

# **RI No-Discharge Compliance Program**

## **Inspector Training Course**



**Rhode Island Department of Environmental Management**

This course is provided by the Rhode Island  
Department of Environmental Management,  
hereinafter referred to as “RIDEM.”

Contact information is provided at the end of the  
course.

# Purpose

- Taking this course enables you to become a Trained Inspector, eligible to conduct inspections and issue decals, pursuant to Rhode Island's No-Discharge Compliance Program
- Steps:
  1. Complete this course
  2. Be affiliated with an authorized Certification Agent
  3. Gain authorized access to web portal
  4. Obtain decals
  5. Begin conducting inspections & issuing decals

# Course Outline

## Part I: Background and Context

- Water Quality Issues and Concerns
- RI's No-Discharge Law

## Part II: RI's No Discharge Compliance Program

- Overview
- Agents vs. Inspectors

## Part III: Conducting Inspections

- Inspection Protocol
- Understanding MSDs and Boat Sewage Systems

## Part IV: Moving Forward as an Inspector and/or Agent

- Registering as an Agent/Inspector
- Accessing web portal, obtaining decals, and data reporting

# Part I: Background and Context

# Background

- Protecting water quality means guarding against pollution
- One significant type of pollution = bacteria and nutrient loading
- Pollution sources:
  - ◆ Wastewater Treatment Facilities
  - ◆ Combined Sewer Overflows
  - ◆ Stormwater
  - ◆ Cess Pools
  - ◆ Boat Discharges
- Impacts:
  - ◆ Fishing → Shellfish closures
  - ◆ Swimming → Beach closures
  - ◆ Ecology → Algae blooms, oxygen depletion, fish kills

# Boat Discharges

- Once a significant source of pollution, boat discharges are now well-controlled, thanks largely to two major laws/programs that have been in place for several years:
  - ◆ No Discharge
  - ◆ No Discharge Compliance
- Boaters also deserve a lot of credit for recognizing that it's in their best interest to do their part to help keep the waters they use as clean as possible.

# RI No-Discharge Law

- RI General Law (RIGL) Section 46-12-39
- Enacted for all RI marine waters in 1998.
- Unlawful to discharge any sewage – including treated sewage -- from a boat into the waters of the State.
- All boats with marine toilets must have a Type I, Type II, or Type III Marine Sanitation Device (MSD).
- On all boats with MSDs that have the capability to discharge overboard, the MSDs must be “properly sealed” to prevent overboard discharge.



# Types of MSDs

- ❖ Type I – treats sewage by chemical means, e.g., maceration and chlorination (**no holding tank**).
- ❖ Type II – treats sewage by biological means, e.g., bacteria (**no holding tank**).
- ❖ Type III – device that stores sewage **in a holding tank** (or a device that incinerates the waste).
  - ❖ Type III MSDs are now the most common type of MSD found on boats.

# Implementation of RI No-Discharge Law

- In lieu of developing RI state regulations specific to RIGL Section 46-12-39, RIDEM has adopted the federal standards (regulations) governing no-discharge.
- These regulations are set forth on the following slide. They apply to all vessels, with proper MSDs, operating in RI waters.

# Federal No-Discharge Regulations

## 33 CFR159, Subpart A, Section 159.7

### Subsection (b)

- When operating a vessel in a no-discharge area, the operator must secure each **Type I or Type II MSD** in a manner that prevents discharge of treated or untreated sewage. Acceptable methods of securing the device include:
  1. Closing the seacock and removing the handle;
  2. Padlocking the seacock in the closed position;
  3. Using a non-releasable wire-tie to hold the seacock in the closed position; or
  4. Locking the door to the space enclosing the toilet with a padlock or door handle key lock.

### Subsection (c)

- When operating a vessel in a no-discharge area, the operator must secure each **Type III MSD** in a manner that prevents discharge of treated or untreated sewage. Acceptable methods of securing the device include:
  1. Closing each valve leading to an overboard discharge and removing the handle;
  2. Padlocking each valve leading to an overboard discharge in the closed position; or
  3. Using a non-releasable wire-tie to hold each valve leading to an overboard discharge in the closed position.

# Enforcement of RI No-Discharge Law

## Enforcement Provisions (RIGL Section 46-12-41)

- DEM, Harbormasters, Asst. Harbormasters, and Police Officers are authorized to enforce the provisions of RI's No-Discharge Law.

## Penalty Provisions (RIGL Section 46-12-40)

- Violators of RI's No-Discharge Law are subject to fines and/or imprisonment.
  - ◆ Up to \$1,000 and/or one-year imprisonment, per violation.
  - ◆ This would apply to any vessel owner/operator who discharges any sewage, treated or untreated, into RI waters; or who fails to have a proper MSD; or who fails to have the MSD properly secured.
  - ◆ If municipality assists with prosecution, municipality receives 1/2 of fine.

