

Marine Sanitation and Mooring Issues

How do I comply with a no-discharge zone?

While operating in a no-discharge zone, overboard discharge from marine sanitation devices is generally prohibited. To secure a flow-through device (i.e., Type I or Type II marine sanitation device), vessel operators must do one of the following:

- Close the seacock and remove the handle;
- Padlock the seacock in the closed position;
- Use a non-releasable wire-tie to hold the seacock in the closed position; or
- Lock the door to the space enclosing the toilet(s) with a padlock or door handle key lock.

See 33 CFR 159.7(b)-(c) for the relevant statutory language.

How do I report a vessel sewage violation?

Violations of vessel sewage regulations should be reported to your local U.S. Coast Guard office or [National Response Center](#), as well as to your local marina (if appropriate).

As described on the [U.S. Coast Guard's website](#), "Effluent discharged from a vessel that does not meet EPA's published standard subjects the vessel owner or operator to civil penalty of up to \$2,000 for each violation" under 33 U.S.C. 1322(j). "If you witness a vessel discharge raw or untreated sewage inside U.S. waters or if you see a visible floating solid in the waste stream, then you are encouraged to report it to your nearest Coast Guard office or to the [National Response Center](#) 24-hours a day."

What are the sewage discharge regulations/requirements in the United States?

- Section 312 of the Clean Water Act requires the use of operable, U.S. Coast Guard-certified marine sanitation devices (MSDs) onboard vessels that are equipped with installed toilets and operating on U.S. navigable waters.
- Untreated sewage discharges are prohibited within three miles from shore.
- In order to discharge within three miles, sewage must be treated using a U.S. Coast Guard-approved Type I or Type II MSD. Alternatively, sewage may be stored onboard in a holding tank (Type III MSD).
- Treated and untreated sewage discharges are prohibited in:

- Freshwater lakes, reservoirs and other freshwater impoundments whole inlets or outlets are such as to prevent the ingress or egress by vessel traffic.
- Rivers not capable of navigation by interstate vessel traffic.
- No-discharge zones (NDZs) (as applicable).
- In these areas, sewage effluent generally must be retained onboard in a holding tank (Type III MSD). Operators of vessels equipped with flow-through MSDs (Type I or Type II) must secure the device to prevent overboard discharge.
- Visit the [No-Discharge Zones \(NDZs\) by State](#) webpage for more information on the location and applicability of NDZs.

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From Florida Commercial Code: [The 2019 Florida Statutes](#)

327.53 Marine sanitation.—

(1) Every vessel 26 feet or more in length which has an enclosed cabin with berthing facilities shall, while on the waters of the state, be equipped with a toilet. On a vessel other than a houseboat, the toilet may be portable or permanently installed. Every permanently installed toilet shall be properly attached to the appropriate United States Coast Guard certified or labeled marine sanitation device.

(2) Every houseboat shall be equipped with at least one permanently installed toilet which shall be properly connected to a United States Coast Guard certified or labeled Type III marine sanitation device. If the toilet is simultaneously connected to both a Type III marine sanitation device and to another approved marine sanitation device, the valve or other mechanism selecting between the two marine sanitation devices shall be set to direct all sewage to the Type III marine sanitation device and, while the vessel is on the waters of the state, shall be locked or otherwise secured by the boat operator, so as to prevent resetting.

(3) Every floating structure that has an enclosed living space with berthing facilities, or working space with public access, must be equipped with a permanently installed toilet properly connected to a Type III marine sanitation device or permanently attached via plumbing to shoreside sewage disposal. No structure shall be plumbed so as to permit the discharge of sewage into the waters of the state.

(4)(a) Raw sewage shall not be discharged from any vessel, including houseboats, or any floating structure in Florida waters. The operator of any vessel which is plumbed so that a toilet may be flushed directly into the water or so that a holding tank may be emptied into the water shall, while the vessel is on the waters of the state, set the valve or other mechanism directing the sewage so as to prevent direct discharge and lock or otherwise secure the valve so as to prevent resetting.

(b) All waste from Type III marine sanitation devices shall be disposed in an approved sewage pumpout facility.

(c) All waste from portable toilets shall be disposed in an approved waste reception facility.

(5) Every vessel owner, operator, and occupant shall comply with United States Coast Guard regulations pertaining to marine sanitation devices and with United States Environmental Protection Agency regulations pertaining to areas in which the discharge of sewage, treated or untreated, is prohibited.

(6)(a) A violation of this section is a noncriminal infraction as provided in s. [327.73](#). Each violation shall be a separate offense. The owner and operator of any vessel shall be jointly and severally liable for the civil penalty imposed pursuant to this section.

(b) All civil penalties imposed and collected pursuant to this section shall be deposited in the Marine Resources Conservation Trust Fund and shall be used: to implement, administer, and enforce this act; to construct, renovate, or operate pumpout stations and waste reception facilities; and to conduct a program to educate vessel operators about the problem of human body waste discharges from vessels and inform them of the location of pumpout stations and waste reception facilities.

