

1 *Senate* BILL NO. 245  
2 INTRODUCED BY *Turnage* *Bois*

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING BOAT MARINAS  
5 TO INSTALL WASTEWATER PUMP-OUT SYSTEMS; AND PROHIBITING  
6 WATERCRAFT FROM DISCHARGING ANY WASTEWATER INTO CERTAIN  
7 DESIGNATED BODIES OF WATER; AMENDING SECTIONS 69-3505 AND  
8 69-4806, R.C.M. 1947."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Statement of purpose. This act is intended  
12 to require, within the framework of the Federal Water  
13 Pollution Control Act, the abatement of sewage discharge  
14 from watercraft into lakes where such discharge could cause  
15 pollution. The legislature finds that on-vessel treatment  
16 and discharge of such wastes is unreliable and inadequate to  
17 prevent pollution in some cases, and declares that sewage  
18 from watercraft must be removed to on-shore treatment  
19 facilities in such cases. The exercise of this power is  
20 necessary to protect public health and welfare.

21 Section 2. Definitions. As used in this act: (1)  
22 "Marina" means a dock, wharf, or basin providing dockage  
23 services and secure moorings of a capacity sufficient for  
24 ten (10) or more vessels such as yachts and motorboats of a  
25 size ordinarily equipped with galleys or toilets;

1 (2) "Floating cabin" means a habitation floating on  
2 water which is not a houseboat as defined by the U.S. Coast  
3 Guard; and

4 (3) "Vessel" is as defined in section 69-3502, and  
5 includes houseboats.

6 Section 3. Wastewater handling requirements for  
7 marinas. Every marina on the waters of the state must, not  
8 later than December 31, 1975, be equipped with a wastewater  
9 pump-out system for withdrawing sewage from vessels and  
10 floating cabins. The design of a wastewater pump-out system  
11 at a marina must be approved by the department of health and  
12 environmental sciences. The department may require the  
13 marina operator to dispose of the wastewater in a particular  
14 manner.

15 Section 4. Revocation of licenses and abatement of  
16 noncomplying marinas. If a marina is not in compliance with  
17 section [3 of this act], the license under which it was  
18 built is revoked as provided in section 89-603. A marina  
19 not complying with section [3 of this act] may be abated as  
20 a public nuisance.

21 Section 5. Requirements for watercraft on certain  
22 lakes. (1) A vessel equipped with a galley or toilet, or a  
23 floating cabin, must, not later than April 30, 1976, have a  
24 wastewater holding system sealed to prevent the discharge of  
25 wastewater, whether treated or untreated, into the

*SB 245*

1 surrounding waters. This requirement is waived for any  
 2 vessel or floating cabin which is never launched or kept on  
 3 a body of water designated in subsection (2) of this  
 4 section.

5 (2) Wastewater holding systems are required on all  
 6 vessels and floating cabins on the following bodies of  
 7 water:

8 (a) Flathead Lake, subject to the approval of the U.S.  
 9 Environmental Protection Agency.

10 (b) A lake or reservoir designated by the board of  
 11 health and environmental sciences after notice, opportunity  
 12 for hearing, publication in the Montana Administrative Code,  
 13 and approval of the U.S. Environmental Protection Agency.

14 Section 6. Section 69-3505, R.C.M. 1947, is amended to  
 15 read as follows:

16 "69-3505. Equipment. (1) Every motorboat or vessel  
 17 shall have aboard:

18 (a) One United States coast guard approved personal  
 19 flotation device in good and serviceable condition for each  
 20 person on board, provided, that any person who has not  
 21 reached his twelfth birthday shall have a United States  
 22 coast guard approved life preserver properly fastened to his  
 23 person when occupying a motorboat or vessel under twenty-six  
 24 (26) feet in length while such motorboat or vessel is in  
 25 motion. The fish and game commission shall have the

1 authority to designate waters and time of year on these  
 2 waters where all persons aboard a motorboat or vessel must  
 3 wear approved life preservers at all times.

4 (b) When in operation or at anchor or moored away from  
 5 a docking facility between sunset and sunrise all vessels  
 6 shall display lights as prescribed by the board.

