

HOUSE BILL 885

M3, M1

7lr2929

By: **Delegates S. Howard, Arentz, Carey, Chang, Clark, Ghrist, Jacobs, McConkey, Morgan, Saab, Simonaire, and Sophocleus**

Introduced and read first time: February 6, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Chesapeake Bay – Vessel Sewage Discharge Areas**

3 FOR the purpose of requiring the Department of the Environment, in conjunction with the
4 Department of Natural Resources, to designate areas in the Chesapeake Bay and its
5 tributary waters where a vessel may discharge sewage; requiring a certain vessel
6 operator and lessee to ensure that the discharge of sewage from certain vessels takes
7 place in certain designated areas; defining certain terms; making a stylistic change;
8 and generally relating to the discharge of sewage from vessels into the Chesapeake
9 Bay and its tributary waters.

10 BY adding to

11 Article – Environment

12 Section 5–11A–01 to be under the new subtitle “Subtitle 11A. Vessel Sewage
13 Discharge Areas”

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2016 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Natural Resources

18 Section 8–701(a) and (s)

19 Annotated Code of Maryland

20 (2012 Replacement Volume and 2016 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Natural Resources

23 Section 8–741

24 Annotated Code of Maryland

25 (2012 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Environment

SUBTITLE 11A. VESSEL SEWAGE DISCHARGE AREAS.

5–11A–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) “SEWAGE” HAS THE MEANING STATED IN § 8–741 OF THE NATURAL
RESOURCES ARTICLE.

(C) “VESSEL” HAS THE MEANING STATED IN § 8–701 OF THE NATURAL
RESOURCES ARTICLE.

(D) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF
NATURAL RESOURCES, SHALL DESIGNATE AREAS IN THE CHESAPEAKE BAY AND ITS
TRIBUTARY WATERS WHERE A VESSEL MAY DISCHARGE SEWAGE.

Article – Natural Resources

8–701.

(a) In this subtitle the following words have the meanings indicated.

(s) (1) “Vessel” means every description of watercraft, including an ice boat
but not including a seaplane, that is used or capable of being used as a means of
transportation on water or ice.

(2) “Vessel” includes the motor, spars, sails, and accessories of a vessel.

8–741.

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

(2) (i) “Marine sanitation device” means any equipment on board a
vessel which is designed to receive, retain, treat or discharge sewage and any process to
treat sewage on board.

(ii) “Marine sanitation device” includes:

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

3. Type III marine sanitation device, which is certified to a no-discharge standard, including recirculating and incinerating marine sanitation devices and holding tanks.

(i) Human body wastes; and

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

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

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

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

(iv) The marine sanitation device type;

- (vi) A certification statement.

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

(d) (1) While a vessel with an installed toilet is on Maryland waters, the operator shall ~~[insure]~~ **ENSURE** that:

(i) All pathways for overboard discharge of vessel sewage from any vessel with a Type III marine sanitation device are blocked or secured in such a way as to prevent any accidental or intentional vessel sewage discharge, by disconnecting or physically blocking those onboard sewage lines or hull fittings which would allow for overboard vessel sewage discharge; ~~[and]~~

(ii) Any installed in-line Y valve shall be secured to prevent the overboard discharge of sewage from any vessel utilizing a Type III marine sanitation device, by bypassing, locking, securing, or disabling the valve using a padlock or nonreusable wire tie wrap, or by removal of the valve handle, or by any other method in accordance with federal regulations and standards or as approved or required by the Department; **AND**

(III) THE DISCHARGE OF VESSEL SEWAGE FROM ANY VESSEL WITH A TYPE I OR TYPE II MARINE SANITATION DEVICE TAKES PLACE IN AN AREA DESIGNATED UNDER § 5-11A-01 OF THE ENVIRONMENT ARTICLE AS AN AREA WHERE A VESSEL MAY DISCHARGE SEWAGE.

(2) The chosen compliance method under paragraph (1)(ii) of this subsection shall totally eliminate the possibility of overboard vessel sewage discharge while in waters of the State. The method chosen shall present a physical barrier to the use of the Y valve, whether accidental or intentional, so that use of the valve cannot occur without the knowledge of the operator of the vessel.

(e) For any vessel offered as a noncaptained charter, the leasing entity shall:

(1) Ensure that the vessel complies with this section when presented to the lessor; and

(2) Include in the lease agreement, signed by the leasing party, a paragraph outlining the operator's responsibilities under this section.

(f) A person who violates a provision of this section is subject to a civil penalty not exceeding \$2,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.