(7) Any vessel or floating structure operated or occupied on the waters of the state in violation of this section is declared a nuisance and a hazard to public safety and health. The owner or operator of any vessel or floating structure cited for violating this section shall, within 30 days following the issuance of the citation, correct the violation for which the citation was issued or remove the vessel or floating structure from the waters of the state. If the violation is not corrected within the 30 days and the vessel or floating structure remains on the waters of the state in violation of this section, law enforcement officers charged with the enforcement of this chapter under s. [327.70](#) shall apply to the appropriate court in the county in which the vessel or floating structure is located, to order or otherwise cause the removal of such vessel or floating structure from the waters of the state at the owner's expense. If the owner cannot be found or otherwise fails to pay the removal costs, the provisions of s. [328.17](#) shall apply. If the proceeds under s. [328.17](#) are not sufficient to pay all removal costs, funds appropriated from the Marine Resources Conservation Trust Fund pursuant to paragraph (6)(b) or s. [328.72](#)(16) may be used.

History.—s. 5, ch. 94-241; s. 19, ch. 96-321; s. 29, ch. 99-289; s. 49, ch. 2000-158; s. 18, ch. 2000-362.

Waterways Assistance Programs (Grants for Local Governments)

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The Waterway Assistance Program is a grant program established by the Florida Legislature and the District for the purpose of financially cooperating with local governments to alleviate problems

associated with the Atlantic Intracoastal Waterway and associated waterways within the District. The program is authorized by Section 374.976, Florida Statutes, and is administered under the provisions of Chapter 66B-2, Florida Administrative Code. Eligible local governmental agencies include municipalities, counties, port authorities and special taxing districts within the twelve counties of the District.

Grant applications are posted to the District's website in January. Applications are due at the District office toward the end of March. Please see the application package for deadline dates. Funding is awarded in October.

Applications are initially reviewed by the District staff for compliance with District rules. If the application is in compliance, the applicant presents his application to the District's Board of Commissioners. The Board then evaluates the application utilizing a rating form. Projects scoring the minimum number points become eligible for funding which is subject to statutory and budget limitations. For those projects which are approved for funding by the District Board, funds become available on October 1st.

The limitation on funding has been established by the Legislature to be equal to the tax revenue that the District receives from the county in which the applicant is located. There may be several applicants from within a county competing for these funds.

Waterway related projects must be located on natural, navigable waterways within the District. Eligible waterway related projects include navigation channel dredging, channel markers, navigation signs or buoys, boat ramps, docking facilities, fishing & viewing piers, waterfront boardwalks, inlet management, environmental education, law enforcement equipment, boating safety programs, beach re-nourishment, dredge material management, environmental mitigation, and shoreline stabilization.

The District is authorized to provide up to 75% for public navigation projects, while all other project categories are eligible for up to 50% funding assistance. Annually the District allocates approximately \$10-12 million dollars for the program. Cash and other grant funds may be utilized as the local match.



From Boat US: Issues?

By Ryck Lydecker

After navigating a difficult but methodical public process some 10 years in the making, the Florida legislature may be about to forge a commonsense anchoring policy that would apply throughout Sunshine State waters. Maybe ...



Florida boaters are asking the state for reasonable anchoring rules, rather than a jumble of inconsistent local laws. (Photo: Thinkstockphotos.com/amedved)

Until a dozen or so years ago, if you'd been cruising in Florida waterways and wanted to overnight at anchor, you'd look for a secure, out-of-the-way spot and just drop the hook, right? Well, yes, back then. But in recent years, it's become more complicated, and even contentious.

Cruisers, with increasing frequency, came to dread a nighttime "thump on the hull" from someone in uniform aboard a local law-enforcement patrol boat. The encounter could

range from a semi-friendly "Sorry, captain, you can't anchor here" to handing the skipper a citation for "anchoring illegally" in city or county waters.

Huh? These are navigable waters, aren't they?

Correct, but under federal law, the state retains jurisdiction over most of its bottomlands, and in Florida, the state let local jurisdictions exercise that authority. In the case of navigation, that turned into increased regulations — even prohibitions — on anchoring. Snowbirds passing through, who for years had anchored unmolested in the same spot, suddenly found themselves on the wrong side of a law they knew nothing about, and even some resident boaters, to their surprise, became lawbreakers.

Confusion and outright conflict increasingly confronted responsible cruising boaters as local jurisdictions began to exercise authority, and write regulations, to control or, worse, ban anchoring outright. Florida, or at least certain parts, began to lose its "boater-friendly" reputation, and that's bad news in a state where recreational boating is the third largest industry — a \$32 billion economic engine even bigger than the citrus industry, according to the National Marine Manufacturers Association, which represents boat, marine-engine, and accessory manufacturers nationwide.

