

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 637 (Senator Raskin)
Education, Health, and Environmental Affairs

Environment - Marinas - Pump-out and Waste Reception Facilities

This bill modifies existing requirements governing the existence of “pump-out” and “waste reception” facilities at marinas in the State. Specifically, the bill requires that, by July 1, 2010, a marina that berths vessels over 22 feet in length and has more than 10 slips must have a pump-out facility and a waste reception facility on-site that is operable, adequate to handle any existing and increased flows, and accessible at reasonable times. The bill also reduces the length of time, from three years to one year, of a possible postponement from that requirement and repeals provisions regarding postponement renewals.

The bill takes effect July 1, 2007.

Fiscal Summary

State Effect: Assuming the Department of Natural Resources (DNR) is not expected to provide grant funding to all affected marina owners to offset the costs of the bill, DNR could implement the bill’s requirements with existing budgeted resources.

Local Effect: As an owner of marinas, certain local governments would incur an increase in costs of approximately \$15,000 each to install pump-outs at affected marinas. These entities would be eligible to apply to DNR’s existing grant program to cover those costs, subject to the availability of funds.

Small Business Effect: Meaningful impact on affected marina owners.

Analysis

Current Law: Generally, all existing marinas that berth vessels over 22 feet long with 50 or more slips, and new or expanding marinas with more than 10 slips, must install sewage pump-out facilities. New or expanding marinas with more than 10 slips must also have a wastewater collection and treatment system at the marina that is adequate to handle any existing and increased flow. Marinas with 50 or more slips are required to have a waste reception facility on-site that is operable, adequate to handle any existing and increased flows, and accessible at reasonable times.

“Pump-out facility” means a facility that pumps or receives human body wastes out of type III marine sanitation devices (holding tanks) on vessels. “Waste reception facility” means a facility specifically designed to receive wastes from portable toilets carried on vessels. These requirements apply to both public and private marinas located on the navigable waters of the State.

Background: Raw or poorly treated boat sewage is harmful to human health and water quality. Boaters can use Type III marine sanitation devices (holding tanks) and then dispose of marine sewage by using pump-out facilities at marinas and other boat access areas. Boaters can also use Type I and II marine sanitation devices which treat sewage before it is disposed of in water.

The 1987 Chesapeake Bay Agreement called for the elimination of pollutant discharges from recreational boats. Legislation enacted in 1988 authorized DNR to use the Waterway Improvement Fund for the construction and maintenance of pump-out stations. In 1989, legislation was enacted to require the installation of pump-out facilities at new or expanding marinas with more than 10 slips. That law was amended in 1994 to require marinas with 50 or more slips to install pump-out facilities by 1997. Further, the Chesapeake 2000 Agreement included the following goals relating to discharges from boats:

- By 2003, establish appropriate areas within the Chesapeake Bay and its tributaries as “no discharge zones” for human waste from boats. By 2010, expand by 50% the number and availability of waste pump-out facilities.
- By 2006, reassess our progress in reducing the impact of boat waste on the Chesapeake Bay and its tributaries. This assessment will include evaluating the benefits of further expanding no discharge zones, as well as increasing the number of pump-out facilities.

DNR currently provides a reimbursement of up to \$15,000 to marinas for the purchase and installation of pump-out facilities. Grant funding, supported with both federal and State funds, is also available for pump-out operations and maintenance, pump-out upgrades, and pump-out replacement.

According to DNR, there are 454 pump-outs at 369 of the approximately 600 marinas in the State. Based on information from DNR's marina database, an estimated 95 marinas would likely be affected by the bill's changes. This estimate does not include marinas owned by community associations, which could also be affected by the bill; DNR does not have accurate data on community associations. DNR advises that 29 marinas with 50 or more slips are not in compliance with current law.

State Expenditures: DNR owns one marina at Janes Island State Park that would be affected by the bill. However, DNR reports that the cost to install a pump-out facility at that marina (approximately \$15,000) could be absorbed through its existing grant program.

The primary impact of the bill on DNR would be an increase in competition for grants. DNR reports that appropriations for its existing grant program for federal fiscal 2005 and federal fiscal 2006 totaled \$855,000 and \$874,000, respectively. Of this funding, 75% is federal funding (Clean Vessel Act) and 25% is State funding (Waterway Improvement Fund). The bill does not *require* DNR to expand its existing grant program to provide grants to all affected marina owners in order to offset the bill's costs. However, DNR advises that the existing grant program is anticipated to cover only 17 new installations and 12 replacement/upgrade installations per year. Accordingly, for purposes of this fiscal note, it is assumed that any costs not covered by the existing grant program would be borne by affected marina owners.

Local Expenditures: According to DNR, five of the estimated 95 marinas affected by the bill are locally owned (two are owned by municipalities – Bladensburg and Centreville – and three by Dorchester County). Affected local governments would incur an estimated \$15,000 per marina to install pump-out facilities, in addition to ongoing operating and maintenance costs. Affected local governments would be eligible to apply to DNR's grant program on a first-come, first-served basis.

Small Business Effect: Of the estimated 95 marinas that would be affected by the bill, 89 are privately owned and likely considered small businesses. These entities would incur costs of approximately \$15,000 each to install pump-out facilities, in addition to

ongoing operating and maintenance costs. Affected marina owners would be eligible to apply to DNR's grant program on a first-come, first-served basis.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Maryland Department of the Environment, Marine Trades Association, Department of Legislative Services

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