



Proposed Regulation Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation	12VAC5-570-10 et seq.
Regulation title	Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings
Action title	Amend the regulations to reflect current state of marina industry
Date this document prepared	May 4, 2012

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.

The Board of Health's *Sanitary Regulations for Marinas and Boat Moorings* ("Marina Regulations") establish minimum standards for sewage handling and disposal at regulated facilities. Sewerage facilities, sewerage systems, and treatment works that serve marinas, other places where boats are moored, and boating access facilities with 50 or more parking spaces for boat trailers should be sufficient to serve the number of boat slips or persons using such facilities. The proposed revisions to the marina regulations are designed to: (1) ensure that the number of sewerage fixtures required at marinas is based on the number of slips; (2) clarify existing requirements by combining sewerage fixture requirements into one table; (3) add a requirement that boating access sites with 50 or more parking spaces for boat trailers be equipped with appropriate sewerage facilities; (4) simplify procedures for assigning wastewater design flows by providing only one sewage design flow value per slip; (5) require pump-out systems at marinas and other place(s) where boats are moored that provide live-aboard slips or that serve boats with marine sanitary devices; and (6) provide an exemption from the requirement that regulated facilities install a dump station if such facilities have a pump-out system that is capable of pumping out portable sewerage containers.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

"VMRC" means the Virginia Marine Resources Commission.

"VDH" or "agency" means the Virginia Department of Health.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Statutory Authority:

Va. Code §§ 32.1-12 and 32.1-246 require the Board of Health (Board) to promulgate regulations establishing minimum requirements for sewerage facilities at marinas and other places where boats are moored. Va. Code § 32.1-164 provides that the Board's regulations may require that "residences, buildings, structures and other places designed for human occupancy as the Board may prescribe be provided with a sewerage system or treatment works."

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

The Board's Marina Regulations are intended to protect public health and the environment by ensuring that sewage generated from boats and onshore boating facilities is treated and disposed of properly. The Marina Regulations have not been revised since the Board adopted amendments in 1990. Since that time, development has increased dramatically in the Chesapeake Bay watershed and other tributaries and around Virginia's inland lakes. At the same time the public's awareness of and susceptibility to impaired water quality has increased. Boating has increased in popularity with more than 12 million boats in use nationwide. While the number of large commercial marinas has steadily grown, Virginia has also seen an increase in the number of smaller facilities, such as neighborhood marinas and public boat ramps. The proposed amendments simplify and clarify many regulatory requirements and address the need to modify the regulatory requirements for two facilities in particular: a. marinas that serve owners who live aboard their boats and b. public boating access facilities (boat ramps) that receive heavy use (i.e. that have parking spaces for 50 or more boat trailers). In addition, the proposed amendments reflect the evolution in the methods of conveying and disposing human waste aboard boats; in particular, the proposed amendments address the advent of waste disposal via a "marine sanitation device" or a portable toilet. In addition to these methods, the Marina Regulations also require pump-outs to safely and properly handle waste disposal. Some of the changes, particularly those that simplify the method for determining sewage flow as a function of the number of slips, are intended to provide marinas and other

place(s) where boats are moored with the flexibility to redefine business models regarding the types of boats and boating activities they will service.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the "Detail of changes" section.)

The amendments cover five main areas: (1) definitions of terms; (2) requirements for sanitary fixtures based on the number of slips and dry storage spaces; (3) sewerage facility requirements at boating access facilities (boat ramps), (4) sewage design flows based on the number of slips rather than the type of slip with a specific flow assigned to all slips used as "live-aboard" slips, (5) a new section for onshore facility requirements; and, (6) an exemption from the requirement for a sewage dump station for any facility that has a sewage pump-out and the correct appurtenance for pumping out portable toilets.

The agency amended 12VAC5-570-10 to define boating access facility as a location consisting of a boat ramp. The agency expanded the definition for dry storage to include different ways boats are stored between uses. The agency added a definition for "live-aboard slip". The agency defined regulated facilities as marinas, other places where boats are moored, and boating access facilities with 50 or more parking spaces for boat trailers.

The agency amended 12VAC5-570-150 to provide an allowance for smaller boating facilities to construct unisex bathrooms.

The agency amended 12VAC5-570-160 to require sewerage facilities at boating access facilities that have 50 or more parking spaces for boat trailers.

The agency amended 12VAC5-570-180 to prohibit marinas or other places that provide live-aboard slips or boats with a marine sanitation device to invoke an exemption to provide a pump-out service.

The agency amended 12VAC5-570-190 to allow marinas with a pump-out facility equipped with a specialized device (i.e. porta-potty wand) to use the device to excavate sewage from portable sewage containers instead of installing a dump station.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage to the public of these amendments is improved sewage handling in sensitive waterfront areas and the assurance that when they visit a regulated facility there will be adequate sewerage fixtures to meet their needs. Having sewerage facilities available in such locations reduces the potential that human wastes will be improperly dumped into the waters of the Commonwealth. The requirement for smaller-sized marinas to install shower facilities poses an additional economic burden on

smaller marina owners. This burden is offset somewhat, however, by the change that allows these smaller facilities to install a unisex bathroom instead of having to construct separate facilities for men and women. The proposed amendments create advantages to the public and VDH by simplifying the regulatory program; specifically, the number of sewerage fixtures required at regulated facilities is no longer driven by the type of slip (seasonal or transient) but rather by the total number of slips and dry storage spaces. This proposed amendment allows owners the freedom to accommodate both short-term and long-term boaters without impacting any future growth. The amendments propose a higher sewage flow for live-aboard slips to reflect the higher water usage associated with these residences. While this change may pose economic impacts to owners, this change provides public health protection from raw sewage discharge by helping to ensure that sewerage systems and treatment works are sized adequately to handle the wastewater load.

VDH worked with an ad hoc group of stakeholders in developing the proposed amendments. While that group was not able to review all of the proposed amendments, it supported the need to update the regulations and generally supported the substantive changes proposed.

Requirements more restrictive than federal

Please identify and describe any requirements of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

The proposed amendments to the regulations do not conflict with nor exceed applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

Localities that own (or propose to own) regulated facilities are regulated under the current regulations and will be affected by the proposed amendments. These include the Cities of Alexandria, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach, Suffolk and the counties of Fairfax, Prince William, Stafford, Spotsylvania, James City, and the Northern Neck, Middle Peninsula, and Eastern Shore regions.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the board/agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so via the Regulatory Town Hall website, www.townhall.virginia.gov, or by mail, email or fax to **Preston Smith, 109 Governor Street, 5th Floor, Room 540, Richmond, Virginia 23219; phone (804)864-7468; fax (804)864-7475 or preston.smith@vdh.virginia.gov**. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last date of the public comment period.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirements create the anticipated economic impact.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.</p>	<p>No projected cost.</p>		
<p>Projected cost of the <i>new regulations or changes to existing regulations</i> on localities.</p>	<p>Existing facilities are not required to upgrade sewerage facilities unless they expand. Localities may incur some additional costs when regulated facilities are expanded based on requirements for additional sewerage fixtures and modification of an existing or installation sewage treatment works.</p>		
<p>Description of the individuals, businesses or other entities likely to be affected by the <i>new regulations or changes to existing regulations</i>.</p>	<p>Owners of marinas, other places where boats are moored, and public access facilities (boat ramps).</p>		
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>Type of facility</p>	<p># of entities affected</p>	<p># of small businesses affected</p>
	<p>Marinas</p>	<p>525</p>	<p>525</p>
	<p>Other places</p>	<p>402</p>	<p>200</p>
	<p>Boating access facility</p>	<p>25</p>	<p>25</p>
<p>All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>As noted above, existing facilities are not required to upgrade unless they expand. The numbers shown in the table above are based on the total number of regulated facilities in Virginia and represent the number of businesses that could be affected.</p> <p>A completed marina application submitted by the owner of the facility to the local health department in which the facility is located, providing essential data to determine the sewerage facilities, does not carry a fee. These facilities are inspected annually by the local health department. All records generated on the boating facility are maintained by the local health department.</p>		
<p>Beneficial impact the regulation is designed</p>	<p>1. Enhanced protection of public health and</p>		

<p>to produce.</p>	<p>water quality by requiring toilets at boating access facilities with 50 or more parking spaces for boat trailers, by specifying higher sewage design flows for live-aboard slips, and by improving boater access to approved pump-out facilities.</p> <ol style="list-style-type: none"> 2. Reduced sewerage fixture requirements in some cases. 3. Revised standards that reflect today's marina industry needs. 4. Simplified method for determining sewage design flows.
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Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

The alternative would be for the agency to continue administering the current regulations. However, following the agency's periodic review pursuant to Executive Order 36 (2006), VDH determined that the current regulations are outdated and in need of amendments to reorganize and clarify portions and to update some portions to more closely fit current trends and practices in the marine industry.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

VDH believes that some of the amendments, for instance the change that allows smaller marinas to have unisex bathrooms, are less stringent and improve flexibility for the regulated entities. The amendments establish simplified compliance requirements by eliminating the distinction between seasonal and transient slips. These regulations are necessary to protect public health and the environment and are required by § 32.1-246 of the Code of Virginia. VDH believes the proposed amendments represent the least burdensome alternatives for small business.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
	NO COMMENTS WERE RECEIVED	

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

- 1) The proposed modification of the regulations will neither strengthen nor erode the authority and rights of parents in the education, nurturing, and supervision of their children.
- 2) The proposed modification of the regulations will neither encourage nor discourage economic self-sufficiency, self-pride, nor the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents.
- 3) The proposed modification of the regulations will neither strengthen nor erode the marital commitment.
- 4) The proposed modification of the regulations will neither increase nor decrease disposable family income.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact if implemented in each section. Please describe the difference between the requirements of the new provisions and the current practice or if applicable, the requirements of other existing regulations in place.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all provisions of the new regulation or changes to existing regulations between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section	Current requirement	Proposed change, rationale, and consequences
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	number, if applicable		
10		<p>As used in these regulations, the following words and terms hereinafter set forth shall have the following meanings respectively, unless the context clearly requires a different meaning.</p> <p>"Certificate" means a written approval from the Commissioner or his designated representative indicating that plans for sanitary facilities and sewage facilities meet or satisfy the minimum requirements of this chapter and § 32.1-246 of the Code of Virginia.</p> <p>Commissioner" means the State Health Commissioner whose duties are prescribed in § 32.1-19 of the Code of Virginia.</p> <p>"Division" means the Division of Wastewater Engineering, Department of Health.</p>	<p>As used in these regulations, the The following words and terms hereinafter set forth when used in this chapter shall have the following meanings, respectively, unless the context clearly requires a different meaning. indicates otherwise:</p> <p><u>"Boating access facility" means any installation operating under public or private ownership that provides a boat launching ramp and has 50 or more parking spaces for boat trailers. Boating access facilities were previously unregulated despite the fact that the Board has authority to regulate. Under the proposed amendments these facilities will be regulated when there are 50 or more parking spaces for boat trailers. The rationale is to afford the same public health protections afforded to marinas and other places where boats are moored.</u></p> <p>"Certificate" means a written approval from the Commissioner or his designated representative indicating that plans for sanitary facilities and sewage-sewerage facilities, <u>sewerage system and treatment works</u> meet or satisfy the minimum requirements of this chapter and § 32.1-246, of the Code of Virginia. <i>Certificate to Operate is issued when plans or existing boat facility satisfies the minimum requirements regarding sewerage facilities. Revised for clarity.</i></p> <p>"Commissioner" means the State Health Commissioner, whose duties are prescribed in § 32.1-19 of the Code of Virginia.</p> <p><u>"Department" means State Health Department.</u> <i>Revised for clarity.</i></p> <p>"Division" means the Division of Wastewater Engineering, Onsite Sewage and Water Services, Environmental Engineering, and Marina Programs, Office of</p>

