



State Water Resources Control Board



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Executive Office

1001 I Street, Sacramento, California 95814 ♦ (916) 341-5615
Mailing Address: P.O. Box 100, Sacramento, California 95812-0100
FAX (916) 341-5621 ♦ Web Site Address: www.swrcb.ca.gov

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

AUG 12 2003

The Honorable Dianne Feinstein
United States Senate
Washington, D.C. 20510-0504

The Honorable Barbara Boxer
United State Senate
Washington, D.C. 20510-0505

2003 AUG 14 A 10:13
SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

Dear Senators Feinstein and Boxer:

The State Water Resources Control Board (SWRCB) respectfully requests that you oppose the proposed Recreational Waters Protection Act (H.R. 1027) by Representative Jim Saxton of New Jersey. The proposed legislation would significantly undermine the ability of states to protect water quality by limiting states' authority to establish water pollution control programs that are more stringent than those allowed under federal law.

Specifically, H.R. 1027 would amend section 312(f) of the federal Water Pollution Control Act (33 U.S.C. 1322[f]) to allow discharge of partially-treated sewage into states' no-discharge zones from recreational boats using the new type IA marine sanitation device (MSD). Type IA MSD disinfects and grinds sewage until the effluent no longer has the appearance of sewage. The effectiveness of this new device is unproven. This bill would allow the disposal of the effluent overboard while the boats are tied to the dock at the marinas. California would be most impacted by this bill because we have more no-discharge zones (14) and more pump-out facilities (134) than any other state.

Potential effects of overboard sewage disposal include increased water pollution in marinas, economic losses to the seafood industry and restaurants if the public perceives nearby waters are polluted, and decreased enjoyment of the boating experience and other recreational uses. The bill would also have a negative impact on California's diving industry, which is an important component of the recreational boating industry. Divers perform repairs under water, clean hulls on a regular basis, and advise boat owners when to repaint their hulls. States could also incur significant costs for having to carry out costly total maximum daily load (TMDL) projects, as required by federal law, to eliminate nutrients, bacteria, and toxicity if the waters become further impaired.

It is our understanding that the bill is intended to address the problems associated with Rhode Island's no-discharge zone, which includes all of its ocean waters extended to three miles

California Environmental Protection Agency

The Honorable Dianne Feinstein
The Honorable Barbara Boxer

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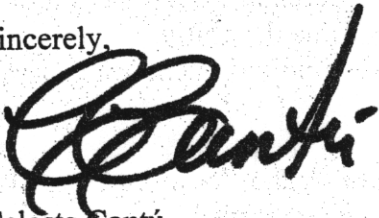
AUG 12 2003

from shore. California's no-discharge zones, however, are typically located in enclosed waters with limited water circulation, such as Newport Bay, Mission Bay and parts of San Diego Bay, or in sensitive areas such as Lake Tahoe and Avalon Harbor at Santa Catalina Island. The broad exemption provided by H.R. 1027 to discharges from Type IA MSD would result in California losing its authority to regulate waste discharge in its no-discharge zones, which is the state's primary tool to maintain the quality of its recreational waters.

SWRCB, Regional Water Quality Control Boards, Department of Boating and Waterways, California Coastal Commission, Department of Health Services, and local agencies have worked diligently to provide California citizens with clean and safe waters for recreational use. With increased recreational use of waters on the state's coast, adoption of H.R. 1027 could result in significant degradation of our waters, thereby reversing a half-century of progress in pollution prevention and improvement of water quality.

Thank you for your attention to this matter. If you have any questions regarding this bill and its potential impact on California, please feel free to call me at (916) 341-5615.

Sincerely,



Celeste Cantú
Executive Director

Enclosure

cc: See next page

California Environmental Protection Agency

AUG 12 2003

The Honorable Dianne Feinstein
The Honorable Barbara Boxer

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cc: (Continuation page)

The Honorable Joe Baca
United States House of Representatives
Washington, D.C. 20515-0543

The Honorable Xavier Becerra
United States House of Representatives
Washington, D.C. 20515-0531

The Honorable Howard L. Berman
United States House of Representatives
Washington, D.C. 20515-0528

The Honorable Mary Bono
United States House of Representatives
Washington, D.C. 20515-0545

The Honorable Ken Calvert
United States House of Representatives
Washington, D.C. 20515-0544

