

**ENVIRONMENTAL  
PROTECTION AGENCY**

**[FRL 456-6]  
MARINE SANITATION  
DEVICE STANDARD FOR NEW  
YORK**

Removal and Treatment of Sewage

On March 22, 1976, notice was given that the State of New York had petitioned the Administrator, U.S. Environmental Protection Agency to determine, pursuant to section 312(f) (3) of Pub. L 92-500, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the New York waters of Lake Champlain, situated in Washington, Essex, and Clinton Counties. New York (41 FR 11859. March 22, 1976), 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 when the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such waters, to which such prohibition would apply.

Following an examination of the petition and supporting information, and in consideration of all comments received pursuant to the March 22 FEDERAL REGISTER notice, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the New York waters of Lake Champlain, situated in Washington, Essex, and Clinton Counties, New York. This

determination is made pursuant to section 312(f) (3) of Pub. L 92-500.

In its petition, the State of New York certified that there are eight pump-out facilities for the New York waters of Lake Champlain and that each facility is either connected to a municipal waste collection system or has its own approved sub-surface disposal system for waste treatment. The petition stated that for both the New York and Vermont waters of Lake Champlain there are 15 such pump-out facilities, located in areas of maximum use, having an estimated aggregate capacity of 1,350 vessels per day, assuming each operates for a period of 10 hours daily. The petitioner certified that the capacity of such pump-out facilities is ample to handle any peak period of vessel traffic on Lake Champlain, that pump-out facilities generally operate during the daylight hours, daily, except in a few instances where facilities remain open as late as 11 p.m., that such facilities operate during the boating season from the ice-out to ice-in, roughly from mid-April to mid-November, and that vessels that draw up to four feet can be handled at all facilities.

In commenting on the petition, the New York State Waterways Association, Inc. questioned whether there were pump-out facilities in either the States of New York or Vermont that are capable of handling a tug and barge or tug tankers, or whether the waters are deep enough to permit them to come into dock. Information supplied by to me by the New York State Department of Environmental Conservation and by the State of Vermont Agency of Environmental Conservation indicates that the Lake Champlain Transportation Company Dock in Burlington, the Shelbourne Shipyard and Marina, and the State Dock in Plattsburgh all have sufficient draft lengths and structural stability to handle any barges or tugs operating on Lake Champlain. All of the Spentonbush Transportation Service vessels that operate on Lake Champlain are equipped with recirculating toilets,

and the Mobil Oil Corporation vessels, the Kehoe Brothers Company tug, the McAllister Brothers tugs, and the Lake Champlain Transportation Company ferries have holding already provided. The vessels of the Pittston Marine Company are equipped with electric incinerators. All of the aforementioned companies have made adequate arrangements for the disposal of their holding tank contents, either by septic tank pumper, or, in the case of those few vessels with portable toilets, through shoreside disposal.

Two other comments were received in opposition to the petition and five additional comments were received in support of the petition.

Dated: June 10, 1976  
Russell E Train  
Administrator  
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8:45 am]