7 (c) If carrying or using any inflammable or toxic fluid  
 8 in any enclosure for any purpose, and if not an entirely  
 9 open motorboat or vessel, an efficient natural or mechanical  
 10 ventilation system prescribed by the board which shall be  
 11 used and be capable of removing resulting gases prior to,  
 12 and during the time the motorboat or vessel is occupied by a  
 13 person.

14 (d) All motorboats shall carry the minimum number of  
 15 United States coast guard approved hand portable fire  
 16 extinguishers, the number of which is to be determined by  
 17 the Montana fish and game commission or a United States  
 18 coast guard approved fixed fire extinguishing system,  
 19 except, that motorboats less than twenty-six (26) feet in  
 20 length of entirely open construction, propelled by outboard  
 21 motors, and not carrying passengers for hire need not carry  
 22 such portable fire extinguishers or fire extinguishing  
 23 systems.

24 (2) Every motorboat or vessel shall have the carburetor  
 25 or carburetors of every engine therein (except outboard

motors) using gasoline as fuel, equipped with an efficient flame arrester, backfire trap, or other similar device.

(3) The board may adopt rules modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation and safety laws or with the navigation and safety rules promulgated by the United States coast guard.

(4) A person may not operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.

(5) A vessel may not be equipped in a manner which will permit discharge of inadequately treated sewage into waters of this state. No container of inadequately treated sewage may be placed, left or discharged in or near waters of this state by anyone at any time. All toilets located on any vessel operated on waters of this state shall have securely affixed to the interior discharge opening of them an operating treatment device or retaining tank meeting the standards established by the board of health and environmental sciences. Vessels on a body of water designated for vessels with wastewater holding systems must be equipped with such systems and may not discharge sewage."

Section 7. Section 69-4806, R.C.M. 1947, is amended to read as follows:

"69-4806. Pollution unlawful--permits. It is unlawful to:

(1) cause pollution as defined in section 69-4802 (5), R. C. M. 1947, of any state waters or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any state waters;

(2) carry on any of the following activities without a current permit from the department;

(a) construct, modify, or operate a disposal system which discharges to any state waters; or

(b) construct or use any outlet for the discharge of sewage, industrial wastes, or other wastes to any state waters; or

(c) operate a wastewater pump-out system at a boat marina; or

(3) violate any limitation imposed by a current permit."

-End-

SB 245

Approved by Committee  
on Public Health, Welfare  
& Safety

SENATE BILL NO. 245

INTRODUCED BY TURNAGE, BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING BOAT MARINAS TO INSTALL WASTEWATER PUMP-OUT SYSTEMS, AND PROHIBITING WATERCRAFT FROM DISCHARGING ANY WASTEWATER INTO CERTAIN DESIGNATED BODIES OF WATER, AMENDING SECTIONS 69-3505 AND 69-4806, R.C.M. 1947 PROHIBITING WATERCRAFT FROM DISCHARGING ANY WASTEWATER INTO BODIES OF WATER AND PROVIDING PENALTIES; AMENDING SECTION 69-3505 AND REPEALING SECTION 69-3508.2, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1, Statement of purpose. This act is intended to require, within the framework of the Federal Water Pollution Control Act, the abatement of sewage discharge from watercraft into lakes where such discharge could cause pollution. The legislature finds that on vessel treatment and discharge of such wastes is unreliable and inadequate to prevent pollution in some cases, and declares that sewage from watercraft must be removed to on-shore treatment facilities in such cases. The exercise of this power is necessary to protect public health and welfare.

Section 2, Definitions. As used in this act, (1) "Marina" means a dock, wharf, or basin providing dockage

services and secure moorings of a capacity sufficient for ten (10) or more vessels such as yachts and motorboats of a size ordinarily equipped with galleys or toilets;

(2) "Floating cabin" means a habitation floating on water which is not a houseboat as defined by the U.S. Coast Guard; and

(3) "Vessel" is as defined in section 69-3502, and includes houseboats.

Section 3, Wastewater handling requirements for marinas. Every marina on the waters of the state must, not later than December 31, 1975, be equipped with a wastewater pump-out system for withdrawing sewage from vessels and floating cabins. The design of a wastewater pump-out system at a marina must be approved by the department of health and environmental sciences. The department may require the marina operator to dispose of the wastewater in a particular manner.