The Honorable Lois Capps
United States House of Representatives
Washington, D.C. 20515-0523

The Honorable Dennis A. Cardoza
United States House of Representatives
Washington, D.C. 20515-0518

The Honorable Christopher Cox
United States House of Representatives
Washington, D.C. 20515-0548

The Honorable Randy "Duke" Cunningham
United States House of Representatives
Washington, D.C. 20515-0550

The Honorable Susan A. Davis
United States House of Representatives
Washington, D.C. 20515-0553

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California Environmental Protection Agency

The Honorable Dianne Feinstein
The Honorable Barbara Boxer

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cc: (Continuation page)

The Honorable Calvin M. Dooley
United States House of Representatives
Washington, D.C. 20515-0520

The Honorable John T. Doolittle
United States House of Representatives
Washington, D.C. 20515-0504

The Honorable David Dreier
United States House of Representatives
Washington, D.C. 20515-0526

The Honorable Anna G. Eshoo
United States House of Representatives
Washington, D.C. 20515-0514

The Honorable Sam Farr
United States House of Representatives
Washington, D.C. 20515-0517

The Honorable Bob Filner
United States House of Representatives
Washington, D.C. 20515-0551

The Honorable Elton Gallegly
United States House of Representatives
Washington, D.C. 20515-0524

The Honorable Jane Harman
United States House of Representatives
Washington, D.C. 20515-0536

The Honorable Wally Herger
United States House of Representatives
Washington, D.C. 20515-0502

The Honorable Michael M. Honda
United States House of Representatives
Washington, D.C. 20515-0515

cc: (Continued next page)

California Environmental Protection Agency

The Honorable Dianne Feinstein
The Honorable Barbara Boxer

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cc: (Continuation page)

The Honorable Duncan Hunter
United States House of Representatives
Washington, D.C. 20515-0552

The Honorable Darrell E. Issa
United States House of Representatives
Washington, D.C. 20515-0549

The Honorable Tom Lantos
United States House of Representatives
Washington, D.C. 20515-0512

The Honorable Barbara Lee
United States House of Representatives
Washington, D.C. 20515-0509

The Honorable Jerry Lewis
United States House of Representatives
Washington, D.C. 20515-0541

The Honorable Zoe Lofgren
United States House of Representatives
Washington, D.C. 20515-0516

The Honorable Robert T. Matsui
United States House of Representatives
Washington, D.C. 20515-0505

The Honorable Howard P. "Buck" McKeon
United States House of Representatives
Washington, D.C. 20515-0525

The Honorable Juanita Millender-McDonald
United States House of Representatives
Washington, D.C. 20515-0537

The Honorable Gary G. Miller
United States House of Representatives
Washington, D.C. 20515-0542

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AUG 12 2003

The Honorable Dianne Feinstein
The Honorable Barbara Boxer

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cc: (Continuation page)

The Honorable George Miller
United States House of Representatives
Washington, D.C. 20515-0507

The Honorable Grace F. Napolitano
United States House of Representatives
Washington, D.C. 20515-0538

The Honorable Devin Nunes
United States House of Representatives
Washington, D.C. 20515-0521

The Honorable Doug Ose
United States House of Representatives
Washington, D.C. 20515-0503

The Honorable Nancy Pelosi
United States House of Representatives
Washington, D.C. 20515-0508

The Honorable Richard W. Pombo
United States House of Representatives
Washington, D.C. 20515-0511

The Honorable George Radanovich
United States House of Representatives
Washington, D.C. 20515-0519

The Honorable Dana Rohrabacher
United States House of Representatives
Washington, D.C. 20515-0546

The Honorable Lucille Roybal-Allard
United States House of Representatives
Washington, D.C. 20515-0534

The Honorable Edward R. Royce
United States House of Representatives
Washington, D.C. 20515-0540

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California Environmental Protection Agency

AUG 12 2003

The Honorable Dianne Feinstein
The Honorable Barbara Boxer

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cc: (Continuation page)

The Honorable Linda T. Sánchez
United States House of Representatives
Washington, D.C. 20515-0539

The Honorable Loretta Sanchez
United States House of Representatives
Washington, D.C. 20515-0547

The Honorable Adam B. Schiff
United States House of Representatives
Washington, D.C. 20515-0529

