

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 287

An Act to amend and reenact § 62.1-44.33 of the Code of Virginia, relating to no discharge zones.

[H 603]

Approved March 31, 2004

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 adopt 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 that~~ 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: (i) vessels regularly berthed in marinas or other places where vessels are moored, in order to limit or avoid the closing of shellfish grounds; and (ii) *no discharge zones*. ~~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.

The Board shall adopt regulations for designated no discharge zones requiring (i) boats and vessels without installed toilets to dispose of any collected sewage from portable toilets or other containment devices at marina facilities approved by the Department of Health for collection of sewage wastes, or otherwise dispose of sewage in a manner that complies with state law; (ii) all boats and vessels with installed toilets to have a marine sanitation device to allow sewage holding capacity unless the toilets are rendered inoperable; (iii) all houseboats having installed toilets to have a holding tank with the capability of collecting and holding sewage and disposing of collected sewage at a pump-out facility; if the houseboats lack such tank with such capability, the toilet must be removed; (iv) y-valves, macerator pump valves, or any other through-hull fitting valves capable of allowing a discharge of sewage from marine sanitation devices to be secured in the closed position by a device that is not readily removable, including, but not limited to, a numbered container seal such that through-hull sewage is rendered inoperable; and (v) every owner or operator of a marina within a designated no discharge zone to notify boat patrons leasing slips of the sewage discharge restriction in the no discharge zone. As a minimum, notification shall consist of no discharge zone information in the slip rental contract and a sign indicating the area is a designated no discharge zone.

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.