



PERMANENT ADMINISTRATIVE ORDER

OSMB 3-2019

CHAPTER 250
OREGON STATE MARINE BOARD

FILED

01/28/2019 2:19 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Marine Sanitation Device Requirements

EFFECTIVE DATE: 02/01/2019

AGENCY APPROVED DATE: 01/22/2019

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RULES:

250-010-0010, 250-010-0750, 250-020-0014, 250-020-0031, 250-020-0091, 250-020-0161

AMEND: 250-010-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 11/28/2018

RULE SUMMARY: Amendments to definitions are needed to clarify terms in the new rules related to Marine Sanitation Device regulations.

RULE TEXT:

As used in OAR Chapter 250, unless otherwise required by context:

- (1) "Black Waste" means human body wastes including feces, urine, other substances of bodily origin, and toilet paper.
- (2) "Board" means the Oregon State Marine Board.
- (3) "Boat Livery" means a person, persons, or a business establishment engaged in renting or hiring out boats for profit.
- (4) "Float Tube" means a manufactured floating device constructed of canvas, nylon or other similar material encasing an inner tube capable of supporting one person sitting inside with their legs dangling below the vessel, used as a means of transportation on the water. Single float tubes are boats as defined in ORS 830.005(2) and if powered by machinery, single float tubes are motorboats as defined in ORS 830.005(5) and subject to numbering according to OAR 250-010-0040.
- (5) "Operator" means the person who operates or who has charge of the navigation or use of a boat.
- (6) "Person" means an individual, partnership, firm, corporation, association, or other entity.
- (7) "Person on Board" means every person being carried on board or being towed by a vessel.
- (8) "Portable Toilet" means all types of portable containers, hand carried potties, buckets or similar devices used to collect black waste into a small receptacle.
- (9) "Propel" means but is not limited to floating, rowing, paddling, sailing or otherwise operating a boat (as defined in ORS 830.005), a vessel or ship.
- (10) "Sewage" means water-carried human and animal wastes and may include but is not solely kitchen, bath, and laundry wastes from residences, buildings, boats or other places.
- (11) "Ship's Lifeboats" means lifeboats used solely for lifesaving purposes and does not include dinghies, tenders,

speedboats, or other types of craft carried aboard a vessel and used for other than lifesaving purposes.

(12) "Slow-No Wake" means operating a boat at the slowest speed necessary to maintain steerage and that reduces or eliminates waves that appear as white water behind the boat.

(13) "Type I Marine Sanitation Device" means a device installed on board a boat that is designed to receive, retain, treat, or discharge sewage or black waste, which produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 ml and no visible floating solids.

(14) "Type II Marine Sanitation Device" means a device installed on board a boat that is designed to receive, retain, treat, or discharge sewage or black waste, which produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 ml and suspended solids not greater than 150 mg/L.

(15) "Type III Marine Sanitation Device" means a device installed on board a boat that is designed to receive, retain, treat, or discharge sewage or black waste, which is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage. These include but are not limited to a holding tank with a means of pumping the sewage into a land based Oregon Department of Environmental Quality approved wastewater treatment system.

(16) "Undocumented Vessel" means any vessel which is not required to have, or does not have, a valid marine document issued by the U.S. Coast Guard.

(17) "Underway" means when a boat is not at anchor, or moored, or made fast to the shore, or aground.

STATUTORY/OTHER AUTHORITY: ORS 830.110

STATUTES/OTHER IMPLEMENTED: ORS 830.110

ADOPT: 250-010-0750

RULE TITLE: Marine Sanitation Device Requirements

NOTICE FILED DATE: 11/28/2018

RULE SUMMARY: Establishes the requirements for the collection of onboard black waste and sewage on recreational boats and how to properly dispose of such waste.

RULE TEXT:

(1) All boats with permanently installed boat toilet fixtures shall utilize an effective means to collect, treat or dispose of black waste and sewage in an approved manner as follows:

(a) When underway or moored on "navigable waters of the United States" as defined in ORS 830.005, a U.S. Coast Guard approved Type I, II or III Marine Sanitation Device (MSD) must be used to treat, or retain in a holding tank, all generated black waste.

(b) When underway or moored on inland "state waters" as defined in ORS 830.005, a U.S. Coast Guard approved Type III MSD shall be used to contain all permanently installed boat toilet fixture black waste and sewage. A Type I or II MSD cannot be discharged while underway or moored on inland "state waters".

