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SPECIAL REPORT ON BOATING INDUSTRY WORKSHOP
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REGULATIONS: WORKSHOP DISCUSSION AND NEW DEVELOPMENTS

(EDITOR'S NOTE: The Boating Industry Workshop was held April 3, 1973 at the Virginia Institute of Marine Science. The workshop was sponsored by the VIMS Department of Advisory Services as a Sea Grant activity. Jon Lucy, advisory specialist and author of this report, was workshop coordinator.)

The Boating Industry Workshop provided a forum for a relatively free and informal exchange of information and ideas between state regulatory officials and industry personnel regarding marina and boat pollution regulations.

Panelists representing the State Water Control Board, the State Department of Health and the Virginia Marine Resources Commission reviewed the responsibilities and policies of the state agencies and answered questions from the audience. A summary of the question-answer session is presented in this report.

Other new developments involving the anti-pollution regulations include: (1) The Virginia Military Institute (VMI) Research Laboratories study of aspects of the State Health Department's marina regulations, (2) State and Federal tax relief for installation of pollution control facilities, and (3) State guidelines for approved sewage retention devices and pumpout facilities.

VMI STUDY

This spring the State Health Department contracted with the VMI Research Laboratories of Lexington, Va., to conduct an independent study, authorized by House Joint Resolution 191, on aspects of the Health Department's Rules and Regulations Governing Sanitary and Sewage Facilities at Marinas and Other Places Where Boats are Moored.

As part of the nearly-completed study, researchers visited more than 20 marinas in Michigan and 12 to 15 mooring facilities in the state of New York. These states were selected because both have had holding tank and pumpout regulations for several years.

During these visits regulatory officials, marina owners and boat operators were questioned about the practical aspects of their activities

under the regulations. In addition, all coastal states were requested to furnish the researchers with copies of their existing regulatory statutes concerning boat pollution and onshore sanitary/sewage facilities at boat mooring locations.

As more information is compiled and compared with Virginia's regulations governing onshore facilities, it appears that the VMI study group may be developing the basis for significant recommendations to the Health Department relative to the criteria used for determining the number of onshore sanitary facilities and whether pumpout facilities should be required at every mooring facility.

The study team is also distributing questionnaires to individual mooring facilities in Virginia to learn more about the types and number of moorings and associated services, as well as estimated people-use of the mooring location. As a supplement to the questionnaire, a number of mooring facilities are being visited to collect data on the number of people at a given mooring location at any one time, the types of sanitary and sewage facilities currently in use or proposed, and the bacterial quality of the water in the particular boat harbor or basin.

These combined efforts may represent one of the best opportunities to date for the industry to have input into the making of "boating" regulations. All persons receiving the questionnaire are urged to return it. If the format of the questionnaire does not cover all information felt to be significant to the regulations, such data can be added to the form before returning it.

Of some 250 questionnaires mailed to "marinas", only about 50 in this category of mooring facilities have responded. More input is desired by the study group so that its recommendations to the Health Department can be based on truly representative information. The study's director requests that the completed questionnaires be in his hands by September 1, 1973 since his report must be submitted to the Health Department by October 1, 1973.

STATE AND FEDERAL TAX RELIEF

The subject of possible tax relief regarding installation of pollution control equipment at marinas was introduced at the workshop. Both state and federal tax codes exist which appear to allow such relief. "Certified pollution control equipment and facilities" (certified as such by the State Water Control Board) are "exempt from all State taxes including taxes upon the sale, purchase, or use thereof." Depending upon the locality, such equipment may also be exempt or partially exempt from local taxation on real or personal property (Section 58-16.3 Code of Virginia, 1950).

For State and Federal income tax purposes a more rapid rate of depreciation may be elected for certified pollution control equipment (depreciated over five years rather than the expected life of the equipment). The Virginia Code (Section 58-81.2, 1950) specifies that the costs of sewage lagooning and the cost of land containing such lagoons

is also included. The Federal Code (Internal Revenue Code 1954, Section 169) appears to contain a deadline clause in that the certified pollution control facility must be placed in service by the taxpayer before January 1, 1975.

GUIDELINES FOR SEWAGE RETENTION DEVICES

At the time of the workshop, guidelines for approved sewage retention devices and pumpout facilities were being prepared by the State Water Control Board. A draft of guidelines for Sewage Holding and/or Recirculating Devices for Marine Toilet Wastes has been completed and should be available soon. The Board's guidelines are taken from the American Boat and Yacht Council's recommended practices and standards.

