

HOUSE BILL 1257

M1

0lr2386
CF SB 513

By: **Delegates Holmes, Barkley, Bartlett, Beidle, Bobo, Bronrott, Carr, Costa, DeBoy, Frush, Gilchrist, Glenn, Guzzone, Healey, Hucker, Kelly, Kullen, Lafferty, Malone, Niemann, Rosenberg, and Stein**

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Vessels – No-Discharge Designation for Maryland**
3 **Waters**

4 FOR the purpose of clarifying certain provisions of law relating to the duties of
5 operators of vessels with respect to the overboard discharge of certain sewage
6 into the waters of the State; increasing the amount of a certain penalty for
7 certain violations; authorizing certain officers to enforce certain provisions of
8 law and to inspect certain vessels; requiring the Department of Natural
9 Resources to adopt certain regulations; requiring the Department to initiate a
10 certain process with the U.S. Environmental Protection Agency relating to a
11 no-discharge zone in Maryland waters on or before a certain date; altering
12 certain definitions relating to marine sanitation devices; making a certain
13 section of this Act subject to a certain contingency; and generally relating to the
14 discharge of treated and untreated sewage from vessels into the waters of the
15 State.

16 BY repealing and reenacting, with amendments,
17 Article – Natural Resources
18 Section 8-741
19 Annotated Code of Maryland
20 (2007 Replacement Volume and 2009 Supplement)

21 BY adding to
22 Article – Natural Resources
23 Section 8-741(g) and (h)
24 Annotated Code of Maryland
25 (2007 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Natural Resources**

4 8–741.

5 (a) (1) For the purposes of this section the following words have the
6 meanings indicated.

7 (2) (i) “Marine sanitation device” means any equipment on board a
8 vessel which is designed to receive, retain, treat or discharge sewage and any process
9 to treat sewage on board, **AND IS CERTIFIED IN ACCORDANCE WITH § 312 OF THE**
10 **CLEAN WATER ACT (33 U.S.C. § 1322 ET SEQ.).**

11 (ii) “Marine sanitation device” includes:

12 1. Type I marine sanitation device, which produces an
13 effluent having a fecal coliform bacteria count not greater than 1,000 per 100
14 milliliters and no visible floating solids;

15 2. Type II marine sanitation device, which produces an
16 effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters
17 and suspended solids not greater than 150 milligrams per liter; and

18 3. Type III marine sanitation device, which is [certified
19 to a no–discharge standard, including recirculating and incinerating marine sanitation
20 devices and holding tanks] **DESIGNED TO PREVENT THE OVERBOARD DISCHARGE**
21 **OF TREATED OR UNTREATED SEWAGE OR ANY WASTE DERIVED FROM SEWAGE.**

22 (3) “Sewage” means:

23 (i) Human body wastes; and

24 (ii) The wastes from toilets and other receptacles intended to
25 retain body waste.

26 (4) [“Y valve”] **“VALVE”** means a device capable of diverting the flow
27 of marine sewage so that a vessel’s marine sanitation device is bypassed and [raw]
28 sewage is discharged directly into the water.

29 (b) The following vessels equipped with an installed toilet shall be equipped
30 with an operable marine sanitation device:

31 (1) A vessel 65 feet in length and under shall have a Type I, II, or III
32 marine sanitation device; or

1 (2) A vessel over 65 feet in length shall have a Type II or III marine
2 sanitation device.

3 (c) (1) A Type I or Type II marine sanitation device shall have a
4 certification label affixed that at a minimum shows:

5 (i) The name of the manufacturer;

6 (ii) The name and model number of the device;

7 (iii) The month and year of manufacture;

8 (iv) The marine sanitation device type;

9 (v) A certification number; and

10 (vi) A certification statement.

11 (2) A Type III marine sanitation device is automatically certified, and
12 requires no label, provided it stores sewage and flushwater only, at ambient air
13 temperature and pressure.