(2) Any installed wye valve within a boat MSD system regardless of type, shall be secured in the closed position while moored or underway on state waters. Use of a padlock, non-releasable wire-tie, or the removal of the valve handle are considered methods of adequately securing the device. The method chosen must be one that presents a physical barrier to the use of the valve for overboard discharge.

(3) All black waste that is collected and stored in a portable toilet or Type III MSD on a boat operating on waters of the state must be properly disposed of utilizing a facility or equipment that collects and transfers black waste from boats, including boat pumpout or dump stations, and must not be discharged into any receiving waters within the territorial limits of this state including the territorial sea.

STATUTORY/OTHER AUTHORITY: ORS 830.110

STATUTES/OTHER IMPLEMENTED: ORS 830.110

REPEAL: 250-020-0014

RULE TITLE: Boat Operations on Phillips Lake in Baker County

NOTICE FILED DATE: 11/28/2018

RULE SUMMARY: Repeals marine toilet rule on Phillips Lake, Baker County, as statewide marine sanitation device rules adopted.

RULE TEXT:

Marine Toilets: No person shall maintain or operate upon the following-named inland waters of this state any boat which is equipped with a toilet unless such toilet has an approved device to render waste harmless, or unless such toilet is rendered inoperative by having the discharge outlet effectively sealed. "An approved device" is a marine toilet, or a marine toilet attachment, which has been approved by the State Board of Health and the Department of Environmental Quality: Phillips Lake.

STATUTORY/OTHER AUTHORITY: ORS 830

STATUTES/OTHER IMPLEMENTED: ORS 830.110, 830.175

AMEND: 250-020-0031

RULE TITLE: Boat Operations and Water Skiing on Lake Oswego in Clackamas County

NOTICE FILED DATE: 11/28/2018

RULE SUMMARY: Amends rules for boat operations and water skiing on Lake Oswego in Clackamas County remove local marine toilet rules, as statewide marine sanitation device rules are adopted. Additional amendments are for housekeeping purposes to aid readability; for consistency of terminology across rules; to remove definitions not used in rule; to remove a restriction that is a duplication of a restriction in statute; to remove a restriction on inner tubes, rubber rafts, and unlicensed devices; and to remove the requirement for a skier to be picked up within 100 feet of shore if a clear landing is not possible.

RULE TEXT:

The following regulations apply on Lake Oswego:

- (1) A person must not moor a boat more than 20 feet from shore and leave it unoccupied, except when secured to a dock.
- (2) A person must not operate a boat in excess of:
 - (a) 6 MPH within 100 feet of a swimmer or from shore;
 - (b) 6 MPH within 100 feet of a canoe;
 - (c) 6 MPH within the areas marked by buoys;
 - (d) 6 MPH through channels, canals, and bridges at all time;
 - (e) 8 MPH in unrestricted areas during the time period ½ hour after sunset to ½ hour before sunrise;
 - (f) 40 MPH in unrestricted areas during the time period ½ hour before sunrise to ½ hour after sunset.
- (3) A person must not operate a paddle board more than 100 feet from shore or under any bridge;
- (4) A person must not moor a boat or raft to any navigation buoy or marker.
- (5) A person operating a boat while picking up or standing by a person in the water must completely stop the boat's motor.
- (6) A person operating a boat towing a skier must:
 - (a) Operate the boat so that the boat and skier in tow remain 100 feet or more from shore, except when performing a safe take-off or landing. A safe take-off is considered "safe" only when it is accomplished without risk to any swimmers or craft. A safe landing is considered "safe" on Lake Oswego when it is accomplished without risk to any swimmers or craft, the boat remains 100 feet or more from shore, and the skier remains in the area of water bounded by the extended property lines of the property from which the skier is skiing. The red buoys placed at intervals around the lake shall be deemed to mark a distance of 100 feet from shore;
 - (b) When performing a safe take-off, operate the boat as straight as practicable from shore;
 - (c) Proceed in a counter clockwise pattern, which is west on the north side of the lake, and east on the south of the lake;
 - (d) When undertaking a safe take-off or landing, keep as far distant as possible from adjoining docks, floats, and shore line;
 - (e) If a skier falls when more than 50 feet from shore or a float, return at once to the downed skier giving due regard to the safety of any other skiers it may be towing.
- (7) A person must not operate a boat closer than 300 feet behind a skier towed behind another boat, 100 feet alongside a skier being towed by another boat, or cross a towing boat's bow by less than 200 feet.
- (8) A person must not operate a motorboat for the purposes of water skiing or other towed-equipment sports, where towed-equipment applies to surfboarding and other types of towed equipment, in the following locations:
 - (a) Under any bridge;
 - (b) South of the buoy at the entrance to, and within, Blue Heron Bay, except that families living on the Bay may tow surfboards or similar equipment at low speeds;
 - (c) West of the buoy at the entrance to, and within West Bay, except that families living on the Bay may tow surfboards or similar equipment at low speeds;

