

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 42

An Act to amend and reenact § 62.1-44.33 of the Code of Virginia, relating to regulations to control the discharge of sewage from boats.

[H 1758]

Approved March 2, 2001

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.33 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.33. Board to make rules and regulations.

The State Water Control Board is empowered and directed to adopt and promulgate all necessary rules and regulations for the purpose of controlling the discharge of sewage and other wastes from both documented and undocumented boats and vessels on all navigable and nonnavigable waters within this Commonwealth. No such regulation shall impose restrictions which are more restrictive than the regulations applicable under federal law; provided, however, the Board may adopt such regulations as are reasonably necessary with respect to vessels regularly berthed in marinas or other places where vessels are moored, in order to limit or avoid the closing of shellfish grounds. *The regulations controlling the discharge of sewage and other wastes from both documented and undocumented boats and vessels shall become effective no later than July 1, 2002.* Documented and undocumented boats and vessels are prohibited from discharging into the Chesapeake Bay and the tidal portions of its tributaries sewage that has not been treated by a Coast Guard-approved Marine Sanitation Device (MSD Type 1 or Type 2); however, the discharge of treated or untreated sewage by such boats and vessels is prohibited in areas that have been designated as no discharge zones by the United States Environmental Protection Agency.

In formulating rules and regulations pursuant to this section, the Board shall consult with the State Department of Health, the Department of Game and Inland Fisheries and the Marine Resources Commission for the purpose of coordinating such rules and regulations with the activities of such agencies.

Violation of such rules and regulations and violations of the prohibitions created by this section on the discharge of treated and untreated sewage from documented and undocumented boats and vessels shall, upon conviction, be a Class 1 misdemeanor. Every law-enforcement officer of this Commonwealth and its subdivisions shall have the authority to enforce the rules and regulations adopted and promulgated under the provisions of this section and to enforce the prohibitions on the discharge of treated and untreated sewage created by this section.