		<p>moorage for boats (exclusive of paddle or rowboats) and provides, through sale, rental or fee basis, any equipment, supply or service (fuel, electricity or water) for the convenience of the public or its leasee, renters or users of its facilities.</p> <p>"Marine sanitation device" means any equipment, piping and appurtenances such as holding tanks for installation on board a boat which is designed to receive, retain, treat or discharge sewage and any process to treat such sewage.</p> <p>"Other place(s) where boats are moored" means any installation operating under public or private ownership, which provides dockage, moorage or mooring for boats (exclusive of paddle or rowboats) either on a free, rental or fee basis or for the</p>	<p>or service, including (fuel, electricity, or water) for the convenience of the public or it's the leasee-lessees, renters, or users of its the facilities. <i>Revised for clarity.</i></p> <p>"Marine sanitation device" means any equipment, piping, holding tanks, and appurtenances such as holding tanks for installation onboard a boat which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage. <i>Revised for clarity.</i></p> <p><u>"No Discharge Zone" means an area where a state has received an affirmative determination from the U.S. Environmental Protection Agency that there are adequate facilities for the removal of sewage from vessels (holding tank pump-out facilities) in accordance with §312(f)(3) of the Clean Water Act (33 U.S.C. 1251 et seq.), and where federal approval has been received allowing a complete prohibition of all treated or untreated discharges of sewage from all vessels.</u></p> <p><i>Definition added for clarity. The definition parallels the definition for "No Discharge Zone" found in the State Water Control Board's Regulations Governing the Discharge of Sewage and Other Wastes From Boats (9VAC25-71-10 et seq.)</i></p> <p><u>"Office" means the Office of Environmental Health Services.</u> <i>Definition added to reflect program administration.</i></p> <p>"Other place(s) where boats are moored" means any installation operating under public or private ownership, which provides dockage, or moorage or mooring for boats, other than (exclusive of paddle or rowboats) either on a free, rental or fee basis or for the convenience of the public boater. <i>Revised for clarity.</i></p> <p>"Owner" means the Commonwealth or any of its political subdivisions and</p>
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		<p>convenience of the public.</p> <p>"Owner" means the Commonwealth or any of its political subdivisions and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or county, or any person or group of persons acting individually or as a group who owns a marina or other place where boats are moored.</p> <p>"Pump-out facilities" means any device, equipment or method of removing sewage from a marine sanitation device. Also, it shall include any holding tanks either portable, movable or permanently installed, and any sewage treatment method or disposable equipment used to treat, or ultimately dispose of, sewage removed from boats.</p> <p>"Sanitary facilities" means bathrooms, toilets, closets and other enclosures where commodes, stools, water closets, lavatories, showers, urinals, sinks or other such plumbing fixtures are installed.</p> <p>"Seasonal slips" means any slip which is used, rented, leased or otherwise made available for mooring or docking of boats during the normal boating season, usually from April through September, or for any period greater than 30 days.</p>	<p>any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or county, or any person or group of persons acting individually or as a group who owns or proposes to own a marina, other place(s) where boats are moored or boating access facility. <i>Revised for clarity.</i></p> <p>"Pump-out facilities facility" means any device, equipment or method of <u>for removing sewage from a marine sanitation device, and conveying such sewage to a sewerage system or treatment works</u> Also, it shall <u>include including any portable, movable, or permanent holding tanks, either portable, movable, or permanently installed, and any sewage treatment method or disposable equipment used to treat, or ultimately dispose of, sewage removed from boats</u>—<i>Revised for clarity.</i></p> <p>"Sanitary Sewerage facilities facility" means bathrooms, toilets, closets and other enclosures, <u>including portable toilets</u>, where commodes, stools, water closets, lavatories, showers, urinals, sinks, or other such plumbing fixtures are installed. <i>Revised for clarity and to include portable toilets as an option. The term was changed from "sanitary" to "sewerage" in order to better align the regulations with Va. Code § 32.1-246.</i></p> <p>"Seasonal slips" means any slip which is used, rented, leased, or otherwise made available for mooring or docking of boats during the normal boating season, usually from April through September, or for any period greater than 30 days.—<i>Definition deleted to simplify as the amendments eliminated the distinction between seasonal and transient slips.</i></p> <p>"Sewage" means the spent water or wastewater containing human excrement coming from toilets,</p>
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		<p>"Sewage" means the spent water or wastewater containing human excrement coming from toilets, bathrooms, commodes and holding tanks.</p> <p>"Sewage treatment or disposal systems" means device, process or plant designed to treat sewage and remove solids and other objectionable constituents which will permit the discharge to another approved system, or an approved discharge to state waters or disposal through an approved subsurface drainfield or other acceptable method, such as incineration.</p> <p>"Sewerage facilities" means entire sewage collection and disposal system including commodes, toilets, lavatories, showers, sinks and all other plumbing fixtures which are connected to a collection system consisting of sewer pipe, conduit, holding tanks, pumps and</p>	<p>bathrooms, commodes and holding tanks, water-carried and non-water-carried human excrement, kitchen, laundry, shower, bath, or lavatory wastes, separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, boats, industrial establishments or other places. Revised for clarity and to conform to Va. Code § 32.1-163.</p> <p><u>"Sewage dump station" means a facility specifically designed to receive waste from portable sewage containers carried on boats and conveys such sewage to a sewerage system or a treatment works. Definition added for clarity.</u></p> <p>"Sewage treatment or disposal systems" means device, process or plant designed to treat sewage and remove solids and other objectionable constituents which will permit the discharge to another approved system, or an approved discharge to state waters or disposal through an approved subsurface drainfield or other acceptable method, such as incineration. Deleted for clarity. Other terms in common usage were added- "sewerage systems" and "treatment works."</p> <p><u>"Sewerage facilities system" means entire sewage collection and disposal system including commodes, toilets, lavatories, showers, sinks and all other plumbing fixtures which are connected to a collection system consisting of sewer pipe, conduit, holding tanks, pumps and all appurtenances, including the sewage treatment or disposal system, pipelines or conduits, pump stations and force mains and all other construction, devices, and appliances used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal. Definition revised for clarity and to conform to the definition found in Va.</u></p>
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		<p>all appurtenances, including the sewage treatment or disposal system.</p> <p>"Transient slips" means temporary docking or mooring space which may be used for short periods of time, including overnight, days, or weeks, but less than 30 days.</p>	<p><i>Code § 32.1-163.</i></p> <p><u>"Slip" means a berth or space where a boat may be secured to a fixed or floating structure, including a dock, finger pier, boat lift, or mooring buoy.</u> <i>Definition added to simplify the regulation, as the distinction between seasonal and transient slips has been eliminated.</i></p> <p>"Transient slips" means temporary docking or mooring space which may be used for short periods of time, including lodging overnight, days, or weeks, but less than 30 days. <i>Definition deleted to simplify the regulation, as the distinction between seasonal and transient slips has been eliminated.</i></p> <p><u>"Treatment works" means any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for ultimate disposal of residues or effluents resulting from such treatment.</u> <i>Definition added for clarity. Definition conforms to the definition of "treatment works" found in Va. Code § 32.1-163</i></p> <p><u>"VMRC" means the Virginia Marine Resources Commission.</u> <i>Added for clarity.</i></p>
20.		<p>Sections 32.1-12 and 32.1-246 of the Code of Virginia provides that the State Board of Health is empowered and directed to promulgate all necessary rules and regulations establishing minimum requirements as to adequacy of sewerage facilities at marinas and other places where boats are moored. These facilities should be sufficient to serve the number of boat slips or persons such marinas and places are designed to accommodate, regardless</p>	<p>Sections 32.1-12 and 32.1-246 of the Code of Virginia provides that the State Board of Health is empowered and directed to promulgate all necessary rules and regulations establishing minimum requirements <u>for adequate sewerage facilities at marinas and other place(s) where boats are moored according to the number of slips and persons such marinas and other place(s) where boats are moored are designed to</u></p>

		<p>of whether such establishments serve food.</p>	<p>accommodate. as to adequacy of sewerage facilities at marinas and other places where boats are moored. These facilities should be sufficient to serve the number of boat slips or persons such marinas and places are designed to accommodate, regardless of whether such establishments serve food. <u>Section 32.1-164 provides that the Board's regulations may require a sewerage system or treatment works for such residences, buildings, structures and other places designed for human occupancy as the Board may prescribe.</u></p> <p><i>Revised for clarity and to delineate the Board's authority to regulate boating access facilities (Va. Code § 32.1-164).</i></p>
<p>30.</p>		<p>This chapter has been promulgated by the State Board of Health to:</p> <ol style="list-style-type: none"> 1. Ensure adequate sanitary facilities and pump-out facilities, as defined in 12VAC5-570-10 and required by 12VAC5-570-130 of this chapter, are provided at all marinas and other places where boats are moored; 2. Establish minimum requirements as to the adequacy of sewerage facilities at marinas and other places where boats are moored; 3. Guide the State Board of Health in its determination of the adequacy of the sewerage facilities to serve marinas and other places where 	<p>This chapter The Board has been promulgated <u>this chapter by the State Board of Health to:</u></p> <ol style="list-style-type: none"> <u>1.A. Protect public health and water quality by Ensure ensuring that adequate sanitary sewerage facilities, and pump-out facilities, sewage dump stations, and sewerage systems as defined in 12VAC5-570-10 and required by 12VAC5-570-130 of this chapter, are provided at all marinas, and other place(s) where boats are moored; and boating access facilities.</u> <u>2. B. Establish minimum requirements as to the adequacy of sewerage facilities and sewerage systems at all marinas, and other place(s) where boats are moored; and boating access facilities.</u> <u>C. Protect public health and the environment by ensuring that all sewage generated from all regulated facilities is conveyed to an approved sewerage system or treatment works.</u> <u>3D. Guide the State Board Commissioner or his designee of Health in its his determination of the adequacy of the sewerage systems and sewerage facilities to serve serving all marinas, and other</u>