(d) On the inlet Canal;

(e) On the Canal leading from Main Lake to Lakewood Bay;

(f) At the east end of the Main Lake between buoy and the Swim Resort;

(g) On Kelok Bay (between Alder and Maple Circles) southwest of buoy at mouth of Bay;

(h) West of the buoy at the west end of Lakewood Bay.

STATUTORY/OTHER AUTHORITY: ORS 830.110, ORS 830.175

STATUTES/OTHER IMPLEMENTED: ORS 830.175

AMEND: 250-020-0091

RULE TITLE: Boat Operations in Deschutes County

NOTICE FILED DATE: 11/28/2018

RULE SUMMARY: Amends rules for boat operation in Deschutes County to remove local marine toilet rules, as statewide marine sanitation device rules adopted. Additional amendments made for consistency of rule language and to alphabetize the waterbodies'

RULE TEXT:

(1) Deschutes River:

(a) A person must not operate a motorboat for the purpose of towing a person on water skis, surfboard or similar device and a person must not engage in waterskiing or similar activity;

(b) A person must not operate a jet ski type boat on the Deschutes River. For the purposes of this rule, jet ski type boat means any motorized vessel or other description of watercraft which is generally less than ten feet in length and capable of exceeding a speed of 15 MPH, including but not limited to jetskis, wet bikes, and surf jets;

(c) A person must not operate a motorboat in excess of a "slow-no wake" speed limit between Wickiup Dam and the Deschutes National Forest Boundary in Sec. 14.T.18.S., R.11.E., W.M.;

(d) A person must not use a motor to propel a boat between LaPine State Recreation area boat ramp and Pringle Falls;

(e) A person must not use a motor to propel a boat between Aspen Camp boat ramp and the north end of Lava Island in Sec. 22.T.18.S.,R.11.E., W.M.

(f) A person must not use a motor to propel a boat between the Deschutes National Forest boundary in Sec. 14.T.18.S.,R.11.E., W.M. and Mirror Pond Dam;

(g) A person must not use a motor to propel a boat between the Mirror Pond Dam and the Jefferson County Line.

(2) Hosmer Lake: A person must not use a motor, except an electric motor, to propel a boat.

(3) Meadow Lake: A person must not use a motor, except an electric motor, to propel a boat.

(4) Torso Lake: A person must not use a motor to propel a boat.

(5) Wickiup Reservoir: A person must not operate a motorboat in excess of 10 MPH on the Deschutes River and Davis Creek Arms of Wickiup Reservoir.

STATUTORY/OTHER AUTHORITY: ORS 830.110, ORS 830.175

STATUTES/OTHER IMPLEMENTED: ORS 830.110, ORS 830.175

AMEND: 250-020-0161

RULE TITLE: Boat Operations in Jefferson County

NOTICE FILED DATE: 11/28/2018

RULE SUMMARY: Amends rules for boat operation in Jefferson County to remove local marine toilet rules, as statewide marine sanitation device rules adopted.

