



Economic Impact Analysis Virginia Department of Planning and Budget

12 VAC 5-570 – Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings
Virginia Department of Health
August 9, 2012

Summary of the Proposed Amendments to Regulation

The Board of Health's *Sanitary Regulations for Marinas and Boat Moorings* establish minimum standards for sewage handling and disposal at regulated facilities. The regulations are intended to protect public health and the environment by ensuring that sewage generated from boats and onshore boating facilities is treated and disposed of properly. The Marina Regulations have not been revised since the Board adopted amendments in 1990. Among other changes the Board proposes to: 1) require that boating access facilities have at least one privy, 2) eliminate the distinction between "transient" and "seasonal" slips as the basis for determining sewerage fixture needs, 3) establish a new category of slip, live-aboard slip, with a higher wastewater flow number, 4) provide owners with facilities that have proper sanitary waste pump-out services an alternative to installing a sanitary waste dump station, and 5) allow the use of manually operated pumps at marinas and other places where boats are moored that offer fewer than 26 slips.

Result of Analysis

The benefits likely exceed the costs for one or more proposed changes. There is insufficient data to accurately compare the magnitude of the benefits versus the costs for other changes.

Estimated Economic Impact

The proposed regulations do state that "*Marinas, other place(s) where boats are moored, and boating access facilities in operation prior to the effective date of this chapter shall be subject to the regulations in effect at the time the marina, other place(s) where boats are moored or boating access facility was permitted unless such marina, other place(s) where boats are*

moored or boating access facility is expanded after the effective date of this chapter.” So, no marina or other facility will face increased (or decreased) costs due to the proposed changes in these regulations unless they expand after the effective date of the adoption of these proposed amended regulations. Further, federal funding is available to pay 75 percent of the cost of investments in sewage handling infrastructure.¹

The Board proposes to require that boating access facilities have at least one privy (porta john). “Boating access facilities” are defined as any installation operating under public or private ownership that provides a boat launching ramp and has 50 or more parking spaces for boat trailers. The Virginia Department of Health (Department) estimates that purchasing a privy costs from \$500 to \$750;² leasing a privy costs about \$150.00 per week and that includes a weekly service (pump-out and cleaning).³ The benefit of this proposed requirement is reduced risk to public health and the environment. According to the Department there has been a problem with unprocessed sewage being left in the water and on the land at boating access facilities and adjacent properties. The proposed requirement for a privy is intended to reduce such incidences and thus reduce potential harm to public health and the environment.

The Board also proposes to eliminate the distinction between “transient” and “seasonal” slips as the basis for determining sewerage fixture needs. In the current regulations the required number of sewerage fixtures per given quantity of transient slips is greater than the required number of sewerage fixtures per given quantity of seasonal slips. Under the proposed regulations where the distinction between transient and seasonal is eliminated, the required number of sewerage fixtures per given quantity of slips is between the required numbers for seasonal and transient under the current regulations. Thus, marina owners with relatively more transient slips may encounter a slight reduction in the number of required sewerage fixtures under the proposed regulations; while marina owners with relatively more seasonal slips may encounter a slight increase in the number of required sewerage fixtures under the proposed regulations. As indicated earlier, these changes in the number of required sewerage fixtures only applies for facilities which expand after the effective date of the adoption of these proposed amended regulations.

¹ Source: Virginia Department of Health

² Ibid

³ Ibid

Public or municipal sewerage systems and treatment works should be used if there is reasonable access to sewers. When such municipal means of disposal are not available, the owner shall have designed and installed an approved sewerage system or treatment works. The sewage design flow for each slip shall be 25 gallons per slip per day.

The Board proposes to establish a new category of slip, live-aboard slip, with a higher wastewater flow number. “Live-aboard slips” are any slip where a boat is moored and used principally as a residence or a place of business. Charter and commercial fishing boats are not included unless used as a residence. The Board proposes to require that the sewage design flow for each live-aboard slip be 50 gallons per slip per day. Users of live-aboard slips are likely to put significantly greater demands on the sewage system given that the slip users are likely to be present at the facility for a much higher percentage of time than other slip users.

The proposed regulations do allow for a reduction in the sewage flow requirements “if the owner provides documented flow data sufficient to justify the reduction.” The owner could do this by use of a water meter measuring actual discharge into the onsite system. Such meters cost approximately \$500. Expansion of an onsite system would on the other hand cost thousands of dollars.⁴

The Board proposes to provide owners with facilities that have proper sanitary waste pump-out services an alternative to installing a sanitary waste dump station. Marinas and other place(s) where boats are moored that have an operational pump-out facility equipped with a device to pump portable sewage containers would not be required to have a dump station (costs about \$5,000). The wand attachment is now commonly used at boating facilities with sanitary waste pump-out systems because it is easy to use and limits the boater’s opportunity to spill sanitary waste into the water thereby protecting the environment. The wand costs approximately \$25.⁵

Under the current regulations manually operated pumps are not permitted. The Board proposes to allow the use of manually operated pumps at marinas and other places where boats

⁴ Ibid

⁵ Ibid

are moored that offer fewer than 26 slips. Manually operated pumps cost approximately \$1,500 and could help avoid spending \$15,000.⁶

Businesses and Entities Affected

The proposed amendments potentially affect owners of the 525 marinas, 402 other places where boats are moored, and 25 public access facilities (boat ramps) in the Commonwealth,⁷ as well as the customers and suppliers of such facilities.

Localities Particularly Affected

Localities that own (or propose to own) regulated facilities are regulated under the current regulations and will be affected by the proposed amendments. These include the Cities of Alexandria, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach, Suffolk and the counties of Fairfax, Prince William, Stafford, Spotsylvania, James City, and the Northern Neck, Middle Peninsula, and Eastern Shore regions.

Projected Impact on Employment

The proposal to require that boating access facilities have at least one privy may increase demand for firms which supply and service privies. Consequently employment for such firms may modestly increase.

Effects on the Use and Value of Private Property

The proposal to require that boating access facilities have at least one privy may increase demand for firms which supply and service privies. Consequently the value for some such firms may modestly increase.

Small Businesses: Costs and Other Effects

The proposed amendments are unlikely to significantly increase costs for small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendments are unlikely to significantly adversely affect small businesses.

⁶ Ibid

⁷ Ibid

Real Estate Development Costs

The proposals to allow the use of manually operated pumps at marinas and other places where boats are moored that offer fewer than 26 slips and to provide owners with facilities that have proper sanitary waste pump-out services an alternative to installing a sanitary waste dump station will modestly reduce develop costs for applicable marinas and other places where boats are moored..

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.