

# COMMONWEALTH OF VIRGINIA SANITARY REGULATIONS FOR MARINAS AND BOAT MOORINGS

## Part I Introduction

### Article 1 Definitions

#### **12VAC5-570-10. Definitions.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the State Board of Health.

"Boat" means any vessel or other watercraft, privately owned or owned by the Commonwealth or any political subdivision thereof, whether moved by oars, paddles, sails, or other power mechanism, inboard or outboard, or any other vessel or structure floating on water in the Commonwealth of Virginia, whether or not capable of self-locomotion, including but not limited to cruisers, cabin cruisers, runabouts, houseboats and barges. Excluded from this definition are commercial, passenger and cargo carrying vessels subject to the Quarantine Regulation of the United States Public Health Service adopted pursuant to Title 42 of the United States Code and ships or vessels of the U.S. Government and boats which are tenders to larger boats moored or stored at the same facility.

"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.

"Certificate" or "certificate to operate" means a written approval from the commissioner or his designated representative indicating that plans for sewerage facilities, sewerage system, and treatment works meet or satisfy the minimum requirements of this chapter and § 32.1-246 of the Code of Virginia.

"Commissioner" means the State Health Commissioner.

"Department" means the Virginia Department of Health.

"Division" means the Division of Onsite Sewage and Water Services, Environmental Engineering, and Marina Programs, Office of Environmental Health Services of the department or its administrative successor.

"Dry storage" means boat storage, including boatels, valet storage, pigeon hole storage, stackominiums, or where boats rest on racks or trailers located on land, whether covered or uncovered, at a marina or other places where boats are moored.

"Expanded" means any change to a regulated facility that results in an increase in sewage volume or strength due to the addition of slips, dry storage spaces, boat trailer parking spaces, or ancillary operations.

"Live-aboard slip" means any slip where a boat is moored and used principally as a residence or a place of business. Charter and commercial fishing boats are not included unless used as a residence.

"Local health department" means the branch of the State Health Department, established in accordance with § 32.1-30 of the Code of Virginia, that has jurisdiction in the city or county where the regulated facility is located.

"Marina" means any installation operating under public or private ownership that provides dockage or moorage for boats, other than paddle or rowboats, and provides through sale, rental, fee, or free basis any equipment, supply, or service including fuel, electricity, or water for the convenience of the public or the lessee, renters, or users of the facilities.

"Marine sanitation device" means any equipment, piping, holding tanks, and appurtenances onboard a boat designed to receive, retain, treat, or discharge sewage.

"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 USC § 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.

"Office" means the Office of Environmental Health Services.

"Other places where boats are moored" means any installation operating under public or private ownership that provides dockage or moorage for boats, other than paddle or rowboats, either on a free, rental, or fee basis or for the convenience of the boater.

"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 any person or group of persons acting individually or as a group who owns or proposes to own a marina, other places where boats are moored, or boating access facility.

"Pump-out facility" means any device, equipment, or method for removing sewage from a marine sanitation device and conveying such sewage to a sewerage system or treatment works including any portable, movable, or permanent holding tanks.

"Sewerage facility" means bathrooms, toilets, closets and other enclosures, including portable toilets, where commodes, water closets, lavatories, showers, urinals, sinks, or other such plumbing fixtures are installed.

"Sewage" means water-carried and non-water-carried human excrement, kitchen, laundry, shower, bath, or lavatory waste, 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.

"Sewage dump station" means a facility specifically designed to receive waste from portable sewage containers carried on boats and to convey such sewage to a sewerage system or a treatment works.

"Sewerage system" means 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.

"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.

"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.

"VMRC" means the Virginia Marine Resources Commission.

#### Statutory Authority

§ 32.1-246 of the Code of Virginia.

#### Historical Notes

Derived from VR355-17-01 § 1.1, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

Article 2  
General Information

**12VAC5-570-20. (Repealed.)**

Historical Notes

Derived from VR355-17-01 § 1.2, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; repealed, Virginia Register Volume 32, Issue 6, eff. December 16, 2015.

**12VAC5-570-30. Purpose.**

The board has promulgated this chapter to:

1. Protect public health and water quality by ensuring that adequate sewerage facilities, pump-out facilities, sewage dump stations, and sewerage systems are provided at all marinas, other places where boats are moored, and boating access facilities.
2. Establish minimum requirements as to the adequacy of sewerage facilities and sewerage systems at all marinas, other places where boats are moored, and boating access facilities.
3. 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.
4. Guide the commissioner or his designee in his determination of the adequacy of the sewerage systems and sewerage facilities serving all marinas, other places where boats are moored, and boating access facilities.
5. Guide the commissioner or his designee in his evaluation of plans and other data and in the issuance of a certificate as to the adequacy of sewerage facilities and sewerage systems.

