

NOTICE OF PROPOSED RULE ADOPTION  
STATE OF MISSISSIPPI  
PEARL RIVER VALLEY WATER SUPPLY DISTRICT

Pearl River Valley Water Supply District  
P.O. Box 2180  
115 Madison Landing Circle  
Ridgeland, MS 39158  
Contact Person: General Manager

Agency Authority: §51-9-127, Mississippi Code  
Agency Authority and Procedures  
Adding/Amending Sections 4.7.5 and 4.7.6,  
Marina Pump Out Stations and Penalty,  
District Regulations

[www.rossbarnettreservoir.org](http://www.rossbarnettreservoir.org)

Purpose of Proposed Rule: The proposed regulation is being adopted to REQUIRE ALL BOAT SLIPS AND PIERS WHICH MOOR WATERCRAFT EQUIPPED WITH HOLDING TANK TO PROVIDE SEWER PUMP OUT FACILITIES. EXISTING PUBLIC OR PRIVATE MARINAS ARE GRANTED A THREE-YEAR PERIOD TO CONFORM; ALL NEW CONSTRUCTION MUST COMPLY AS OF THE EFFECTIVE DATE.

This rule is proposed as a  Final Rule, and/or a  Temporary Rule (Check one or both boxes as applicable).

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding:

Check one box below:

An oral proceeding is scheduled on this rule on Date {Insert Date} Time {Insert Time}

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least five (5) days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the persons making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement:

Check one box below:

The agency has determined that an economic impact statement is not required for this rule, or

The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: February 15, 2007

Proposed Effective Date: May 1, 2007

/S/ \_\_\_\_\_  
Benny French, General Manager

# Pearl River Valley Water Supply District

## Marina Pump-Out Stations

### Economic Impact Statement

In 1999, nearly 1500 of the Nation's beach closures and health advisories were due to sewage being dumped into the waterways, threatening public health, family vacations, recreational use of the waterways and billions of tourist dollars. According to the US Environmental Protection Agency, each year, 1.8 million to 3.5 million illnesses are caused by swimming in water contaminated by sewage overflows, and an additional 500,000 from drinking contaminated water. As a result, in May 1999, President Clinton issued an Executive Action to improve water quality and public health by requiring stronger measures to prevent untreated sewage into rivers, lakes, coastal waters and drinking supplies.

In response, the Pearl River Valley Water Supply District monitors the levels of various pollutants that enter the Ross Barnett Reservoir that could make the Reservoir unsafe for drinking, fishing, swimming or other activities; which in extreme cases, can lead to people suffering from diarrhea, vomiting, respiratory infections, ear infections, rashes and even very serious or life-threatening illnesses such as hepatitis and meningitis after swimming in sewage-laced water. Additionally, the discharge of raw sewage into the Reservoir can create not only a health hazard, but, lead to oxygen depletion thereby inducing "fish-kills", and the obvious visual pollution which can lead to the degradation of property values and the tourist industry. More importantly, however, the contaminants contained in raw sewage threaten the purity of the public water supply for the City of Jackson, Mississippi. Therefore, as part of the effort to improve the water quality, the Pearl River Valley Water Supply District is recommending the following regulation as Section 4.7.5 and Section 4.7.6 of the regulations of the Pearl River Valley Water Supply District:

***Marina Pump-Out Stations.*** *No boat slip/pier shall be constructed or used for the purpose of mooring watercraft equipped with holding tanks unless sewer pump out facilities are provided to all slips. Such pump out facilities shall be vacuum type facilities approved by the District which serve from one to four slips from one common control point. Transient-type facilities may have the option of incorporating stationary pump-out unit(s). Additionally, all marinas must provide at least one "porta-potty" dump station. All existing boat slips/piers within public or private marinas on the Reservoir which moor water-craft equipped with a holding tank shall be modified to provide on site pump out facilities as described above on or before May 1, 2010.*

