

**ENVIRONMENTAL PROTECTION
AGENCY****California; Marine Sanitation
Device Standard for Two Harbor
Areas Within the State**

On January 31, 1979, notice was published that the State of California has petitioned the Administrator, US Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Channel Islands Harbor, Oxnard, and Avalon Bay Harbor, Santa Catalina Island (44 FR 6197). The petition was filed pursuant to section 312(f) (3) of Pub. L. 92-500.

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 me by the State of California certified that there are two pumpout facilities available to service vessels in Avalon Harbor. These facilities, which are installed on a large float on the east side of the harbor, are open 24 hours a day, and their use is free to the public. The two facilities are operated by the City of Avalon, and the waste collected at the two pumpout facilities is disposed of at the City of Avalon's secondary treatment sewage plant (NPDES Permit Number CA 0054372).

The State of California has also certified that each pumpout facility can service from three to five vessels at one time, depending on vessel length, and that five minutes

are required to pump out the average vessel. Peak period accommodation of Avalon Harbor during the summer of 1978 was 347 vessels, however, the State has certified that the two pumpout facilities can service a total of approximately 576 vessels per day if required to do so, and both pumpout facilities can accommodate vessels with an 18-foot draft.

The State of California has further certified that there are three pumpout facilities available to service vessels in Channel Islands Harbor. All three facilities are operated by the County of Ventura, Channel Islands Harbor Manager, and are open 24 hours a day. Pumpout facility No. 1 is located at the Harbor Master's Dock, pumpout facility No. 2 is located at the Launch Ramp day-use dock, and pumpout facility No. 3 is located at the Peninsula Park dock; the three facilities can service approximately 1,500 vessels, considerably more than the present population of 1,150 vessels, and each facility takes approximately five minutes to pump out the average vessel. All three facilities are coin-operated and provide five minutes of pumping for twenty-five cents (\$0.25). The wastes collected from the three pumpout facilities are discharged to the City of Oxnard's secondary treatment sewage treatment plant (NPDES Permit No. CA 00544097).

The State of California has also certified that pumpout facility No. 1 will accommodate vessels with approximately a 20-foot draft, and that pumpout facilities Nos. 2 and 3 are in locations where the harbor is dredged to a depth of 10 feet at mean lower low water.

Three comments were received by the Agency on the merits of the two petitions prior to the deadline for receipt of comments. The first was from the City Council of the City of Avalon, Santa Catalina Island, California, supporting the California State Water Resources Control Board's petition to the Agency. The second comment was from a law firm in New York City representing the Boating Pollution Control Committee. The commenter stated his belief that the petitions should be denied because they are

"patently incongruous to require the retention and discharge of vessel sewage only to be concentrated and deposited in municipal secondary treatment sewage plants and from there to be discharged into the receiving waters." This is a criticism of the existing statute and not of the two petitions submitted by the State, and is not relevant to the issue at hand. The commenter also stated his belief that the pumpout facilities are inadequate. This belief was based on three assumptions, all of which I have considered and rejected. First, the commenter assumed that to pump out a vessel takes ten minutes. The State has certified that it takes five minutes to perform this operation. I have accepted the State's certification, since the State is engaged in the operation of the facility. Second, the commenter assumed that each pumpout facility can handle only one vessel at a time. The State has certified that the two pumpout facilities in Avalon Harbor are each capable of handling three to five vessels at one time. While it is correct that the State has certified that the three facilities in Channel Islands Harbor can each handle one vessel at one time, I do not find this sufficient grounds for rejection of the petition, and have accepted the State's certification on the basis of their operational experience. Third, the commenter assumed that every vessel must be pumped out every day. I find that the assumption is unreasonably conservative, and that in reality, vessels are often pumped out every second or third day.

The Third comment was from a distributor of Type II marine sanitation devices, who stated that he was against the requested prohibition, and who enclosed copies of some of his previous statements to the State Water Resources Control Board opposing the initiation of the petition by the Board to the Agency.

One comment was received by the Agency after the deadline for receipt of comments. It was from the Environmental Quality Protection Commission of the City of Oxnard, California. However, this comment has not been a factor in the determination I have made, since it was received after the

deadline for receipt of comments.

Following the examination of the petitions and their supporting information, and a consideration of the three comments received prior to the closing date stated in the January 21 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 waters of Channel Islands harbor, Oxnard, and Avalon Bay Harbor, Santa Catalina Island, both within the State of California. This determination is made pursuant to section 312(f) (3) of the Pub. L. 92-500.

Dated: May 2, 1979

Douglas M. Costle,
Administrator