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**TITLE 312 NATURAL RESOURCES COMMISSION**

**Final Rule**

LSA Document #07-646(F)

**DIGEST**

Amends [312 IAC 6-2-6](#), [312 IAC 8-2-13](#), and [312 IAC 11-2-12](#), which define "marina" on navigable waters, lakes on DNR properties, and public freshwater lakes, to remove parallel provisions that state a structure with docks would qualify. Effective 30 days after filing with the Publisher.

**[312 IAC 6-2-6](#); [312 IAC 8-2-13](#); [312 IAC 11-2-12](#)**

SECTION 1. [312 IAC 6-2-6](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 6-2-6](#) "Marina" defined**

**Authority:** [IC 14-10-2-4](#); [IC 14-29-1-8](#)

**Affected:** [IC 14](#)

Sec. 6. "Marina" means a structure that:

- (1) can service simultaneously at least five (5) watercraft; and
- (2) provides, for a fee, one (1) or more of the following:
  - (A) Watercraft engine fuel.
  - ~~(B) Decks.~~
  - ~~(C) (B) Watercraft repair.~~
  - ~~(D) (C) Watercraft sales or rental.~~

*(Natural Resources Commission; [312 IAC 6-2-6](#); filed Sep 11, 1997, 8:50 a.m.: 21 IR 368; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Apr 24, 2008, 1:44 p.m.: [20080521-IR-312070646FRA](#))*

SECTION 2. [312 IAC 8-2-13](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 8-2-13](#) Marinas and wastewater holding facilities for watercraft**

**Authority:** [IC 14-10-2-4](#); [IC 14-11-2-1](#)

**Affected:** [IC 14](#)

Sec. 13. (a) As used in this section, "marina" means a structure that:

- (1) services simultaneously at least five (5) watercraft; and
- (2) provides, for a fee, one (1) or more of the following:
  - (A) Watercraft engine fuel.
  - ~~(B) Decks.~~
  - ~~(C) (B) Watercraft repair.~~
  - ~~(D) (C) Watercraft sales or rental.~~

(b) Except as provided in subsection (d), a person must not operate a marina unless the person provides a pumpout that is in good working order and readily accessible to patrons of the marina and secures and maintains one (1) of the following:

- (1) A license under [327 IAC 3-2](#) for the construction and operation of a wastewater treatment facility or sanitary sewer.
- (2) A license under [410 IAC 6-10](#) for the construction of a commercial on-site wastewater disposal facility.
- (3) An alternative written approval for wastewater disposal from an authorized governmental agency.

(c) The requirements of subsection (b) shall be made a condition for a license issued by the department to:

- (1)** construct a new marina; or ~~to~~
- (2)** modify an existing marina.

(d) A person may apply to the division of law enforcement for an exemption from subsection (b). The exemption shall be granted, for a period not to exceed five (5) years, where the person demonstrates either of the following:

- (1) The marina is designed to serve exclusively watercraft that are neither required nor likely to be equipped with a marine sanitation device.
- (2) The operator of the marina has entered a binding agreement with another marina or similar facility along the waterway to provide pumpout services where the other marina or similar facility:
  - (A) maintains a lawful pumpout as described in subsection (b);
  - (B) is in proximity to the marina seeking the exemption so patrons to be served at a pumpout, which would otherwise be required at the exempted marina, would not be significantly inconvenienced; and
  - (C) has sufficient pumpout capacity and accessibility to effectively serve the patrons of both parties to the agreement.

(Natural Resources Commission; [312 IAC 8-2-13](#); filed Oct 28, 1998, 3:32 p.m.: 22 IR 743, eff Jan 1, 1999; filed Jul 22, 2004, 10:05 a.m.: 27 IR 3886; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Apr 24, 2008, 1:44 p.m.: [20080521-IR-312070646FRA](#))

SECTION 3. [312 IAC 11-2-12](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 11-2-12](#) "Marina" defined**

**Authority:** [IC 14-10-2-4](#); [IC 14-15-7-3](#); [IC 14-26-2-23](#)

**Affected:** [IC 14-15](#); [IC 14-26-2](#)

Sec. 12. "Marina" means a structure that:

- (1) can service simultaneously at least five (5) watercraft; and
- (2) provides, for a fee, one (1) or more of the following:
  - (A) Watercraft engine fuel.
  - ~~(B) Decks.~~
  - ~~(C) (B) Watercraft repair.~~
  - ~~(D) (C) Watercraft sales or rental.~~

(Natural Resources Commission; [312 IAC 11-2-12](#); filed Feb 26, 1999, 5:49 p.m.: 22 IR 2221; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Apr 24, 2008, 1:44 p.m.: [20080521-IR-312070646FRA](#))

LSA Document #07-646(F)

Notice of Intent: [20071003-IR-312070646NIA](#)

Proposed Rule: [20080123-IR-312070646PRA](#)

Hearing Held: February 20, 2008

Approved by Attorney General: April 18, 2008

Approved by Governor: April 24, 2008

Filed with Publisher: April 24, 2008, 1:44 p.m.

Documents Incorporated by Reference: None Received by Publisher

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Posted: 05/21/2008 by Legislative Services Agency

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