The Honorable Brad Sherman
United States House of Representatives
Washington, D.C. 20515-0527

The Honorable Hilda L. Solis
United States House of Representatives
Washington, D.C. 20515-0532

The Honorable Fortney "Pete" Stark
United States House of Representatives
Washington, D.C. 20515-0513

The Honorable Ellen O. Tauscher
United States House of Representatives
Washington, D.C. 20515-0510

The Honorable William M. Thomas
United States House of Representatives
Washington, D.C. 20515-0522

The Honorable Mike Thompson
United States House of Representatives
Washington, D.C. 20515-0501

The Honorable Maxine Waters
United States House of Representatives
Washington, D.C. 20515-0535

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California Environmental Protection Agency

AUG 12 2003

The Honorable Dianne Feinstein
The Honorable Barbara Boxer

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cc: (Continuation page)

The Honorable Diane E. Watson
United States House of Representatives
Washington, D.C. 20515-0533

The Honorable Henry A. Waxman
United States House of Representatives
Washington, D.C. 20515-0530

The Honorable Lynn C. Woolsey
United States House of Representatives
Washington, D.C. 20515-0506

Mr. Winston H. Hickox
Agency Secretary
California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

Mr. Tom Jones, Chief
Office of Legislative Affairs
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

California Environmental Protection Agency

ATTACHMENT NO. 1

HR 1027 IH

108th CONGRESS

1st Session

H. R. 1027

To amend the Federal Water Pollution Control Act relating to marine sanitation devices.

IN THE HOUSE OF REPRESENTATIVES

February 27, 2003

Mr. SAXTON introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act relating to marine sanitation devices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Recreational Waters Protection Act'.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS- Congress finds the following:

- (1) Performance standards for marine sanitation devices were first authorized by the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).
- (2) Marine sanitation device performance standards have not been updated since regulations were first implemented pursuant to that Act.
- (3) Advances in marine sanitation device technology have now made it practical for wastes to be treated on board a vessel to the extent that pollutants can be reduced significantly below the current marine sanitation device standards.
- (4) Setting new marine sanitation device performance standards will recognize existing technological advances and spur further innovation to a level of on-board waste treatment far superior to that envisioned by the original marine sanitation device standards of the Federal Water Pollution Control Act.

(b) PURPOSE- The purposes of this Act are--

- (1) to promote the use of the best available technology in Type I marine sanitation devices;
- (2) to establish a new minimum standard for a Type IA marine sanitation device so that such standard meets the best available technology; and
- (3) to ensure that recreational boats have more than 1 option for legally handling their sewage in coastal and tidal waters and that all inland waters as well as no-discharge zones already established by the States and approved by the Environmental Protection Agency are exempt from section 312(f) of the Federal Water Pollution Control Act (33 U.S.C. 1322(f)).



Winston H. Hickox
Secretary for
Environmental
Protection

ATTACHMENT 2 #1679

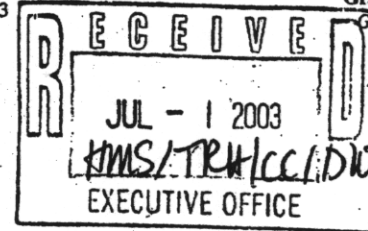
California Regional Water Quality Control Board

San Diego Region

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>
9174 Sky Park Court, Suite 100, San Diego, California 92123
Phone (858) 467-2952 • FAX (858) 571-6972



Gray Davis
Governor



TO: Celeste Cantu
Executive Director

FROM: 
John Robertus
Executive Officer

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: June 30, 2003

SUBJECT: Governor's Action Request for H.R. 1027 (Saxton)
Recreational Waters Protection Act

DWQ Received
Chief's Office

JUL 15 2003

This is a request for a Governor's Action Request (G.A.R.) to be submitted to the California delegation to oppose H.R. 1027. The San Diego Regional Board is concerned that this recurring bill in the House of Representatives, if adopted, could reverse California's efforts to preserve harbor and recreational waters.

H.R. 1027 is a reintroduction of last year's H.R. 3673 (Saxton) which would allow partially-treated sewage to be discharged from boats into state no-discharge of sewage zones established under Clean Water Act Section 312(f). California has 14 no-discharge zones approved by the administrator of U.S. EPA, more than any state. Four are in the San Diego Region. Because the bill would allow a new and unproven Type 1A marine sanitation device to be used inside no-discharge zones, sewage could be pumped overboard at the dock. If the Type 1A grinder-macerator were approved for use, ground-up sewage could rain down on the hundreds of commercial divers who clean hulls for a living in California.

