

9 VAC 25-730-10. Definitions.

This regulation is established in accordance with § 62.1-44.3 of the Code of Virginia. For the purposes of this chapter, the following definitions will apply:

"Clean Water Act" means Chapter 26 of Title 33, USC and standards and regulations promulgated thereunder;

"Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"State Water Control Law" means Chapter 3.1 of Title 62.1, Code of Virginia;

"Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used on the waters of the state, including boats and houseboats, regardless of size, means of propulsion or place of registration.

9 VAC 25-730-20. Establishment of Smith Mountain Lake No Discharge Zone.

In accordance with § 312(f)(3) of the Clean Water Act and subsequent Environmental Protection Agency (EPA) regulations at 40 CFR Part 140, Smith Mountain Lake, in the counties of Bedford, Franklin and Pittsylvania, Virginia, has received an affirmative determination from the EPA that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available. Final notice of this determination was published in the **Federal Register** on October 16, 2000 (65 FR 61166, Oct. 16, 2000). A No Discharge Zone is hereby established for Smith Mountain Lake from Smith Mountain Dam (Gap of Smith Mountain) upstream to the 795.0 foot contour (normal pool elevation) in all tributaries, including waters to above the confluence with Back Creek in the Roanoke River arm, and to the Brooks Mill Bridge (Route 834) on the Blackwater River arm.

9 VAC 25-730-30. Prohibition of Boating Sewage Discharges.

Pursuant to the above determination and the requirements of federal regulations at 40 CFR Part 140.4(a), in accordance with § 62.1-44.33 of the State Water Control Law, and in response to General Assembly enactment appearing in **Acts of Assembly** (Chapter 247, April 7, 1998), all discharge of sewage, whether treated or not, from all vessels into the Smith Mountain Lake No Discharge Zone is prohibited.

9 VAC 25-730-40. Enforcement.

§ 62.1-44.33 of the State Water Control Law provides that violation of this chapter shall, upon conviction, be a Class 1 misdemeanor. Every law enforcement officer of this state and its subdivisions shall have the authority to enforce this chapter.