# Part II: RI's No-Discharge Compliance Program

# RI's No-Discharge Compliance Program

(aka Decal Program)

- RI General Law Section 46-12-39.1.
- Took effect in 2006.
- Purpose: Bolster compliance with RI's No-Discharge Law by ensuring that boaters have taken the steps necessary to prevent overboard discharge of sewage when operating or moored in RI waters.
- PRIMARY FOCUS OF THIS PRESENTATION!

# RI No-Discharge Compliance Program

## (Decal Program)

- Requires all boats with permanently installed marine toilets to be inspected and certified as being in compliance with RI's No-Discharge law.
  - ◆ **EXEMPTIONS**
    - ◆ Boats with self-contained port-a-potties, or no toilet at all.
    - ◆ Boats already subject to mandatory USCG inspection, as demonstrated by a valid USCG-issued certificate of inspection.
    - ◆ Transient boats that are operated or moored in RI waters for less than 30 days.
    - ◆ **NOTE: Exemptions only apply to inspection/decal requirement; no boat, of any type, is exempt from the No-Discharge Law.**
- Upon certification, each boat is issued one of two certificate decals which must be permanently displayed in a prominent position. A **YELLOW** decal signifies the existence of a through-hull fitting (i.e., capable of overboard discharge). A **GREEN** decal signifies the non-existence of a through-hull fitting (i.e., no capability to discharge overboard).
- All decals are valid for a period of four years.

# RI No-Discharge Compliance Law

## (Decal Program)

- Inspections may be performed by any Certification Agent (via Trained Inspectors).
- DEM provides the decals to the Certification Agents at a cost of \$10/decals.
- Certification Agents may charge up to, but not more than, \$35/boat for each inspection. For boats with more than one marine toilet, agents may charge an additional \$25 for each additional toilet.
- Certification Agents may conduct color-dye flush tests to verify compliance.



# RI No-Discharge Compliance Law

## (Decal Program)

### ■ Enforcement Provisions (RIGL Section 46-12-41)

- ◆ DEM, Harbormasters, Asst. Harbormasters, and Police Officers are authorized to enforce the provisions of § 46-12-39.1.
- ◆ Harbormasters and Asst. Harbormasters are authorized to make periodic color dye flush tests of boats subject to the decal requirement.

### ■ Penalty Provisions (RIGL Section 46-12-40)

- ◆ Violators of § 46-12-39.1 are subject to a fine, up to \$100.
- ◆ This would apply to any vessel, subject to the program, that either has not been inspected and has no decal, or has an expired decal.
- ◆ If municipality assists with prosecution, municipality receives ½ of fine.

# Agents vs. Inspectors

- The law governing the No-Discharge Compliance Program requires inspections to be performed by “**Certification Agents**,” which may be any of the following:
  - ◆ Marina or boatyard operators
  - ◆ Marine sewage pump-out facility operators
  - ◆ Harbormasters
  - ◆ Marine surveyors
  - ◆ Mobile marine repair professionals
  - ◆ Other established marine professionals
  - ◆ {USCG Auxiliary}

# Agents vs. Inspectors

- RIDEM has developed the Program in a way that, first, requires Certification Agents to be authorized by and registered with RIDEM; and, second, allows agents to utilize any number of “Trained Inspectors” to perform inspections.
- A Trained Inspector can be anyone who has taken this course, and is affiliated with an authorized Certification Agent.
- As such, this Program is analogous to vehicle inspection programs, where the authorized agents are the service stations, or facilities, and the inspectors are the technicians, or individuals, who work at the stations.
- In some instances, Agents and Inspectors may be one and the same. In other instances, inspectors may work on behalf of agents.
- More on this distinction later in the presentation ...

# No-Discharge Compliance Program: Implementation

Keys to success of program:

1. Effective outreach and notification to boaters.
2. Sufficient number and geographic distribution of inspectors available to service the needs of RI's boating community.
3. Clear and convenient process for becoming an inspector, understanding program requirements, and executing inspection protocols.
4. Good compliance, minimizing need for enforcement actions.
5. Clean waters, ideal for boating, fishing and swimming!

# Outreach & Notification to Boaters

- RIDEM provides written notice to all boaters upon registration (new and renewals)
  - ◆ See *Notice to Boaters*
- DEM website (<http://www.dem.ri.gov/programs/water/shellfish/marine-pumpouts.php>)
  - ◆ Information available:
    - ◆ Background information
    - ◆ Notice to Boaters
    - ◆ Certification agent (inspector) finder
    - ◆ Map of pump-out facilities

# Availability of Inspectors

- ❖ There are over 100 certified agents located in 27 cities/towns throughout RI, as well as border towns in MA and CT.
- ❖ Additional agents/inspectors are being added on an ongoing basis.
- ❖ The availability of inspectors is good, and getting better!