WORKSHOP QUESTIONS AND ANSWERS ON SANITARY/SEWERAGE FACILITIES & HOLDING TANKS

Most of the following answers are direct responses to questions from the floor concerning the State Health Department's Regulations Governing Sanitary and Sewerage Facilities at Boat Berthing Facilities (including pumpout facilities). However, in some cases pertinent information revealed during other discussions at the workshop have been incorporated for the sake of completeness. In all instances the answers are those of the workshop panel members representing the regulatory agencies. Questions in the first section relate to Regulations Governing Sanitary and Sewerage Facilities (State Health Department); the second section deals with the State Water Control Board's Regulation 5 - Control of Pollution from Boats.

Regulations Governing Sanitary and Sewerage Facilities at Boat Berthing Facilities (Including Pumpout Facilities)

Q: What information, surveys and technical studies were used as a basis for the minimum requirements specified in the regulations?

A: In 1968-1969 the Federal Water Pollution Control Administration (whose responsibilities are now administered by the Environmental Protection Agency) supplied figures as to the average number of persons considered to be aboard a recreational craft when in use and a corresponding average use of water per craft.

Reference was made to the State Plumbing Code under the section pertaining to dormitories as the dormitory situation was felt to most closely resemble live-aboard conditions on recreational craft on weekends.

In using this section of the code as a guideline, the intent was to require sufficient onshore facilities such that persons would not have to use boat facilities while tied up at the dock.

Although the total mooring capacity of a given berthing facility had to be considered in establishing the regulations, consideration was given to the fact that all boats at a given facility would not be in use or occupied at the same time. After determining the total num-

ber of onshore sanitary facilities required, as based on all potential moorings, this total figure was reduced by as much as one-half to two-thirds for the final requirements of the regulation.

(Comment from panel: At least some State Health Department officials feel the number of sanitary facilities now required is insufficient.)

A public hearing was conducted on April 16, 1969 in Richmond.

A 1970 survey was conducted by the Bureau of Shellfish Sanitation of the Health Department to locate and define the existing boat mooring facilities in the state. Each facility was visited and the total number of boat slips, the number and type of toilet and sewage treatment facilities, and the water supply were determined and recorded. This information is in the Bureau's office and can be inspected there upon request.

No boat occupancy information was recorded during this survey.

The Bureau of Shellfish Sanitation has occasionally conducted surveys at certain marinas to determine the number of people using the facilities. This information is available at the Bureau's office.

A recommendation will be made that the State Health Department send a questionnaire to all marinas, as part of the House Joint Resolution 191 study of the existing regulations, to include questions related to the occupancy of boats.

(Comment from industry: Members of the boating industry indicated their willingness to cooperate in collecting occupancy data.)

- Q: Since the existing marina regulations are based on the fact that use of onboard sanitary facilities results in overboard discharge, will the new State Water Control Board no-discharge regulations affect the number of onshore facilities presently required or to be required at marinas?
- A: The State Health Department does not feel that the number of required onshore facilities will be significantly affected by the new no-discharge regulations.
- Q: Will marinas have time to "feel their way along" with respect to pumpout and onshore facility compliance?
- A: Yes. No deadline date has been established for compliance. Marinas will be contacted this summer by someone from the Health Department's Bureau of Sanitary Engineering to help the individual owner work out a reasonable compliance plan.
- Q: Are existing marinas now operating under a system whereby they are required to have a permit or certificate of compliance from the State Health Department concerning pumpout and onshore facilities?
- A: Yes. A certificate of compliance is required by the October 1969 Regulation. The Health Department will be working with the individual

marina owner to construct a compliance plan that will lead to the eventual certification of each facility.

With respect to shellfish condemnation zones around boat mooring facilities the State Water Control Board requires of new marinas and expanding marinas a certificate of assurance that is designed to prevent significant expansions of such condemnation areas. This certificate limits the number of boats without sewage retention systems that can be moored at marinas. A new marina is requested not to dock any boat not having a sewage retention system while an expanding marina is requested to dock no more boats without sewage retention systems than it was capable of handling before the expansion. The certificate requests that inspections be permitted for the purpose of checking compliance with the above restrictions with the understanding that any observed violations could result in the closing down of the marina. It is also requested that the marina comply with the Health Department's rules and regulations governing onshore facilities.

