Virginia MSD Problems and Options

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Use your head...properly

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As of January 30, 1980, U.S. Coast Guard regulations require that all boats using navigable waters with installed heads have either a certified Type I device (flow-through treatment) or certified Type III device (holding tank or other retention system) on board. A boatman may also opt to have no toilet or utilize a porta-potti on his boat and still comply with the federal regulations concerning marine sanitation devices (MSD).

This boating season the Virginia boat owner on tidal waters may be boarded by representatives of the Coast Guard (not the Coast Guard Auxiliary), Virginia Marine Police or the Game Commission's Game Wardens, all of whom can board boats for safety inspections. These inspections also include checks to see if federal head laws are being followed. Foremost, none of the boating safety enforcement officials just mentioned intend to board boats just to inspect heads, unless of course an obvious violation is observed. Secondly, all three agencies will be enforcing the federal regulations until otherwise notified.

The best advice for Virginia boat owners plying tidal waters is to make sure you comply with the federal head regulations. If you install a certified flow-through treatment device operate it properly. Because manufacturers of devices cannot keep up with the demand for them, you should keep aboard your boat an invoice showing that you have on order (or backorder) these devices.

According to LCDR Ronald Via, Chief of the Boating Affairs Branch, Fifth Coast Guard District Office, Portsmouth, Virginia, 23705, a boat owner found to have improper head equipment operating on his boat will receive a violation, but when the violation is processed through his office, it will be noted that an invoice was displayed by the boatowner and a warning rather than a fine will likely result.

Commander Via provides the following practical guidelines for boat owners faced with bringing their boats into compliance with the federal head regulation effective January 30, 1980:

Existing straight-flush heads can either be made permanently inoperable (remove line from head to through-hull fitting and plug-fitting), taken out of the boat altogether, replaced with a porta-potti or replaced with a Type I or III certified marine sanitation device. Any of these options result in compliance since only a permanently installed head must be a certified device.

Type I Devices

If a Type I device is installed and no-discharge areas are ultimately established anywhere in Virginia's tidal waters, a boat owner must secure the device from discharging treated waste overboard while moored in or traversing these areas. To be adequately secured, either the door to the head must be locked or an inline stop-gate valve placed in the discharge line. This valve must be locked into the closed position when in a no-discharge area using wire, a chain and lock, etc. to secure it.

Certified Type I treatment devices having a limited holding tank capability, i.e. the Mansfield TDX System, present a gray area for enforcement personnel. The present thinking is that when in no-discharge areas, such devices would also have to be secured from use.

Type III Devices

Built-in holding tanks, whether constructed by the boat manufacturer or boat owner, are given blanket certification by the Coast Guard as long as the tanks are operated at ambient (normal) temperature and pressure. This prerequisite is in no way compromised by pumping out such tanks with standard pumpout facility equipment or installing an appropriate pump aboard a boat to allow legal overboard discharge of the tank outside the three mile limit.

Type III devices can legally pump overboard only when a boat is outside a state's territorial waters (beyond the three mile limit). Therefore, boats operating on tidal waters with holding tank devices can legally install a Y-valve (Y-gate) in line with the holding tank. The valve can be installed either in the line leading to the tank or away from it. However, while inside the three mile limit all such outfitted boats must have the valve locked in the position that prevents any overboard discharge of waste. Again, wire, chain, a padlock, etc. must be used to secure the Y-valve in the required position.

While the head regulations are frustrating and present numerous enforcement difficulties, they are in effect and will be enforced by appropriate officials. The best way to handle the situation is to examine your boating habits carefully and modify your boat in the most practical way possible to take care of your needs while complying with the regulations. For further information contact the U.S. Coast Guard's Boating Affairs Branch at: 804/398-6202.
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