# Part III: Conducting Inspections

# Inspection Protocol

- Overall purpose of inspection is threefold:
  1. To identify the type of MSD aboard each vessel.
  2. To confirm that the MSD is properly sealed/secured/configured to prevent the overboard discharge of sewage when in RI waters.
  3. To ensure that the owner/operator is aware of the no-discharge law, available pump-out opportunities, and appropriate sewage disposal options.



# Types of MSDs

- ❖ Type I – treats sewage by chemical means, e.g., maceration and chlorination (**no holding tank**).
- ❖ Type II – treats sewage by biological means, e.g., bacteria (**no holding tank**).
- ❖ Type III – device that stores sewage **in a holding tank** (or a device that incinerates the waste).
  - ❖ The most common type of MSD now found on boats.
- ❖ *Any vessel with a marine toilet but without a Type I, Type II, or Type III MSD is not in compliance with state or federal law and **cannot be issued a decal**.*

# Status of MSD

- A. Vessels with a holding tank (Type III MSD) and no through-hull fitting allowing sewage to be discharged overboard are in compliance with RI's no-discharge law.
- ◆ Upon inspection and certification of compliance, these vessels are to be issued a **green** decal.
- B. Vessels with a holding tank (Type III MSD) and with a through-hull fitting that allows sewage to be discharged overboard, must have the MSD properly secured in a manner that prevents overboard discharges (when operating in RI waters).

Properly secured means:

- ◆ closing the valve that leads to the through-hull fitting and removing the handle;
- ◆ closing and padlocking the valve that leads to the through-hull fitting; or
- ◆ Using a non-releasable wire-tie to hold the value that leads to the through-hull fitting in the closed position.
- ◆ Upon inspection and certification of compliance, these vessels are to be issued a **yellow** decal.

# Status of MSD

- c. Vessels with a Type I or Type II MSD (no holding tank) must have the MSD properly secured in a manner that prevents overboard discharges (when operating in RI waters).

Properly secured means:

- ◆ Closing the seacock and removing the handle;
- ◆ Padlocking the seacock in the closed position;
- ◆ Using a non-releasable wire-tie to hold the seacock in the closed position; or
- ◆ Locking the door to the space enclosing the toilet with a padlock or door handle key lock.
- ◆ Upon inspection and certification of compliance, these vessels are to be issued a **yellow** decal.

# Inspection Protocol

- Utilize *Inspection Checklist*.
  - ❖ Copy available on RIDEM website.
- Conduct inspections in accordance with *Inspection Protocol*.
  - ❖ Copy available on RIDEM website, and also covered in next several slides.

# Inspection Protocol

1. Advise boat owner/operator to be present during inspection.
  - ❖ Onus is on boat owner/operator, not the inspector, to demonstrate that the vessel is in compliance with the no-discharge law.
  - ❖ Inspector's role is to confirm owner/operator's representation/demonstration of compliance.
  - ❖ If inspector is willing and able to evaluate the boat's sewage system without the owner being present, the inspection may take place without the owner's participation.
2. For vessels that are in the water at the time of inspection, inspectors may use dye tablets to ascertain or clarify the status of the MSD.
3. Conduct inspection.
4. Log information on *Data Sheet*.
  - ❖ Available on RIDEM website.

# Inspection Protocol

5. Provide boat owner/operator with information pertaining to no-discharge law and pump-out locations.
  - ❖ *Brochures* provided with decals
  - ❖ Available on RIDEM website.
6. Collect Fee – up to \$35/vessel, plus up to \$25 for each additional toilet aboard the vessel.
  - ❖ Inspectors may charge lesser amounts; however state law prohibits charging greater amounts.
7. Issue decal. Instruct recipient to place it in a prominent position on the vessel, preferably on the port side.
8. Submit inspection data (from *Data Sheet*) to RIDEM via RI.gov portal program.
  - ❖ May be done in aggregate, once a week.

