

California State and Coast Guard Regulations Concerning Nature's Head Composting Toilets

Nature's Head Composting Toilets are certified as Coast Guard Type III MSD devices. Below are the California and Coast Guard regulations which apply to Nature's Head. The pertinent passages are highlighted in yellow.

From The California Department of Boating and Waterways

Type III MSD

Type III MSDs are holding tanks. This is the most common type of MSD found on boats. These systems are designed to retain or treat the waste until it can be disposed of at the proper shoreside facilities.

Portable toilets are the simplest type of MSDs. They represent the easiest solution to marine sanitation on small boats because they require minimal space, and are inexpensive, reliable and easy to operate.

From the perspective of environmental impact, a Type III MSD -- when used correctly -- may be best, because it conveys boat waste into a local advanced sewage treatment system and reduces the need for on-board use of potentially toxic tank treatment chemicals.

What's The Law?

- It's illegal to discharge untreated sewage into any of California's lakes, rivers, reservoirs, or coastal waters within the three-mile U.S. territorial limit.
- There are 11 federal "No Discharge Areas" in California where it is illegal to discharge any wastes, treated or untreated.
- You are not required to have an installed marine toilet on your boat, but if there is one, it must be connected to a Coast Guard-approved MSD.
- Boats 65 feet and under may use a Type I, II, or III MSD. Boats over 65 feet must have either a Type II or III MSD.
- Certification: Make sure that your Type I or II MSD meets Coast Guard requirements by looking for a certification label. **A Type III MSD is not required to have a label if it simply stores sewage at ambient pressure and temperature.**
- The Coast Guard can issue fines of up to \$2,000 for the illegal discharge of sewage.

From <http://www.dbw.ca.gov/Pubs/Sanitation/index.htm>

From the U.S. Coast Guard Regulations

From <http://www.uscg.mil/hq/gm/mse/msd.htm>

Types of MSDs

The USCG recognizes three MSD equipment classes:

a. **Type I.** A flow-through discharge device that, under the test conditions described in 33 CFR 159.121, produces effluent having a fecal coliform bacteria count no greater than 1000/100 milliliters, and no visible floating solids. A Type I MSD is commonly a physical/chemical type (macerator/chlorinator).

b. **Type II.** A flow-through discharge device that, under the test conditions described in 33 CFR 159.121, produces effluent having a fecal coliform bacteria count no greater than 200/100 milliliters, and suspended solids no greater than 150 milligrams/liter. A Type II MSD is commonly a biological (aerobic digestion) plant, but several physical/chemical plants are certified as Type II MSDs.

c. **Type III.** A device designed to prevent the overboard discharge of treated or untreated sewage, or any waste derived from sewage. Most Type IIIs are holding tanks, but there are also vacuum collection systems, incineration systems, recirculation systems, and a composting system.

It is vital to recognize that an MSD type is based on the equipment installation. For example, a malfunctioning flow-through discharge device that has a closed overboard discharge valve is NOT a no-discharge device. It is a broken machine.

»Reference [33 CFR 159.53, General Requirements](#)

Certification of Holding Tanks

Type III MSDs that store only sewage and flushwater at ambient air pressure and temperature are certified by definition. There will be neither a label nor a letter, so the inspector should verify that the installation is as it is claimed. The tanks should be adequate to retain the wastewater generated while the vessel is within U.S. waters. Gray waters and galley wastes should not be directed to such a system, because the rotting food can cause the tank contents to putrefy, worsening the situation. The following are not acceptable as being a Type III MSD: (1) use of piping as a holding tank or (2) securing the direct overboard discharge piping from the head with a valve. Type III systems installed on a vessel before 30 January 1975 are certified under 33 CFR 159.12(b). These devices were not reviewed; no certification letter or label is necessary. »[Reference 33 CFR 159.12a, Certification of certain Type III devices](#)

Sec. 159.12a Certification of certain Type III devices.

(a) The purpose of this section is to provide regulations for certification of certain Type III devices.

(b) Any Type III device is considered certified under this section if:

(1) It is used solely for the storage of sewage and flushwater at ambient air pressure and temperature; and

(2) It is in compliance with Sec. 159.53(c).

(c) Any device certified under this section need not comply with the other regulations in this part except as required in paragraphs (b) (2) and (d) of this section and may not be labeled under Sec. 159.16.

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<http://www.uscg.mil/hq/gm/mse/regs/33cfr159.htm#Sec.%20159.12a>

Sec. 159.53 General requirements.

A device must:

(a) Under the test conditions described in Secs. 159.123 and 159.125, produce an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids (Type I),

(b) Under the test conditions described in Secs. 159.126 and 159.126a, produce 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 (Type II), or

(c) Be designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage (Type III).

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976]

From <http://www.uscg.mil/hq/gm/mse/regs/33cfr159.htm#Sec.%20159.53>