
NATURAL RESOURCES COMMISSION
Information Bulletin #35 (First Amendment)**SUBJECT:** Type I and Type II Marine Sanitation Devices on Navigable Waters of Indiana

This information bulletin identifies Indiana rivers, streams, and lakes where a person can lawfully operate a Type I Marine Sanitation Device ("Type I MSD") or a Type II Marine Sanitation Device ("Type II MSD") on a motorboat. The bulletin was prepared by the Department of Natural Resources, Division of Law Enforcement, in consultation with the U. S. Coast Guard. The natural resources commission approved this bulletin in 2002, and the bulletin was published in the January 1, 2003 Indiana Register (26 IR 1380). This bulletin was amended to update citations, and on January 16, 2007, the Commission reaffirmed this information bulletin.

The use of marine sanitation devices is governed by federal statutes and regulations—particularly those promulgated by the U.S. Coast Guard and the U.S. Environmental Protection Agency. A "marine sanitation device" refers to any equipment for installation on board a boat that is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage. A Type I MSD means one that, under federal testing, produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids. A Type II MSD means one that, under the federal testing, produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.

A "Type III marine sanitation device" ("Type III MSD") means one that is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage. A Type III MSD is sometimes referred to as a holding tank and does not provide for the treatment of sewage. Waste from a Type III MSD must be disposed through a licensed pumpout facility. This information bulletin is not primarily directed to the use of Type III MSDs.

Both a device and a waterway must qualify if sewage is to be lawfully discharged through a Type I MSD or a Type II MSD. For the device to qualify, it must be approved by the U.S. Coast Guard and must be properly maintained and operated. For a waterway to qualify, it must be (1) legally navigable; and, (2) suitable, in fact, for direct interstate boating transportation. A Type I MSD or Type II MSD cannot be used upstream from where a natural or man-made obstruction in the waterway reasonably prevents a boat from advancing. The waterways in Indiana where a Type I MSD or a Type II MSD may lawfully be used are those that can, in fact, be traveled by a boat large enough to be equipped with a Marine Sanitation Device. Use of a Type I MSD or Type II MSD on waters other than those listed in this information bulletin is unlawful.

Improper use of a Type I MSD or a Type II MSD is a violation of federal law, enforced primarily through the U.S. Coast Guard. In addition, the Natural Resources Commission has incorporated this portion of the regulations into state rules, so improper use of a Type I MSD or a Type II MSD is also a violation of state law, enforced primarily through the Division of Law Enforcement. See particularly [312 IAC 5-5-2\(c\)](#): "A person who maintains or operates a watercraft, upon Lake Michigan or another waterway described in 40 CFR 140.3, that is equipped with a Type I marine sanitation device or a Type II marine sanitation device, must comply with 33 CFR 159 and 40 CFR 140."

The Natural Resources Commission previously identified its "Roster of Indiana Waters Declared Navigable or Nonnavigable" in Information Bulletin #3 (First Amendment) published at 20 Indiana Register 2920-2939 (July 1, 1997) with a listing by county also available at <http://www.in.gov/nrc/policy/IV.html>. In 2006, the commission updated this citation, and Information Bulletin #3 (Second Amendment) was posted as [20061011-IR-312060440NRA](#) in the Indiana Register. The waterways where a Type I MSD or a Type II MSD may be lawfully used in Indiana are as follows:

Clark County

- (1) **Fourteen Mile Creek:** 0.6 river miles upstream from its junction with the Ohio River
- (2) **Ohio River**
- (3) **Silver Creek:** 0.78 river miles from its junction with the Ohio River (S.R. 62 Bridge)

Crawford County

- (1) **Big Blue River:** 3.0 river miles upstream from its junction with the Ohio River
- (2) **Little Blue River:** 3.6 river miles upstream from its junction with the Ohio River
- (3) **Ohio River**

Dearborn County

- (1) **Great Miami River:** Throughout the county
- (2) **Hogan Creek (including North Fork and South Fork):** Hogan Creek (Main Stem) from its junction with

the Ohio River for the entire length (0.4 river miles); North Fork of Hogan Creek from its junction with Hogan Creek for 4.9 river miles; and, South Fork of Hogan Creek from its junction with Hogan Creek for 5.0 river miles

(3) **Laughery Creek:** 6.0 river miles upstream from its junction with the Ohio River

(4) **Ohio River**

(5) **Tanners Creek:** 10.6 river miles upstream from its junction with the Ohio River

(6) **Whitewater River:** Throughout the county

(7) **Wilson Creek:** 1.9 river miles upstream from its junction with the Ohio River

Harrison County

(1) **Big Blue River:** 3.0 river miles upstream from its junction with the Ohio River.