# Understanding MSDs and Boat Sewage Systems

# Seacock in open position





# Seacock in closed position



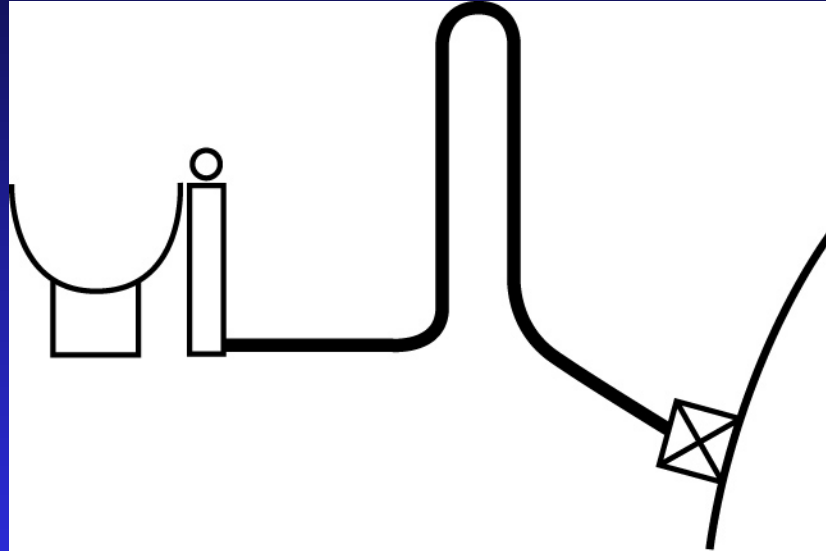
# WYE VALVE



Diverts Flow from holding  
tank to overboard discharge

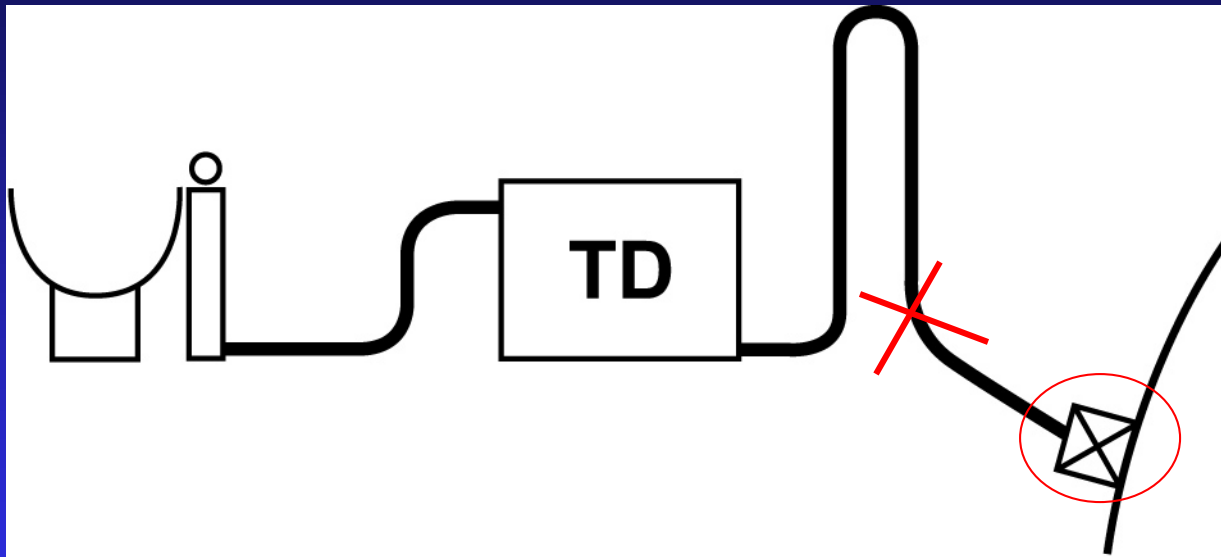
The next several slides provide depictions of the various configurations likely to be encountered when conducting inspections, and the proper response (decal type) to be issued for each.

# Marine Toilet with Direct Overboard Discharge



- Does not meet Federal or RI regulations.
- Toilet must be disabled and not connected to a seacock.
- No decal is issued.

## Marine Toilet with Treatment Device – i.e., Type I or II MSD

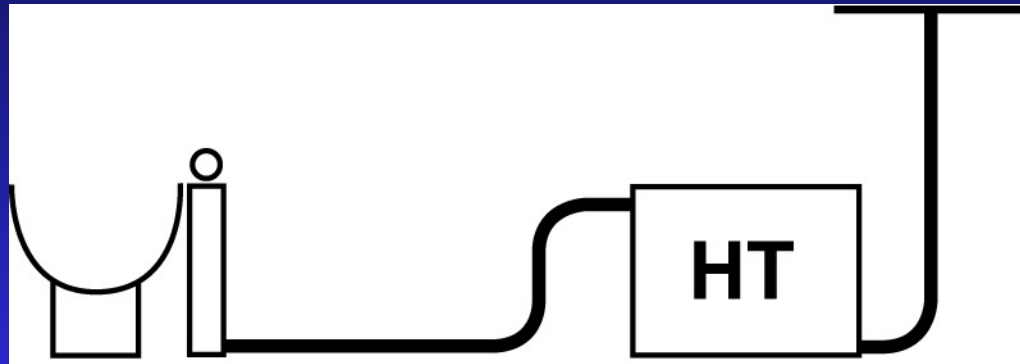


- Seacock must be shut and secured.
- (Logic dictates that toilet should also be rendered inaccessible, but that's more of a practical issue.)
- A **Yellow** decal is issued.