Statutory Authority

§ 32.1-246 of the Code of Virginia.

Historical Notes

Derived from VR355-17-01 § 1.3, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

**12VAC5-570-40. Administration.**

A. The commissioner is the chief executive officer of the Virginia 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.

B. The division is designated as the primary reviewing agent of the commissioner for the purpose of administering this chapter. Upon receipt of the application from the local health department, the division examines and grants or denies the application for sewerage facilities to serve marinas, other places where boats are moored, and boating access facilities. The division issues all certificates attesting to the adequacy of the sewerage facilities and notifies the VMRC when a certificate is issued or denied.

C. The local health department shall be responsible for processing all applications submitted by owners and for inspecting sites and facilities for compliance with this chapter.

Statutory Authority

§ 32.1-246 of the Code of Virginia.

Historical Notes

Derived from VR355-17-01 § 1.4, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

**12VAC5-570-50. Applicability.**

A. Marinas, other places 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 places where boats are moored, or boating access facility was permitted unless such marina, other places where boats are moored, or boating access facility is expanded after December 16, 2015.

B. This chapter shall apply to all marinas, other places where boats are moored, and boating access facilities placed into operation on or after December 16, 2015.

C. All sewerage facilities and sewerage systems shall conform to the requirements of this chapter when the marina, other places where boats are moored, or boating access facility that is served by the sewerage facilities and sewerage systems is expanded.

D. This chapter shall apply to sewerage facilities and sewerage systems (i) serving marinas, other places where boats are moored, or boating access facilities and (ii) located on property owned by the marina,

other places where boats are moored, or boating access facility. Sewerage systems or treatment works installed or proposed to be installed on property owned by someone other than the marina, other places where boats are moored, or boating access facility owner are regulated by Chapter 6 (§ 32.1-163 et seq.) of Title 32.1 of the Code of Virginia or Title 62.1 of the Code of Virginia, as applicable.

#### Statutory Authority

§ 32.1-246 of the Code of Virginia.

#### Historical Notes

Derived from VR355-17-01 § 1.5, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

Article 3  
Procedure

**12VAC5-570-60. Permits and certificate.**

No owner shall construct a marina, other places where boats are moored, or a boating access facility unless he has obtained a construction permit in accordance with this chapter. No owner shall operate a marina, other places where boats are moored, or a boating access facility until the local health department has inspected and approved construction and has issued a certificate to operate. Owners shall obtain a permit from the VMRC to operate a marina, other places where boats are moored, or a boating access facility when so required by § 62.1-44.15:5.01 of the Code of Virginia. Where state-owned bottom lands are involved, the owner shall submit a preliminary design and receive approval by the division prior to construction and the issuance of a certificate to operate.

Statutory Authority

§ 32.1-246 of the Code of Virginia.

Historical Notes

Derived from VR355-17-01 § 1.6, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

**12VAC5-570-70. Application for construction permit.**

A. Any owner, or his duly authorized representative, shall apply for a construction permit by submitting an application to the local health department in the jurisdiction where the proposed marina, other places where boats are moored, or boating access facility is to be located. The application shall be made on a form approved by the division. The application shall consist of the following:

1. Essential data to determine the sewerage facilities and sewerage system necessary to serve the proposed installation.
2. Maps, plans, and specifications of the sewerage facilities and sewerage system describing 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 the location of the sewerage facilities and sewerage system in relation to other facilities they are intended to serve.
3. A description of the proposed or existing offsite sewerage system or treatment works used for the ultimate treatment and disposal of sewage. The applicant shall apply for and obtain approval of new offsite sewerage systems or treatment works and demonstrate that the existing sewerage systems or treatment works are approved and in accordance with this chapter.

4. Any other data as may be pertinent to show the adequacy of the sewerage facilities and sewerage system to be provided.

B. 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.

C. The department shall issue a permit to construct the proposed marina, other place where boats are moored, or boating access facility after review of a complete application that demonstrates compliance with the requirements of this chapter and § 32.1-246 of the Code of Virginia.

#### Statutory Authority

§ 32.1-246 of the Code of Virginia.