Section 4, Revocation of licenses and abatement of noncomplying marinas. If a marina is not in compliance with section (3) of this act, the license under which it was built is revoked as provided in section 09-603. A marina not complying with section (3) of this act may be abated as a public nuisance.

Section 5, Requirements for watercraft on certain lakes. (1) A vessel equipped with a galley or toilet, or a

SECOND READING

1 ~~floating cabin, must, not later than April 30, 1976, have a~~  
 2 ~~wastewater holding system scaled to prevent the discharge of~~  
 3 ~~wastewater, whether treated or untreated, into the~~  
 4 ~~surrounding waters. This requirement is waived for any~~  
 5 ~~vessel or floating cabin which is never launched or kept on~~  
 6 ~~a body of water designated in subsection (2) of this~~  
 7 ~~section:~~

8 ~~(2) Wastewater holding systems are required on all~~  
 9 ~~vessels and floating cabins on the following bodies of~~  
 10 ~~water:~~

11 ~~(a) Flathead Lake, subject to the approval of the U.S.~~  
 12 ~~Environmental Protection Agency.~~

13 ~~(b) A lake or reservoir designated by the board of~~  
 14 ~~health and environmental sciences after notice, opportunity~~  
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 22 flotation device in good and serviceable condition for each  
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 24 reached his twelfth birthday shall have a United States  
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1 person when occupying a motorboat or vessel under twenty-six  
 2 (26) feet in length while such motorboat or vessel is in  
 3 motion. The fish and game commission shall have the  
 4 authority to designate waters and time of year on these  
 5 waters where all persons aboard a motorboat or vessel must  
 6 wear approved life preservers at all times.

7 (b) When in operation or at anchor or moored away from  
 8 a docking facility between sunset and sunrise all vessels  
 9 shall display lights as prescribed by the board.

10 (c) If carrying or using any inflammable or toxic  
 11 fluid in any enclosure for any purpose, and if not an  
 12 entirely open motorboat or vessel, an efficient natural or  
 13 mechanical ventilation system prescribed by the board which  
 14 shall be used and be capable of removing resulting gases  
 15 prior to, and during the time the motorboat or vessel is  
 16 occupied by a person.

17 (d) All motorboats shall carry the minimum number of  
 18 United States coast guard approved hand portable fire  
 19 extinguishers, the number of which is to be determined by  
 20 the Montana fish and game commission or a United States  
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 22 except, that motorboats less than twenty-six (26) feet in  
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 25 such portable fire extinguishers or fire extinguishing

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2 (2) Every motorboat or vessel shall have the  
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5 efficient flame arrester, backfire trap, or other similar  
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7 (3) The board may adopt rules modifying the equipment  
8 requirements contained in this section to the extent  
9 necessary to keep these requirements in conformity with the  
10 provisions of the federal navigation and safety laws or with  
11 the navigation and safety rules promulgated by the United  
12 States coast guard.

13 (4) A person may not operate or give permission for  
14 the operation of a vessel which is not equipped as required  
15 by this section or modification thereof.

16 (5) A vessel, INCLUDING HOUSEBOATS AND FLOATING  
17 CABINS, may not be equipped in a manner which will permit  
18 discharge of inadequately treated sewage into waters of this  
19 state. No container of inadequately treated sewage may be  
20 placed, left or discharged in or near waters of this state  
21 by anyone at any time. All toilets located on any vessel  
22 operated on waters of this state shall have securely affixed  
23 to the interior discharge opening of them an operating  
24 treatment device or retaining tank meeting the standards  
25 established by the board of health and environmental

1 sciences. Vessels-on-a-body-of-water-designated-for-vessels  
2 with-wastewater-holding-systems-must-be-equipped-with-such  
3 systems-and-may-not-discharge-sewage;<sup>2</sup>

4 Section-7,--Section-69-4006,--RrErMr-1947,--is-amended-to  
5 read-as-follows:

6 \*69-4006,--Pollution-unlawful--permits,--it-is-unlawful  
7 to:

8 (1)--cause-pollution-as-defined-in-section-69-4002-(5),  
9 Rr-Er-Mr-1947,--of-any-state-waters-or-to-place-or-cause--to  
10 be-placed-any-wastes-in-a-location-where-they-are-likely-to  
11 cause-pollution-of-any-state-waters;

12 (2)--carry-on-any-of-the-following-activities-without--a  
13 current-permit-from-the-department;

14 (a)--construct,--modify,--or--operate-a-disposal-system  
15 which-discharges-to-any-state-waters;--or

16 (b)--construct-or-use-any-outlet-for--the--discharge--of  
17 sewage,--industrial--wastes,--or--other--wastes-to-any-state  
18 waters;--or--

19 (c)--operate-a-wastewater--pump-out--system--at--a--boat  
20 marina;--or

21 (3)--violate-any-limitation--imposed--by--a--current  
22 permit;<sup>2</sup> VESSELS, INCLUDING HOUSEBOATS AND FLOATING CABINS,  
23 EQUIPPED WITH A GALLEY OR TOILET SHALL HAVE, NOT LATER THAN  
24 APRIL 30, 1976, A WASTEWATER HOLDING SYSTEM SEALED TO  
25 PREVENT THE DISCHARGE OF WASTEWATER, WHETHER TREATED OR

1 UNTREATED, INTO THE SURROUNDING WATERS."  
2 SECTION 2. SECTION 69-3508.2, R.C.M. 1947, IS  
3 REPEALED.

-End-

## SENATE BILL NO. 245

INTRODUCED BY TURNAGE, BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING BOAT MARINAS TO INSTALL WASTEWATER PUMP-OUT SYSTEMS, AND PROHIBITING WATERCRAFT FROM DISCHARGING ANY WASTEWATER INTO CERTAIN DESIGNATED BODIES OF WATER, AMENDING SECTIONS 69-3505 AND 69-4806, R.C.M. 1947 PROHIBITING WATERCRAFT FROM DISCHARGING ANY WASTEWATER INTO BODIES OF WATER AND PROVIDING PENALTIES; AMENDING SECTION 69-3505 AND REPEALING SECTION 69-3508.2, R.C.M. 1947."

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Section 1. Statement of purpose. This act is intended to require, within the framework of the Federal Water Pollution Control Act, the abatement of sewage discharge from watercraft into lakes where such discharge could cause pollution. The legislature finds that on vessel treatment and discharge of such wastes is unreliable and inadequate to prevent pollution in some cases, and declares that sewage from watercraft must be removed to on-shore treatment facilities in such cases. The exercise of this power is necessary to protect public health and welfare.

Section 2. Definitions. As used in this act, (1) "Marina" means a dock, wharf, or basin providing dockage

services and secure moorings of a capacity sufficient for ten (10) or more vessels such as yachts and motorboats of a size ordinarily equipped with galleys or toilets,

(2) "Floating cabin" means a habitation floating on water which is not a houseboat as defined by the U.S. Coast Guard, and

(3) "Vessel" is as defined in section 69-3502, and includes houseboats.

Section 3. Wastewater handling requirements for marinas. Every marina on the waters of the state must, not later than December 31, 1975, be equipped with a wastewater pump-out system for withdrawing sewage from vessels and floating cabins. The design of a wastewater pump-out system at a marina must be approved by the department of health and environmental sciences. The department may require the marina operator to dispose of the wastewater in a particular manner.

Section 4. Revocation of licenses and abatement of noncomplying marinas. If a marina is not in compliance with section (3) of this act, the license under which it was built is revoked as provided in section 69-603. A marina not complying with section (3) of this act may be abated as a public nuisance.