*Each violation of this Section 4.7 shall constitute a misdemeanor and shall be punishable by a fine of One Thousand Dollars (\$1,000.00). Additionally, any marina which fails to comply with Section 4.7.5 of this regulation shall immediately cease to moor any water-craft equipped with a holding tank until the marina is in compliance with this regulation.*

## **Benefits**

The benefits derived by such action will substantially reduce the amount of untreated, raw sewage from toilets, porta-potties, sinks or showers being dumped over-board by water-craft using the Reservoir for recreation; thereby, reducing the associated dangers inherent with untreated sewage, including improving the water quality of the water supply reservoir for the City of Jackson, Mississippi.

## **Cost to Agency**

It is anticipated that the implementation of the proposed rule change will have minimal to no costs to the Pearl River Valley Water Supply District, or any other State agency associated with enforcing the rule change. The District currently has regulations in place that address the concerns about raw sewage being pumped out of water vessels.

## **Costs or Benefit to those Directly Affected**

Costs associated with the rule change will be born by any developer or current owner that either wants to build or improve a marina. As would be anticipated, costs will be dependent on the size of the facility to be constructed/improved. Although the larger facilities can become expensive for the developer/owner, there are currently grants available that will pay up to 75% of the construction costs.

## **Impact on Small Business**

New and improved marinas will bear the brunt of the cost of the proposed rule change. However, discussions with current marina owners show that there is a real need for this proposal. Several owners stated that they have “waiting lists” for boat owners wanting to get into facilities where the pump-out service is currently being offered. Ultimately, it is anticipated that costs will be passed to the users through either direct billing or combined with slip fees, whereby, over some period of time, the business can recoup initial and maintenance costs.

## **Comparison of the Benefits/Costs**

The benefits cannot be measured in terms of the public’s safety, health and welfare. However, based on costs for the required systems, prices range from \$1,750.00 to \$5,300.00 for a single stationary pump system. The “porta-potty” pump stations typically run in the \$1000.00 to \$1500.00 range.

Obviously, the number of pumps required will be in proportion to the marina’s actual size. The bottom line, since human life and suffering is basically immeasurable, the benefits to cost ratio is >>1:1.

## **Existence of Alternative Methods**

Since there are four basic types of pumpout stations on the markets, each type of system has its

advantages and disadvantages. Each pump station is unique and contains inherent problems; the District has made a decision to require a system that has the least amount of problems with respect to a potential spill of raw sewage into the Reservoir. Alternative methods include:

**Stationary Pumpout Unit:** These units consist of a connector hose and pump, and are connected directly to a local or municipal sewage treatment facility. The unit is usually located at the end of a pier or floating dock, often near the fueling facilities. Vessels access the pumpout station by approaching and securing to the dock or pier. Advantages are convenience, efficiency and speed of use. The principal disadvantage is that the unit restricts pumpout service to a single area of the marina, which may cause congestion.

**Portable Pumpout Unit:** This unit typically is a wheeled device, consisting of a holding tank, hose and mechanical or hand pump that is pushed along a dock to the vessel's location. When full, the unit is emptied to the marina sewage system, or the sewage is removed by a licensed septic hauler. The advantage is that the unit is brought to the boat rather than the boat to the station. When full of sewage, however, the unit can be heavy and cumbersome. Since it must be moved from boat to boat, the time required to complete the pumpout operation can be greater than that of fixed systems. Portable units require twice the effort in handling when compared to fixed units.

**Portable Pumpout Unit on Vessel:** This unit is a boat with a pumpout station on board, consisting of a pump and holding tank. The advantage is the convenience of having the pumpout come directly to the boat needing service. Disadvantages are similar to a conventional portable unit.

**Remote Operated Multi-Station System:** This system has a pump that transports wastes via a main sewer line to central collection and treatment. This unit can provide pumpout capabilities at any number of locations throughout the marina. This system, which provides wastewater collection anytime, combines the convenience and efficiency of fixed units with the versatility of portables. The disadvantages are that the system must be specifically designed for the marina and is the most costly of the four.