		<p>boats are moored;</p> <ol style="list-style-type: none"> 4. Guide the State Board of Health in its approval of plans and other data and the issuance of a certificate as to the adequacy of sanitary and sewerage facilities. 5. Notify the Marine Resources Commission that a certificate has been issued; and 6. Assist the owner or his authorized engineer in the preparation of an application and supporting data, as may be required. (See 12VAC5-570-70) 	<p>place(s) where boats are moored; and boating access facilities.</p> <p><u>4E. Guide the State Board Commissioner or his designee of Health in its his approval evaluation of plans and other data and in the issuance of a certificate as to the adequacy of sanitary and sewerage facilities and sewerage systems;</u></p> <p><u>F. Notify the Marine Resources Commission that a certificate has been issued; and</u></p> <p><u>G. Assist the owner or his authorized engineer in the preparation of an application and supporting data, as may be required. (See 12VAC5-570-70).</u></p> <p><i>Amendments in this section are for clarity and to ensure that proposed or existing regulated facilities address sewerage facility and sewerage system needs. Boating access facilities are added as a new group of regulated facilities.</i></p>
<p>40.</p>		<p>These regulations are administered by the following parties:</p> <ol style="list-style-type: none"> 1. The State Board of Health has responsibility for promulgating, amending and repealing regulations which ensure minimum requirements as to adequacy of sewerage facilities at marinas and other places where boats are moored. 2. The State Health Commissioner. 3. The Division of Wastewater Engineering is designated as the primary reviewing agent of the board for the purpose of administering this chapter. It examines and passes upon the technical aspects of all 	<p>These regulations are administered by the following parties:</p> <ol style="list-style-type: none"> 1. The State Board of Health has responsibility for promulgating, amending, and repealing regulations which ensure minimum requirements as to adequacy of sewerage facilities at marinas and other places where boats are moored. <p><u>A. The State Health Commissioner Commissioner is the chief executive officer of the State Department of Health. The Commissioner has the authority to act for the Board when it is not in session. The Commissioner may delegate his powers under this chapter with the exception of his power to issue variances under 12VAC5-570-90.</u></p> <p>3-B. The Division of Wastewater Engineering Division is designated as the primary reviewing agent of the board Commissioner for the purpose of administering these regulations this chapter. # Upon receipt of the</p>

		<p>applications, plans and specifications for sewerage facilities to serve marinas and other places where boats are moored. It issues all certificates attesting to the adequacy of the sewerage facilities and notifies the Marine Resources Commission when a certificate is issued or denied.</p> <p>4. The Deputy Commissioner for Community Health Services directs and supervises the activities of the local health departments in the administration of assigned duties and responsibilities under the chapter.</p> <p>5. The local health department in each jurisdiction, city, town or county in which there exists, or is proposed, a marina or other place where boats are moored shall (i) be responsible for the processing of all applications submitted by owners, (ii) inspect sites and facilities provided, (iii) issue such permits as required by law, rules or regulations for sewerage facilities and, (iv) lacking in authority to issue a permit, will process such applications in accordance with the policies and procedures of the department. The local health department shall conduct a surveillance program and enforce the provisions of this chapter to ensure proper sanitation and cleanliness of the facilities provided.</p> <p>6. The Office of Water Programs of the Department of Health of the Commonwealth of Virginia is responsible for the review and approval of sewage treatment works where there is a discharge to state waters, in accordance with the</p>	<p>application from the local health department, the Division examines and passes upon grants or denies the application the technical aspects of all applications, plans and specifications for sewerage facilities to serve marinas, and other place(s) where boats are moored, and boating access facilities. † The Division issues all certificates attesting to the adequacy of the sewerage facilities and notifies the Marine Resources Commission VMRC when a certificate is issued or denied.</p> <p>4. The Deputy Commissioner for Community Health Services directs and supervises the activities of the local health departments in the administration of assigned duties and responsibilities under the chapter.</p> <p>5.C. The local health department in each jurisdiction, city, town or county in which there exists, or is proposed, a marina or other place where boats are moored shall (i) be responsible for the processing of all applications submitted by owners, (ii) and inspecting sites and facilities provided, for compliance with this chapter. (iii) issue such permits as required by law, rules or regulations for sewerage facilities and, (iv) lacking in authority to issue a permit, will process such applications in accordance with the policies and procedures of the department. The local health department shall conduct a surveillance program and enforce the provisions of this chapter to ensure proper sanitation and cleanliness of the facilities provided.</p> <p>6. The Office of Water Programs of the Department of Health of the Commonwealth of Virginia is responsible for the review and approval of sewage treatment works where there is a discharge to state waters, in accordance with the chapter, policies and procedures of the Health Department and the State Water Control Law, §§ 62.1-44.2 through 62.1-44.34 of the Code of Virginia.</p>
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		<p>chapter, policies and procedures of the Health Department and the State Water Control Law, §§ 62.1-44.2 through 62.1-44.34 of the Code of Virginia.</p>	<p><i>Revised for clarity and to update language to reflect the current command structure and delegations of authority within the agency.</i></p>
<p>50.</p>	<p>.</p>	<p>A. Marinas or other places where boats are moored which are not in compliance with the Rules and Regulations of the Board of Health Governing Sanitary and Sewerage Facilities at Marinas and Other Places Where Boats Are Moored which became effective November 15, 1975 [repealed], shall comply with this chapter.</p> <p>B. All planned or new marinas or other places where boats are moored which do not exist on the effective date of this chapter shall comply with all provisions of this chapter prior to commencing operation.</p> <p>C. All sanitary or sewerage facilities shall conform to the requirements of this chapter when the marina or other places where boats are moored are either expanded, altered or modified.</p>	<p>A. Marinas or other places where boats are moored which are not in compliance with the Rules and Regulations of the Board of Health Governing Sanitary and Sewerage Facilities at Marinas and Other Places Where Boats Are Moored which became effective November 15, 1975 [repealed], shall comply with this chapter. <u>Marinas, other place(s) where boats are moored, and boating access facilities in operation prior to the effective date of this chapter shall be subject to the regulations in effect at the time the marina, other place(s) where boats are moored or boating access facility was permitted unless such marina, other place(s) where boats are moored or boating access facility is expanded after the effective date of this chapter.</u> <i>Revised for clarity to be fair to regulants, the new requirements don't apply retroactively to existing facilities unless there is an expansion.</i></p> <p>B. This chapter shall apply to All all marinas, other place(s) where boats are moored, and boating access facilities. planned or new marinas or other places where boats are moored which do not exist placed into operation on or after the effective date of this regulation, shall comply with all provisions of this chapter prior to commencing operation. <i>Revised for clarity.</i></p> <p>C. All sanitary or sewerage facilities and sewerage systems shall conform to the requirements of this chapter when the marina, or other place(s) where boats are moored or boating access facility that is served by the sewerage facilities and sewerage systems is are either expanded, altered or modified. <i>Revised for clarity and to</i></p>

			<p><i>conform to the definitions in section 10.</i></p> <p>D. <u>This chapter shall apply to sewerage facilities and sewerage systems serving marinas, other place(s) where boats are moored or boating access facilities and located on property owned by the marina, other place(s) where boats are moored or boating access facility owner. Sewerage systems or treatment works installed or proposed to be installed on property owned by someone other than the marina, other place(s) where boats are moored or boating access facility owner are regulated by Chapter 6 of Title 32.1 of the Code of Virginia or Title 62.1 of the Code of Virginia, as applicable.</u></p> <p><i>New section that clarifies that this chapter applies only to those sewerage systems and facilities that are located on the owner's property. Remote facilities are subject to other applicable regulations.</i></p>
60.		<p>No owner shall operate a marina or other place where boats are moored unless he complies with the provisions of §§ 32.1-12 and 32.1-246 of the Code of Virginia and this chapter. Owners shall have in their possession a permit from the Marine Resources Commission to operate a marina or place where boats are moored when so required by § 62.1-3 of the Code of Virginia. Where state-owned bottom lands are involved, a plan approved by the department shall be issued prior to construction and the issuance of a certificate to operate.</p>	<p>No owner shall construct operate a marina, or other place(s) where boats are moored or a boating access facility unless he <u>has obtained a construction permit in accordance with</u> complies with the provisions of §§ 32.1-12 and 32.1-246 of the Code of Virginia and this chapter. these regulations. <u>No owner shall operate a marina, other place(s) where boats are moored or boating access facility until the local health department has inspected and approved construction and has issued a certificate to operate. Owners shall have in their possession obtain a permit from the Marine Resources Commission VMRC to operate a marina, or other place(s) where boats are moored, or boating access facility when so required by § 62.1-3 of the Code of Virginia. Where state-owned bottom lands are involved, the owner shall submit a plan preliminary design and receive approved approval by the Department shall be issued Division</u> prior to construction and the issuance</p>

			<p>of a certificate to operate. <i>Revised for clarity and to add boating access facilities as a regulated category.</i></p>
<p>70.</p>		<p>Any owner, or his duly authorized representative, may make application for a certificate of approval of sanitary or sewerage facilities by applying to the local health department in the jurisdiction where the proposed marina or other place where boats are moored is to be located. The application shall be made on a form supplied by the local health department. The application shall consist of the following:</p> <ol style="list-style-type: none"> 1. A completed application form which shall set forth the essential data to determine the sewerage facilities necessary to serve the proposed installation; 2. Maps, plans and specifications of the sanitary and sewerage facilities describing how and what facilities will be provided. The plans shall establish the location of the sanitary facilities in relation to other facilities; 3. A description of the proposed method of sewage treatment or disposal. Approval of the treatment works or disposal system must be applied for and obtained under other sections of the Code of Virginia and other regulations; and 	<p>Any owner, or his duly authorized representative, may <u>shall make application apply for a construction permit certificate of approval of sanitary or sewerage facilities by applying submitting an application</u> to the local health department in the jurisdiction where the proposed marina, or other place(s) where boats are moored, <u>or boating access facility</u> is to be located. The application shall be made on a form <u>approved by the Division supplied by the local health department</u>. The application shall consist of the following:</p> <ol style="list-style-type: none"> 1- A. completed application form which shall set forth the essential <u>Essential</u> data to determine the sewerage facilities and sewerage <u>system</u> necessary to serve the proposed installation; 2- B. Maps, plans and specifications of the sanitary sewerage facilities and sewerage facilities system describing how and what the type of facilities that will be provided; and how the facilities will provide for the safe and sanitary disposal of all sewage generated at the facility. The preliminary design plans shall establish with the location of the sanitary sewerage facilities and sewerage system in relation to other facilities they are intended to serve; 3- C. A description of the proposed or existing offsite sewerage system or treatment works used for the ultimate method of sewage treatment and disposal; of sewage. The applicant shall apply for and obtain approval of new the offsite sewerage systems or treatment works or disposal system and demonstrate that the existing sewerage systems or treatment works are approved and in accordance with this chapter. must be applied for and obtained under other sections of the Code of Virginia and

