

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1378

Short Title: Clean Marinas/Pumpout Stations. (Public)

Sponsors: Representatives McComas; Hughes and Underhill.

Referred to: Marine Resources and Aquaculture, if favorable, Environment and Natural Resources.

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT CERTAIN MARINAS SHALL INSTALL AND MAINTAIN
3 PUMPOUT FACILITIES BY JULY 1, 2010, TO PROHIBIT THE DISCHARGE OF
4 EFFLUENT FROM A VESSEL INTO THE STATE'S COASTAL WATERS, TO
5 REQUIRE VESSEL OWNERS AND OPERATORS TO KEEP A LOG REGARDING
6 THE DATE AND LOCATION OF PUMPOUTS, AND TO PROVIDE THAT A PILOT
7 PROGRAM IN NEW HANOVER COUNTY SHALL BE DESIGNED AND
8 IMPLEMENTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL
9 RESOURCES TO BEGIN PHASING IN THE PUMPOUT STATION REQUIREMENTS.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Chapter 77 of the General Statutes is amended by adding a new
12 Article to read:

13 "Article 9.

14 "Clean Coastal Water and Vessel Act.

15 **"§ 77-125. Definitions.**

16 The following definitions apply in this Article:

17 (1) Department. – Department of Environment and Natural Resources.

18 (2) Marina. – A full-service marina that has docking facilities, sells motor fuel,
19 provides water, and has more than 10 wet slips for vessels that have marine
20 sanitation devices.

21 (3) Pumpout facility. – The term includes stations affixed permanently to a
22 dock, mobile stations mounted to a golf cart or hand truck, direct slipside
23 connections, and pumpout vessels.

24 (4) Vessel. – As defined in G.S. 75A-2.

25 **"§ 77-126. Marina pumpout facilities and services required in certain areas; marinas and**
26 **local government may apply for grant funds.**

27 (a) Any marina that is located in a county or municipality that has adopted a resolution
28 to petition the Environmental Protection Agency for a no discharge zone designation shall
29 either (i) install and maintain an operational pumpout facility at the marina that is available to
30 customers patronizing the marina, or (ii) contract with another marina or other entity to provide
31 pumpout services to marina customers.

32 (b) A marina may apply for any private, State, or federal grant funds that are available
33 for the purpose of assisting with the cost of installing a pumpout facility. A county or
34 municipality may also apply for any private, State, or federal grant funds that are available for
35 the purpose of assisting with the cost of installing a pumpout facility.



1 **"§ 77-127. Department of Environment and Natural Resources establish pumpout facility**
2 **criteria; inspection of pumpout stations.**

3 The Department of Environment and Natural Resources shall establish appropriate criteria
4 for marina pumpout facilities and pumpout services. The criteria shall include requirements that
5 the facility or services be available to the public, the pumpout be open during normal hours,
6 and the pumpout be used for its intended purpose. The criteria shall also include a requirement
7 that the marina maintain records regarding the pumpout facility or services. The Department
8 shall also develop guidelines for inspections of marina pumpout facilities.

9 **"§ 77-128. Vessel owner and operator required to keep log of pumpout dates.**

10 (a) Any owner or operator of a vessel that has a marine sanitation device shall record
11 the date of each pumpout of the marine sanitation device and the location of the pumpout
12 facility.

13 (b) A violation of this section is punishable only as an infraction as defined in
14 G.S. 14-3.1.

15 **"§ 77-129. No discharge of treated or untreated sewage in coastal waters.**

16 (a) The operator of a vessel shall not discharge treated or untreated sewage including
17 effluent produced or held by any type of marine sanitation device into coastal waters.

18 (b) A violation of this section is punishable as a Class 1 misdemeanor and may also be
19 assessed a civil penalty pursuant to G.S. 77-130.

20 **"§ 77-130. Enforcement.**

21 (a) The following officers have authority to enforce this Article and to inspect a marina
22 or vessel subject to this Article:

23 (1) Wildlife protectors.

24 (2) Marine fisheries inspectors.

25 (3) Any sworn local law enforcement officer with jurisdiction to enforce the
26 laws in the county or municipality in which the marina or vessel is located.

27 (b) Unless provided otherwise by this Article, a civil penalty of not more than ten
28 thousand dollars (\$10,000) may be assessed by the Secretary of Environment and Natural
29 Resources against any marina that violates this Article. If any action or failure for which a
30 penalty may be assessed under this section is continuous, the Secretary of Environment and
31 Natural Resources may assess a penalty not to exceed ten thousand dollars (\$10,000) per day
32 for so long as the violation continues.

33 (c) Unless provided otherwise by this Article, a civil penalty of not more than ten
34 thousand dollars (\$10,000) may be assessed by the Secretary of Environment and Natural
35 Resources against any owner or operator of a vessel that violates this Article. If any action or
36 failure for which a penalty may be assessed under this section is continuous, the Secretary of
37 Environment and Natural Resources may assess a penalty not to exceed ten thousand dollars
38 (\$10,000) per day for so long as the violation continues.

39 **"§ 77-131. Rule-making authority.**

40 The Department of Environment and Natural Resources shall adopt rules to implement this
41 Article."

42 **SECTION 2.** G.S. 113A-253(c) is amended by adding a new subdivision to read:

43 "(8b) To purchase or install a pumpout facility as defined in G.S. 77-125 for the
44 purpose of protecting the State's water quality by decreasing effluent
45 discharges into the State's waters as defined in G.S. 143-212."

46 **SECTION 3.** The Department of Environment and Natural Resources shall design
47 and implement a pilot program in New Hanover County to begin phasing in the requirements of
48 Section 1 of this act. The Department shall report to the Environmental Review Commission
49 by October 1, 2009, regarding the design of the pilot program and shall implement the pilot
50 program no later than January 1, 2010. The Department of Environment and Natural Resources

1 shall report to the Environmental Review Commission by March 1, 2010, regarding the
2 implementation of the pilot project.

3 **SECTION 4.** Section 1 of this act becomes effective July 1, 2010. The remainder
4 of this act becomes effective July 1, 2009.