Call it a confluence of crossed purposes and unintended consequences in the early years of the new millennium. Boating boomed, registrations increased, and Florida became a bucket-list cruising ground for both natives and out-of-staters. At the same time, waterfront home construction took off, but increasing numbers of tax-paying, high-end home owners decided they didn't like to see boats constantly anchored within view. So they began putting pressure on their local governments to, essentially, "get rid of them."

And to be sure, in some places vessels dropped anchor and stayed, and stayed, eventually being abandoned by owners who couldn't keep them up, leaving them as an eyesore to those who enjoy the waters or the view. Then the spate of hurricanes in 2004 and 2005 made Florida's derelict-vessel problem even more trying for local governments, as owners walked away from uninsured or underinsured storm-trashed boats.

Who's In Charge?

The anchoring issue really came to a head in 2006, when Miami Beach passed a city ordinance limiting boats to seven days at anchor. That led other cities, like Sarasota, Marco Island, and Fort Lauderdale, to pass their own rules. A 2007 test case by a local boater against the Marco Island ordinance led to a two-and-a-half-year legal battle. The city ultimately lost the case and chose not to appeal it, thanks in part to a change in state law that BoatUS, in alliance with several boating-industry groups, convinced Tallahassee lawmakers to pass in 2009.

"It's fair to say the piecemeal patchwork of laws proved as confusing and frustrating to law enforcement as it did to boaters," says BoatUS government affairs manager David Kennedy. The Florida Fish and Wildlife Conservation Commission (FWC), the state agency that regulates boating and waterways, had been dealing with the fallout from this jumble of regulations for several years, Kennedy notes, and the agency supported the 2009 law limiting local government authority to regulate anchoring.

"The law gave control back to the state and prohibited local anchoring ordinances," Kennedy adds. "But it also charged FWC to go a step further and explore solutions to the anchoring conundrum through what's called the Anchoring and Mooring Pilot Program."

Weighing Anchor Toward Solutions

FWC selected five local governments to participate: Saint Augustine, Stuart/Martin County, Saint Petersburg, Sarasota, and Monroe County, which includes most of the Florida Keys. The pilot program required each jurisdiction to have a designated public mooring field (or at least one under construction) in order to test policies and develop workable regulations for anchoring in open waters outside those mooring fields. Within that overriding goal, the pilot program aimed to develop tools that would, for example, establish reasonable anchoring setback distances from shoreline property, from such maritime infrastructure as piers and launching areas, and from sensitive marine habitat.

Another important objective: prevent boats left on the hook from falling into disrepair and becoming hazards to navigation and the marine environment, which dovetailed with FWC's separate and successful At-Risk Vessel Program started in November 2010. Also, the pilot programs are intended to lead to more and better-managed public mooring fields, a benefit to local boaters and transients alike.

"One critically important component spelled out in the law in each pilot jurisdiction is that all planning and regulatory development had to include consultation with local stakeholders, including boaters," says Kennedy, who helped organize BoatUS members and other recreational boaters to speak up en masse in open public meetings, surveys, and in writing.

While the pilot program developed over several years, the 2009 law establishing it addressed an immediate problem by defining the term "liveaboard vessel" as one "used solely as a residence and not for navigation."

"That went a long way toward reducing the hassle factor for legitimate cruising boaters, even while the pilot program was underway," Kennedy says.

Nonetheless, several years later some South Florida cities tried to convince state lawmakers to exempt their jurisdictions from the 2009 law, and that would have, in essence, put the anchoring issue back to square one in those waters. In the 2014 legislative session, and again in 2015, several South Florida counties lobbied —

unsuccessfully, it's worth noting — to change the 2009 law so they could go back to regulating local anchoring.

In the 2016 legislative session, the proponents narrowed their focus and convinced state lawmakers to enact a state ban on overnight anchoring in three specific areas. Despite an outcry from boaters, in March, Florida governor Rick Scott refused to veto that bill, and the law banning overnight anchoring in three specific areas of Broward and Miami-Dade counties went into effect on July 1 of this year. While that played out in Tallahassee, however, BoatUS and the same boating coalition that developed the 2009 law convinced the legislature to add language nullifying the overnight anchoring ban in the two counties once the state enacts a consistent anchoring policy.

Next Step: Find Good Holding Ground

"Now we have to take the lessons learned during the entire seven-year pilot program and ensure that they lead to commonsense solutions," says Kennedy. "Because of boater involvement, this has been a very comprehensive review of options. We expect the work of the five pilot jurisdictions to present a real-world blueprint that the legislature can use to craft equitable state law that will ensure that active, responsible boaters have the mooring and anchoring options they need when cruising in the waters of the Sunshine State."

A final report from FWC to the governor and the legislature is due January 1, 2017. Go to BoatUS.com/Gov to view it and to keep up to date on this evolving issue. Legislative action to implement program recommendations is expected during Florida's spring legislative term.

November 23, 2016 Update: The final FWC report is available early, [online here](#).

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