A year ago the San Diego Region submitted a draft G.A.R. package recommending opposition to H.R. 3673. Because H.R. 1027 is essentially the same bill I recommend a similar G.A.R. be sent to the California delegation recommending opposition.

Please contact me or Pete Michael at (858) 467-2952 if there are any questions.

cc: Executive Officers of Regions 2, 4, and 6

DWQ Received
Chief's Office

JUL 11 2003

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



ATTACHMENT 3

From: Mark Adelson
To: Edwards, Diane; Lyons, Michael; Michael, Pete
Date: 6/30/03 8:19AM
Subject: Re: DRAFT GAR for HR 1027 Saxton .

Haven't had time to put together a supporting memo, but we do support RB9's position wholeheartedly. Will try to get to it this week.

Mark

Mark G. Adelson
Senior Environmental Scientist
CA RWQCB, Santa Ana Region
madelson@rb8.swrcb.ca.gov
909 782-3234 fax 909 781-6288

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov/rwqcb8>. Thank you for your attention to this important matter.

>>> Pete Michael 06/25/03 10:49AM >>>

Here's what I hope to send. It won't go out until Friday at the earliest.

Because last year's GAR was prepared for a similar bill, reissuance should be quick and easy. Approval by CalEPA should be quick as well.

Is Region 8 planning to send a memo of support?

Pete

ATTACHMENT 4

Summary of Comments on H.R. 1027

By San Diego Regional Water Quality Control Board
(Introduced by Rep. Saxton, New Jersey on February 27, 2003)

July 1, 2003

This bill would prohibit the states from administering more-stringent state pollution control programs under the federal Clean Water Act than those allowed under a federal program. Specifically, the bill would allow a proposed type of sewage treatment device to be used on recreational boats called the Type IA marine sanitation device (MSD). The Type IA device would disinfect and grind sewage until the effluent no longer has the appearance of sewage. The bill would allow Type IA discharges into 56 state no-discharge zones. No-discharge zones have been requested by the states in areas shown to need extra protection and shown to have adequate sewage pumpout facilities. If H.R. 1027 becomes law, boaters may have to deal with odors, reduced water clarity, and higher levels of bacteria in marinas due to increased disposal of sewage at the dock. A benefit to recreational boaters could be the convenience of not having to pay for mobile pumpout services, sail to pumpout facilities, or sail five miles offshore to dump their sewage holding tanks. With 134 pumpout facilities and 14 no-discharge zones, more than any other state, California would be the state most affected by this bill. Other issues include:

- The bill appears to address Rhode Island's offshore no-discharge zone but would allow the use of Type IA MSDs in California no-discharge zones. This could cause water pollution problems throughout the state. California boaters could have the most to lose from use of Type IA MSDs in marinas.
- An existing unit, the Type II device, which provides further treatment after sewage maceration, would continue to be prohibited from being used in no-discharge zones. The existing Type I device would also be prohibited from being used.
- Ground-up sewage could rain down on commercial divers operating in marinas.
- No funding is provided to inspect Type IA units or assure they are maintained.
- Water quality could suffer if other boat owners decide to pump untreated sewage into marinas if it is not possible to determine which boats are properly equipped.
- California is making progress to fund new pumpout facilities statewide.
- California could be asked to carry out costly total maximum daily load (TMDL) projects to eliminate nutrients, bacteria, and toxicity problems due to partially-treated sewage being dumped into no-discharge zones, but without the ability to prohibit sewage discharges.

ATTACHMENT 5

Expanded Comments on H.R. 1027 The Recreational Waters Protection Act

Proposed Amendment to the Federal Clean Water Act
to Allow Disposal of Partially-Treated Sewage into State No-Discharge Zones
By San Diego Regional Water Quality Control Board

July 1, 2003

H.R. 1027 would allow a new marine sanitation device (MSD) to be used on recreational boats. The device would be called Type IA, which would treat sewage before overboard disposal. The proposed Type IA MSD appears to be a new form of the original Type I MSD chlorinator-macerator no longer approved by the U.S. Coast Guard for installation in new hulls. The bill specifies:

(Summary as of 2/27/03— Introduced)

“Recreational Waters Protection Act – Directs the Administrator of the Environmental Protection Agency to publish a revised standard for the new Type I marine sanitation devices (Type IA devices).”