### **Method Chosen for Purpose of Proposed Action:**

Again, the District's engineers have had some experiences with several of the alternative methods and as a result, have narrowed down the choices to the "stationary pumpout unit" and/or the "remote operated multi-station system" that is limited *from one to four slips*. Experience has shown that the fixed systems are more reliable, easier to use, and safer in reducing the number of raw sewage spills that are often associated with pumping out water-craft.

**Estimates:**

The estimates and benefits of requiring the proposed action are the result of in-house staff experience with existing systems, discussions with marina owners, and cost estimates provided by manufacturers/suppliers of the alternative methods for pumping out holding tanks of watercraft.

**Obtaining Copies and Requesting Hearing:**

Anyone desiring to make a written submission on the proposed regulation may so on or before April 9, 2007, addressed to Pearl River Valley Water Supply District, P.O. Box 2180, Ridgeland, Mississippi 39158, Attention: Asst. Secretary. Copies of the proposed rule and this Economic Impact Statement may be obtained in person at the District's office at 115 Madison Landing Circle, Ridgeland, Mississippi 39157 or by written request addressed to Pearl River Valley Water Supply District, P.O. Box 2180, Ridgeland, Mississippi 39158, Attention: Asst. Secretary. Persons may present their views and/or demand an oral proceeding on this proposed regulation by following the procedure set forth in Section 1.3 Rulemaking Oral Proceedings of the Regulations of the Pearl River Valley Water Supply District, a copy of which is on file with the Mississippi Secretary of State and which is further available at the office of the District.

#### 4.7 **Water and Sewer Service.**

4.7.1 It shall be unlawful for any person, firm or corporation to occupy or permit occupancy of any residence or business or commercial structure located within the Reservoir Project Area and serviced by water and sewer lines of the District unless such residence or structure is connected to the water distribution system of the District.

4.7.2 The owner of any premises receiving service of the utility system of the District, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the cost of such utility service to such premises. All services are rendered to the premises by the District only upon the condition that such owner, lessee, occupant and/or user shall be jointly and severally liable therefor to the District.

4.7.3 The monthly rates and amounts required to be paid for utility service shall be set by the Board of the District.

4.7.4 Service will be discontinued to any patron of the District's utility system who fails, neglects or refuses to pay the amount billed within thirty-five (35) days of the billing date thereof. Water will not be supplied to any premises either directly or indirectly when the patron is in arrears at those premises.

4.7.5 Marina Pump-Out Stations. No boat slip/pier shall be constructed or used for the purpose of mooring watercraft equipped with holding tanks unless sewer pump out facilities are provided to all slips. Such pump out facilities shall be vacuum type facilities approved by the District which serve from one to four slips from one common control point. Transient-type facilities may have the option of incorporating stationary pump-out unit(s). Additionally, all marinas must provide at least one "porta-potty" dump station. All existing boat slips/piers within public or private marinas on the Reservoir which moor water-craft equipped with a holding tank shall be modified to provide on site pump out facilities as described above on or before May 1, 2010.

4.7.6 Each violation of this Section 4.7 shall constitute a misdemeanor and shall be punishable by a fine of One Thousand Dollars (\$1,000.00). Additionally, any marina which fails to comply with Section 4.7.5 of this regulation shall immediately cease to moor any water-craft equipped with a holding tank until the marina is in compliance with this regulation.

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4.7.6 Each violation of [this](#) Section ~~4.7.1 of this regulation~~[4.7](#) shall constitute a misdemeanor and shall be punishable by a fine of ~~not more than One Hundred Dollars (\$100.00)~~[One Thousand Dollars \(\\$1,000.00\)](#). Additionally, [any marina which fails to comply with Section 4.7.5 of this regulation shall immediately cease to moor any water-craft equipped with a holding tank until the marina is in compliance with this regulation.](#)