

April 9, 2009

**H 1378. CLEAN MARINAS/PUMPOUT STATIONS.** Filed 4/7/09. *TO PROVIDE THAT CERTAIN MARINAS SHALL INSTALL AND MAINTAIN PUMPOUT FACILITIES BY JULY 1, 2010, TO PROHIBIT THE DISCHARGE OF EFFLUENT FROM A VESSEL INTO THE STATE'S COASTAL WATERS, TO REQUIRE VESSEL OWNERS AND OPERATORS TO KEEP A LOG REGARDING THE DATE AND LOCATION OF PUMPOUTS, AND TO PROVIDE THAT A PILOT PROGRAM IN NEW HANOVER COUNTY SHALL BE DESIGNED AND IMPLEMENTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO BEGIN PHASING IN THE PUMPOUT STATION REQUIREMENTS.*

Effective July 1, 2010, enacts new Article 9 of GS Chapter 77 as title indicates. Requirements apply to any marina that is located in a county or municipality that has adopted a resolution to petition the federal Environmental Protection Agency for a no-discharge zone designation. Violation of new GS 77-128 regarding pumpout logs for vessels that have a marine sanitation device is punishable as an infraction as defined in GS 14-3.1. Violation of new GS 77-129 prohibiting discharge of treated or untreated sewage is punishable as a Class 1 misdemeanor and as a civil penalty pursuant to new GS 77-130. GS 77-130 also establishes enforcement authority and penalty maximums.

DENR must report to the Environmental Review Commission by October 1, 2009, with respect to the design of the New Hanover pilot program, implement the pilot program by January 1, 2010, and report on implementation of the pilot program by March 1, 2010. Effective July 1, 2009, except as noted.

**Intro. by McComas.**

GS 77, 113A

May 7, 2009

**H 1378. CLEAN MARINAS/PUMPOUT STATIONS.** Filed 4/9/09. House committee substitute makes the following changes to 1st edition. Changes the title to *AN ACT TO PROVIDE THAT THE OWNER OR OPERATOR OF CERTAIN MARINAS SHALL INSTALL AND MAINTAIN PUMPOUT FACILITIES BY JULY 1, 2010, TO PROHIBIT THE DISCHARGE OF EFFLUENT FROM A VESSEL INTO CERTAIN COASTAL WATERS, TO REQUIRE THE OWNER OR OPERATOR OF ANY MARINA WHO KNOWS THAT A VESSEL DOCKED AT THE MARINA HAS UNLAWFULLY DISCHARGED SEWAGE INTO COASTAL WATERS TO REPORT THE UNLAWFUL DISCHARGE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY, TO REQUIRE VESSEL OWNERS AND OPERATORS TO KEEP A LOG REGARDING THE DATE AND LOCATION OF PUMPOUTS, AND TO PROVIDE THAT A PILOT PROGRAM IN NEW HANOVER COUNTY SHALL BE DESIGNED AND IMPLEMENTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO BEGIN PHASING IN THE PUMPOUT STATION REQUIREMENTS.* Changes the definition of *marina* in new GS 77-125 to "a marina that has docking facilities and has more than 10 wet slips for vessels of 25 feet or more that have marine sanitation devices. The term includes privately and publicly owned marinas and anchorages." Changes new subsection GS 77-126(a) to require marinas located on coastal waters designated as a no-discharge zone by the Environmental Protection Agency (EPA) (as well as marinas located in a county or municipality that has adopted a resolution to petition for such a designation) to provide pumpout services. Changes new section GS 77-127 to require the Department of Environment and Natural Resources (DENR) to develop guidelines for inspections of vessels that are docked or moored at a marina (as well as to inspections of the marinas themselves). Changes new section GS 77-128 to require owners or operators of a vessel that has a marine sanitation device to keep its records of the date and location of each pumpout of the device for one year from the date of the pumpout, and makes a violation of GS 77-128 a Class 3 misdemeanor rather than an infraction as defined in GS 14-3.1. Changes new section GS 77-129 to require the owner or operator of a vessel to keep the overboard waste discharge valves locked except when lawfully discharging sewage, including effluent produced or held by a marine sanitation device at a pumpout facility. Adds a new subsection GS 77-129(c), which requires the owner or operator of a marina who knows that the owner or operator of any vessel docked or moored at the marina has knowingly and unlawfully discharged sewage in coastal waters in violation of GS 77-129 to report the unlawful discharge to the appropriate law enforcement

agency, and provides that a marina owner or operator who fails to do so may be assessed a civil penalty pursuant to GS 77-130. Adds a new section GS 77-131 (moving the former GS 77-131 to new GS 77-132) clarifying that the new Article 9 of GS Chapter 77 applies only to (1) marinas located on coastal waters designated by the EPA as a no-discharge zone or that are located in a county or municipality that has petitioned the EPA for such a designation and (2) vessels in coastal waters that are designated by the EPA as a no-discharge zone or are included in a petition to the EPA to be so designated unless the EPA has denied the petition. Makes technical and stylistic changes.