“Amends the Federal Water Pollution Control Act to make state authority to prohibit the discharge of sewage (whether treated or not) inapplicable to vessels that operate a Type IA device that meets the standards revised pursuant to this act.”

The proposed standards for Type IA MSDs include attainment of 10 fecal coliform bacteria in the discharge and 35 percent removal of biochemical oxygen demand (BOD), a measure of decomposable organic material. This bill would also allow overboard discharges of treated sewage from Type IA MSD units into no-discharge zones in the United States granted to the states under Section 312(f)(3) of the federal Clean Water Act. Currently, states do not allow discharges of sewage, treated or untreated, into these zones. ”

Background

Marine sanitation devices and no-discharge zones in California. Since 1976, fourteen no-discharge zones in California have been authorized by the administrator of USEPA under Section 312(f)(3). Before requesting no-discharge zone designations by USEPA, California regional water quality control boards were required to determine the need for water quality protection and the availability of adequate sewage pumpout facilities. The no-discharge zones in California tend to be located in harbors in which poor water circulation and high numbers of recreational boat moorings are found. Examples of no-discharge zones include Avalon Harbor at Santa Catalina Island, Mission Bay in San Diego County, Lake Tahoe, and Richardson Bay in Marin County. Existing Type I and advanced Type II MSDs may be legally used in some large marinas which are located outside of no-discharge zones, such as Marina del Rey in Los Angeles County, but the costs for installation and maintenance of Type II MSDs appears to preclude wide acceptance. In these areas, most owners of larger recreational boats have installed sewage holding tanks called Type III MSDs. Type III MSDs do not allow overboard

discharges of sewage to occur in marinas if operated properly. Holding tanks are pumped out at shore-side facilities or cleaned by mobile pumpout service boats. The nuisance caused by MSD use in marinas, wide use of holding tanks, and peer pressure by neighboring boaters to use them could result in the functional equivalent of no-discharge zones in large urban marinas.

Existing Type I and Type II marine sanitation device standards. These devices are now in use but discharges from them are prohibited into no-discharge zones. The Type I MSD standard is as follows: *"The effluent produced must not have a fecal coliform bacteria count greater than 1000 per 100 milliliters and have no visible floating solids."* Type I devices therefore grind the sewage so it no longer appears to be sewage. Boats constructed before February 1, 1980 would be able to install Type I MSDs. This approach is in contrast to the existing more expensive Type II MSD which further breaks down the sewage after maceration. Boats constructed since January 31, 1980 need the Type II MSD. The Type II MSD standard is as follows: *"The effluent produced must not have a fecal coliform bacteria count greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter."* The Type II MSD produces a higher-quality effluent than Type I.

California water quality programs. California has programs to address water pollution in marinas, including those of the Coastal Commission, Department of Boating and Waterways, and the state and regional water boards. California's Non-Point Source Plan was adopted in 2000 after extensive input by the Marinas and Recreational Boating Advisory Committee. This committee was convened by the State Water Resources Control Board and California Coastal Commission under the Coastal Zone Act Reauthorization Amendments. The California Non-Point Source Plan's Marinas and Recreational Boating Workgroup, sponsored by the State Water Board, is now implementing the Plan. The Workgroup is encouraging progress in several arenas, including launching a pilot project to determine a recommended boat-to-sewage pumpout ratio, an alternate strategy involving mobile pumpouts, construction of new pumpouts, funding for construction, and maintenance of pumpouts.

Comments on H.R. 1027

California boaters are the primary beneficiaries of no-discharge zones. Although prohibitions against sewage discharge are rarely enforced in southern California marinas, most boaters appear to have developed a sense of responsibility and usually avoid dumping sewage in marinas. Near the moorings for 400 boats at Avalon Harbor, for example, there is heavy use of harbor waters for glass-bottom boat tours, swimming, diving, and other water sports. Water clarity is so valued by boaters using the limited moorings that there is wide understanding of the need to avoid disposal of sewage. The Avalon Harbor Patrol requires holding tanks to be sealed with dye tablets inside the tanks. If H.R. 1027 were implemented, boaters could be the first to notice degraded water clarity, odors, and nuisance seaweed growth in confined marinas and harbors. With 6,000 boats in Marina del Rey and 10,000 in Newport Bay, and with possible increased sewage holding tank "midnight dumping" by other boaters who see overboard discharges from Type IA MSDs occurring, organic material buildup and increases in bacteria levels could occur in marinas with poor water dilution.

