

# HOUSE BILL 885

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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

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## 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)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Environment**

4 **SUBTITLE 11A. VESSEL SEWAGE DISCHARGE AREAS.**

5 **5–11A–01.**

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

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

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

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

15 **Article – Natural Resources**

16 **8–701.**

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

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

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

22 **8–741.**

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

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

28 (ii) “Marine sanitation device” includes:

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

4                   2.     Type II marine sanitation device, which produces an  
5 effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and  
6 suspended solids not greater than 150 milligrams per liter; and

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

10               (3)     “Sewage” means:

11                   (i)     Human body wastes; and

12                   (ii)    The wastes from toilets and other receptacles intended to retain  
13 body waste.

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

17               (b)     The following vessels equipped with an installed toilet shall be equipped with  
18 an operable marine sanitation device:

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

21                   (2)     A vessel over 65 feet in length shall have a Type II or III marine  
22 sanitation device.

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

25                   (i)     The name of the manufacturer;

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

27                   (iii)   The month and year of manufacture;

28                   (iv)    The marine sanitation device type;

29                   (v)     A certification number; and

30                   (vi)   A certification statement.

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

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

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

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

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

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

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

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

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

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

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