- Q: Will marinas be required to tie up their gas dock with a pumpout operation?
- A: The location of a pumpout station in a marina is up to the marina owner. Boats must be capable of being serviced but this can be done with either permanent or portable pumpout facilities. The pumping of boats permanently moored at a facility may be partially accomplished during the week to lessen the demand for pumping on the weekend.
- Q: Is the State planning any financial aid to marinas for the installation of pumpout facilities?
- A: No. The only aid that may currently exist would be in the form of Federal tax relief relative to the cost of installing pumpout facilities.
- Q: Is the State planning to install the same onshore facilities required of marinas at State park docks, public docks and public launching ramps? Has money been earmarked for this?
- A: The State does not operate or maintain any public docks, only public boat launching ramps. Public municipal docks, if they handle large enough vessels to be using sewage retention devices, should be required to install onshore sanitary and pumpout facilities. State park docks will also be required to install such facilities if they handle boats needing this service. Public boat ramps will probably not install onshore sanitary facilities because there are no slips or moorings associated with the ramps. Presently no State money has been earmarked to cover the cost of installing onshore facilities in any of the preceding situations.
- Q: Are there guidelines available for handling pumpout wastes from boats?
- A: No, not at this time, but the State Health Department's Bureau of Sanitary Engineering is going to distribute information to marinas on

various ways to treat pumpout sewage. The current recommendations for those berthing facilities not serviced by a centralized sewage treatment facility is to place the pumpout sewage in an onshore holding tank (not a septic tank) and periodically have a septic tank pumper remove the contents of this holding tank.

Q: Could a marina owner construct a sewage lagoon on his property for the handling of boat pumpout wastes?

A: A sewage lagoon must be located 600 feet from any outside building or home. If toxic chemicals are contained in the boat pumpout material, these chemicals may prevent the bacterial action necessary for the lagoon to function properly. Requests for construction of such a lagoon would have to be handled individually through the Health Department.

Q: What facilities would be required to satisfy the pumpout requirements of the regulations?

A: In addition to demonstrating the capability to pump out a boat, you would have to have a means to either treat or properly dispose of the wastes (be connected to an approved sewage treatment facility or have a means to hold the waste so that it could be removed periodically by a septic tank pumper).

Q: Are the onshore regulations satisfied if a marina has pumpout facilities but does not actually offer the pumping service?

A: This possibility would have to be given careful consideration by the Health Department before an answer could be given.

Q: Has anyone estimated the total cost of installing the required sanitary, sewerage and pumpout facilities at a medium-size marina (40 to 60 slips) not serviced by a municipal sewage treatment system?

A: Mr. Bill Reiser of Wormley Creek Marina, Yorktown, Va., has made some estimates which indicate that the total expenditure could be considerable.

Regulation 5 - Control of Pollution from Boats

Q: What types of information was collected relative to the number of people on a boat at any one time and the length of time people stayed on board?

A: The State Water Control Board collected this type of information in meetings and through individual correspondence involving persons from yacht associations, power boat associations, individual boat owners and yacht clubs. The information is not in tabulated form but is believed to be reliable.

Q: Relative to holding tanks and pumpout facilities, was the cost to boat owners and marina owners compared to the benefits expected from the adoption of the regulation?

- A: Cost-benefit studies were not specifically done but the cost of the holding tanks, pumpout facilities, etc. were given consideration, and information relative to these costs was related to the Water Control Board by many individuals.
- Q: Which State Agencies will be checking boats for compliance with holding tank regulations and when will such inspections begin?
- A: Presently any State law enforcement officer has the authority to check for compliance with the regulation but efforts are being made to limit the enforcement of the regulations to those agencies having experience with boats such as the Marine Resources Commission and the Commission of Game and Inland Fisheries. The inspection of boats will probably not occur until after the deadline date of March 7, 1975.
- Q: Will the Federal regulations, when finally declared in effect by the U.S. Coast Guard, preempt the Virginia regulation and therefore allow the use of flow-through devices meeting the Federal standards?
- A: The answer is essentially no because Virginia will already have a no-discharge policy and it is not expected to be requested to lower its standards. Virginia's regulation is felt to be consistent with what is expected to be the final form of the Federal regulations.
- Q: Since municipal sewage treatment plants are permitted to discharge properly treated effluents into State waters, could not a flow-through device be designed for boats which would discharge an equally "good" effluent and such a device eventually be allowed on boats?
- A: If the effluent from the boat device could be consistently equal to the quality of the effluent of large treatment plants, there would be no real problem in permitting the use of such a device. But it is the personal opinion of the Water Control Board and Health Department representatives that the same process and safeguards operating in a municipal treatment plant could not be duplicated for a small boat such that the resulting device could be afforded by the boat owner.