RULE TEXT:

- (1) Cache Lake: A person must not use a motor to propel a boat on Cache Lake.
- (2) Hand Lake: A person must not use a motor to propel a boat on Hand Lake.
- (3) Haystack Reservoir:
 - (a) A person must not operate a boat in excess of 5 MPH on Haystack Reservoir in the western cove inside a buoy line approximately 500 feet from shore, as marked; and
 - (b) In the southern cove inside a buoy line extending from south of the boat ramp on the east shore to a point south of the southeast peninsula, as marked.
- (4) Island Lake: A person must not use a motor to propel a boat on Island Lake.
- (5) Jack Lake: A person must not use a motor to propel a boat on Jack Lake.
- (6) Lake Billy Chinook:
 - (a) A person must not operate a motorboat in excess of 10 MPH on the:
 - (A) Crooked River Arm above the Crooked River Bridge;
 - (B) Deschutes River Arm above the Deschutes River Bridge; and
 - (C) Metolius River Arm from a point approximately 1,000 feet upstream of Street Creek, as marked.
 - (b) A person must not operate a motorboat in excess of a "slow—no wake" speed within:
 - (A) The buoyed areas at Cove Palisades State Park Marina;
 - (B) The buoyed areas at the Crooked River Launching Ramp;
 - (C) The buoyed areas at the Lower Deschutes River Day Use Area;
 - (D) The buoyed areas at the Upper Deschutes River Day Use Area;
 - (E) 300 feet of a designated swimming area;
 - (F) A cove at Chinook Island (Metolius Arm) as marked;
 - (G) The cove at Camp Perry South (Metolius Arm) as marked;
 - (H) Fly Creek Inlet inside a line across the inlet from the apex of the bend between docks 3 and 4 on the western shore of the inlet to the point where the northern edge of dock 13's walkway, as situated in 2018, joins the eastern shore of the inlet, as marked.
 - (c) A person must not operate a boat inside the log boom enclosure around Round Butte Dam.
 - (d) Except for leased or rented spaces within established marinas or moorages, a person must not beach, anchor or moor a boat within 200 feet of shore between the hours of 10 p.m. and 5 a.m. in the following areas:
 - (A) The east shore of the Crooked River Arm between a point approximately 1,000 feet north of the cove Marina, as marked, and the Crooked River Bridge;
 - (B) The west shore of the Crooked River Arm from the State Park boundary north approximately 2,000 feet, as marked, and
 - (C) The east shore of the Deschutes Arm between a point approximately 2,000 feet north of the northernmost boat launch, as marked, and the Deschutes River Bridge.
- (7) Lake Simtustus:
 - (a) A person must not operate a motorboat in excess of a "slow—no wake" speed in the area within 300 feet of the moorage and extending to the opposite shore;
 - (b) A person must not operate a boat for any reason within the restricted tailrace area enclosed by the log boom approximately 1200 feet downstream of Round Butte Dam;
 - (c) A person must not moor a boat to the log boom or operate a boat for any reason within the restricted intake area

enclosed by the log boom located approximately 200 feet upstream of Pelton Dam;

(d) Boat access in the areas closed by subsections (7)(b) and (7)(c) of this rule is permitted for federal, state, local and tribal government agencies and Portland General Electric employees or their agents for official business only.

(8) Link Lake: A person must not use a motor to propel a boat on Link Lake.

(9) Round Lake: A person must not use a motor to propel a boat on Round Lake.

(10) Scout Lake: A person must not use a motor to propel a boat on Scout Lake.

(11) Suttle Lake:

(a) A person must not water ski or operate a motorboat in excess of 10 MPH between the hours of 8 p.m. and 9 a.m., standard time, each day;

(b) A person must not water ski or operate a motorboat in excess of 10 MPH between the hours of 9 a.m. and 8 p.m., standard time, each day, except within the signed and designated fast boat area, water skier dropoff zone, and water skier take-off lanes, at the west end of the lake.

(12) For all lakes in Jefferson County:

(a) The owner or operator of a boat that has been anchored or moored outside of a marina or away from a dock:

(A) For 30 consecutive days in one location must move the boat to a new location at least one half mile away and must not return to the previously used location for 30 days. For the purpose of this rule, "location" is defined as an area within a 300 foot radius.

(B) Must not leave the boat unattended for more than 7 consecutive days.

(b) Subsection (12)(a) of this rule does not apply to a person anchoring or mooring a boat on privately owned submerged or submersible land with the permission of the landowner.

(c) An unattended boat adrift may be considered a "derelict vessel" as defined in ORS 830.908(3) and may be subject to seizure.

STATUTORY/OTHER AUTHORITY: ORS 830.110, ORS 830.175, ORS 830.195

STATUTES/OTHER IMPLEMENTED: ORS 830.110, ORS 830.175, ORS 830.195