

## “Black Water” (Marine Sewage) by Capt. Geoff

A question about the current status of “pumping out” had me looking through the regulations to see what may have changed over the past few years.

Sewage in the ocean is never a good thing, but is a much bigger problem in areas where there is low currents, resulting in limited circulation of the water. Desolation Sound falls into this category, particularly many of the anchorages.

Back in 2006 the rules changed to stop boats pumping their sewage directly overboard wherever they wanted. There was a transition period up to 2012, and the rules do not seem to have changed since, although they are now lumped in with other pollution in the “Vessel Pollution and Dangerous Chemicals Regulations”. They can be found here: <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2012-69/index.html>

The basic rule for B.C. tidal waters is that boats cannot discharge sewage within three miles of shore [96(1)(e)(ii)].

Discharges three miles or further from shore must be done “while the vessel is en route at the fastest feasible speed”.

In our area, there can be no discharge in “designated sewage areas” (with one exception noted below). This includes Carrington Bay, Cortes Bay, Prideaux Haven, Roscoe Bay, Squirrel Cove, Manson’s Landing and Gorge Harbour. Generally, these areas are within three miles of shore, but might come into play under the exemptions noted below. See Schedule 2 of the above regulations for additional location details.

Outside of designated sewage areas, there is an exemption if the waters are less than 6 miles from shore to shore [96(1)(e)(iii)]. Discharge must be done at vessel’s fastest feasible speed during an ebb tide in the deepest and/or into fastest moving waters, farthest from shore (*I’m paraphrasing here, see extract from regulations below for full details*). But this option is only allowed if there is no reception facility that can receive the sewage. There is no specific maximum distance from a “reception facility” in the regulations, but as there is a pump out facility in Lund, authorities may not accept boaters using the “6 miles from shore to shore” option when in some parts of Desolation Sound.

There is also an exemption if the sewage is “comminuted and disinfected using a marine sanitation device” ([86(2)]). This is generally not an option for smaller pleasure craft, but it allows pump out when only one mile from shore in our area, as long as the vessel is not in a designated sewage area. [96(1)(e)(i)]. In a designated sewage area, effluent from a marine sanitation device must have a fecal coliform count that is equal to or less than 14/100 mL [96(1)(b)].

According to Transport Canada, the penalties for not complying are fines of up to \$1 million or up to 18 months imprisonment, or both. [http://www.bccdc.ca/resource-gallery/Documents/Educational%20Materials/EH/FPS/Fish/SEWAGEDISCHARGE\\_ENG.pdf](http://www.bccdc.ca/resource-gallery/Documents/Educational%20Materials/EH/FPS/Fish/SEWAGEDISCHARGE_ENG.pdf)

To keep our waters pristine, please use the pump out facilities in ports around our area. Campbell River has two options. At Fisherman's wharf <https://www.fishermanswharfcampbellriver.com/> and Discovery Hbr., which has a pump out boat that can come to your berth.

<https://www.discoveryharbourmarina.com/facilities>. Pump outs are also available in Lund (<https://lundharbourbc.wordpress.com/>), Powell River (<https://powellriver.ca/pages/harbours-and-mooring>) and Comox (<http://comoxharbour.com/>).

If you are wondering about larger vessels; ships of more than 400 tons and more than 15 persons, must be 12 miles from shore to discharge sewage [96(1)(c)] unless using a marine sanitation device, in which case it can be 3 miles from shore.

The above article is based on my reading of the regulations as of Spring 2021. It has no legal standing. If you have questions or need clarification, please consult the regulations or Transport Canada's Office of Boating Safety (Pleasure Craft) or Transport Canada Marine transportation (Commercial).

Calm Seas.

Extracts from "Vessel Pollution and Dangerous Chemicals Regulations" 2012, related to the 6 nautical mile option:

**96 (1)** For the purposes of [section 95](#), sewage may be discharged if

...

- **(e)** in the case of a vessel that is in Section I waters or Section II waters but not in the inland waters of Canada or a designated sewage area, and that is of less than 400 gross tonnage and is not certified to carry more than 15 persons,

...

(iii) if it is not feasible to meet the requirements of subparagraph (ii) because the vessel is located in waters that are less than 6 nautical miles from shore to shore, the discharge is made while the vessel is en route at a speed of at least 4 knots or, if the discharge is not feasible at that speed, the discharge is made

(A) during an ebb tide, while the vessel is en route at the fastest feasible speed and into the deepest waters that are located the farthest from shore, or

(B) while the vessel is en route at the fastest feasible speed and into the deepest and fastest moving waters that are located the farthest from shore.

...

- **Subparagraphs (1)(c)(i), (d)(i) and (e)(ii) and (iii)**

**(3)** In addition to the circumstances set out in subparagraphs (1)(c)(i), (d)(i) and (e)(ii) and (iii), the sewage may be discharged only if the discharge does not cause visible solids to be deposited on the shoreline.

- **Subparagraph (1)(e)(iii)**

**(4)** Subparagraph (1)(e)(iii) does not apply if a reception facility that can receive the sewage in an environmentally safe manner is available to receive it.