful substances directly arising from the authorized exploration, exploitation, and associated offshore processing of seabed mineral resources; or release of harmful substances for purposes of legitimate scientific research relating to pollution abatement or control.
- D. **DISHWATER** - means the liquefied residue from the manual or automatic washing of dishes and cooking utensils which have been pre-cleaned to the extent that any food

particles adhering to them would not normally interfere with the operation of automatic dishwashers.

- E. **GARBAGE** - means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically including dishwater and gray water.
- F. **GRAYWATER** - means drainage from dishwasher, shower, and laundry, bath, and washbasin drains and does not include drainage from toilets, urinals, hospitals, and drainage from cargo spaces.
- G. **HARMFUL SUBSTANCE AND HAZARDOUS SUBSTANCE** - means any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea. Hazardous substances shall include fuel, oil, paints, varnishes, solvents, pesticides, insecticides, fungicides, algicides, other hazardous liquids. It is important to note that "garbage," including but not limited to plastics, is a "harmful substance" since it is liable to "create hazards to human health, to harm living resources and marine life, and to damage amenities".
- H. **MARINAS** - means facilities which provide services and wharfage to three (3) or more recreational or commercial vessels.
- I. **MARINE WATERS OR MARINE ENVIRONMENT** - means any waters influenced by the ebb and flow of the tide and includes all rivers, streams, bays, sounds, and waters extending three (3) miles south of the barrier islands within the State of Mississippi.
- J. **PERSON** - means any human individual conduction or causing to conduct the discharge of garbage from land, vessel, plane, or fixed or floating platforms including those for mineral exploration.
- K. **PLASTIC** - means any garbage that is solid material that contains as an essential ingredient one or more synthetic organic high polymers and is formed or shaped during either manufacture of the polymers or fabrication into a finished product by heat or pressure or both. Examples of plastics included but are not limited to packaging (vapor proof barriers, bottles, containers, liners), ship construction (fiberglass and laminated structures, siding, piping, insulation, flooring, carpets, fabrics, adhesives, electrical and electronic components), disposable eating utensils and cups (including foamed products), bags, sheeting, floats, synthetic fishing nets, monofilament fishing line, strapping bands, hardhats, synthetic ropes and lines. This definition excludes glass, paints, varnishes, waxes (all of which might be considered "plastics" by other definitions), and plastic polymers naturally produced by living organisms but harvested and used by man, such as chitin.
- L. **PORT** - means:
  - a. A group of terminals that combines to act as a unit.

- b. A port authority or other organization that chooses to be considered a port, and/or
- c. Terminals or facilities which provide wharfage or other services to ships, including but not limited to commercial fishing facilities, naval facilities, shipbuilding and vessel repair facilities, recreational boating facilities, or mineral and oil industry shore-bases.

M. **PROPER DISPOSAL FACILITIES** - means facilities capable of holding without overflow, a quantity of garbage equal to that calculated in accordance with the worksheets contained in the Annex V regulations promulgated by the U.S. Coast Guard.

N. **VESSEL** - means any boat, barge, or other vehicle operating in the marine environment from the largest supertanker to the smallest recreational craft.

O. **VICTUAL WASTE** - means any spoiled or unspoiled food waste.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

#### **CHAPTER 04: UNLAWFUL DISCHARGE**

Rule 4.1 It is unlawful for any person or vessel to discharge any hazardous substances into the marine waters of the State of Mississippi.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

#### **CHAPTER 05: MARINA AND VESSEL REQUIREMENTS**

Rule 5.1 All marinas are required to have proper disposal facilities on site for all vessel waste, including, but not limited to: garbage, dishwater, graywater, including drainage of toilets, marine sanitation devices (MSD's), urinals, hospitals and cargo space, harmful substances and hazardous substances, plastics, and victual waste.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

Rule 5.2 All vessels must have on board a clearly marked closed container for the proper disposal of waste, trash and other garbage. MDMR Title 22 Part 10 Notice Signage must be posted on board notifying passengers and crew that it is unlawful to dispose of waste, trash and other garbage into the marine waters of the State of Mississippi.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

#### **CHAPTER 06: EMERGENCIES AND ACCIDENTAL RELEASE OF SUBSTANCES**

Rule 6.1 The regulations contained herein pertaining to the release of substances will not apply during the following emergencies, accidents or releases due to an act of nature:

- A. Discharges from a ship for the purpose of securing the safety of a ship and those on board or saving life at sea.

- B. The escape of substances resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the escape.
- C. The accidental loss of synthetic fishing nets or the loss of synthetic material during repair of nets provided all reasonable precautions have been taken to prevent such losses.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

### **Chapter 07: PENALTIES**

Rule 7.1 Violations under this Part will be charged in accordance with the provisions of the Marine Litter Act of 1989, Miss. Code Ann. §51-2-1, *et seq.* Each day of a continuing violation constitutes a separate violation. Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such.

MISS. CODE ANN. §51-2-3.

### **CHAPTER 08: CHAPTERS AND SUBCHAPTERS DECLARED SEPERABLE**

Rule 8.1 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 10 shall remain in full force and effect.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.