

TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 75  
MARINE SEWAGE DISPOSAL ACT

67-7501. LEGISLATIVE INTENT. The legislature finds that the waters of Idaho streams, rivers and lakes are threatened with pollution from discharge of marine sewage and other wastes; that it is necessary to provide a uniform system for control and treatment of such marine sewage, graywater and other wastes; and that violators should be penalized.

[67-7501, added 1989, ch. 365, sec. 1, p. 913.]

67-7502. JURISDICTION AND AUTHORITY. This chapter shall apply to all vessels on the waters of and over which the state of Idaho shall have jurisdiction. The department of environmental quality is hereby granted authority to carry out the administration of the provisions of this chapter, and to promulgate rules in compliance with [chapter 52, title 67](#), Idaho Code, to effectuate that purpose.

[67-7502, added 1989, ch. 365, sec. 1, p. 913; am. 2001, ch. 103, sec. 102, p. 343.]

67-7503. DEFINITIONS. As used in this chapter:

(1) "Discharge" includes, but it [is] not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

(2) "Enforcement officer" means all persons designated as peace officers and authorized special deputies under Idaho law.

(3) "Manufacturer" means any person engaged in manufacturing, assembling, or importing of marine sanitation devices or of vessels subject to the standards and regulations promulgated under the federal water pollution control act, as amended.

(4) "Marine sanitation device" and "device" means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage.

(5) "Other wastes" include, but are not limited to, garbage, refuse, wood debris, oil, tar, and other "pollutants" as defined in the federal water pollution control act, as amended.

(6) "Owner" means any person having a property interest in or entitled to the use or possession of a vessel, including a person entitled to use or possession subject to the interest in another person reserved or created by agreement and securing payment of performance of an obligation, but not including a lessee under lease not intended as security.

(7) "Person" means an individual, partnership, firm, corporation or association, but does not include an individual on board a public vessel.

(8) "Public vessel" means a vessel owned or bareboat chartered and operated by the United States, by a state or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(9) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

(10) "Vessel" shall include every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the waters of the state of Idaho.

(11) "Waters of this state" mean any waters in the state of Idaho over which the state has jurisdiction.

[67-7503, added 1989, ch. 365, sec. 1, p. 913.]

67-7504. MARINE SANITATION DEVICES. (1) No manufacturer may sell, offer for sale, or distribute for sale or resale any vessel equipped with an installed marine sanitation device unless the device is operable, labeled and certified as provided by federal law.

(2) No owner may have a vessel on the waters of this state, and no person may operate any vessel on the waters of this state, equipped with an installed marine sanitation device unless the device is operable, labeled and certified as provided by federal law.

[67-7504, added 1989, ch. 365, sec. 1, p. 914.]

67-7505. PROHIBITION AGAINST DISCHARGE OF SEWAGE OR OTHER WASTES. (1) Except as provided by federal law, no person shall discharge or otherwise dispose of any sewage or other wastes from any vessel into or upon the waters of this state.

(2) When a vessel with an installed device is in an area where the discharge of sewage is prohibited, the device must be sealed to prevent overboard discharge.

[67-7505, added 1989, ch. 365, sec. 1, p. 914.]

67-7506. ENFORCEMENT. Any enforcement officer may stop and board any vessel, except public vessels, on the waters of this state for the purpose of inspecting a marine sanitation device or to enforce the provisions of this chapter.

[67-7506, added 1989, ch. 365, sec. 1, p. 914.]

67-7507. PENALTIES. (1) It shall be unlawful and constitute a misdemeanor for any person to violate any provisions of this chapter.

(2) Every person convicted of a violation of any provision of this chapter shall be punished by a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300) for each offense or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

[67-7507, added 1989, ch. 365, sec. 1, p. 914.]

67-7508. DISPOSITION OF FINES. Notwithstanding the provisions of section [19-4705](#), Idaho Code, to the contrary, fines remitted for violations of this chapter shall be apportioned ten per cent (10%) to the state treasurer for deposit in the general account, twenty-two and one-half per cent (22 1/2%) to the district court fund and sixty-seven and one-half per cent (67 1/2%) to the sheriff of the county in which the violation occurred to be used to enforce boating and other water related laws.

[67-7508, added 1989, ch. 365, sec. 1, p. 914.]

67-7509. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason,

such declaration shall not affect the validity of remaining portions of this act.

[67-7509, added 1989, ch. 365, sec. 1, p. 915.]