(2) **Buck Creek:** 0.3 river miles upstream from its junction with the Ohio River

(3) **Indian Creek:** 0.9 river miles upstream from its junction with the Ohio River.

(4) **Mosquito Creek:** 0.25 river miles upstream from its junction with the Ohio River

(5) **Ohio River**

Floyd County

(1) **Ohio River**

(2) **Silver Creek:** 0.78 river miles from its junction with the Ohio River (S.R. 62 Bridge)

Jefferson County

(1) **Indian-Kentuck Creek:** 2.2 river miles upstream from its junction with the Ohio River

(2) **Ohio River**

Lake County

(1) **Indiana Harbor and Ship Canal:** from the entrance on Lake Michigan to the Outer Harbor Basin. On the Outer Harbor Basin, for 1.4 river miles to the Turning Basin at the Forks of the Calumet River Branch and Lake George Branch. On the Calumet River Branch southward for 0.4 river miles (Columbus Drive Street Bridge). On the Lake George Branch for 0.6 river miles to where it dead-ends.

(2) **Lake Michigan**

LaPorte County

(1) **Lake Michigan**

(2) **Trail Creek:** upstream for 1.0 river miles from its junction with Lake Michigan

Ohio County

(1) **Arnold Creek:** 0.25 river miles upstream from its junction with the Ohio River

(2) **Laughery Creek:** 6.0 river miles upstream from its junction with the Ohio River.

(3) **Ohio River**

Perry County

(1) **Anderson River:** 0.11 river miles upstream from its junction with the Ohio River

(2) **Big Oil Creek:** 0.05 river miles from its junction with the Ohio River (S.R. 66 Bridge)

(3) **Deer Creek:** 0.03 river miles from its junction with the Ohio River (S.R. 66 Bridge)

(4) **Ohio River**

Porter County

(1) **Burns Ditch:** See **Portage Burns Waterway**

(2) **Portage Burns Waterway:** For its entirety (1.3 river miles) as a connection between the Little Calumet River and Lake Michigan

(3) **Lake Michigan**

(4) **Little Calumet River:** On the West Fork of the Little Calumet River for 1.5 river miles (South Shore Marina). On the East Fork of the Little Calumet River for 1.5 river miles (where it forms a "Y")

Posey County

(1) **Big Creek:** 5.4 river miles upstream from its junction with the Ohio River

(2) **McFadden Creek:** 0.3 river miles upstream from its junction with the Ohio River

(3) **New Harmony Cut-Off:** 0.72 river miles upstream from its downstream junction with the Wabash River

(4) **Ohio River**

(5) **Wabash River:** 42.5 river miles upstream from its junction with the Ohio River

Spencer County

(1) **Anderson River:** 0.11 river miles upstream from its junction with the Ohio River

(2) **Ohio River**

(3) **Sandy Creek:** 2.6 river miles upstream from its junction with the Ohio River

Switzerland County

(1) **Bryant Creek:** 2.6 river miles upstream from its junction with the Ohio River

(2) **Goose Creek:** 0.5 river miles upstream from its junction with the Ohio River

(3) **Grants Creek:** 2.5 river miles upstream from its junction with the Ohio River

(4) **Indian Creek:** 4.1 river miles upstream from its junction with the Ohio River

(5) **Ohio River**

(6) **Plum Creek:** 1.25 river miles upstream from its junction with the Ohio River for 2.9 river miles

(7) **Turtle Creek:** 1.3 river miles from its junction with the Ohio River

Vanderburgh County

(1) **Bayou Creek:** 0.06 river miles upstream from its junction with the Ohio River

(2) **Ohio River**

(3) **Pigeon Creek:** 0.03 river miles upstream from its junction with the Ohio River (the 1891 Ohio Street Bridge)

Warrick County

(1) **Little Pigeon Creek:** 1.5 river miles upstream from its junction with the Ohio River (Yankeetown Bridge on C.R. 250W)

(2) **Ohio River**

Posted: 02/14/2007 by Legislative Services Agency

An [html](#) version of this document.