



Section-by-Section Analysis of the Clean Ocean Zone Legislation

Section 1. Short Title

The bill may be cited as the “New Jersey/New York Clean Ocean Zone Act of 2011”

Section 2. Findings, Policy, and Declaration of Purpose

Makes a Congressional Finding that the New York/New Jersey Bight is an essential economic, ecologic, and aesthetic resource of the United States that is threatened by past pollution events, present discharge levels, and future industrialization dangers, and declares it to be the policy of the Congress that the Bight be protected from these threats.

Section 3. Designation of New Jersey/New York Clean Ocean

Designates the NY/NJ Bight as the “New Jersey/New York Clean Ocean Zone” and requires that any reference to the NY/NJ Bight in a law, map, regulations, document, paper or other record of the United States be deemed a reference to the New Jersey/New York Clean Ocean Zone.

Section 4. Regulation of the New Jersey/New York Clean Ocean Zone

Regulates various activities in the New Jersey/New York Clean Ocean Zone (“COZ”); the bill

- (a) prohibits designating or establishing new ocean dumpsites within the COZ, terminates existing dumpsites, all while allowing for continued use of the Historical Area Remediation Site (HARS);
- (b) prohibits discharges of pollutants into the COZ from any new point sources and prohibits expanding capacity at existing point sources;
- (c) prohibits the permanent extraction of any nonrenewable natural resource from the COZ except for certain specified navigation and habitat restoration activities;
- (d) prohibits the creation of any nonrenewable energy facility, pipeline, or deepwater port within the COZ as well as the conveyance of any interests within the COZ which would support or facilitate nonrenewable energy activities;
- (e) ensures that the siting or establishment of a renewable energy facility within the COZ is authorized only in accordance with regulations under Sec. 388 of the Energy Policy Act of 2005 after review by the Department of Interior and NOAA; and
- (f) clarifies that this bill does not restrict or otherwise limit research or exploration activities within the COZ that do not adversely affect the environment or are undertaken for the sole purpose of protecting the COZ, and prohibits all other research and exploration.

Section 5. Support for Marine Activities

Clarifies that this bill does not regulate boating, underwater diving, surfing, swimming and other similar recreational activities, and the creation of artificial reefs, and that this bill cannot be used to adopt or enact recreational or commercial fishing management actions.

Section 6. Enforcement

Declares that the bill may be enforced, when and where applicable, under sections 105 and 107 of the Marine Protection, Research, and Sanctuaries Act of 1972, or sections 309 and 305 of the Federal Water Pollution Control Act.

Section 7. Definitions

Defines relevant terms used in the Act.