

## **250-010-0700**

### **Flotation Encapsulation Rules; Definitions**

For the purposes of OAR 250-010-0700 to 250-010-0715 the following definitions shall apply:

- (1) "Bonded" means an effective and permanent means of physical or chemical adhesion.
- (2) "Dock" means an individual, unenclosed, structure, which may either be secured to the adjacent or underlying land or that floats, that is used for mooring boats and for similar recreational uses such as sunbathing or as a swimming platform. A structure does not lose its designation as a dock if it has an unenclosed recreation area, or includes a second level that may be used for a recreational purpose such as a viewing platform or sunbathing deck.
- (3) "Float" or "Floating Structure" means a structure supported by polystyrene foam flotation and held in place by piling and mooring devices, including but not limited to boathouses, floating homes, marinas, and walkways, boarding floats or combination thereof.
- (4) "Fuel Float" means any floating structure used to dispense any form of fuel or any floating structure used to store, maintain or repair boat engines.
- (5) "Mil" means one-one thousand of an inch of thickness or 0.001 of an inch.
- (6) "Repair or Maintenance" means the reconstruction or renewal of any part of an existing floating structure for the purpose of its maintenance.
- (7) "Polystyrene Foam Flotation" means all products manufactured from expanded polystyrene foam beads with cell diameters of 0.125" or larger used as flotation.

## **250-010-0705**

### **Materials and Methods of Encapsulation**

- (1) As of January 1, 1992, when a person installs a submersible polystyrene device on a dock, buoy, or float on the waters of this state the device must be encapsulated by a protective covering or be designed to prevent the polystyrene from disintegrating into the water.
- (2) Effective methods of encapsulation shall completely cover or be a physical barrier between the polystyrene foam flotation and the water. Small gaps up to 0.75 inch diameter ballast holes are permitted in the physical barrier or covering provided they are 0.1% or less of the square footage of the floating structure.
- (3) All materials and methods of encapsulation shall comply with all requirements specified in OAR 250-010-0705 and provide an effective physical barrier between the polystyrene foam flotation and the water for a period not less than ten (10) years. Any fasteners used to hold encapsulation materials together shall be effectively treated or be of such form as to reduce corrosion and decay.
- (4) Any polystyrene foam flotation or part thereof installed, removed, replaced, or repaired during construction or maintenance activities shall be effectively contained. All unused or replaced polystyrene foam shall be removed from the waters of this state and disposed of in an approved manner at an upland disposal site or recycled.
- (5) The Board may formally approve other encapsulation materials or methods, if based on their judgment the proposed alternatives meet or exceed the provision of this rule. The Board shall not approve or endorse specific products of any person or firm.
- (6) The following materials or methods of encapsulation are approved:
  - (a) Concrete 1.0 inch or more in thickness.
  - (b) Galvanized steel 0.065 inch or 16 gauge or more in thickness.
  - (c) Liquid coatings, 30 mils or more in thickness, chemically or securely bonded.
  - (d) Rigid (hard) plastics, 50 mils or more in thickness.
  - (e) Fiberglass and plastic resins, 30 mils or more in thickness, chemically or securely bonded.
  - (f) Pliable (soft) plastic sheets, 10 mils or more in thickness, chemically or securely bonded. Multiple layers of single plastic sheets less than 10 mils in thickness are not permitted. The process of using shrink-wrap, with shrink-wrap sheets 10 mil or more in thickness, is permitted.

- (g) Non-treated dimensional wood 4.0 inches or more in thickness and round wood logs.
- (h) Non-treated marine grade plywood 0.5 inches or more in thickness.
- (7) All polystyrene foam flotation used on fuel floats or floating structures used to store, maintain, or repair boat engines shall be encapsulated with materials that are not subject to degradation by fuel oils or products. The exemptions in OAR 250-010-0705(8) shall not apply to any polystyrene foam device used to support fuel floats, docks, or floating structures used to store, maintain, or repair boat engines.
- (8) Exemptions:
  - (a) The construction, maintenance, or operation of boats or vessels.
  - (b) Any polystyrene foam device manufactured into extruded closed cell beads 0.125 inch or smaller, approved for marine use.

#### **250-010-0710**

##### **Existing Structures**

- (1) Any repairs or maintenance of a floating structure, including those existing structures placed on the waters of this state prior to January 1, 1992, shall comply with provisions as specified in OAR 250-010-0705.
- (2) Repairs or maintenance to existing encapsulated foam flotation that was encapsulated with the following previously approved of materials and methods of encapsulation, and was installed before January 1, 2019, are exempt from the requirements in OAR 250-010-0710(1) and may be repaired or maintained in accordance with OAR 250-010-0705 or with like materials and in a like manner to the existing encapsulation material and method:
  - (a) Treated dimensional wood, 1.5 inches (actual) or more in thickness.
  - (b) Treated plywood 0.5 inches or more in thickness.
  - (c) Pliable (soft) plastic sheets, 7 mils or more in thickness, chemically or securely bonded.
- (3) Any alteration or addition of an existing floating structure which leads to an increase in the square footage of that floating structure, must comply with the provisions as specified in OAR 250-010-0705.

#### **250-010-0715**

##### **Buoys and Other Floating Devices**

- (1) All polystyrene foam buoys must comply with both OAR 250-010-0245 Buoy Standards and OAR 250-010-0705.
- (2) All polystyrene foam markers, ski floats, bumpers, fish trap markers, or similar devices shall be encapsulated in accordance with OAR 250-010-0705.