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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO WATERS AND NAVIGATION -- WATER POLLUTION

Introduced By: Representative Laurence W. Ehrhardt

Date Introduced: February 25, 2010

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-12-39.1 of the General Laws in Chapter 46-12 entitled "Water  
2 Pollution" is hereby amended to read as follows:

3 **46-12-39.1. No discharge certificate decal -- Required.** -- (a) Definitions. - As used in  
4 this section and in conjunction with this chapter, the following terms shall be construed as  
5 follows:

6 (1) "Certification agent" means a marina or boatyard which is capable of installing  
7 sewage disposal holding tanks and related equipment; a certified marine sewage pump-out  
8 facility, including a mobile facility; other established marine businesses, included, but not limited  
9 to, marine surveyors and mobile marine repair facilities, that are experienced in the evaluation,  
10 repair and/or installation of boat sewage systems; and local harbor masters and assistant harbor  
11 masters.

12 (b) No person shall operate or moor for more than thirty (30) days, a boat in the waters  
13 of the state, that has a permanently installed marine toilet unless such boat displays in a  
14 prominent position an approved "no discharge certificate decal."

15 (c) Subsection 45-12-39.1(b) shall not apply to any vessel carrying a valid certificate of  
16 inspection issued by the U.S. Coast Guard pursuant to title 46 of the U.S. Code.

17 (d) Two (2) no discharge certificate decals, differing in color, shall be made available by  
18 the department of environmental management for issuance to boats subject to the requirements of  
19 this section.

1 (1) Decals of one color shall signify that the recipient boat has a marine toilet, in proper  
2 working order, which is either a marine sanitation device-type I, a marine sanitation device-type  
3 II, or a marine sanitation device-type III with a holding tank and through-hull fitting that would  
4 allow sewage to be discharged overboard, but the boat owner or operator had taken the steps  
5 necessary to prevent the discharge of sewage into the waters of the state.

6 (2) Decals of the other color shall signify that the recipient boat either has a marine  
7 sanitation device-type III with a holding tank and no through-hull fitting that would allow sewage  
8 to be discharged overboard, or no marine toilet at all.

9 (e) Certification shall remain in effect for forty-eight (48) months after each certification,  
10 and no additional certification shall be required during that period.

11 (f) The department of environmental management shall collect and deposit into a  
12 separate general revenue account a fee of ten dollars (\$10.00) for each certificate to defray the  
13 cost of implementation of this section.

14 (g) Certificate decals may be obtained from any certification agent.

15 (h) Before a certificate decal may be issued, a certification agent must visually inspect  
16 each permanently installed marine toilet on a boat, as well as any associated plumbing or holding  
17 tank fixtures, to ascertain whether the boat is in compliance with section 46-12-39. If necessary,  
18 the certification agent shall perform a color-dye flush test of each toilet to verify compliance.

19 (i) For inspections conducted pursuant to this section, certification agents may collect  
20 and retain a fee, not to exceed twenty-five dollars (\$25.00) for each permanently installed marine  
21 toilet aboard each boat. This fee shall be in addition to the minimum ten dollar (\$10.00) fee for  
22 each decal issued, which certification agents shall collect and forward to the department of  
23 environmental management pursuant to subsection (f) above.

24 (j) The provisions of this section shall expire on December 31, 2010.

25 SECTION 2. Chapter 46-12 of the General Laws entitled "Water Pollution" is hereby  
26 amended by adding thereto the following section:

27 **46-12-39.1. No discharge sign - Required. -- (a) No person shall operate or moor in the**  
28 **waters of the state for more than thirty (30) days a boat that has a permanently installed marine**  
29 **toilet unless such boat displays in a prominent position a "no discharge sign" stating "All waters**  
30 **of Rhode Island have been declared No Discharge Zones. It is illegal to discharge any treated or**  
31 **untreated sewage into the waters of Rhode Island. Violators are subject to penalty under RI**  
32 **General Law 46-12-40." Signs shall be clearly legible and no smaller than 4x9 inches.**

33 **(b) Subsection 45-12-39.1(b) shall not apply to any vessel carrying a valid certificate of**  
34 **inspection issued by the U.S. Coast Guard pursuant to title 46 of the U.S. Code.**

1 SECTION 3. Sections 46-12-40 and 46-12-41 of the General Laws in Chapter 46-12  
2 entitled "Water Pollution" are hereby amended to read as follows:

3 **46-12-40. Penalty for violations.** -- (a) Every person in violation of section 46-12-39 or  
4 owning, operating or causing to be operated, upon the waters of the state, a boat in violation of  
5 the provisions of section 46-12-39 or aiding in so doing, shall for the first offense be punished by  
6 a fine of not more than five hundred dollars (\$500), or be imprisoned for not more than one year  
7 in the adult correctional institutions, or both such fine and imprisonment, and for a second and  
8 each subsequent offense shall be fined not more than one thousand dollars (\$1,000), or be  
9 imprisoned for not more than one year in the adult correctional institutions, or both such fine and  
10 imprisonment, in the discretion of the court. If a municipality assists in the prosecution of a  
11 violation of section 46-12-39 any fine imposed for that violation shall be paid one-half (1/2)  
12 thereof to the general treasurer of the state and one-half (1/2) thereof to the treasurer of the town  
13 or city where the offense occurred.

14 (b) Every person in violation of section 46-12-39.1, or owning, operating or causing to  
15 be operated, upon the waters of the state, a boat in violation of the provisions of section 46-12-  
16 39.1, shall be guilty of a civil violation and subject to a fine of up to ~~one hundred dollars (\$100)~~  
17 fifty dollars (\$50.00). If a municipality assists in the prosecution of a violation of section 46-12-  
18 39.1, any fine imposed for that violation shall be paid one-half (1/2) thereof to the general  
19 treasurer of the state and one-half (1/2) thereof to the treasurer of the town or city where the  
20 offense occurred.

21 (c) Notwithstanding any inconsistent provision of law, the municipal court shall have  
22 concurrent jurisdiction with the district court to hear and adjudicate violations under this section.

23 **46-12-41. Enforcement.** -- (a) The department of environmental management,  
24 harbormasters, assistant harbormasters, police officers authorized to make arrests, and employees  
25 of the department of environmental management authorized to enforce the provisions of chapter  
26 22 of this title shall have the authority to enforce the provisions of section 46-12-39 and section  
27 46-12-39.1. In the exercise of enforcing the provisions of section 46-12-39 they shall have the  
28 authority to stop and board any vessel subject to this chapter.

29 (b) Harbormasters and assistant harbormasters ~~are authorized to make periodic color dye~~  
30 ~~flush tests of boats subject to section 46-12-39.1, and~~ may check such boats moored in their  
31 jurisdictions for no discharge ~~certificate decals~~ signs, as required pursuant to section 46-12-39.1.

32 (c) Municipalities of the state may deny a mooring permit to any boat not in compliance  
33 with section 46-12-39.1.

34 SECTION 4. This section and section 1 shall take effect upon passage and sections 2 and

1 3 shall take effect as of January 1, 2011.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO WATERS AND NAVIGATION -- WATER POLLUTION

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1           This act would have section 46-12-39.1 relating to "No discharge certificate decal –  
2 Required" expire on December 31, 2010 and have a new section relating to "No discharge sign –  
3 Required" take effect on January 1, 2011.

4           Section 1 would take effect upon passage and sections 2 and 3 would take effect as of  
5 January 1, 2011.

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