# Marine Toilet with Holding Tank

## Type III MSD

(Dockside Discharge Only)

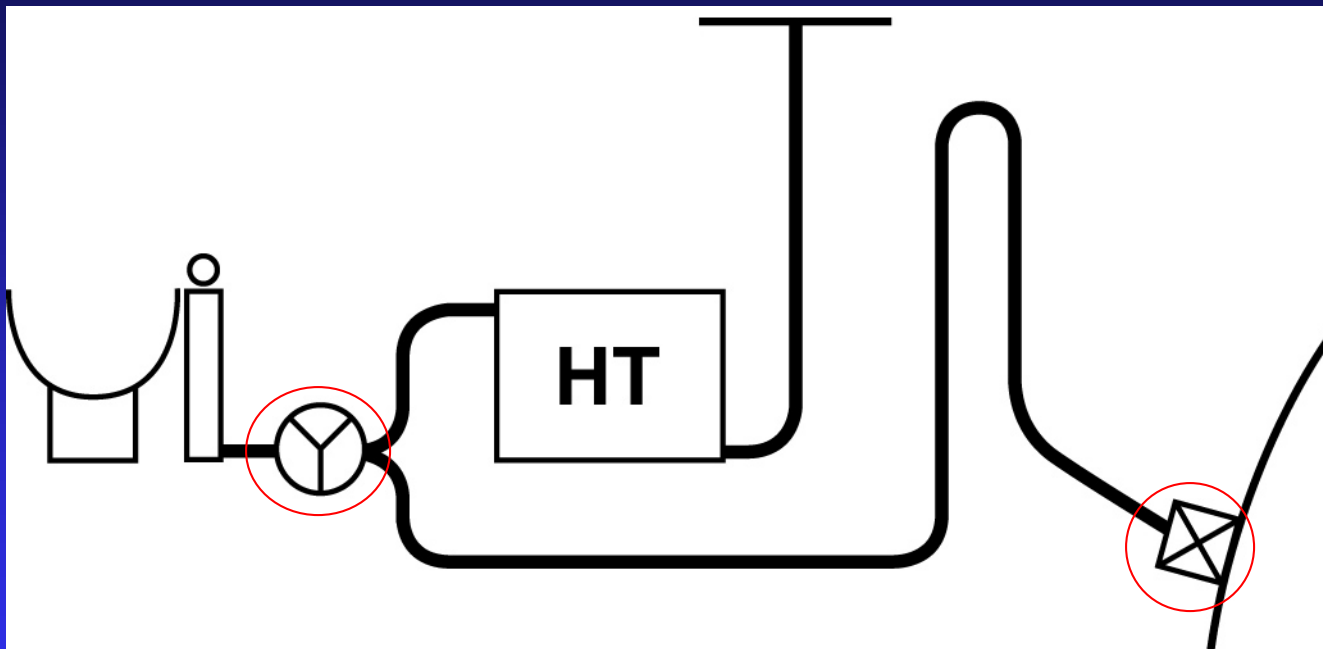


- No through-hull fitting; no discharge capability.
- Green decal is issued.

# Marine Toilet with Holding Tank

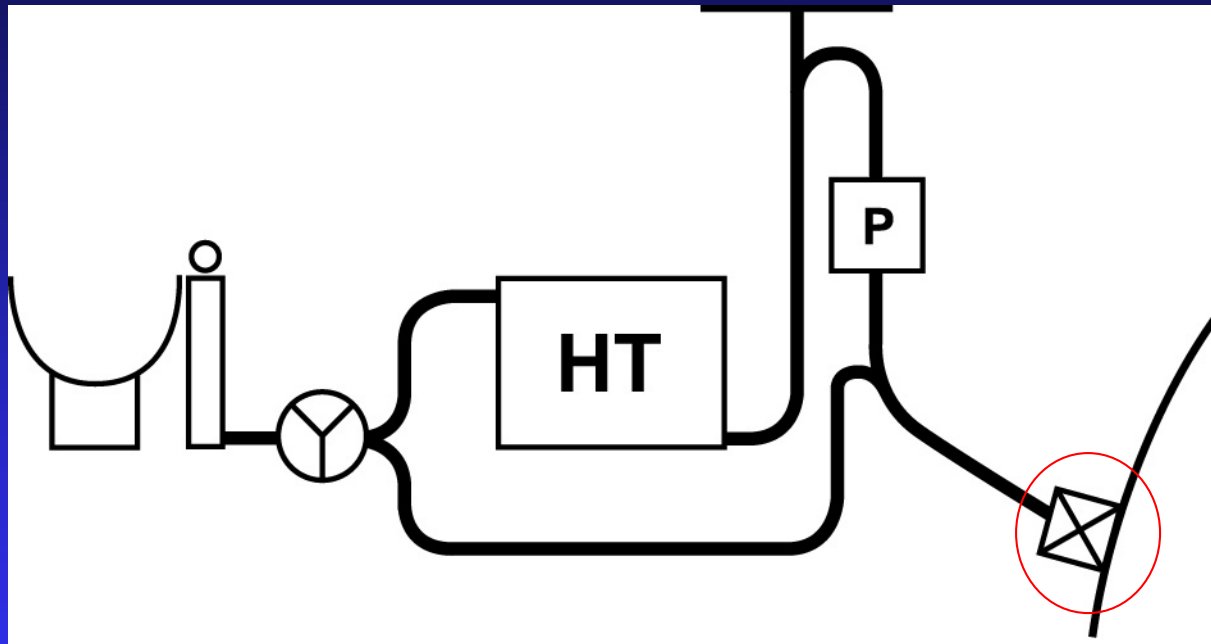
## Type III MSD

(Dockside Discharge with Wye Valve By-Pass)