		<p>4. Any other data as may be pertinent to show the adequacy of sanitary or sewerage facilities to be provided.</p>	<p>other regulations; and</p> <p>4. D. Any other data as may be pertinent to show the adequacy of the <u>sanitary or sewerage facilities and sewerage system</u> to be provided.</p> <p><u>E. An application pursuant to this section shall contain sufficient detail and clarity necessary to demonstrate that the sewerage facility and sewerage system meet all the applicable requirements of this chapter.</u></p> <p><i>Revised for clarity and to add boating access facilities as a regulated category.</i></p>
<p>80.</p>		<p>Upon receipt of the data set forth in 12VAC5-570-70 in sufficient detail and clarity so as to show that the sewerage facilities meet requirements of this chapter, a plan approval or disapproval will be issued by the Department of Health.</p> <p>A. Construction. Upon completion of construction of the sanitary and sewerage facilities at marinas and other places where boats are moored, the owner of the facility, or his duly authorized representative, shall notify the local health department. A certificate to operate shall be issued by the Health Department when it has been determined that construction is in compliance with the approved plan.</p> <p>B. Operation. All marinas and other places where boats are moored shall hold a valid certificate to operate in the Commonwealth of Virginia.</p>	<p>A. Upon receipt of the data set forth in <u>12VAC5-570-70</u> in sufficient detail and clarity so as to show that the sewerage facilities meet requirements of this chapter, a plan approval or disapproval will be issued by the Department of Health.</p> <p>B. A. Construction. Upon completion of construction of the <u>sanitary sewerage facilities and sewerage system facilities</u> at marinas, and other place(s) where boats are moored, <u>or boating access facility</u>, the owner of the facility, or his duly authorized representative, shall notify the local health department so that it may inspect the <u>construction</u>. <u>A certificate to operate shall be issued by the Health Department when</u> When it <u>the Division in consultation with the local health department,</u> has been determined that construction is in compliance with the approved plan. <u>it shall issue a certificate.</u></p> <p>B. Operation. All marinas and other places where boats are moored shall hold a valid certificate to operate in the Commonwealth of Virginia.</p> <p><u>B. The owners shall post the certificate in a place where it is readily observable by members of</u></p>

			<p><u>the public who transact business with the facility.</u></p> <p><i>Revised for clarity and to conform to the definitions of section 10 and the applicable delegations of authority.</i></p>
<p>90.</p>		<p>The commissioner may grant a variance to any requirement of this chapter if, after investigation, it is determined that the hardship imposed upon the owner or the public by compliance with this chapter outweigh the benefits that the chapter confers, or that there is no potential or actual public health hazard.</p> <p>A. Effect of variance. A variance is a conditional waiver of a specific regulation which is granted to a particular or designated marina or other place where boats are moored. It is nontransferrable and it shall be attached to the certificate of the marina or other place where boats are moored to which it was granted. The variance is a condition of the certificate which is revoked if the certificate is revoked.</p> <p>B. Application for a variance. Any owner of a marina or other place where boats are moored may apply in writing for a variance. This application shall be submitted to the local health department in the jurisdiction in which the marina or other place where boats are moored is located. This application shall include:</p> <ol style="list-style-type: none"> 1. A citation to the chapter from which a variance is requested; 2. A statement of reasons why the public health and environment would not be detrimentally affected if a variance is granted, and a list of suggested measures 	<p>A. <u>Commissioner</u> may grant a variance to any requirement of this chapter if, after investigation, it is the Commissioner determines that the hardship imposed upon the owner or the public by compliance with this chapter outweighs the benefits that the chapter confers, <u>and that granting a variance will not result in a</u> or that there is no potential or actual public health hazard.</p> <p>AB. Effect of variance. A variance is a conditional waiver of a specific regulation which is granted to <u>a</u> an <u>owner of a marina, other place(s) where boats are moored or boating access facility,</u> particular or designated marina or other place where boats are moored. <u>Variances are not</u> it is nontransferrable <u>transferrable between owners and any variance</u> it shall be attached to the certificate of the marina, or <u>or</u> other place(s) where boats are moored, or boating access facility to which it was granted. The variance is a condition of the certificate which is revoked if the certificate is revoked.</p> <p>BC. Application for a variance. Any owner of a marina, or <u>or</u> other place(s) where boats are moored, or boating access facility may apply in writing for a variance. This application shall be submitted to the local health department in the jurisdiction in which the marina, or <u>or</u> other place(s) where boats are moored, or boating access facility is located. This application shall include:</p> <ol style="list-style-type: none"> 1. A citation to <u>referencing the specific requirements of this chapter from which a variance is requested; and a statement describing the hardship(s) imposed by the specific</u>

		<p>that would be implemented to prevent any potential detrimental impacts; and</p> <p>3. Facts supporting the need and justification for the variance.</p>	<p><u>requirements of this chapter:</u></p> <p>2. A statement of reasons why the public health and environment would not be detrimentally affected if a variance is granted, and a list of suggested measures that would be implemented to prevent any potential detrimental impacts; and</p> <p>3. Facts supporting the need and justification for the variance- ;</p> <p><u>4. The nature and duration of the variance request;</u></p> <p><u>5. Other information, if any, believed by the applicant to be pertinent; and</u></p> <p><u>6. Such other information as the Division, local health department or the Commissioner may require.</u></p> <p><u>D. If the Commissioner denies any request for a variance, such denial shall be in writing and shall state the reasons for the denial.</u></p> <p><i>Revised for clarity and to conform to the agency processes for variances in other programs.</i></p>
100.		<p>The board may revoke or suspend a certificate for failure to construct and operate the sewerage facilities in accordance with the conditions of the application and certificate issued or for any violation of this chapter.</p>	<p><u>Either by emergency order under the authority of Code § 32.1-13 or following an opportunity for an informal fact-finding proceeding as provided by Code § 2.2-4019, The the Board Commissioner or his designee may revoke or suspend a certificate for failure to construct and operate the sewerage facilities and sewerage facilities system in accordance with the conditions of the application and certificate issued or for any violation of this chapter.</u></p> <p><i>Revised for clarity and to conform to applicable delegations of authority. The authority to suspend has been eliminated.</i></p>
110.		<p>Any applicant or certificate holder who is aggrieved by an adverse decision of the commissioner may appeal in writing within 30 days after the notification of</p>	<p>Any applicant or certificate holder who is aggrieved by an adverse decision of the commissioner may appeal in writing within 30 days after</p>

		<p>the adverse decision and request a fair hearing. Within 30 days of receipt of notification of appeal, the commissioner shall set a date and place for such hearing. Not later than 30 days following the hearing, the commissioner shall issue a final order with respect to the disposition of the appeal. Such hearing, notice and proceedings shall be conducted pursuant to the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.</p>	<p>the notification of the adverse decision and request a fair hearing. Within 30 days of receipt of notification of appeal, the commissioner shall set a date and place for such hearing. Not later than 30 days following the hearing, the commissioner shall issue a final order with respect to the disposition of the appeal. Such hearing, notice and proceedings shall be conducted pursuant to the The Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia. (§ 2.2-4000 et seq. of the Code of Virginia) shall govern the decision of cases under this chapter.</p> <p><i>Revised for clarity and to conform to the requirements of the Administrative Process Act.</i></p>
<p>Part II Article I</p> <p>120.</p>		<p>Required Facilities for Marinas and Other Places Where Boats are Moored and Their Operation</p> <p>A. All marinas or other places where boats are moored shall provide the minimum number of sanitary facilities for their patrons. These facilities shall be maintained in a clean and sanitary condition. They shall be equipped with toilet tissue, lights where electricity is available and soap and towels where handwashing facilities are required. These facilities shall be available to patrons and users of these facilities at all times during the normal boating season.</p> <p>B. Marinas which are operated as part of residential developments, overnight lodging facilities, restaurants or commercial establishments, which are located within 1,000 feet of the shore end of</p>	<p>Required <u>Sewerage Facilities and Sewerage Systems</u> for Marinas, <u>and Other Place(s) Where Boats are Moored, and Boating Access Facilities</u> and Their Operation</p> <p><i>Title revised for clarity.</i></p> <p>A. All <u>owners of marinas, or other place(s) where boats are moored, and boating access facilities</u> shall provide the minimum number of <u>sanitary sewerage facilities required by this chapter</u> for their patrons. <u>These Owners shall maintain their facilities shall be maintained</u> in a clean and <u>sanitary operable</u> condition. <u>They Owners shall equip their facilities shall be equipped</u> with toilet tissue, lights where electricity is available and soap and towels where handwashing facilities are required. <u>These Owners shall make their facilities shall be available during normal business hours to patrons and users of these facilities at all times during the normal boating season for that facility.</u></p> <p>B. Marinas <u>which are located within 1,000 feet of the shore end of the pier that are operated as part of residential developments, overnight lodging facilities, restaurants or</u></p>

		<p>the pier, are exempted from providing separate sanitary facilities, as long as the sanitary facilities at the residence, lodging establishment, restaurant or commercial establishment are available to all users of the marina. This exemption does not apply to</p> <p>(i) marinas associated with restaurants or commercial establishments which allow overnight occupancy of boats and</p> <p>(ii) marinas associated with overnight lodging establishments where overnight occupancy of boats is permitted by persons not registered at the overnight lodging establishment.</p> <p>C. Exempt from the requirements of subsection A of this section are other places where boats are moored which serve residents of homes (houses, condominiums, apartments or mobile homes), their bona fide house guests, or registered guests of tourist establishments which provide adequate sanitary facilities that are located within 1,000 feet of the shore end of the pier.</p> <p>D. In order to qualify for an exemption under subsections B or C of this section, the owner of such marinas or other places where boats are moored shall provide to the department a signed, notarized statement that all conditions set forth in the aforementioned sections will</p>	<p>commercial establishments, which are located within 1,000 feet of the shore end of the pier, are exempted from providing separate sanitary sewerage <u>sanitary sewerage</u> facilities, as long as the <u>sanitary sewerage</u> facilities at the residence, lodging establishment, restaurant or commercial establishment are made available to all users of the marina. <u>The exemption set forth in this subsection does not apply to:</u></p> <p>(i) marinas <u>1. Marinas</u> associated with restaurants or commercial establishments which that allow overnight occupancy of boats; and (ii) marinas</p> <p><u>2. Marinas</u> associated with overnight lodging establishments where overnight occupancy of boats is permitted by persons not registered at the overnight lodging establishment.</p> <p>C. Exempt from the requirements of subsection A are other <u>Other place(s)</u> where boats are moored which and boating access facilities are exempt from the requirements of subsection A, provided that the other place(s) where boats are moored or boating access facility:</p> <p><u>1. serve</u> Serves residents of homes (houses, condominiums, apartments or mobile homes), their bona fide house guests, or registered guests of tourist establishments; which and</p> <p><u>2. provide</u> Provides adequate <u>sanitary sewerage</u> facilities that are located within 1,000 feet of the shore end of the pier.</p> <p>D. In order to qualify for an exemption under subsections B or C of this section, the owner of such a <u>a</u> marinas, or other place(s) where boats are moored, <u>or a boating access facility</u> shall provide to the department <u>Division</u> a signed, notarized statement that all conditions set forth in the aforementioned sections will be complied with by users of the</p>
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		be complied with by users of the facilities.	facilities. <i>Revised for clarity.</i>
130.		Adequate sanitary facilities shall be conveniently located within 500 feet walking distance from the shore end of any dock they are intended to serve or within a reasonable distance under unusual circumstances as determined by the division. It may be necessary to provide sanitary facilities in more than one location in order to meet the needs of the particular site developed.	Adequate <u>Owners shall conveniently locate their sewerage sanitary facilities shall be conveniently located</u> within 500 feet walking distance from the shore end of any dock they are intended to serve. <u>On a case by case basis the Division may approve a greater or within a reasonable distance if under</u> unusual circumstances <u>such as topography or resource protection areas prevent compliance with this requirement, as determined by the division.</u> It <u>The Division may be necessary require the owner</u> to provide sewerage sanitary facilities in more than one location in order to meet the needs of the particular site, developed. <u>In addition, the Division may require additional fixtures, beyond the minimum number specified in Table 1, if it determines that additional fixtures are necessary to accommodate the site layout and use of the marina, other place(s) where boats are moored, or boating access facility.</u> <i>Allows the Division to approve sewage facilities at distances greater than 500' on a case by case basis; allows the Division to require additional facilities on a case by case basis when necessary to accommodate the specific needs of a particular facility.</i>
140.		The sanitary facilities shall be so located that they are available and readily accessible to users. They shall be appropriately marked with signs readily identifiable to all personnel who might desire to use the facilities.	Owners shall locate <u>The the sewerage sanitary facilities shall be so located so</u> that they are available and readily <u>reasonably</u> accessible to <u>all</u> users. They shall be appropriately marked with signs readily identifiable to all personnel who might desire to use the facilities. <u>The location and use of all sewerage facilities shall be clearly indicated by appropriate signage.</u> <i>Revised for clarity.</i>
150.		A. Minimum number of fixtures to be provided in sanitary facilities. It shall	A. Minimum <u>The minimum</u> number