#### Historical Notes

Derived from VR355-17-01 § 1.7, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

#### **12VAC5-570-80. Certificate to operate.**

A. Upon completion of construction of the sewerage facilities, sewerage systems, and treatment works at marinas, other places where boats are moored, or boating access facilities, the owner or his duly authorized representative shall notify the local health department so that it may inspect the construction. When the division, in consultation with the local health department, has determined that construction is in compliance with the approved plan, it shall issue a certificate to operate to the owner of the marina, other place where boats are moored, or boating access facility. The certificate to operate shall remain valid in accordance with this section.

B. The owner shall post the certificate to operate in a place where it is readily observable by members of the public who transact business with the facility.

C. All marinas, other places where boats are moored, and boating access facilities shall be subject to a five-year, renewable certificate to operate. The owner of the marina, other place where boats are moored, and boating access facility shall request a new certificate to operate at least 90 days prior to the expiration date of the existing certificate to operate. The division shall issue the new certificate to operate provided the sewerage facilities, sewerage system, and treatment works meet or satisfy the minimum requirements of this chapter and § 32.1-246 of the Code of Virginia.

D. If the commissioner grants a variance, or the division approves any exception to this chapter, then the certificate to operate shall contain that information. The owner of the marina, other place where boats are moored, or boating access facility shall follow any condition or requirement listed on the certificate to operate.

E. As a condition of the certificate to operate, owners of marinas, other places where boats are moored, or boating access facilities shall allow the department to perform one or more inspections per year of the sewerage facilities, sewerage systems, and treatment works to ensure compliance with this chapter and § 32.1-246 of the Code of Virginia. The division may revoke the certificate to operate pursuant to 12VAC5-570-100.

#### Statutory Authority

§ 32.1-246 of the Code of Virginia.

#### Historical Notes

Derived from VR355-17-01 § 1.8, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

#### **12VAC5-570-90. Variances.**

A. The commissioner may grant a variance to any requirement of this chapter if, after investigation, 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 and that granting a variance will not result in a potential or actual public health hazard.

B. A variance is a conditional waiver of a specific regulation that is granted to an owner of a marina, other places where boats are moored, or a boating access facility. Variances are not transferrable between owners, and any variance shall be attached to the certificate of the marina, other places 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.

C. Any owner of a marina, other places where boats are moored, or a 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, other places where boats are moored, or boating access facility is located. This application shall include:

1. A citation referencing the specific requirements of this chapter from which a variance is requested and a statement describing the hardships imposed by the specific requirements of this chapter;
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;
3. Facts supporting the need and justification for the variance;
4. The nature and duration of the variance request;
5. Other information, if any, believed by the applicant to be pertinent; and
6. Such other information as the division, local health department, or the commissioner may require.

D. If the commissioner denies any request for a variance, such denial shall be in writing and shall state the reasons for the denial.

Statutory Authority

§ 32.1-246 of the Code of Virginia.

Historical Notes

Derived from VR355-17-01 § 1.9, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

**12VAC5-570-100. Revocation of a certificate.**

Either by emergency order under the authority of § 32.1-13 of the Code of Virginia or following an opportunity for an informal fact-finding proceeding as provided by § 2.2-4019 of the Code of Virginia, the commissioner or his designee may revoke a certificate for failure to construct and operate the sewerage facilities and sewerage system in accordance with the conditions of the application and certificate issued or for any violation of this chapter.

Statutory Authority

§ 32.1-246 of the Code of Virginia.

Historical Notes

Derived from VR355-17-01 § 1.10, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

**12VAC5-570-110. Applicability of the Administrative Process Act.**

The Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) shall govern the decision of cases under this chapter.

Statutory Authority

§ 32.1-246 of the Code of Virginia.

Historical Notes

Derived from VR355-17-01 § 1.11, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

## Part II

### Required Sewerage Facilities and Sewerage Systems for Marinas, Other Places Where Boats Are Moored, and Boating Access Facilities and Their Operation

#### 12VAC5-570-120. General.

A. All owners of marinas, other places where boats are moored, and boating access facilities shall provide the minimum number of sewerage facilities required by this chapter for their patrons. Owners shall maintain their facilities in a clean and operable condition. Owners shall equip their facilities with toilet tissue, lights where electricity is available, and soap and towels where handwashing facilities are required. Owners shall make their facilities available during normal business hours to patrons and users of these facilities during the boating season for that facility.

B. Marinas 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 commercial establishments are exempt from providing separate sewerage facilities, as long as the sewerage facilities at the residence, lodging establishment, restaurant, or commercial establishment are made available to all users of the marina. The exemption set forth in this subsection does not apply to:

1. Marinas associated with restaurants or commercial establishments that allow overnight occupancy of boats; and
2. Marinas associated with overnight lodging establishments where overnight occupancy of boats is permitted by persons not registered at the overnight lodging establishment.