14 (d) (1) While a vessel with an installed toilet is on Maryland waters, the
15 operator shall insure that:

16 (i) All pathways for overboard discharge of vessel sewage,
17 **TREATED OR UNTREATED**, from any vessel with a **TYPE I, TYPE II, OR** Type III
18 marine sanitation device are blocked or secured in such a way as to prevent any
19 accidental or intentional vessel sewage discharge, by disconnecting or physically
20 blocking those onboard sewage lines or hull fittings which would allow for overboard
21 vessel sewage discharge; and

22 (ii) Any [installed in-line Y] valve **THAT COULD DIRECT**
23 **SEWAGE INTO THE WATER** shall be secured to prevent the overboard discharge of
24 sewage, **TREATED OR UNTREATED**, from any vessel utilizing a **TYPE I, TYPE II, OR**
25 Type III marine sanitation device, by bypassing, locking, securing, or disabling the
26 valve using a padlock or nonreusable wire tie wrap, or by removal of the valve handle,
27 or by any other method in accordance with federal regulations and standards or as
28 approved or required by the Department.

29 (2) The chosen compliance method under paragraph (1)(ii) of this
30 subsection shall totally eliminate the possibility of overboard vessel sewage discharge
31 while in waters of the State. The method chosen shall present a physical barrier to the
32 use of [the Y] **ANY** valve **THAT COULD DIRECT SEWAGE INTO THE WATER**, whether
33 accidental or intentional, so that use of the valve **TO DISCHARGE SEWAGE INTO THE**
34 **WATER** cannot occur without the knowledge of the operator of the vessel.

- 1 (e) For any vessel offered as a noncaptained charter, the leasing entity shall:
- 2 (1) Ensure that the vessel complies with this section when presented
3 to the lessor; and
- 4 (2) Include in the lease agreement, signed by the leasing party, a
5 paragraph outlining the operator's responsibilities under this section.
- 6 (f) A person who violates a provision of this section is subject to a civil
7 penalty not exceeding [\$2,000] **\$10,000 PER OCCURRENCE.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
9 read as follows:

10 **Article – Natural Resources**

11 8–741.

12 **(G) THE FOLLOWING OFFICERS HAVE THE AUTHORITY TO ENFORCE**
13 **THIS SECTION AND TO INSPECT ANY VESSEL SUBJECT TO THIS SECTION:**

14 **(1) NATURAL RESOURCES POLICE;**

15 **(2) ANY SWORN STATE OR LOCAL LAW ENFORCEMENT OFFICER**
16 **WITH JURISDICTION TO ENFORCE THE LAWS IN THE COUNTY OR MUNICIPALITY**
17 **IN WHICH THE MARINA OR VESSEL IS LOCATED; AND**

18 **(3) UNITED STATES COAST GUARD PERSONNEL.**

19 **(H) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO**
20 **ENFORCE THIS SUBTITLE, INCLUDING REGULATIONS TO:**

21 **(1) AUTHORIZE ROUTINE INSPECTIONS OF VESSEL EQUIPMENT**
22 **TO ENSURE THAT MARINE SANITATION DEVICES HAVE BEEN SECURED IN**
23 **ACCORDANCE WITH THE PROVISIONS OF THIS SECTION;**

24 **(2) AUTHORIZE PERIODIC COLOR DYE FLUSH TESTS OF MARINE**
25 **SANITATION DEVICES;**

26 **(3) ALLOW AUTHORIZED LAW ENFORCEMENT OFFICERS TO ISSUE**
27 **CITATIONS FOR IDENTIFIED ILLEGAL DISCHARGES; AND**

28 **(4) PROVIDE FOR THE EDUCATION OF BOATERS AND THE**
29 **BOATING COMMUNITY ABOUT THE PROVISIONS OF THIS SECTION.**

1 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1,
2 2010, in accordance with § 312 of the Clean Water Act (33 U.S.C. § 1322 et seq.), the
3 State shall initiate the process with the U.S. Environmental Protection Agency to
4 designate Maryland waters as a no-discharge zone.

5 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
6 take effect June 1, 2010, contingent on the determination of the U.S. Environmental
7 Protection Agency that adequate facilities for the safe and sanitary removal and
8 treatment of sewage from all vessels are reasonably available for all Maryland waters.
9 The Department of Natural Resources, within 5 days after receiving such a
10 determination from the U.S. Environmental Protection Agency, shall forward a copy of
11 the determination to the Department of Legislative Services, 90 State Circle,
12 Annapolis, MD 21401.

13 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
14 Section 4 of this Act, this Act shall take effect June 1, 2010.