be understood that in many instances the site layout and the use of the marina may require more fixtures than are shown in the table below. If the Board, after observation and study, determines that additional fixtures or buildings housing sanitary facilities are necessary, the owner shall provide the additional fixtures so determined. Where dry storage space is provided, each dry storage space is equivalent to one-third of a seasonal slip. The minimum number of fixtures required is contained in Table No. 1 and is based upon the total number of seasonal slips or their equivalent. Separate facilities for male and female personnel shall be provided in a structure or structures.

of sewerage fixtures to be provided in sanitary facilities. It at marinas is found shall be understood that in Table 1.

~~B. many instances the site layout and the use of the marina may require more fixtures than are shown in the table below. If the Board, after observation and study, determines that additional fixtures or buildings housing sanitary facilities are necessary, the owner shall provide the additional fixtures so determined. Where dry storage space is provided, each dry storage space is equivalent to one-third (1/3) of a seasonal slip. The minimum number of fixtures required is contained in Table No. 1 and is based upon the total number of seasonal slips or their equivalent. Separate sewerage facilities for male and female personnel shall employees may be provided in a structure or structures but shall not be counted toward the minimum number of fixtures required to accommodate users of the marina.~~

Table #1

Number of Seasonal Slips	Fixtures		
	Commodes		Urinals
	Male	Female	Male
0-49	1	1	0
50-99	1	2	1
100-149	2	3	1
150-199	2	4	2
200-249	3	5	2

Table 1

Number of Slips	Fixtures		
	Commodes		Urinals
	Male	Female	Male
1-24	1		0
25-49	1	2	1
50-99	2	3	1
100-149	3	4	1
150-199	3	5	2
200-249	4	6	2

Number of Seasonal Slips	Fixtures	
	Lavatories	
	Male	Female
0-49	1	1
50-99	1	1
100-149	2	2
150-199	3	3
200-249	4	4

Number of Slips	Fixtures	
	Lavatories	
	Male	Female
1-24	1	
25-49	2	2
50-99	2	2

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will be provided for each sex for each 100 additional seasonal slips. A urinal may be substituted for a commode when the number of seasonal slips exceeds 100 of the Table No. 1 values. Showers are not required for dry storage boat usage.

B. Transient slip. When transient slips are available additional sanitary facilities shall be provided. Table No. 2 below shows the minimum number of additional fixtures required. These fixtures may be included in a structure or structures with those fixtures provided for the seasonal slip, provided the accessibility and convenience standards of 12VAC5-570-130 and 12VAC5-570-140 of this chapter are met.

Table #2

Number of Transient Slips	Fixtures		
	Commodes		Urinals
	Male	Female	Male
0-24	1	1	1
25-49	1	2	1
50-74	2	3	1
75-100	2	4	2

Number of Transient Slips	Fixtures	
	Lavatories	
	Male	Female
0-24	1	1
25-49	2	2
50-74	2	2
75-100	3	3

Number of Transient Slips	Fixtures	
	Showers	
	Male	Female
0-24	1	1
25-49	2	2
50-74	2	2
75-100	3	3

For each 24 or fraction thereof of transient slips or moorings in excess of those shown in Table No. 2 above, one commode, lavatory and shower shall be provided for each sex. In addition, one urinal shall be

~~be provided. The owner shall provide One commode, lavatory and shower will be provided for each sex gender for each 100 additional seasonal slips. A urinal may be substituted for a commode when the number of seasonal slips exceeds 100 of the Table No. 1 values. Showers are not required for dry storage boat usage.~~

~~B. Transient slip. When transient slips are available additional sanitary facilities shall be provided. Table No. 2 below shows the minimum number of additional fixtures required. These fixtures may be included in a structure or structures with those fixtures provided for the seasonal slip, provided the accessibility and convenience standards of 12VAC5-570-130 and 12VAC5-570-140 of this chapter are met.~~

Table #2

Number of Transient Slips	Fixtures		
	Commodes		Urinals
	Male	Female	Male
0-24	1	1	1
25-49	1	2	1
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75-100	2	4	2

Number of Transient Slips	Fixtures	
	Lavatories	
	Male	Female
0-24	1	1
25-49	2	2
50-74	2	2
75-100	3	3

Number of Transient Slips	Fixtures	
	Showers	
	Male	Female
0-24	1	1
25-49	2	2
50-74	2	2
75-100	3	3

For each 24 or fraction thereof of transient slips or moorings in excess of those shown in Table No. 2 above, one commode, lavatory and shower shall be provided for each sex. In addition, one urinal shall be provided for each 50 or fraction thereof transient slips in excess of the

		<p>provided for each 50 or fraction thereof transient slips in excess of the number shown in Table No. #2.</p>	<p>number shown in Table No. #2. <i>Eliminates “seasonal” and “transient” slips as the basis for determining sewerage fixture needs. Combining the sewerage fixture requirements into one table will lessen the restrictions placed on facility owners allowing them to attract different types of boaters as well as making it easier for the Department to estimate sewage flow. The proposed number of fixtures will provide for the protection of public health and the environment.</i></p>
<p>160.</p>		<p>Where piped water is available, sanitary facilities shall consist of a minimum of one commode and one lavatory for females and one commode and one lavatory for males for each 100 seasonal slips or fraction thereof and each 50 transient slips or fraction thereof. Requirements for dry storage boat usage shall be identical to those specified in 12VAC5-570-150 for marinas. Sanitary facilities may consist of privies where piped water is not available. Walking distance to these facilities shall comply with 12VAC5-570-130.</p>	<p><u>A. Sewerage facilities are required at other place(s) where boats are moored and boating access facilities in accordance with this section.</u></p> <p><u>B. Where piped potable water is available, sewerage sanitary facilities for other place(s) where boats are moored shall consist of a minimum of one commode, and one lavatory, and one shower for females and one commode and one lavatory for males for each gender, for each 100 seasonal slips, or fraction thereof and each 50 transient slips or fraction thereof.</u></p> <p><u>C. Requirements for dry storage boat usage shall be are identical to those specified in 12VAC5-570-150 for marinas.</u></p> <p><u>D. Where piped potable water is not available, Sanitary sewerage facilities for other place(s) where boats are moored may consist of privies, where piped water is not available.</u></p> <p><u>E. Sewerage facilities at boating access facilities shall consist of at least one privy or portable toilet and shall be sufficient in number to accommodate facility usage.</u></p> <p><u>F. Walking distance to these facilities shall comply with 12VAC5-570-130.</u></p> <p><i>This section was revised for clarity. New sewerage facility requirements added for boat ramps with more than 50 parking spaces for boat trailers.</i></p>

			<p><i>Requiring the availability of sewerage facilities at these types of boating facilities will ensure the protection of public health and the environment.</i></p>
<p>170.</p>		<p>Public or municipal sewage treatment facilities shall be used if there is reasonable access to sewers. When such municipal means of disposal is not available, the owner shall have designed and installed an approved method of sewage treatment. Approved methods of sewage treatment are set forth in the Sewerage Regulations (1977) (12VAC5-580-10 et seq.) Sewage Handling and Disposal Regulations (1982, as amended), 12VAC5-610-10 et seq. If permanent water conservation devices are provided, the sewage flow requirements specified in subsections A and B of this section may be reduced upon written approval of the division.</p> <p>A. The following shall be used to determine the amount of sewage flow. It is assumed that each slip or dry storage space represents two persons. At marinas providing toilet facilities only, the flow figure shall be 10 gallons per person per day. At marinas providing toilet and shower facilities, the flow figure shall be 16 gallons per person per day except at</p>	<p><u>A. Public or municipal sewerage systems and sewage treatment works facilities shall</u> should be used if there is reasonable access to sewers. When such municipal means of disposal <u>is are</u> not available, the owner shall have designed and installed an approved <u>sewerage system or treatment works method of sewage treatment. An approved sewerage system or treatment works</u> is (1) a system for which a certificate to operate has been issued jointly by the Department and the Department of Environmental Quality, (2) a system approved by the Department of Environmental Quality in accordance with Title 62.1 of the Code of Virginia, or (3) a system approved by the Commissioner in accordance with Title 32.1 of the Code of Virginia. Approved methods of sewage treatment are set forth in the Sewerage Regulations (1977) (12VAC5-580-10 et seq.) or the Sewage Handling and Disposal Regulations (1982, as amended). If permanent water conservation devices are provided, the sewage flow requirements specified in subsections A and B of this section may be reduced upon written approval of the division.</p> <p><i>Revised for clarity and to conform to § 32.1-164 of the Code of Virginia.</i></p> <p><u>A B. The following shall be used to determine the amount of sewage flow. It is assumed that The sewage design flow for each seasonal slip or dry storage space represents two persons. At marinas providing toilet facilities only, the flow figure shall be 10 25 gallons per person slip per day. At marinas providing toilet and shower facilities, the flow figure shall be 16 gallons per person per day except at marinas with only seasonal slips, where the flow figure shall be 10 gallons per person per day for the</u></p>

