



**Notice to all Boaters Regarding
New No-Discharge Compliance Program
That Will Take Effect in 2006**

The RI General Assembly has enacted a new boat sewage no-discharge compliance program, which will take effect in June of 2006. Under the program, owners of all boats operating or mooring in RI waters will be required to obtain and display a "no discharge certificate decal." (Exceptions: The new program will not apply to open boats without sleeping accommodations, vessels for hire licensed by the US Coast Guard to carry more than six passengers, or transient boats visiting RI for less than one month.*) The decals will be issued by authorized certification agents, based upon an inspection of each vessel to certify compliance with the State's no-discharge law (RIGL §46-12-39). Agents may charge a fee, not to exceed \$35 per boat, for each inspection and decal. (For boats with more than one marine toilet, agents may charge an additional fee, up to \$25 for each additional toilet.) All decals will be valid for a period of four years.

Pursuant to Rhode Island's no-discharge designation, enacted in 1998, it is unlawful to discharge any sewage from a boat into RI waters, including all of Narragansett Bay and all marine waters out to three nautical miles from the coast. Boats with a holding tank (MSD-Type III) and no through-hull fitting allowing sewage to be discharged overboard, or boats with no marine toilet at all, are automatically in compliance with the law. Under the new compliance program, these boats, upon inspection, will be issued a green decal, signifying such compliance. On boats that have a holding tank and a through-hull fitting, the bypass valve must be kept closed and locked at all times when in RI waters. On boats that do not have holding tanks, the toilet (MSD-Type I or II) facility must be kept locked or otherwise rendered inoperable at all times when in RI waters. Under the new compliance program, boats in these latter two categories, upon certification of compliance, will be issued a yellow decal.

Under the new program, owners of all boats with holding tanks are also expected to pump their tanks regularly, and maintain a record of such activity on cards provided by certification agents and DEM.

* All boats, whenever they are operating or mooring in RI waters, are subject to the no-discharge law. The exceptions only relate to the new inspection and decal requirements. Open boats without sleeping accommodations generally do not have marine toilets. Vessels for hire licensed by the USCG to carry more than six passengers are already subject to mandatory USCG inspections, which include an MSD compliance component. Transient boats must abide by the same no-discharge restrictions governing all RI-registered vessels, and may also be subject to boarding and inspection by DEM Law Enforcement personnel; but they are not subject to the new decal requirement unless they remain in RI waters for more than 30 days.

The inspection and decal program is designed to enhance education and compliance, and to better focus the efforts of law enforcement authorities. After June 2006, any boat subject to the decal requirement that fails to display a decal will be targeted for boarding and inspection by DEM Law Enforcement personnel. Failure to comply with the no-discharge law, including the decal requirement, may result in a violation.

This notice is intended to give all boaters a "heads up" regarding the new inspection and decal program, well in advance of its June 2006 start date. By February 2006, DEM will be posting an initial list of authorized certification agents, which for the most part will include marinas, other boat sewage pump-out facilities, and harbor-masters throughout the state. The list will be available on DEM's website, www.dem.ri.gov, under "Topics," "Water," "Marine Pumpouts." The list will be regularly updated as more certification agents are added. The website will also include other relevant information pertaining to the program.

In addition, DEM will issue a follow-up notice to all boaters next spring, reminding them of the new inspection requirement and providing a listing of all authorized certification agents.

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