May 11, 2009

**H 1378. CLEAN MARINAS/PUMPOUT STATIONS.** Filed 4/9/09. House committee substitute makes the following changes to 2nd edition. Rewrites bill to (1) change the term *marina* to *large vessel marina*; (2) apply proposed GS 77-129 to all persons, instead of just vessel owners and operators, which prohibits the discharge of sewage in coastal waters; (3) require officers enforcing the provisions to report violations to the Department of Environment and Natural Resources (DENR); (4) apply the civil penalty provisions to all persons who violate the Article; (5) delete an amendment to GS 113A-253(c) relating to use of funds in the Clean Water Management Trust Fund; and (6) with respect to the New Hanover County Pilot, (a) places responsibility on the Division of Coastal Management for design and implementation of the pilot (was, DENR) and (b) changes the date by which DENR must report to the Environmental Review Commission about design of the pilot to December 1, 2009 (was, October 1, 2009). Makes a technical change.

July 7, 2009

**H 1378. CLEAN MARINAS/PUMPOUT STATIONS.** Filed 4/9/09. Senate committee substitute makes the following changes to 3rd edition. Amends proposed GS 77-125 to (1) modify the definition for *large vessel marina* to mean a marina with more than 10 wet slips for vessels that are 26 feet or more (was, 25 feet or more) and (2) modify the definition for *pumpout facility* to include stations affixed permanently to tanker trucks. Adds definitions for (1) *marine sanitation device* as defined in 33 USC § 1322 (excludes portable toilets as defined in this Act), (2) *portable toilet* to mean a self-contained mobile toilet facility and holding tank for sewage, and (3) *sewage* to mean treated or untreated human waste and any effluent produced or held by any type of marine sanitation device.

Amends proposed GS 77-126 to provide that (1) the owner or operator of a large vessel marina or (2) a county or a municipality may apply for any available private, state, or federal grant funds to assist with the cost of installing and *maintaining* a pumpout facility.

Amends proposed GS 77-127 to clarify that the Department of Environment and Natural Resources (DENR) is required to establish appropriate criteria for pumpout facilities and services that are provided at large vessel marinas that *offer docking services to the general public*. Additionally clarifies that DENR is to develop guidelines for inspections of the pumpout facilities and vessels that are docked or moored at the large vessel marinas that offer docking services to the general public. Also directs DENR to establish appropriate criteria for pumpout facilities and services provided at privately owned large vessel marinas that do not offer docking services to the general public and specifies the criteria to be established for such facilities. Requires DENR to develop guidelines for inspecting these privately owned large vessel marinas.

Amends proposed GS 77-129 to clarify that the provisions apply to the owner or operator of a vessel with a marine sanitation device and directs the owner or operator to keep the discharge valves of the marine sanitation device secured by the acceptable methods set out under 33 CFR 159.7(b) to prevent the discharge of treated or untreated sewage, except when lawfully discharged at a pumpout facility.

Makes a clarifying change to the title, specifying that the requirement to keep a log regarding the date and location of pumpouts applies to *pumpouts of sewage from marine sanitation devices*.

Amends the effective date of Section 1 of the act to provide that its provisions apply to offenses committed on or after its effective date of July 1, 2010. Provides that the remainder of the act becomes effective when the act becomes law (was, July 1, 2009).

July 27, 2009

**SL 2009-345 (H 1378). CLEAN MARINAS/PUMPOUT STATIONS.** AN ACT TO PROVIDE THAT THE OWNER OR OPERATOR OF CERTAIN MARINAS SHALL INSTALL AND MAINTAIN PUMPOUT FACILITIES BY JULY 1, 2010, TO PROHIBIT THE DISCHARGE OF SEWAGE FROM A VESSEL INTO CERTAIN COASTAL WATERS, TO REQUIRE THE OWNER OR OPERATOR OF ANY MARINA WHO KNOWS THAT A VESSEL DOCKED AT THE MARINA HAS UNLAWFULLY DISCHARGED SEWAGE INTO COASTAL WATERS TO REPORT THE UNLAWFUL DISCHARGE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY, TO REQUIRE VESSEL OWNERS AND OPERATORS TO KEEP A LOG REGARDING THE DATE AND LOCATION

OF PUMPOUTS OF SEWAGE FROM MARINE SANITATION DEVICES, AND TO PROVIDE THAT A PILOT PROGRAM IN NEW HANOVER COUNTY SHALL BE DESIGNED AND IMPLEMENTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO BEGIN PHASING IN THE PUMPOUT STATION REQUIREMENTS. Summarized in *Daily Bulletin* 4/9/09, 5/7/09, 5/11/09, and 7/7/09. Enacted July 27, 2009. Section 1 is effective July 1, 2010. The remainder is effective July 27, 2009.