		<p>marinas with only seasonal slips, where the flow figure shall be 10 gallons per person per day for the first 99 slips, regardless of whether showers are available, and 16 gallons per person per day for all slips above the 99 slips. For dry storage facilities the sewage flow shall be calculated using one-third the number of dry storage spaces. In addition, for marinas or other places where boats are moored which have a boat launching ramp and provide boat trailer parking spaces only while the boat is in use, the design sewage flow shall be increased by 10 gallons per day per boat trailer parking space.</p> <p>B. Where restaurants or motels are operated in connection with a marina or place where boats are moored the following shall be used as a basis for determining the amount of sewage flow:</p> <p>Motels - 65 gallons per person per day or a minimum of 130 gallons per room per day.</p> <p>Restaurant - 50 to 180 gallons per seat per day. Each installation</p>	<p>first 99 slips, regardless of whether showers are available, and 16 gallons per person per day for all slips above the 99 slips. Where dry storage is provided, each dry storage space shall be equivalent to one-third (1/3) of a slip. For dry storage facilities the sewage flow shall be calculated using one third the number of dry storage spaces. The sewage design flow for each live-aboard slip shall be 50 gallons per slip per day. When a marina or other place(s) where boats are moored is constructed in conjunction with another structure or facility, the sewage design flows prescribed in this section shall be added to the sewage design flow governing the associated structure or facility.</p> <p><u>C. In addition, for For a marinas or other place(s) where boats are moored which have that has a boat launching ramp and provide boat trailer parking spaces only while the boat is in use, boating access facility,</u> the design sewage flow shall be increased by 10 gallons per day per boat trailer parking space.</p> <p><u>D. The Division may approve a reduction in the sewage flow requirements specified in subsection B if the owner provides documented flow data sufficient to justify the reduction.</u></p> <p>B. Where restaurants or motels are operated in connection with a marina or place where boats are moored the following shall be used as a basis for determining the amount of sewage flow:</p> <p>Motels - 65 gallons per person per day or a minimum of 130 gallons per room per day.</p> <p>Restaurant - 50 to 180 gallons per seat per day. Each installation will be evaluated according to conditions.</p> <p>C. The occupancy level of boats used for design of sewage treatment or disposal facilities will be those levels listed in 12VAC5-570-170 A. It is recognized that the type of activity and utilization of marina or other places where boats are moored varies and, therefore, additional facilities to provide capacity up to</p>
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		<p>will be evaluated according to conditions.</p> <p>C. The occupancy level of boats used for design of sewage treatment or disposal facilities will be those levels listed in 12VAC5-570-170 A. It is recognized that the type of activity and utilization of marina or other places where boats are moored varies and, therefore, additional facilities to provide capacity up to maximum may be required if the need arises. The local health director serving the area in which the marina is located shall make such determination.</p>	<p>maximum may be required if the need arises. The local health director serving the area in which the marina is located shall make such determination.</p> <p><i>The revisions simplify the method for estimating sewage flows by basing flows on “slips” rather than the existing method which relies on “seasonal,” “transient” and other slip designations. The revisions also establish a new requirement for “live-aboard” slips that are used as residences. The proposed sewage design flows provide a more accurate representation of the volume of sewerage waste generated at the boating facility. The sewage design flows also factor in the use of showers and laundry facilities.</i></p>
<p>180.</p>		<p>Other places where boats are moored which allow overnight docking or mooring of boats and all marinas, regardless of size or number of boat moorings, shall provide pump-out facilities for pumping or removing sewage from boats. These pump-out facilities shall include all the equipment, structures and treatment or disposal facilities necessary to ultimately discharge or dispose of this boat sewage in an efficient and sanitary manner without causing an actual or potential public health hazard. Exempt from this requirement are marinas and other places where boats are moored which do not allow boats with an installed toilet with a discharge overboard or a sewage holding tank to use any of the services provided, including moorage, except in an emergency. In order to qualify for this exemption, the owner of such marina or other place where boats are moored shall provide the department with a signed notarized statement that boats with installed toilets with overboard discharges or sewage holding tanks shall not be permitted to use the marina or other places facilities.</p>	<p>A. Owners of <u>Other other</u> place(s) where boats are moored which allow overnight docking or mooring of boats and <u>owners of</u> all marinas, regardless of size or number of <u>boat moorings slips</u>, shall provide pump-out facilities for pumping or removing sewage from boats. These pump-out facilities shall include all the equipment, structures and treatment or disposal facilities necessary to ultimately discharge or dispose of this boat sewage in an efficient and sanitary manner without causing an actual or potential public health hazard. Exempt from this requirement are marinas and other place(s) where boats are moored which do not <u>have live-aboard slips</u> or allow boats with an <u>marine sanitation device installed toilet with a discharge overboard or a sewage holding tank</u> to use any of the services provided, <u>including moorage</u>, except in an emergency. In order to qualify for this exemption, the owner of such marina or other place(s) where boats are moored shall provide the Department with a signed notarized statement <u>indicating that there are no live-aboard slips and that boats with <u>marine sanitation devices installed toilets with overboard discharges or sewage holding tanks</u></u></p>

