

Ocean Thermal Energy Conversion Act

Agencies: National Oceanic and Atmospheric Administration

Citation: [42 U.S.C. §§ 9101 et seq.](#)

Enacted as: the “Ocean Thermal Energy Conversion Act of 1980”, on August 3, 1980

Summary:

The [Ocean Thermal Energy Conversion Act \(OTECA\)](#) of 1980 limits the ownership, construction and operation of offshore ocean thermal energy facilities and plantships to those licensed by the National Oceanic and Atmospheric Administration (NOAA). Under OTECA, several federal agencies assist NOAA in the OTEC licensing process. The U.S. Coast Guard authorizes OTEC facilities with regard to safety, pollution, construction and operations, and impacts to the thermal gradient in surrounding waters. OTECA also requires the Department of Justice to conduct anti-trust reviews of proposed OTEC facilities. Other federal statutory requirements which are applicable to OTEC facilities and plantships such as the Clean Water Act, Clean Air Act, Endangered Species Act and Marine Mammal Protection Act trigger reviews by other agencies. These authorizations are incorporated into the OTEC license.

In addition to federal authorizations, OTECA provides for state authorizations of OTEC projects. Under OTECA, a state which is adjacent to an OTEC project located in federal waters must approve the project in order for it to be licensed. States also retain their authority under the Coastal Zone Management Act to review an OTEC project for consistency with the enforceable policies of their federally-approved coastal zone management programs.

A project certified by the Department of Energy (DOE) as a demonstration project is exempt from being required to obtain an OTEC license from NOAA, pursuant to the [Ocean Thermal Energy Conversion Research, Development, and Demonstration Act](#) (42 U.S.C. 9001 et seq.). This exemption does not relieve project developers from all of the requirements associated with obtaining an OTEC license, nor any requirements imposed by other federal statutes.

Source: <http://coastalmanagement.noaa.gov/otec/docs/regulatoryfactsheet.pdf>

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