

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 62.1-44.33 of the Code of Virginia, relating to establishing the tidal
3 creeks of the Commonwealth as a "no discharge zone."

4 [H 1774]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 62.1-44.33 of the Code of Virginia is amended and reenacted as follows:**

8 § 62.1-44.33. Board to adopt regulations; tidal waters no discharge zones.

9 A. The State Water Control Board is empowered and directed to adopt all necessary regulations for
10 the purpose of controlling the discharge of sewage and other wastes from both documented and
11 undocumented boats and vessels on all navigable and nonnavigable waters within this Commonwealth.
12 No such regulation shall impose restrictions that are more restrictive than the regulations applicable
13 under federal law; provided, however, the Board may adopt such regulations as are reasonably necessary
14 with respect to: (i) vessels regularly berthed in marinas or other places where vessels are moored, in
15 order to limit or avoid the closing of shellfish grounds; and (ii) no discharge zones. Documented and
16 undocumented boats and vessels are prohibited from discharging into the Chesapeake Bay and the tidal
17 portions of its tributaries sewage that has not been treated by a Coast Guard-approved Marine Sanitation
18 Device (MSD Type 1 or Type 2); however, the discharge of treated or untreated sewage by such boats
19 and vessels is prohibited in areas that have been designated as no discharge zones by the United States
20 Environmental Protection Agency.

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

38 In formulating regulations pursuant to this section, the Board shall consult with the State Department
39 of Health, the Department of Game and Inland Fisheries and the Marine Resources Commission for the
40 purpose of coordinating such regulations with the activities of such agencies.

41 For purposes of this section "no discharge zone" means an area where the Commonwealth has
42 received an affirmative determination from the U.S. Environmental Protection Agency that there are
43 adequate facilities for the removal of sewage from vessels (holding tank pump-out facilities) in
44 accordance with 33 U.S.C. § 1322(f)(3), and where federal approval has been received allowing a
45 complete prohibition of all treated or untreated discharges of sewage from all vessels.

46 C. Violation of such regulations and violations of the prohibitions created by this section on the
47 discharge of treated and untreated sewage from documented and undocumented boats and vessels shall,
48 upon conviction, be a Class 1 misdemeanor. Every law-enforcement officer of this Commonwealth and
49 its subdivisions shall have the authority to enforce the regulations adopted under the provisions of this
50 section and to enforce the prohibitions on the discharge of treated and untreated sewage created by this
51 section.