C. Other places where boats are moored and boating access facilities are exempt from the requirements of subsection A of this section, provided that the other places where boats are moored or boating access facility:

1. Serves residents of homes (houses, condominiums, apartments, or mobile homes), their bona fide house guests, or registered guests of tourist establishments; and
2. Provides adequate sewerage facilities located within 1,000 feet of the shore end of the pier.

D. In order to qualify for an exemption under subsection B or C of this section, the owner of a marina, other places where boats are moored, or a boating access facility shall provide to the division a signed, notarized statement that all conditions set forth in this section will be complied with by users of the facilities.

Statutory Authority

§ 32.1-246 of the Code of Virginia.

Historical Notes

Derived from VR355-17-01 § 2.1, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

**12VAC5-570-130. Location.**

Owners shall conveniently locate their sewerage facilities within 500 feet walking distance from the shore end of any dock the facilities are intended to serve. On a case-by-case basis the division may approve a greater distance if unusual circumstances, such as topography or resource protection areas, prevent compliance with this requirement. The division may require the owner to provide sewerage facilities in more than one location in order to meet the needs of the particular site. In addition, the division may require additional fixtures, beyond the minimum number specified in Table 1 (12VAC5-570-150), if it determines that additional fixtures are necessary to accommodate the site layout and use of the marina, other places where boats are moored, or boating access facility.

Statutory Authority

§ 32.1-246 of the Code of Virginia.

Historical Notes

Derived from VR355-17-01 § 2.2, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

**12VAC5-570-140. Availability.**

Owners shall locate the sewerage facilities so that they are available and reasonably accessible to all users. The location and use of all sewerage facilities shall be clearly indicated by appropriate signage.

Statutory Authority

§ 32.1-246 of the Code of Virginia.

Historical Notes

Derived from VR355-17-01 § 2.3, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

**12VAC5-570-150. Sewerage facilities for marinas.**

A. The minimum number of sewerage fixtures to be provided at marinas is found in Table 1.

B. Where dry storage space is provided, each dry storage space is equivalent to one-third of a slip. Separate sewerage facilities for male and female employees may be provided, but shall not be counted toward the minimum number of fixtures required to accommodate users of the marina.

Table 1

Number of Slips	SEWERAGE FIXTURES						
	Commodes		Additional Urinal or Commode	Lavatories		Showers	
	Male	Female	Male	Male	Female	Male	Female
1 - 24	1		0	1		1	
25 - 49	1	2	1	2	2	1	1
50 - 99	2	3	1	2	2	1	1
100 - 149	3	4	1	3	3	2	2
150 - 199	3	5	2	4	4	2	2
200 - 249	4	6	2	5	5	3	3

C. When the number of slips exceeds those prescribed by Table 1, the owner shall provide additional fixtures. The owner shall provide one commode, lavatory, and shower for each gender for each 100 additional slips.

Statutory Authority

§ 32.1-246 of the Code of Virginia.

Historical Notes

Derived from VR355-17-01 § 2.4, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

**12VAC5-570-160. Sewerage facilities at other places where boats are moored and boating access facilities.**

A. Sewerage facilities are required at other places where boats are moored and boating access facilities in accordance with this section.

B. Where piped potable water is available, sewerage facilities for other places where boats are moored shall consist of a minimum of one commode, one lavatory, and one shower for each gender, for each 100 slips.

C. Requirements for dry storage are identical to those specified in 12VAC5-570-150 for marinas.

D. Where piped potable water is not available, sewerage facilities for other places where boats are moored may consist of privies.

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.

F. Walking distance to these facilities shall comply with 12VAC5-570-130.

#### Statutory Authority

§ 32.1-246 of the Code of Virginia.

#### Historical Notes

Derived from VR355-17-01 § 2.5, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

#### **12VAC5-570-170. Sewage treatment.**

A. Public or municipal sewerage systems and treatment works should be used if there is reasonable access to sewers. When such municipal means of disposal are not available, the owner shall have designed and installed an approved sewerage system or treatment works. An approved sewerage system or treatment works is (i) a system for which a certificate to operate has been issued jointly by the department and the Department of Environmental Quality, (ii) a system approved by the Department of Environmental Quality in accordance with Title 62.1 of the Code of Virginia, or (iii) a system approved by the commissioner in accordance with Title 32.1 of the Code of Virginia.