		<p>A. Availability and operation. Where pump-out facilities are required, the owner shall install, maintain in good operating condition and provide pump-out during normal working hours to users of the marina or other places where boats are moored except in those cases where adequate facilities are provided in accordance with subsection B of this section, then, the normal working hours requirement will apply to the facility using the agreement, as well as the facility with the alternate pump-out service.</p> <p>B. Alternate pump-out service. Marinas and other places where boats are moored which provide less than 50 seasonal (or transient) slips for boats of 26 feet or more in length and less than 20 seasonal (or transient) slips for boats of 40 feet or more in length may be exempted from the requirement to install pump-out facilities. Such exemption will be granted by the director of the division whenever alternate pump-out service is provided at a nearby marina or other place where boats are moored, and is evidenced by an agreement signed and notarized by both parties in accordance with the requirements of this section, and filed with the division. Such</p>	<p>shall not be permitted to use the marina or other places facilities facility- except in an emergency.</p> <p>A. B. Availability and operation. Where pump-out facilities are required, the owner shall install, maintain in good operating condition and provide pump-out during normal working hours to users of the marina or other places where boats are moored except in those cases where adequate facilities are provided in accordance with subsection B of this section, then, the normal working hours requirement will apply to the facility using the agreement, as well as the facility with the alternate pump-out service. The owner shall make sewage pump-out facilities available to all users of the marina or other place(s) where boats are moored during normal operating hours. The owner shall maintain the pump-out equipment in serviceable condition and shall keep the equipment located in an area convenient for utilization.</p> <p><u>C. The owner shall use placards or signs to identify the sewage pump-out location and use restrictions.</u></p> <p>B. D. Alternate pump-out service. Marinas and other place(s) where boats are moored which provide less fewer than 50 seasonal (or transient) slips for boats of 26 feet or more in length and less than 20 seasonal (or transient) slips for boats of 40 feet or more in length may be exempted from the requirement to install pump-out facilities- unless such marinas and or other place(s) where boats are moored is located in a No Discharge Zone. Such exemption will shall be granted by the Director of the Division whenever alternate pump-out service is provided at a nearby marina or other place(s) where boats are moored, and is as evidenced by an agreement signed and notarized by both parties in accordance with the requirements of this section, and filed with the Division. The Division shall only approve Such such alternate pump-out service will only be</p>
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		<p>alternate pump-out service will only be approved by the division when the following criteria are met:</p> <ol style="list-style-type: none"> 1. That the alternate pump-out service will not require more than 20 minutes to complete from the time a boater has the boat ready to receive the service and has previously requested to have the boat sewage holding tank pumped. The pump-out service for holding tanks of 50-gallon capacity or more (sewage holding) may exceed twenty minutes; 2. That the alternate pump-out service shall be located within three miles, as measured along the water route, of the facility using the agreement unless the alternate pump-out service is located along the normal travel route to open water, in which case the facility using the agreement shall be within five miles of the alternate pump-out service; 3. That the alternate pump-out service capacity is sufficient to handle the demand for pump-out service, in accordance with subsection C of this section, that is expected for all of the marinas or other places where boats are moored entering into the above-mentioned agreement; 4. That a notice shall be posted in a conspicuous location, at the marina or other place where boats are moored not installing pump-out service, that specifies the location of the alternate pump-out service; and 	<p>approved by the division when in accordance with the following criteria are met:</p> <ol style="list-style-type: none"> 1. That the <u>The</u> alternate pump-out service will shall not require more than 20 minutes to complete from the time a boater has the boat ready to receive the service and has previously requested to have the boat sewage holding tank <u>marine sanitation device</u> pumped. The pump-out service for holding tanks of 50-gallon capacity or more (sewage holding) may exceed <u>20</u> twenty minutes; 2. That the <u>The</u> alternate pump-out service shall be located within three <u>3 nautical</u> miles, as measured along the water route, of the exempt facility using the agreement unless the alternate pump-out service is located along the normal travel route to open water, in which case the exempt facility using the agreement shall be within five <u>5 nautical</u> miles of the alternate pump-out service; 3. That the <u>The</u> alternate pump-out service capacity is shall be sufficient to handle the demand for pump-out service, in accordance with subsection C of this section, that is expected for all of the marinas or other place(s) where boats are moored entering into the above-mentioned agreement; 4. That a notice <u>The owner of the exempt facility shall post in a conspicuous location appropriate signage that specifies the location of the alternate pump-out service and the associated charge for its use; shall be posted in a conspicuous location, at the marina or other place where boats are moored not installing pump-out service, that specifies the location of the alternate pump-out service;</u> and
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		<p>5. The terms of the agreement provide:</p> <p>a. That the alternate pump-out service will be available to all boats moored at each facility and it will state that the alternate pump-out facility will furnish pump-out services to anybody referred to it by the establishment using the agreement to provide pump-out service, as specified by this chapter; and</p> <p>b. That the agreement will be valid for one year and will be automatically renewable on the anniversary date, unless either party gives at least a 60-day termination notice to the other and to the director of the division prior to the renewal date.</p> <p>6. If a termination notice is issued to a facility using an agreement to provide alternate pump-out service, in accordance with 12VAC5-570-180 B, then that facility shall either provide pump-out service or obtain a new written agreement, in accordance with 12VAC5-570-180 B, by the effective date of the termination of alternate pump-out service.</p> <p>C. Minimum design criteria for pump-out facilities. The purpose of these minimum design criteria is to provide the owner and the Department of Health with acceptable methods for pumping, storing, conveying and treatment of the contents from boat</p>	<p>5. The terms of the agreement shall provide that:</p> <p>a. That the <u>The</u> alternate pump-out service will <u>shall</u> be available to all boats moored at each facility and it will state that the alternate pump-out facility will furnish pump-out services to anybody <u>boaters</u> referred to it by the <u>exempt facility establishment using the agreement to provide pump-out service</u>, as specified by this chapter; and</p> <p>b. That the <u>The</u> agreement will <u>shall</u> be valid for one year and will be automatically renewable on the anniversary date, unless either party gives at least a 60-day termination notice to the other and to the Director of the division <u>Division</u> prior to the renewal date.</p> <p>6. If a termination notice is issued to a <u>an exempt facility using an agreement to provide alternate pump-out service</u>, in accordance with 12VAC5-570-180 B <u>this subsection</u>, then that facility shall either provide pump-out service or obtain a new written agreement, in accordance with 12VAC5-570-180 B <u>this subsection</u>, by the effective date of the termination of alternate pump-out service.</p> <p>C. E. Minimum design criteria for pump-out facilities. The purpose of these minimum design criteria is to provide the owner and the Department of Health <u>Department</u> with acceptable methods for pumping, storing, <u>and</u> conveying and treatment of the contents from boat holding tanks. <u>marine sanitation devices.</u> The owner <u>A proposed pump-out facility shall meet the following minimum design criteria: shall furnish the following information for each proposed pump-out facility:</u></p> <p>1. Pumping equipment. Pump</p>
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		<p>holding tanks. The owner shall furnish the following information for each proposed pump-out facility:</p> <p>1. Pumping equipment. Pump equipment may be fixed or portable; however, this equipment shall be conveniently located for usage and clearly identified or placarded by signs or other notices, indicating any fees, restrictions or other operating instructions, as necessary. A minimum pump capacity of 10 gpm is acceptable at the operating head required to transport the flow to the proper collection or treatment location with such residual head as may be required; however, at marinas with 51 or more slips, greater pumping capacity may be required. Pumps shall be of a macerator type or have sufficient size suction and discharge openings to prevent clogging. Manually operated pumps are not permitted. Pump data from the manufacturer shall include:</p> <p>a. The type of pump (diaphragm or centrifugal, and power);</p> <p>b. Rated capacity (gpm, hp. and head);</p> <p>c. Motor type (electric or gas);</p>	<p>equipment may be fixed or portable; however, this equipment shall be conveniently located for usage and clearly identified or placarded by signs or other notices, indicating any fees, restrictions or other operating instructions, as necessary. A minimum pump capacity of 10 gallons per minute (gpm) is acceptable at the operating head required to transport the flow to the proper collection or treatment location with such residual head as may be required; however, at marinas with 51 or more slips, greater pumping capacity may be required. <u>To prevent clogging, pumps shall be of a macerator type or the pumps shall be able to pass a 2-inch spherical solid. have sufficient size suction and discharge openings to prevent clogging.</u> Manually operated pumps are <u>not permitted acceptable at marinas and other place(s) where boats are moored that offer fewer than 26 slips.</u> Pump data from the manufacturer shall include:</p> <p>a. The type of pump (diaphragm <u>positive displacement</u>, or centrifugal, <u>vacuum, macerator, etc. and power</u>);</p> <p>b. Rated capacity (gpm, hp. and head); <u>Pump power source (electric motor, gasoline engine, etc.) and output (HP);</u></p> <p>c. Motor type (electric or gas); and <u>Pump capacity, including a performance curve; and</u></p> <p>d. Suction and discharge opening size. <u>Pump solids-handling ability; and</u></p>
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		<p>and</p> <p>d. Suction and discharge opening size.</p> <p>2. Location schematic. If fixed pump-out equipment is proposed, a schematic of the location with elevations for subsections a, b, c, d and e, as described below, shall be included, or if portable pump-out equipment is proposed, a schematic shall indicate elevations for subsections a, c, f and g, as described below:</p> <p>a. Mean low water level;</p> <p>b. Elevation of dock;</p> <p>c. Greatest elevation of suction center line of pump;</p> <p>d. Elevation of discharge point;</p> <p>e. Highest point in discharge line;</p> <p>f. Type of dock (floating or stationary); and</p> <p>g. Greatest elevation of any dock.</p>	<p>e. <u>A schematic showing relevant pump dimensions, such as height, size and location of suction and discharge openings, etc.</u></p> <p>2. Location schematic. If fixed pump-out equipment is proposed, a schematic of the location with elevations for a, b, c, d and e, as described below, shall be included, or if portable pump-out equipment is proposed, a schematic shall indicate elevations for subsections a, c, f and g, as described below: <u>A schematic of the proposed facilities shall be provided and include the following, minimum information:</u></p> <p>a. <u>Mean low water elevation; level;</u></p> <p>b. <u>Suction hose diameter, length, and highest elevation; Elevation of dock;</u></p> <p>c. <u>Pump elevation; Greatest elevation of suction center line of pump;</u></p> <p>d. <u>Discharge hose/pipe diameter(s), length(s), and highest elevation; Elevation of discharge point;</u></p> <p>e. <u>Discharge point elevation; Highest point in discharge line;</u></p> <p>f. <u>Type of dock (floating or stationary); and</u></p> <p>g. <u>Greatest elevation of any dock; and</u></p> <p>h. <u>Distance between pump-out location and slips.</u></p> <p>All elevations shall be measured with respect to mean low water. If the elevation of mean low water is not known, assume it to be zero.</p>
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		<p>All elevations shall be measured with respect to mean low water. If the elevation of mean low water is not known, assume it to be zero.</p> <p>3. Fittings and hoses (piping) – fittings and hoses (piping) which are used in operation of a pump-out facility shall meet the following:</p> <p>a. Suction hose.</p> <p>(1) A friction nozzle (right angle preferred) or wand-type attachment is to be provided on the end of the suction hose. Adapters shall be provided to fit any discharge connection from 1.5 to 4 inches in diameter.</p> <p>(2) A check valve shall be provided on the suction hose at the nozzle.</p> <p>(3) The hose shall be made of flexible, heavy-duty material that will be noncollapsing and nonkinking. The length of this line shall be determined on an individual case basis.</p> <p>(4) If the suction line is to be installed in such a manner that sewage would discharge from the line when the pump is removed for service, a gate valve shall be provided on the pump end of the suction line.</p>	<p>fittings <u>This subdivision sets forth the minimum design criteria for fittings and hoses (piping) which are used in the operation of a pump-out facility shall meet the following:</u></p> <p>a. <u>Suction hoses shall meet the following criteria:-</u></p> <p>(1) A friction nozzle (right angle preferred) or wand-type attachment is to be provided on the end of the suction hose. Adapters shall be provided to fit any discharge connection from 1.25 to 4 <u>2</u> inches in diameter.</p> <p>(2) A check valve shall be provided on the suction hose at the nozzle.</p> <p>(3) The hose shall be made of flexible, heavy-duty material that will be noncollapsing and nonkinking. The length of this line shall be determined on an individual case basis <u>by the Division.</u></p> <p>(4) If the suction line is to be installed in such a manner that sewage would discharge from the line when the pump is removed for service, a <u>gate full port ball</u> valve shall be provided on the pump end of the suction line.</p> <p>b. <u>Discharge hose and piping- shall meet the following criteria:</u></p> <p>(1) The discharge hose or piping shall be equipped with watertight, permanent or positive locking type fittings and connections.</p> <p>(2) Where flexible discharge hose is used, the hose shall be made</p>
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		<p>b. Discharge hose and piping.</p> <p>(1) The discharge hose or piping shall be equipped with watertight, permanent or positive locking type fittings and connections.</p> <p>(2) Where flexible discharge hose is used, the hose shall be made of heavy-duty material and be nonkinking and noncollapsing.</p> <p>c. Discharge line.</p> <p>(1) A gate valve shall be provided on the discharge line at the pump;</p> <p>(2) Suitable connections on the end of the discharge line shall be provided to prevent it from coming loose during discharge; all nozzles and fittings are to be positive locking, male and female.</p> <p>(3) The discharge line must not be subject to freezing or leaking into the water course.</p> <p>(4) Sewer lines on piers shall be located below water distribution lines. Water and sewer line separation and sewer line, and water source separation requirements are set forth in the Waterworks Regulations (12VAC5-590-10 et seq.) and the Sewage Handling and Disposal Regulations (12VAC5-610-10 et seq.).</p>	<p>of heavy-duty material and be nonkinking and noncollapsing.</p> <p>c. Discharge lines shall meet the following criteria:-</p> <p>(1) A gate full port ball valve shall be provided on the discharge line at the pump;</p> <p>(2) Suitable connections on the end of the discharge line shall be provided to prevent it from coming loose <u>dislodging</u> during discharge; all nozzles and fittings are to be positive locking, male and female.</p> <p>(3) The discharge line must <u>shall</u> not be subject to freezing or leaking into the water course.</p> <p>(4) Sewer lines on piers shall be located below water distribution lines. Water and sewer line separation and sewer line, and water source separation requirements are set forth in the Waterworks Regulations (12VAC5-590-10 et seq.) (12VAC5-590) and the Sewage Handling and Disposal Regulations (12VAC5-610-10 et seq.) (12VAC5-610-20 et seq.).</p> <p>(5) The discharge line connection to the pump-out receiving facility shall be fixed in place in such a manner as to prevent it from coming loose <u>dislodging</u> during discharge.</p> <p>d. Rinse equipment. Pump-out facilities shall include equipment for rinsing the boats' holding tanks- <u>associated with marine sanitation</u></p>
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		<p>(5) The discharge line connection to the pump-out receiving facility shall be fixed in place in such a manner as to prevent it from coming loose during discharge.</p> <p>d. Rinse equipment. Pump-out facilities shall include equipment for rinsing the boats' holding tanks. Where potable water will be used for rinsing the holding tank, a backflow prevention device shall be installed on the water service line. A minimum of a hose bib type vacuum breaker shall be provided.</p> <p>4. Other devices or methods of removal. Other devices or methods of removal of contents from boat holding tanks may be approved by the Commissioner on an individual case basis.</p> <p>5. Onshore facilities. Contents from boat holding tanks shall be discharged to (i) a public wastewater collection system in which sewage is conveyed to an approved treatment facility; (ii) a holding tank whereby sewage may be stored until it is taken in an approved manner to an approved treatment facility; or (iii) directly to an approved sewage treatment facility.</p> <p>a. For discharge to a public wastewater collection system, the following will be required: The owner of the marina or other place where boats are moored shall submit evidence, in writing, (i) of consent from the owner of the system, (ii) from the owner of any conveyance systems located downstream, which may be affected, and (iii) from the owner of the ultimate treatment facility. Verification shall be given that there are satisfactory provisions for emptying the contents from portable toilets in a sanitary manner.</p> <p>b. If sewage is to be stored in a holding tank, the holding tanks shall be sized, constructed and</p>	<p>devices. Where potable water will be used for rinsing the holding tank, a backflow prevention device shall be installed on the water service line. A minimum of a hose bib type vacuum breaker shall be provided.</p> <p>4. Other devices or methods of removal. Other devices or methods of removal of contents from boat holding tanks marine sanitation devices may be approved by the Commissioner <u>Division</u> on an individual case basis.</p> <p>5. Onshore facilities. Contents from boat holding tanks shall be discharged to (i) a public wastewater collection system in which sewage is conveyed to an approved treatment facility; (ii) a holding tank whereby sewage may be stored until it is taken in an approved manner to an approved treatment facility; or (iii) directly to an approved sewage treatment facility.</p> <p>a. For discharge to a public wastewater collection system, the following will be required: The owner of the marina or other place where boats are moored shall submit evidence, in writing, (i) of consent from the owner of the system, (ii) from the owner of any conveyance systems located downstream, which may be affected, and (iii) from the owner of the ultimate treatment facility. Verification shall be given that there are satisfactory provisions for emptying the contents from portable toilets in a sanitary manner.</p> <p>b. If sewage is to be stored in a holding tank, the holding tanks shall be sized, constructed and</p>
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		<p>evidence, in writing, (i) of consent from the owner of the system, (ii) from the owner of any conveyance systems located downstream, which may be affected, and (iii) from the owner of the ultimate treatment facility. Verification shall be given that there are satisfactory provisions for emptying the contents from portable toilets in a sanitary manner.</p> <p>b. If sewage is to be stored in a holding tank, the holding tanks shall be sized, constructed and located to meet the criteria.</p> <p>(1) Size of holding tank. Marinas or other places where boats are moored shall size the holding tanks based upon the following tabulations:</p> <table border="1" data-bbox="483 1228 899 1482"> <thead> <tr> <th>Total Number of Boats Serviced with Holding Tanks</th> <th>Required Onshore Holding Tank Volume (gallons) Minimum</th> </tr> </thead> <tbody> <tr> <td>1-20</td> <td>250</td> </tr> <tr> <td>21-40</td> <td>500</td> </tr> <tr> <td>41-60</td> <td>725</td> </tr> <tr> <td>61-80</td> <td>1000</td> </tr> <tr> <td>81-100</td> <td>1200</td> </tr> <tr> <td>100+</td> <td>2000</td> </tr> </tbody> </table>	Total Number of Boats Serviced with Holding Tanks	Required Onshore Holding Tank Volume (gallons) Minimum	1-20	250	21-40	500	41-60	725	61-80	1000	81-100	1200	100+	2000	<p>located to meet the criteria.</p> <p>(1) Size of holding tank.</p> <p>Marinas or other places where boats are moored shall size the holding tanks based upon the following tabulations:</p> <table border="1" data-bbox="1049 478 1432 989"> <thead> <tr> <th>Total Number of Boats Serviced with Holding Tanks</th> <th>Required Onshore Holding Tank Volume (gallons) Minimum</th> </tr> </thead> <tbody> <tr> <td>1-20</td> <td>250</td> </tr> <tr> <td>21-40</td> <td>500</td> </tr> <tr> <td>41-60</td> <td>725</td> </tr> <tr> <td>61-80</td> <td>1000</td> </tr> <tr> <td>81-100</td> <td>1200</td> </tr> <tr> <td>100+</td> <td>2000</td> </tr> </tbody> </table> <p>(2) Construction of holding tank.</p> <p>(a) The holding tank shall be designed so that it is watertight and not subject to any infiltration or any leakage.</p> <p>(b) When holding tanks are made of material other than concrete, the internal surface of the holding tank shall be protected from corrosion. Materials used in the manufacture and installation of holding tanks shall be resistant to deterioration by prolonged or frequent contact with deodorizing chemicals, sewage decomposing chemicals, sewage, freshwater and saltwater.</p> <p>(c) When holding tanks are made of material other than concrete, the outside surface of the</p>	Total Number of Boats Serviced with Holding Tanks	Required Onshore Holding Tank Volume (gallons) Minimum	1-20	250	21-40	500	41-60	725	61-80	1000	81-100	1200	100+	2000
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190.		<p>A. All marinas and other places where boats are moored, regardless of size or number of boat moorings, shall have an acceptable receiving station for sewage from portable toilets</p>	<p>A. All marinas and other place(s) where boats are moored, regardless of size or number of boat moorings, shall have an <u>acceptable proper and adequate</u> receiving station for</p>