Section 5. Requirements for watercraft on certain lakes. (1) A vessel equipped with a galley or toilet, or a



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 6 ~~a body of water designated in subsection (2) of this~~  
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 24 reached his twelfth birthday shall have a United States  
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1 person when occupying a motorboat or vessel under twenty-six  
 2 (26) feet in length while such motorboat or vessel is in  
 3 motion. The fish and game commission shall have the  
 4 authority to designate waters and time of year on these  
 5 waters where all persons aboard a motorboat or vessel must  
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 8 a docking facility between sunset and sunrise all vessels  
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 11 fluid in any enclosure for any purpose, and if not an  
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10 provisions of the federal navigation and safety laws or with  
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6 "69-4806.--Pollution-unlawful--permits.--It-is-unlawful  
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-End-

HOUSE OF REPRESENTATIVES

Date: March 17

HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY AMENDMENT TO SB 245

1. Amend page 6, section 1, subsection (5), line 25.

Following: "DISCHARGE OF"

Strike: "WASTEWATER"

Insert: "sewage as defined in section 69-4802, R.C.M. 1947"

AND AS SO AMENDED

BE CONCURRED IN

WM/GTW

SENATE BILL NO. 245

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 20 the Montana fish and game commission or a United States  
 21 coast guard approved fixed fire extinguishing system,  
 22 except, that motorboats less than twenty-six (26) feet in  
 23 length of entirely open construction, propelled by outboard  
 24 motors, and not carrying passengers for hire need not carry  
 25 such portable fire extinguishers or fire extinguishing

1 systems.

2 (2) Every motorboat or vessel shall have the  
3 carburetor or carburetors of every engine therein (except  
4 outboard motors) using gasoline as fuel, equipped with an  
5 efficient flame arrester, backfire trap, or other similar  
6 device.

7 (3) The board may adopt rules modifying the equipment  
8 requirements contained in this section to the extent  
9 necessary to keep these requirements in conformity with the  
10 provisions of the federal navigation and safety laws or with  
11 the navigation and safety rules promulgated by the United  
12 States coast guard.

13 (4) A person may not operate or give permission for  
14 the operation of a vessel which is not equipped as required  
15 by this section or modification thereof.

16 (5) A vessel, INCLUDING HOUSEBOATS AND FLOATING  
17 CABINS, may not be equipped in a manner which will permit  
18 discharge of inadequately treated sewage into waters of this  
19 state. No container of inadequately treated sewage may be  
20 placed, left or discharged in or near waters of this state  
21 by anyone at any time. All toilets located on any vessel  
22 operated on waters of this state shall have securely affixed  
23 to the interior discharge opening of them an operating  
24 treatment device or retaining tank meeting the standards  
25 established by the board of health and environmental

1 sciences. Vessels-on-a-body-of-water-designated-for-vessels  
2 with-wastewater-holding-systems-must-be-equipped-with-such  
3 systems-and-may-not-discharge-sewage.<sup>4</sup>

4 Section-7--Section-69-4806--R.C.M.-1947, is amended to  
5 read-as-follows:

6 69-4806--Pollution-unlawful--permits--it-is-unlawful  
7 to

8 {1}--cause-pollution-as-defined-in-section-69-4802-{5},  
9 R.C.M.-1947-of-any-state-waters-or-to-place-or-cause-to  
10 be--placed-any-wastes-in-a-location-where-they-are-likely-to  
11 cause-pollution-of-any-state-waters,

12 {2}--carry-on-any-of-the-following-activities-without-a  
13 current-permit-from-the-department;

14 {a}--construct--modify--or--operate-a-disposal-system  
15 which-discharges-to-any-state-waters; or

16 {b}--construct-or-use-any-outlet-for--the--discharge--of  
17 sewage--industrial--wastes--or--other--wastes-to-any-state  
18 waters; or--

19 {c}--operate-a-wastewater--pump-out--system--at--a--boat  
20 marina; or

21 {3}--violate--any--limitation--imposed--by--a--current  
22 permit: VESSELS, INCLUDING HOUSEBOATS AND FLOATING CABINS,  
23 EQUIPPED WITH A GALLEY OR TOILET SHALL HAVE, NOT LATER THAN  
24 APRIL 30, 1976, A WASTEWATER HOLDING SYSTEM SEALED TO  
25 PREVENT THE DISCHARGE OF WASTEWATER SEWAGE AS DEFINED IN

1 SECTION 69-4802, R.C.M. 1947, WHETHER TREATED OR UNTREATED,  
2 INTO THE SURROUNDING WATERS."  
3 SECTION 2. SECTION 69-3508.2, R.C.M. 1947, IS  
4 REPEALED.

-End-