B. The sewage design flow for each slip shall be 25 gallons per slip per day. Where dry storage is provided, each dry storage space shall be equivalent to one-third of a slip. The sewage design flow for each live-aboard slip shall be 50 gallons per slip per day. When marinas or other places where boats are moored are 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.

C. For marinas or other places where boats are moored that have a boating access facility, the design sewage flow shall be increased by 10 gallons per day per boat trailer parking space.

D. The division may approve a reduction in the sewage flow requirements specified in subsection B of this section if the owner provides documented flow data sufficient to justify the reduction.

## Statutory Authority

§ 32.1-246 of the Code of Virginia.

## Historical Notes

Derived from VR355-17-01 § 2.6, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

### **12VAC5-570-180. Pump-out.**

A. Owners of other places where boats are moored that allow overnight docking or mooring of boats and owners of all marinas, regardless of size or number of slips, 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 that do not have live-aboard slips or allow boats with a marine sanitation device to use any of the services provided, except in an emergency. In order to qualify for this exemption, the owner of such marina or other places where boats are moored shall provide the department with a signed, notarized statement indicating that there are no live-aboard slips and that boats with marine sanitation devices shall not be permitted to use the facility except in an emergency.

B. The owner shall make sewage pump-out facilities available to all users of the marina or other places 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.

C. The owner shall use placards or signs to identify the sewage pump-out location and use restrictions.

D. Marinas and other places where boats are moored that provide fewer than 50 slips may be exempt from the requirement to install pump-out facilities unless such marinas or other places where boats are moored are located in a No Discharge Zone. Such exemption shall be granted by the division whenever alternate pump-out service is provided at a nearby marina or other places where boats are moored 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 alternate pump-out service in accordance with the following criteria:

1. The alternate pump-out service 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 marine sanitation device pumped. The pump-out service for holding tanks of 50-gallon capacity or more (sewage holding) may exceed 20 minutes.
2. The alternate pump-out service shall be located within three nautical miles, as measured along the water route, of the exempt facility unless the alternate pump-out service is located along the normal

travel route to open water, in which case the exempt facility shall be within five nautical miles of the alternate pump-out service.

3. The alternate pump-out service capacity shall be sufficient to handle the demand for pump-out service that is expected for all of the marinas or other places where boats are moored entering into the agreement referenced in this subsection.

4. 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.

5. The terms of the agreement shall provide that:

a. The alternate pump-out service shall be available to all boats moored at each facility and the alternate pump-out facility will furnish pump-out services to boaters referred to it by the exempt facility as specified by this chapter; and

b. The agreement shall 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.

6. If a termination notice is issued to an exempt facility in accordance with this subsection, then that facility shall either provide pump-out service or obtain a new written agreement in accordance with this subsection by the effective date of the termination of alternate pump-out service.

E. The purpose of these minimum design criteria is to provide the owner and the department with acceptable methods for pumping, storing, and conveying the contents from marine sanitation devices. A proposed pump-out facility shall meet the following minimum design criteria:

1. Pump equipment may be fixed or portable; however, this equipment shall be 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. To prevent clogging, pumps shall be of a macerator type or the pumps shall be able to pass a 2-inch spherical solid. Manually operated pumps are acceptable at marinas and other places where boats are moored that offer fewer than 26 slips. Pump data from the manufacturer shall include:

a. The type of pump (positive displacement, centrifugal, vacuum, macerator, etc.);

b. Pump power source (electric motor, gasoline engine, etc.) and output (HP);

c. Pump capacity, including a performance curve;

d. Pump solids-handling ability; and

e. A schematic showing relevant pump dimensions, such as height, size, and location of suction and discharge openings, etc.

2. A schematic of the proposed facilities shall be provided and include the following minimum information:

- a. Mean low water elevation;
- b. Suction hose diameter, length, and highest elevation;
- c. Pump elevation;
- d. Discharge hose/pipe diameters, lengths, and highest elevation;
- e. Discharge point elevation;
- f. Type of dock (floating or stationary);
- g. Greatest elevation of any dock; and
- h. Distance between pump-out location and slips.

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.

3. This subdivision sets forth the minimum design criteria for fittings and hoses (piping) used in the operation of a pump-out facility:

a. Suction hoses shall meet the following criteria:

(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 2 inches in diameter.

(2) A check valve shall be provided on the suction hose at the nozzle.

(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 by the division.

(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 full port ball valve shall be provided on the pump end of the suction line.

b. Discharge hose and piping shall meet the following criteria:

(1) The discharge hose or piping shall be equipped with watertight, permanent or positive locking type fittings and connections.