		<p>used on boats. The owner shall install, maintain in good operating condition and provide a sewage dump station to users of the marina or other places where boats are moored. Exempt from this provision are marinas or other places where boats are moored, which also qualify for the 12VAC5-570-120 B or C exemption, provided the owner of the sanitary facility will allow the dumping of the contents of portable toilets into the sanitary facilities.</p> <p>B. Availability and operation. Where a sewage dump station is required, the owner shall install, maintain in good operating condition and provide the facilities to users of the marina or other places where boats are moored.</p> <p>C. Minimum design criteria for a sewage dump station. The purpose of these minimum design criteria is to provide the owner and the Department of Health with acceptable methods of discharging sewage from a portable container into a sewage holding tank or a sewage treatment system. The same criteria as set forth in 12VAC5-570-180 C 5 for contents from boat holding tanks will apply for sewage dump stations. The sewage dump station receiving unit shall be a minimum of 12 inches in diameter and be equipped with a cover that has a lip of sufficient size to prevent it from accidentally being removed. If the unit is designed to drain, the drain shall be a minimum of four</p>	<p>sewage from portable toilets containers used on boats. The owner shall install, maintain in good operating condition and provide a sewage dump station to users of the marina or other places where boats are moored. Exempt from this provision <u>subsection</u> are marinas or other place(s) where boats are moored which also qualify for the <u>exemption contained in 12VAC5-570-120 B or C exemption</u>, provided <u>that the owner of the sewerage sanitary facility will allow consents to the dumping of the contents of portable toilets sewage containers into the sewerage sanitary facilities.</u></p> <p>B. Availability and operation. Where a sewage dump station is required, the owner shall install, and maintain in good operating condition, <u>it in a serviceable and sanitary condition and in compliance with the regulations.</u> and The owner shall make provide the facilities available to users of the marina or other place(s) where boats are moored. The owner shall locate the sewage dump station in an area convenient for use and the owner shall use placards or signs to identify its location and restrictions.</p> <p>C. Minimum design criteria for a sewage dump station. The purpose of these <u>the</u> minimum design criteria is to provide the owner and the Department of Health with acceptable methods of discharging sewage from a portable containers into a sewage holding tank or a sewage sewerage treatment works system. The same criteria as set forth in 12VAC5-570-180 C 5 <u>12VAC5-570-200 A</u> for contents from boat holding tanks marine sanitation devices will shall apply for sewage dump stations. The sewage dump station receiving unit shall be a minimum of 12 inches in diameter and be equipped with a cover that has a lip of sufficient size to prohibit prevent it from accidentally being removed accidental removal. If the unit is designed to drain, the drain shall be a minimum of four inches in</p>
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		<p>inches in diameter and equipped with a fly tight cover.</p>	<p>diameter and equipped with a fly tight cover.</p> <p><u>D. Exempt from the requirements of subsection C are marinas and other place(s) where boats are moored that have an operational pump-out facility equipped with a device to pump portable sewage containers.</u></p> <p><i>Revised for clarity. Provides owners with facilities that have proper sanitary waste pump-out services an alternative to installing a sanitary waste dump station. The wand attachment is now commonly used at boating facilities with sanitary waste pump-out systems because it is easy to use and limits the boater's opportunity to spill sanitary waste into the water thereby protecting the environment. Requirement for convenient location added to accommodate facility users and the public.</i></p>
(None)	200. Onshore facilities	(None)	<p><u>A. Contents from marine sanitation devices and portable sewage containers used on boats shall be discharged to:</u></p> <p><u>1. a public sewerage system for conveyance to an approved treatment works as described in</u></p> <p style="padding-left: 40px;"><u>12VAC-570-170 A.;</u></p> <p><u>2. a holding tank whereby sewage may be stored until it is transported in accordance with the Sewage Handling and Disposal Regulations to an approved treatment works as described in 12VAC-570-170 A. or</u></p> <p><u>3. to an approved sewage treatment works as described in 12 VAC-570-170 A.</u></p> <p><u>B. Disposal of sewage waste from a marine sanitation device shall be prohibited at small sewage treatment plants where shock loading may result or disinfectants and odor inhibitors will affect the operation of the treatment facility. Whenever feasible, the collected sewage shall</u></p>

			<p><u>be discharged directly to the sewerage system of a large sewage treatment facility or transported for eventual treatment at a large sewage treatment facility.</u></p> <p><u>C. For discharge to a public sewerage system the owner of the marina or other place(s) where boats are moored shall submit to the Division, in writing:</u></p> <ol style="list-style-type: none"> <u>1. written evidence of consent to the discharge from the owner of the conveyance system;</u> <u>2. written evidence of consent to discharge from the owner of any conveyance systems located downstream which may be affected,</u> <u>3. written evidence of consent to discharge from the owner of the treatment works where the sewage is to be disposed of;</u> <u>4. and the owner shall verify that there are satisfactory provisions for emptying the contents from portable sewage containers in a sanitary manner.</u> <p><u>D. If sewage is to be stored by the marina or other place(s) where boats are moored in a holding tank, the holding tank or tanks shall be sized, constructed and located to meet the following criteria:</u></p> <ol style="list-style-type: none"> <u>1. Sewage holding tanks shall be sized in accordance with the requirements of Table 2.</u> <p style="text-align: center;"><u>Table 2: Minimum Holding Tank Volume</u></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;"><u>Total Number of Boats Serviced Annually with Marine Sanitation Devices</u></th> <th style="text-align: center;"><u>Minimum Holding Tank Volume (gallons)</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> </tbody> </table>	<u>Total Number of Boats Serviced Annually with Marine Sanitation Devices</u>	<u>Minimum Holding Tank Volume (gallons)</u>		
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			<p>2. Holding tanks shall be constructed in accordance with the following criteria:</p> <ul style="list-style-type: none"> a. The holding tank shall be watertight and not subject to any infiltration or leakage; b. When holding tanks are made of material other than concrete, the internal surface of the holding tank shall be protected from corrosion. Materials used in the manufacture and installation of holding tanks shall be resistant to deterioration by prolonged or frequent contact with deodorizing chemicals, sewage decomposing chemicals, sewage, freshwater and saltwater. c. When holding tanks are made of material other than concrete, the outside external surface of the holding tank shall be protected from corrosion. d. The holding tank shall be constructed of materials capable of withstanding the forces exerted on its walls. e. The holding tank shall be located onshore and fixed in place unless it is part of an approved mobile pump-out unit. f. Provisions shall be made to the satisfaction of the Department to assure that the holding 								

			<p><u>emptied. The tank shall be essentially emptied when pumped out.</u></p> <p><u>g. The holding tank shall be adequately vented. This requirement may be met with screened, elbowed down vents installed at the top of the tank.</u></p> <p><u>h. The inlet/outlet of the holding tank shall be compatible with the proposed method of removal.</u></p> <p><u>i. There shall be provisions for emptying the contents from portable sewage containers in a sanitary manner.</u></p> <p><u>3. The required separation distances between holding tank and various structures and features are contained in Table 4.1 of the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.).</u></p> <p><u>4. Any person who removes, or contracts to remove, and transport by vehicle, the contents of a holding tank shall have a written sewage handling permit issued by the Commissioner in accordance with the Sewage Handling and Disposal Regulations, (12VAC5-610-20 et seq.).</u></p> <p><i>Clarifies the requirement that all sewage must be properly disposed of, either to an approved treatment works, or by conveyance to an approved treatment works. Construction criteria for holding tanks intended to protect public health and the environment from sewage leakage is included. Technical changes are intended to make the regulation more consistent with other regulations and to better reflect the state of the wastewater and marina industries. Setback requirements and pump and haul requirements are derived from the Board's Sewage Handling and Disposal Regulations</i></p>
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			<i>which regulate the safe and sanitary treatment, conveyance and disposal of sewage.</i>

For new chapters, use this chart:

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements

Enter any other statement here