Macerated sewage could be dumped where commercial divers work. This bill could encourage disposal of sewage into waters used by commercial divers and swimmers. Most southern California marinas are surrounded by urban populations in protected harbors with poor water dilution rates. California harbors support hundreds of commercial divers who clean boat bottoms on a regular basis. Approximately 80 divers are employed in the business of underwater hull cleaning in San Diego Bay

alone and more trained and certified divers will be needed as the new non-toxic hull paints come into wider use. Commercial divers sometimes report that a few boaters occasionally dump their holding tanks into harbor waters. The divers also report their reluctance to complain because the success of their businesses depends on boaters to subscribe to their services. Over the long term, however, introductions of macerated sewage from Type IA MSDs in confined harbors could have a negative effect on the ability of diving companies to recruit well-qualified divers to work in that environment. Without a robust commercial diving industry, California would have difficulty meeting its Non-Point Source Plan objectives to attain copper standards in many marinas where high concentrations of boats push dissolved copper to toxic levels.

Reversal of a half-century of California efforts. The successes of federal, state, and local efforts to maintain safe and clean waters for the benefit of boaters and swimmers could be undone if the bill were implemented. For example, in 1952 the California Regional Water Quality Control Board acknowledged the San Diego Bay sewage problem as its highest priority. Oceanographic studies have confirmed water retention times of thirty to forty days in the south Bay where a major marina is now located and another planned. In 1967, 1975, and 1976 the San Diego Regional Board reaffirmed its intention to remove all sewage discharges to the Bay. With the encouragement of the Regional Board, the U.S. Navy devoted a great deal of funding and effort to install sewage holding and transfer systems on warships. As the population of San Diego County rises by a million in the next twenty years, the demand for clean recreational waters is expected to assume greater importance.

Bill addresses sewage disposal in open waters. It is probable H.R. 1027 addresses discharges of recreational boat sewage to offshore waters in Rhode Island's no-discharge zone, not to confined marinas in California, according to H.R. 3673 testimonies presented to the House of Representatives Subcommittee on Water Resources and the Environment. Rhode Island's no-discharge zone covers all marine waters out to three miles. As Dr. Donald Drost testified on May 1, 2002: "... *Meanwhile nearby flowing into the same NDZ are millions of gallons per day of municipal treated waste from hundreds of thousands of homes occupied by perhaps millions of people.*" In California, however, sewage ocean outfalls typically are miles long and hundreds of feet deep, preventing treated effluent from reaching the surface.

MSD maintenance. The bill does not address how a Type IA MSD unit would be approved, inspected, and maintained over the life of a vessel. Improper maintenance could be expected to result in discharges of poor-quality effluent. The bill does not address how costs for these activities would be funded.

Recognition of vessels equipped with Type IA MSDs. The bill does not address how boats with Type IA MSDs could be recognized as having that device installed. Such recognition would be needed to determine if overboard discharges of sewage to no-discharge zones would be authorized under Section 312(f).

Nuisance seaweed and water clarity. There could be a buildup of organic matter and increased production of nuisance seaweed and plankton in marinas if the bill were implemented. Type IA MSDs discharge approximately two-thirds of the biochemical oxygen demand (BOD) in each four-liter flush. BOD is a common measure of the amount of decomposable organic matter. With poor water dilution in marinas, nutrients derived from the sewage could create pollution problems which could decrease the overall enjoyment of boating.

Toxicity. There could be toxic effects caused by discharges of chlorine and ammonia from Type IA use by many boats in marinas if the bill were implemented. California has devoted a great deal of effort to reduce or prohibit the use of toxic chemicals related to sewage treatment and preservation; for example, formaldehyde preservatives in sewage tanks and ammonia and chlorine in sewage effluent.