- Seacock or wye valve must be closed and secured with lock or non-releasable tie-wrap.
- **Yellow** decal is issued.

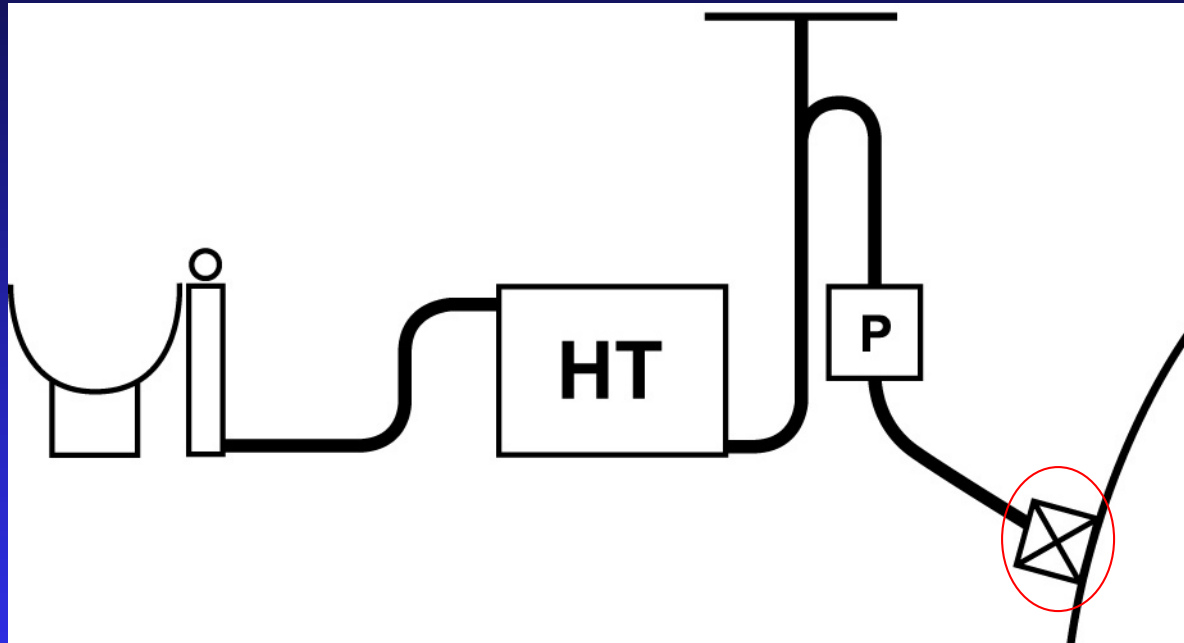
## Marine Toilet with Holding Tank (Dockside and Overboard Discharge with Wye Valve By-Pass)



- Seacock must be closed and secured with lock or non-releasable tie-wrap.
- Yellow decal is issued.

