

# CLEAN WATER CERTIFICATION PROGRAM

## *FREQUENTLY ASKED QUESTIONS*

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### [General Rules for the Clean Water Certification Program](#)

### [Certification Information](#)

### [No Discharge Zone Information](#)

### [Installation and Operation Information](#)

### [Penalty Information](#)

### General Rules for the Clean Water Certification Program

#### *What rule changes have occurred regarding the Clean Water Certification Program?*

During the 81<sup>st</sup> Legislative Session, the Texas Water Code was amended through the passage of Senate Bill 2445 (authored by Senator Carlos Uresti), which changed the regulations pertaining to the disposal of sewage from boats and boat pump-out stations. Changes to the Texas Water Code included:

- Adding definitions for “boat pump-out station”, “shoreside, mobile, or floating installation”, and “surface water in the state”.
- Changing the frequency for renewal of certifications for boat pump-out stations from annual to biennial.

In addition, changes were necessary to ensure that TCEQ regulations were consistent with federal regulations. Prior to November 11, 2010,

- There were only 24 inland lakes and one coastal lake (Clear Lake) that were considered to be No Discharge Zones (NDZs). Now, all inland waterways, as well as Clear Lake, are NDZs.
- Boats operating only on the 24 inland lakes designated as NDZs were required to obtain a Clean Water decal. A Clean Water decal is now required while operating on any Texas waterway, including coastal areas out to three nautical miles into the Gulf of Mexico.
- Boats operating on NDZs were previously required to install a holding tank (Type III MSD) on their boats. Now, boats are allowed to have any type of MSD as long as they are installed and operating in accordance with federal and state rules. The only exception to this is

houseboats, which are required to have a Type III MSD. For a description of what meets the definition of houseboat, please go to the [Installation and Operation Information](#) section of this document.

## **Certification Information**

### ***On which lakes am I required to get a Clean Water Certification decal?***

If your boat is located on any Texas waterway, you are required to obtain the Clean Water decal. This includes all inland freshwater lakes, rivers, tidally influenced waterbodies, and coastal areas out to three nautical miles into the Gulf of Mexico.

### ***How often do I need to renew my decal?***

Both the marine sanitation device and boat pump-out station renewals are required every two years. The decals expire December 31<sup>st</sup> of every odd-numbered year (example: 12/31/2011). Certification renewal applications need to be submitted no later than November 30<sup>th</sup> of each odd-numbered year.

### ***If I sell my boat, is the certification still valid for the new owner?***

Yes. The Clean Water decals are transferrable and will remain valid for the new owner. The new owner is advised to contact the Clean Water Certification Program at TCEQ at [CWCERT@tceq.texas.gov](mailto:CWCERT@tceq.texas.gov) to update the contact information.

### ***Can a certification be cancelled for any reason?***

Yes. A certification is subject to cancellation by the executive director prior to the date of expiration if it has been determined that the applicant misrepresented any material fact in the application or provided information which was false or fraudulent.

### ***What if a decal becomes illegible or destroyed, can it be replaced?***

Yes. Decals must be properly displayed and clearly indicate the date of expiration. If your decal does not meet these standards, you can obtain a new one by contacting the TCEQ Clean Water Certification Program at [CWCERT@tceq.texas.gov](mailto:CWCERT@tceq.texas.gov) . A \$2.00 processing fee will be assessed for each replacement decal.

## No Discharge Zone Information

### *Where is the discharge of boat sewage into Texas waters prohibited?*

All freshwater lakes in Texas, as well as all rivers that do not support interstate vessel traffic and other water bodies along the coast which have been declared a No Discharge Zone (NDZ) by state & federal approval. Currently, Clear Lake is the only coastal NDZ.

## Installation and Operation Information

### *What type of Marine Sanitation Device should I have on my boat?*

If your boat has an installed toilet, it must be attached to a properly operating marine sanitation device (MSD). MSDs are required to be installed in accordance with U.S. Coast Guard regulations, as follows:

- Type I MSD - may be installed only on boats 65 feet or less in length
- Type II MSD – may be installed on boats of any length
- Type III MSD – may be installed on boats of any length and **must** be installed on **houseboats**

### *What types of boats are considered to be houseboats?*

Under the rules, the term “houseboat” does not pertain to a specific design of a boat, but rather it is based on the use of the boat with regard to its potential to discharge greater volumes of sewage. Thus, a houseboat is any boat or floating structure, that is capable of being used as a stationary and/or mobile residence that usually, but not necessarily, contains plumbing fixtures.

### *What if I own a houseboat? Are there any special requirements?*

Yes. A houseboat is considered to be any boat or floating structure that is capable of being used as a stationary and/or mobile residence that usually, but not necessarily, contains plumbing fixtures. Because these types of boats may pose a greater risk to water quality due to the amount of time they may be occupied and the volume of waste that may be generated, all houseboats are required to have at least one permanently installed toilet. In addition, all houseboats are required to have a Type III MSD (holding tank) installed, even if the boat already has a Type I or Type II MSD.

### ***Are there specific design or operation requirements for boat pump-out stations?***

Yes. TCEQ rules require boat pump-out stations to be designed, installed, and operated to prevent the accidental discharge of sewage. Boat pump-out stations must be designed according to the following requirements:

- Must have a spill-proof connection with shipboard holding tanks.
- Must have suction controls or vacuum breaker to limit suction to such levels to avoid collapse of rigid holding tanks.
- Must provide fresh water facilities for tank flushing.
- Must have a check valve and positive cut-off or other device to preclude spillage when breaking connection with a vessel being serviced.
- Must provide adequate interim storage, if required, prior to transfer to an approved sewage system for disposal.
- Must ensure that any connection to a drinking water system is provided with vacuum breakers or other device designed to insure against backflow or siphonage of sewage or contaminated water into the drinking water system.
- Mobile or floating boat pump-out stations must have adequate and spill-proof facilities for transfer to shore-based sewage systems or intermediate transfer facilities.

### ***Where should I discharge the waste from my boat?***

Boat sewage from your boat should be discharged into a properly operating boat pump-out station. Many marinas even offer mobile pump-out services. Check with your local marina or the [Texas Sea Grant College Program](#) to get a listing of pump-out stations in your area.

### ***Is there any assistance for marinas to install pump out stations?***

Yes. The Texas Parks & Wildlife Department (TPWD) administers the federal Clean Vessel Act (CVA) grant program. More information about the CVA grant program can be obtained by visiting the [TPWD website](#).

## **Penalty Information**

### ***What types of penalties can be assessed for non-compliance with the rules?***

Criminal penalties are enforced by game wardens and peace officers certified as marine safety enforcement officers under the Parks and Wildlife Code. Violations of the rules can result in a Class C misdemeanor and fines up to

\$500. In addition, The Texas Water Code authorizes TCEQ to assess administrative fines of up to \$25,000 per day for any violation of the Clean Water Certification Program.