Bacteria and viruses. There could be increases in bacteria and viruses in harbors from sewage discharges if the bill were implemented. A 1995 epidemiological study (the Santa Monica Bay Restoration Project's "Epi" Study) carried out at Ballona Creek in southern California, demonstrated a strong association between the presence of bacteria and occurrence of illness in swimmers. With increased "midnight dumping," untreated sewage could provide bacterial contamination in marinas from boat owners pretending to have Type IA MSDs installed on their boats.

Total maximum daily loads (TMDLs). There could be increases in pollutant loading from the Type IA MSD in no-discharge zones if the bill were implemented. This could affect the need to carry out TMDL projects under Section 303(d)(1)(A) of the federal Clean Water Act. TMDLs identify sources of waste and allocate inputs of pollutants. TMDLs are difficult and expensive and may divert agencies from other important tasks. The probability of success of a TMDL could be reduced or eliminated if a state were not able to use its most important tool of prohibiting sewage discharges to a no-discharge zone.

California efforts to provide pumpouts. The State Water Resources Control Board, in association with the California Coastal Commission and Department of Boating and Waterways, is initiating a pilot program under the Non-Point Source Plan to evaluate the need for pumpouts based on the numbers of boats present and, if necessary, to promote and fund pumpout construction. The California Clean Boater Network of the Coastal Commission provides education to boaters and marina operators. These state programs should be allowed to proceed.

Internet References

Boater education. See <http://www.coastal.ca.gov/web/ccbn/ccbndx.html> for the California Coastal Commission's Clean and Green Campaign.

Boater guides. See <http://www.smbay.org/GUIDE/672.htm> for the Santa Monica Bay Restoration Project boater guides to southern California showing pumpout facilities.

California Non-Point Source Plan. See <http://www.swrcb.ca.gov/nps/protecting.html> for marinas and recreational boating strategies for improving water quality. The Plan contains recommended actions and time schedules and includes actions recommended under federal Coastal Zone Act Reauthorization Amendments.

California water quality plans. See <http://www.swrcb.ca.gov/plnspols/index.html> for regional basin plans. Regional plans, which document existing water quality and set water quality objectives for attaining state and federal water quality standards, must be approved by the U.S. Environmental Protection Agency.

H.R. 1027. See <http://thomas.loc.gov> for the Recreational Waters Protection Act bill introduced by Representative Jim Saxton of New Jersey to the House of Representatives on February 5, 2002, and testimony received by the House Subcommittee on Water Resources and the Environment on May 1, 2002.

No-discharge zones. See http://www.epa.gov/owow/oceans/regulatory/vessel_sewage/vsdnozone.html for USEPA's list of state no-discharge zones. The no-discharge zone for San Diego Bay in waters up to 30 feet mean lower low water, approved by USEPA in 1976, was left off the list.

Pumpouts. See <http://www.dbw.ca.gov/pump24/html/vw-name.htm> for the California Department of Boating and Waterways list of names, cities, and phone numbers of 134 California pumpout facilities. See <http://www.dbw.ca.gov/pumpout.htm> for the Clean Vessel Act Pumpout Grant Program administered by California.

Underwater hull cleaning and hull paints. See <http://seagrant.ucdavis.edu/nontoxicdemo.htm> and <http://seagrant/u.c.davis.edu/underwater.htm> for University of California Sea Grant information on boat bottom paints and best management practices for divers. Contact Leigh Taylor Johnson for updates on the October 2000 international non-toxic paint conference.

Underwater hull cleaning industry. See <http://www.swrcb.ca.gov/rwqcb9/programs/programs/html> and click on Bay Cleanup for a survey titled *Marine Fouling and Underwater Hull Cleaning in San Diego Bay* by Dr. John Conway of San Diego State University.

Water dilution in a marina. See <http://www.swrcb.ca.gov/rwqcb9/tmdls/shelter%20island.html> and click on Bay Cleanup for a report by Lesley Dobalian of the Regional Water Quality Control Board on dissolved copper concentrations in the Shelter Island Yacht Harbor in San Diego Bay. Water sampling was done to determine whether a total maximum daily load (TMDL) evaluation would be needed for copper. The yacht harbor, with its 2,200 boats, lies within the San Diego Bay no-discharge zone.

Water dilution in south San Diego Bay. See <http://www.swrcb.ca.gov/rwqcb9/programs/html> and click on Bay Cleanup for a report by Dr. John Largier of Scripps Institution of Oceanography, for a report on the physical oceanography of San Diego Bay.

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