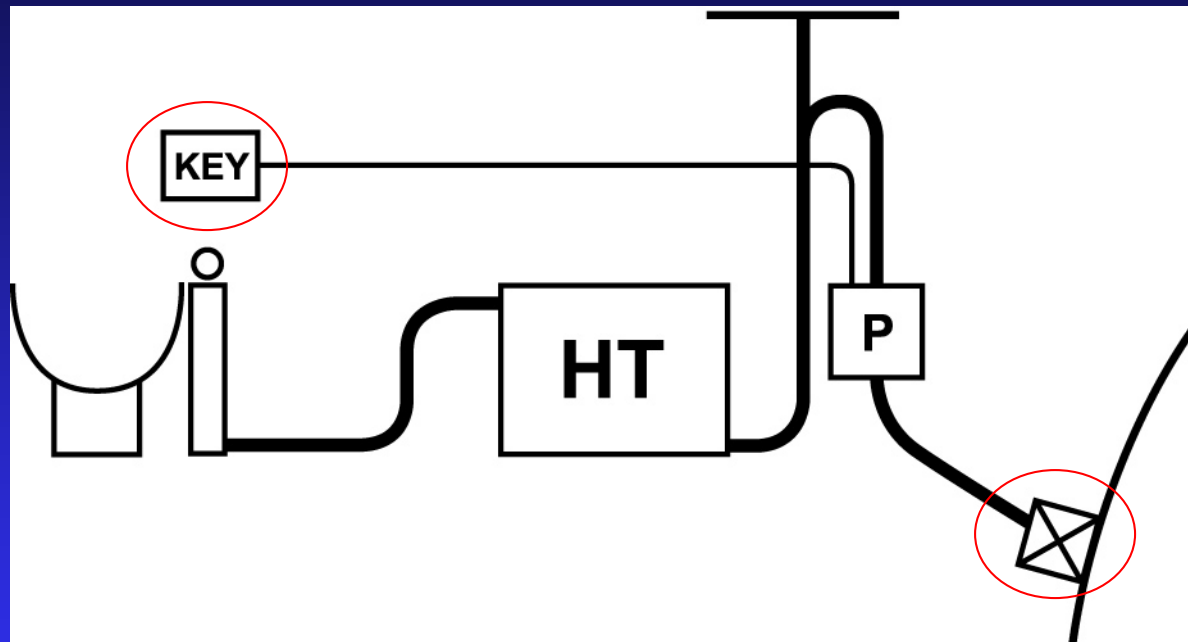


## Marine Toilet with Holding Tank (Dockside and Overboard Discharge)



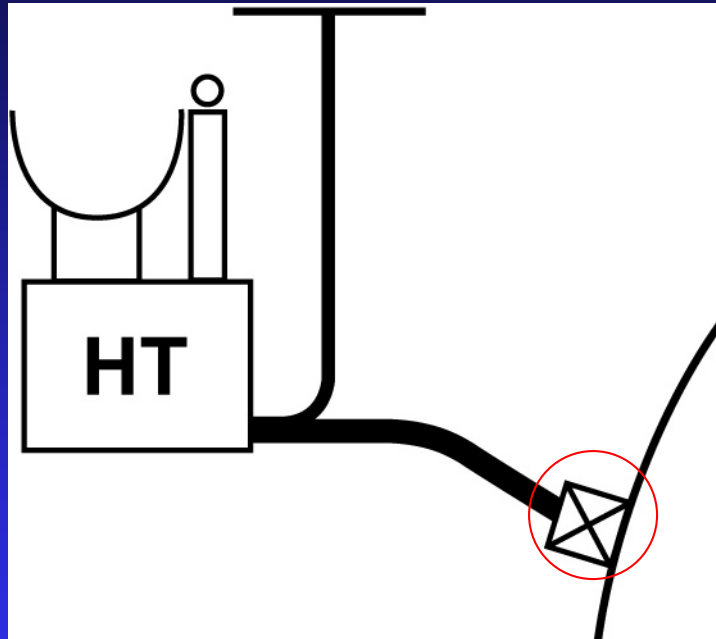
- Seacock must be closed and secured with lock or non-releasable tie-wrap.
- Yellow decal is issued.

## Marine Toilet with Holding Tank (Dockside and Overboard Discharge with Keyed Pump Switch)



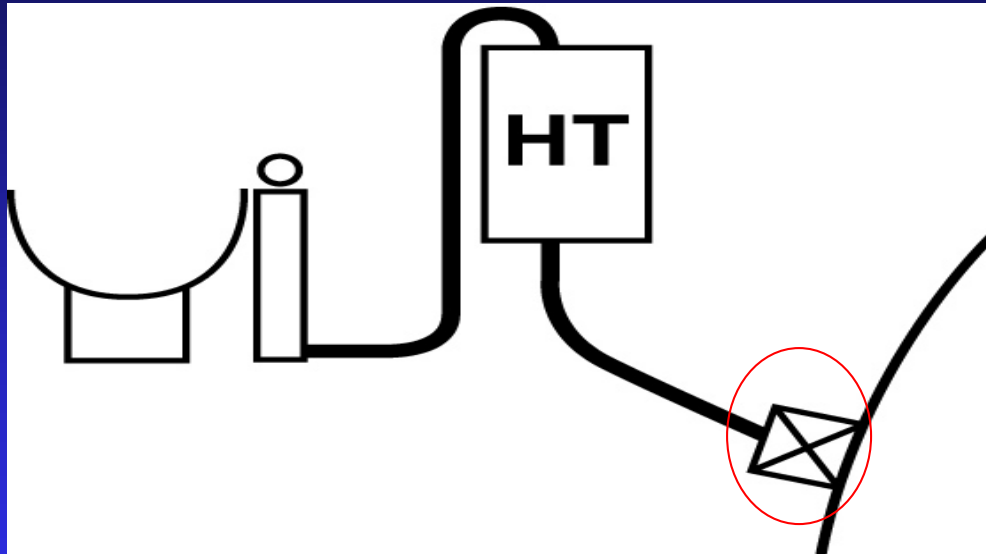
- Key must be removed from switch and in possession of vessel operator, or seacock must be closed and secured with lock or non-releasable tie-wrap.
- **Yellow** decal is issued.

