

SENATE BILL 637

M3

71r0710

By: **Senator Raskin**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Marinas – Pump-out and Waste Reception Facilities**

3 FOR the purpose of altering the types of marinas subject to the requirement of having
4 an on-site pump-out facility and a waste reception facility and establishing the
5 date by which certain marinas must meet this requirement; modifying certain
6 postponement procedures; repealing obsolete provisions of law; and generally
7 relating to on-site pump-out facilities and waste reception facilities at marinas.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 9–333
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 2006 Supplement)

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

15 **Article – Environment**

16 9–333.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) “Pump-out facility” means a facility that pumps or receives human
19 body wastes out of type III marine sanitation devices (holding tanks) on vessels.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) (i) “Waste reception facility” means a facility specifically
2 designed to receive wastes from portable toilets carried on vessels.

3 (ii) “Waste reception facility” does not include a rest room
4 facility.

5 (b) This section applies to any public or private marina that is located on the
6 navigable waters of the State.

7 (c) A person may not construct any additional slips at an existing marina
8 that is capable of berthing vessels 22 feet or larger that would result in a total slip
9 capacity of more than 10 slips or construct a new marina that is capable of berthing
10 vessels 22 feet or larger with more than 10 slips on the navigable waters of the State
11 unless:

12 (1) The wastewater collection and treatment system at the marina is
13 adequate to handle any existing and increased flow; and

14 (2) There is a pump-out station on-site at the marina that is adequate
15 to handle the increased sewage capacity from vessels that use the marina and that is
16 operable and accessible at reasonable times.

17 (d) Unless a postponement is granted under subsection (e) of this section[:

18 (1) By July 1, 1995, a marina that berths any vessel that is over 22
19 feet in length and has 200 or more slips shall have a pump-out facility and a waste
20 reception facility on-site that is operable, adequate to handle any existing and
21 increased flows, and accessible at reasonable times;

22 (2) By July 1, 1996, a marina that berths any vessel that is over 22
23 feet in length and has 100 or more slips shall have a pump-out facility and a waste
24 reception facility on-site that is operable, adequate to handle any existing and
25 increased flows, and accessible at reasonable times; and

26 (3) By July 1, 1997], **BY JULY 1, 2010**, a marina that berths any
27 vessel that is over 22 feet in length and has [50 or] more **THAN 10** slips shall have a
28 pump-out facility and a waste reception facility on-site that is operable, adequate to
29 handle any existing and increased flows, and accessible at reasonable times.

30 (e) (1) (i) Upon application by a marina owner or operator, the
31 Secretary may grant a postponement of a requirement of subsection (d) of this section.

1 (ii) A postponement under this subsection[:

2 1. May] **MAY** not be for more than [3 years] **1 YEAR** [;
3 and

4 2. May not be renewed more than once and may not be
5 renewed for more than 3 years].

6 (2) An application for a postponement [or a renewed postponement]
7 under this subsection must be filed with the Secretary not less than 6 months before
8 the applicable deadline.

9 (3) (i) Within 15 days following receipt of an application for a
10 postponement under this subsection, the Secretary shall forward a copy of the
11 application to the Department of Natural Resources.

12 (ii) The Department of Natural Resources shall provide its
13 written comments, if any, within 60 days following receipt of the original application
14 under this subsection.

15 (iii) If no comments have been received from the Department of
16 Natural Resources within 60 days following receipt of the original application, the
17 application shall be processed with the assumption that there are no objections by the
18 Department of Natural Resources.

19 (4) In deciding whether to grant a postponement [or a renewed
20 postponement] under this subsection, the Secretary shall consider:

21 (i) Whether sufficient public funds are available to assist the
22 marina owner or operator in meeting the requirements of subsection (d) of this section;
23 and

24 (ii) If sufficient public funds are not available, whether
25 compliance with the requirements of subsection (d) of this section would represent an
26 economic hardship to the marina owner or operator.

27 (5) (i) The Secretary shall issue a decision on an application for
28 postponement [or renewed postponement] under this subsection within 90 days
29 following the original receipt of the application.

1 (ii) If no action has been taken by the Secretary within 90 days
2 following the original receipt of the application, the postponement [or renewed
3 postponement] shall be considered granted for a period of [3 years] **1 YEAR.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2007.