(2) Where flexible discharge hose is used, the hose shall be made of heavy-duty material and be nonkinking and noncollapsing.

c. Discharge lines shall meet the following criteria:

(1) A full port ball valve shall be provided on the discharge line at the pump.

(2) Suitable connections on the end of the discharge line shall be provided to prevent it from dislodging during discharge; all nozzles and fittings are to be positive locking, male and female.

(3) The discharge line shall not be subject to freezing or leaking into the water course.

(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) and the Sewage Handling and Disposal Regulations (12VAC5-610).

(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 dislodging during discharge.

d. Pump-out facilities shall include equipment for rinsing holding tanks associated with marine sanitation 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.

4. Other devices or methods of removal of contents from marine sanitation devices may be approved by the division on an individual case basis.

Statutory Authority

§ 32.1-246 of the Code of Virginia.

Historical Notes

Derived from VR355-17-01 § 2.7, eff. September 1, 1987; amended, by Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

**12VAC5-570-190. Sewage dump station.**

A. All marinas and other places where boats are moored, regardless of size or number of boat moorings, shall have a proper and adequate receiving station for sewage from portable containers used on boats. Exempt from this subsection are marinas or other places where boats are moored that also qualify for the exemption contained in 12VAC5-570-120 B or C provided that the owner of the sewerage facility consents to the dumping of the contents of portable sewage containers into the sewerage facilities.

B. Where a sewage dump station is required, the owner shall install and maintain it in a serviceable and sanitary condition and in compliance with this chapter. The owner shall make the facilities available to users of the marina or other places 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.

C. The purpose of the minimum design criteria is to provide the owner and the department with acceptable methods of discharging sewage from portable containers into a sewage holding tank or a sewerage treatment works. The same criteria set forth in 12VAC5-570-200 A for contents from marine sanitation devices 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 accidental removal. If the unit is designed to drain, the drain shall be a minimum of four inches in diameter and equipped with a fly tight cover.

D. Marinas and other places where boats are moored that have an operational pump-out facility equipped with a device to pump portable sewage containers are exempt from the requirements of subsection C of this section.

#### Statutory Authority

*§ 32.1-246 of the Code of Virginia.*

#### Historical Notes

Derived from VR355-17-01 § 2.8, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990; Volume 32, Issue 6, eff. December 16, 2015.

#### **12VAC5-570-200. Onshore facilities.**

A. Contents from marine sanitation devices and portable sewage containers used on boats shall be discharged to:

1. A public sewerage system for conveyance to an approved treatment works as described in 12VAC5-570-170 A;
2. A holding tank whereby sewage may be stored until it is transported in accordance with the Sewage Handling and Disposal Regulations (12VAC5-610) to an approved treatment works as described in 12VAC5-570-170 A; or
3. An approved sewage treatment works as described in 12VAC5-570-170 A.

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 be discharged directly to the sewerage system of a large sewage treatment facility or transported for eventual treatment at a large sewage treatment facility.

C. For discharge to a public sewerage system, the owner of the marina or other places where boats are moored shall submit to the division, in writing:

1. Evidence of consent to the discharge from the owner of the conveyance system;
2. Evidence of consent to discharge from the owner of any conveyance systems located downstream that may be affected; and
3. Evidence of consent to discharge from the owner of the treatment works where the sewage is to be disposed.

The owner shall verify that there are satisfactory provisions for emptying the contents from portable sewage containers in a sanitary manner.

D. If sewage is to be stored by the marina or other places where boats are moored in a holding tank, the holding tank or tanks shall be sized, constructed, and located to meet the following criteria:

1. Sewage holding tanks shall be sized in accordance with the requirements of Table 2.

Table 2: Minimum Holding Tank Volume

Total Number of Slips	Minimum Holding Tank Volume (gallons)
1 - 300	1000
301 - 450	1500
451+	2000

2. Holding tanks shall be constructed in accordance with the following criteria:
  - 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 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 tank can be completely emptied. The tank shall be essentially emptied when pumped out.

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.

h. The inlet/outlet of the holding tank shall be compatible with the proposed method of removal.

i. There shall be provisions for emptying the contents from portable sewage containers in a sanitary manner.

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 (12VAC5-610-597 D).

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).

#### Statutory Authority

§ 32.1-246 of the Code of Virginia.

#### Historical Notes

Derived from Virginia Register Volume 32, Issue 6, eff. December 16, 2015.

FORMS (12VAC5-570)