## Marine Toilet with Gravity Flush into Holding Tank (Dockside Discharge and Gravity Overboard Discharge)



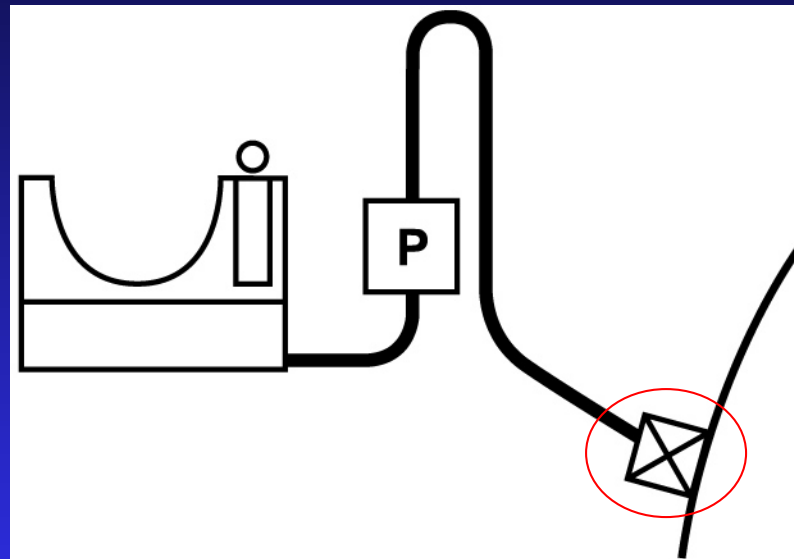
- Sometimes found on commercial fishing boats.
- Seacock must be closed and secured with lock or non-releasable tie-wrap.
- **Yellow** decal is issued.

## Marine Toilet with Holding Tank (Gravity Overboard Discharge)



- Toilet flushes into holding tank and gravity discharges without pump.
- Popular on European sailboats.
- Seacock must be closed and secured with lock or non-releasable tie-wrap.
- Yellow decal is issued.

## Portable Toilet with Overboard Discharge



- Portable toilets plumbed to seacock should be handled the same as a marine toilet with a holding tank.
- Yellow decal is issued.

# Part IV: Moving Forward as an Inspector and/or Agent

# Agent Authorization

- Certification Agents must be authorized by RIDEM before they can conduct inspections and issue decals (or do so via Trained Inspectors).
- To become authorized, agents must:
  - ◆ Complete and submit **Certification Agent Application** to RIDEM.
    - Available on RIDEM website.
  - ◆ Meet eligibility criteria – i.e., be any of the following:
    - Marina or boatyard operator; marine sewage pump-out facility operator; harbormaster; marine surveyor; mobile marine repair professional; or other established marine professionals
    - USCG Auxiliary
  - ◆ Have one or more Trained Inspectors available to conduct inspections.
  - ◆ Receive letter of authorization from RIDEM.
- Agents/Inspectors must have access to a personal computer.
- Once authorized, Agent's name and contact info will be added to the list of available agents/inspectors on the RIDEM website.

# Agent Responsibility

- ❖ Certification Agents are responsible for obtaining decals from RIDEM, and submitting post-inspection information via the web portal.
- ❖ Agents may delegate this responsibility to Trained Inspectors; however, Agents will be associated with, and responsible for, every inspection conducted under his/her name/business.
- ❖ RIDEM reserves the right to suspend or rescind the authorization of any Agent or Inspector who does not comply with reporting requirements, overcharges for inspections, or otherwise fails to properly perform inspections.



# Designation and Role of Trained Inspectors

Anyone wishing to serve as a Trained Inspector must:

- ❖ Complete this course.
- ❖ Be affiliated with a Certification Agent.
- ❖ Utilize *Inspection Checklist*.
  - ❖ Copy available on RIDEM website.
- ❖ Conduct inspections in accordance with *Inspection Protocol*.
  - ❖ Copy available on RIDEM website, and also covered earlier in this presentation.

# Accessing Web Portal, Obtaining Decals, and Data Reporting

# Questions?

- Upon the completion of this course, or anytime thereafter, if you have any questions about the No-Discharge Compliance Program, please contact:
  - Robert Ballou, Assistant to the Director, RIDEM, at Robert.Ballou@dem.ri.gov, or 401-222-4700, x4420
- If you have questions about accessing and using the web portal, please contact:
  - Tom Viall, RI.gov, at [tomv@egov.com](mailto:tomv@egov.com), or 401-248-0120
- If you have any questions about obtaining or returning decals, please contact:
  - Sharon Garrick, RIDEM Office of Boat Registration and Licensing, at [Sharon.Garrick@dem.ri.gov](mailto:Sharon.Garrick@dem.ri.gov), or 401-222-6647 x4931