

[FRL-3255-8]

### California Marine Sanitation Device Standard for One Embayment Within the State

On May 26, 1987, (52 FR 19572 notice was published that the State of California has petitioned the Assistant Administrator for Water, U.S. Environmental Protection Agency (EPA), to determine that facilities for the safe and sanitary removal and treatment of sewage from all vessels are [page 33283]

reasonably available for the waters of Richardson Bay, an embayment in the northern portion of San Francisco Bay. The waters of Richardson Bay covered by this petition are defined so that portion of Richardson Bay bounded by the shore and by a line bearing 257 degrees from north from Peninsula Point to the shore at Sausalito. The petition was filed pursuant to section 312(f) (3) of Pub. L. 92-500, as amended by Pub. L. 95-217. Section 312(f) (3) states:

After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

The information submitted to EPA by the State of California certified that there are six pumpout facilities available to service vessels in Richardson Bay. These facilities are located on the Bay's western shore. The pumpout facilities discharge directly to the Sausalito-Marin City Sanitary District's sewage treatment facility. The State has provided information on the location, the service hours, per pumpout, and the maximum draft of each facility. This information was updated by EPA, Region 9, on July

21, 1987, and is provided below.

[1] Kappas Yacht Harbor—located just outside the city limits of Sausalito, at the end of Gate Six Road.

- One pumpout facility
- Available seven days a week, 24 hours a day
- Cost per pumpout: \$1.00
- Can accept vessels with a draft of up to seven feet

[2] Clipper Yacht Harbor—located on the fuel dock in Clipper Basin No. 2 near the end of Harbor Drive Sausalito.

- One pumpout facility
- Available seven days a week, 24 hours a day
- Cost per pumpout: Free
- Can accept vessels with a draft up to 10 feet

[3] Marina Plaza—located in Sausalito, off the foot of Testa Street.

- One pumpout facility
- Available seven days a week, 24 hours a day
- Cost per pumpout: Free
- Can accept vessels with a draft of up to 10 feet

[4] Pelican Yacht Harbor—located in Sausalito, new the foot of Johnson Street.

- One pumpout facility for tenants
- Available seven days a week, 9:00 A.M. to 5:00 P.M.
- Cost per pumpout: Free
- Can accept vessel with a draft of up to 10 feet

[5] Sausalito Yacht Harbor—located in Sausalito, alongside Bay Street.

- Two pumpout facilities
- Available by appointment
- Cost per pumpout: Free to marina tenants, or for those vessel owners who can operate the facility without assistance. Vessel owners who require assistance in the use of the facility are charged at a rate of \$45.00 per hour for the time of the marine personnel.

EPA received seven letters, one from each of the seven commenters, on the merits of the petition. These were all submitted prior to the deadline for receipt of comments; June 25, 1987. The San Francisco Bay Conservation and Development Commission (BCDC), a State agency, was in favor of EPA granting the petition. The other six commenters were opposed to EPA granting the

petition. They included three boating organizations, one engineering firm, and an individual.

Six commenters stated their belief that pumpout facilities are inadequate to accommodate a no-discharge zone in Richardson Bay. They were concerned with excessive fees, inconvenient schedules, mechanical problems, and general inaccessibility of the pumpout facilities; and that these problems resulted in a substantial reduction in pumpout facility availability. EPA disagrees with these commenters. The information on the six facilities, as presented above, indicates that there will be an adequate number of pumpout facilities to accommodate a no-discharge zone for Richardson Bay, given the number of berths in the bay.

The State of California certified that there are presently 1852 recreational vessel berths in Richardson Bay: two to six percent of which are occupied as permanent residences. The State further certified that 550 houseboats are berthed in the embayment, 50 of which are yet to be connected to sewers; and that approximately 120 recreational vessels anchor there during the summer months.

Richardson Bay has a ratio of approximately 310 vessel berths to one pumpout facility. This compares favorably with the berth to pumpout facility ratios in the two other California no-discharge zones. The ratios are 800 berths per pumpout facility for the Oxnard-Channel Islands Harbor no-discharge zone, and 709 berths per pumpout facility for the San Diego no-discharge zone. Utilizing conservative assumptions, the staff of the San Francisco Regional Water Quality Control Board (Regional Board) revealed that the average pumpout time at the six identified pumpout facilities varied from three to fifteen minutes, depending primarily on the tank size and the pumping rate. The State of California also certified that the pumpout facility operators indicated that there was typically no problem in meeting the demand for service.

The State's BCDC has issued permits to the marinas in Richardson Bay. The conditions

vary from permit to permit, but each of the six harbors discussed above are required to operate a pumpout facility. There have been problems with the availability of pumpout facilities in Richardson Bay in the past. The BCDC is currently working to ensure that these facilities are in full compliance with their permits, in order to maximize accessibility. Harbors that do not comply with their permits are subject to enforcement by the BCDC.

Two commenters expressed their concern that the volume of flow from the marine sanitation devices (MSD), and the loading of chemicals from Type III MSDs (e.g., formaldehyde), would adversely affect the local sewage treatment facilities. The Sausalito-Marín City Sanitary District receives all of the sewage from these six pumpout facilities. The District has not attributed any of their difficulties to the pumpout facilities' flows or chemical loads.

The majority of MSDs in current use on recreational vessels are Type III MSDs. Though some vessels are likely to switch from Type I or Type II MSDs to Type III MSDs, the change is not expected to significantly increase the flow from the pumpout stations to the sewage treatment facilities. Since the Sausalito-Marín has not attributed any of its past difficulties to the flow or chemical load from the pumpout facilities, and since the flow is not expected to significantly increase from the present level, the sewage treatment facility should not experience any adverse effects from the pumpout facilities' discharges.

The commenters addressed other issues. These did not pertain directly to the State's petition that an adequate number of facilities were available which could remove and treat sewage from vessels in Richardson Bay, in a safe and sanitary manner. One commenter stated his belief that, "the primary purpose" of creating a no-discharge zone is to obtain improved control over unsewered houseboats in [page 33284] Richardson Bay. This comment does not address the State's petition.

Three commenters felt that creating a no-discharge zone in Richardson Bay would, in effect, penalize and exclude vessels with

Type I and II MSDs from the embayment. Two commenters were concerned that the creation of the zone would render costly Type I and II MSDs obsolete, and would require vessel owners to expend more capital to install, maintain, and pump out Type III MSDs.

These comments address the effects of the creation of no-discharge zones, in general. They do not pertain to the availability of pumpout facilities in Richardson Bay.

Five commenters disagreed with various aspects of the Regional Board's study. They stated that the study did not indicate that the recreational vessels contributed significantly to the embayment's pollution. These comments address the conclusions of the Regional Board's study, and not the availability of pumpout facilities.

Following an examination of the State's petition, and the comments received prior to the closing date of June 25, 1987, EPA has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Richardson Bay. This determination is made pursuant to section 312(f) (3) of the Pub. L. 92-500.

Dated: August 11, 1987.

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Regional Administrator, Region 9.  
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