

Federal No Discharge Zones & Clean Coastal Water & Vessel Act

Presented by

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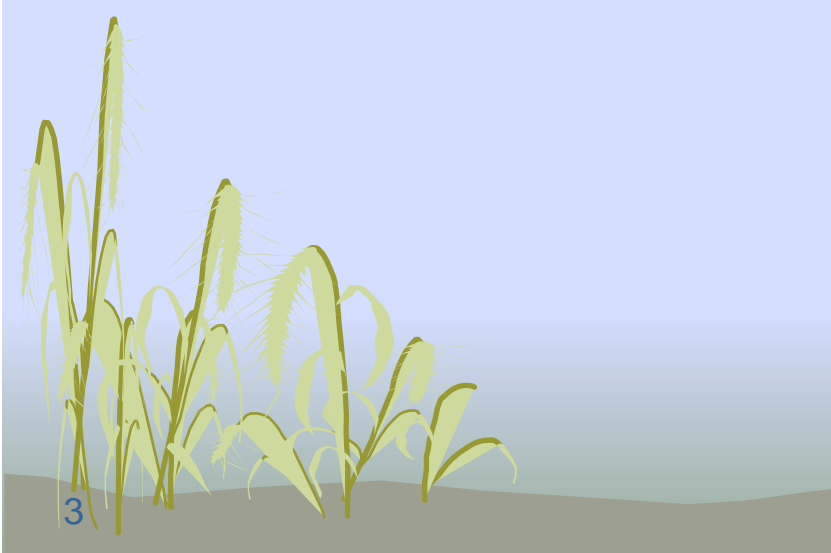
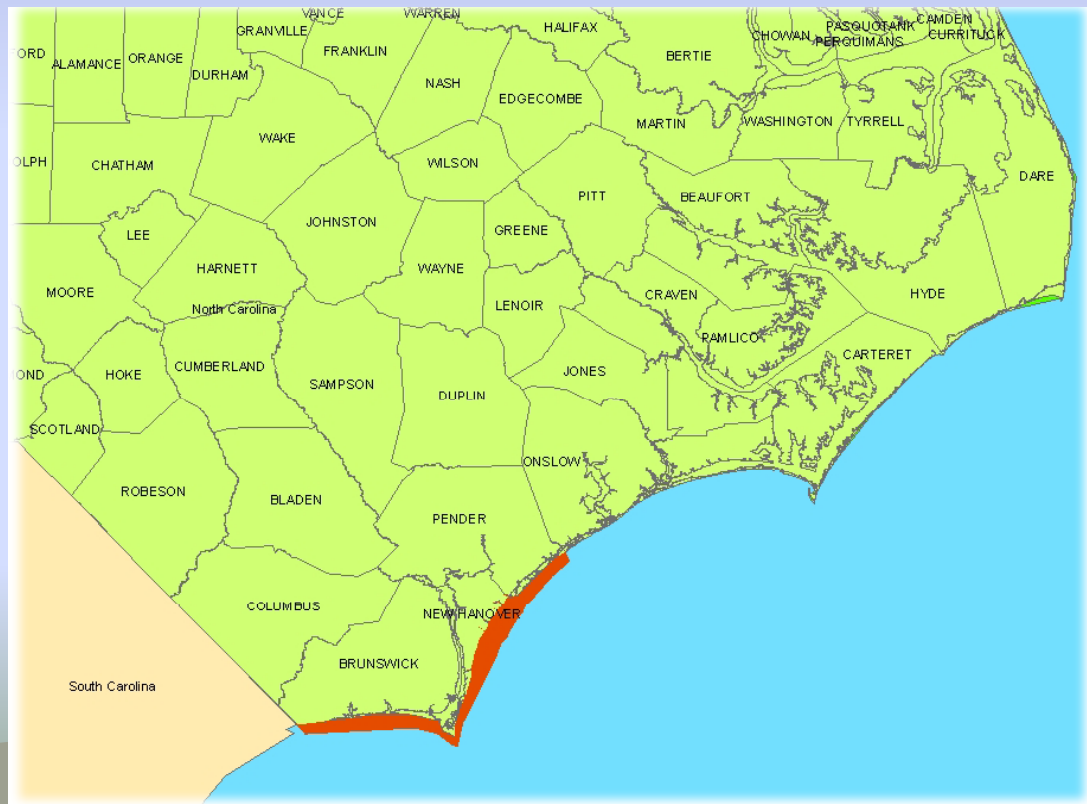
Photo obtained from the NC Coastal Federation, *State of the Coast Report 2008*

Federal and State Laws

- Federal No Discharge Zones (NDZs)
- Clean Coastal Water and Vessel Act
 - ✓ DENR
 - ✓ Marinas
 - ✓ Boaters

North Carolina NDZs

- New Hanover County – Aug 2009
- Brunswick County } June 2010
- Pender County }



No Discharge Zones

- An area of a water body or an entire water body into which the discharge of sewage (treated and untreated) is completely prohibited
- Designed to help States address water quality issues associated with sewage contamination.
 - Used to address human health, aesthetic, and environmental impacts from their increasing boating population
- A State has to formally request a water body to be designated

Marine Sanitation Devices

Types of Marine Sanitation Devices			
Sewage Treatment Device	Vessel Length	Standard	Treatment
Type I- Flow-through device (maceration and disinfection)	equal to or less than 65 feet in length	The effluent produced must not have a fecal coliform bacteria count >1000 per 100 milliliters and have no visible floating solids.	Relies on maceration and disinfection for treatment of the waste prior to its discharge into the water.
Type II- Flow-through device (maceration and disinfection)	greater than 65 feet in length	The effluent produced must not have a fecal coliform bacteria count > 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter .	Similar to the Type I; provides an advanced form of the same type of treatment and discharges waste with lower fecal coliform counts and reduced suspended solids.
Type III- Holding tank	any length	This MSD is designed to prevent the overboard discharge of treated or untreated sewage.	Commonly called holding tanks . Usually equipped with a discharge option, called a Y-valve, which allows direct discharge of the sewage overboard.

Except in the case of houseboats, States may not adopt or enforce any statute or regulation with respect to the design, manufacture, installation, or use of any MSD on any vessel subject to the requirements of section 312.

Aside: Possible MSD Changes

- EPA received a petition for MSD rule making changes July 12, 2010
 - Establish new performance standards for vessel sewage treatment devices
 - Establish monitoring, recordkeeping and reporting requirements to ensure compliance with the performance standards.
- Comments by November 9, 2010
- EPA currently reviewing and considering comments and information received

Process of Designating a Water Body

- Any interested party, group, or local government presents case to DWQ for determination
- State submits and application to the EPA Regional Administrator for designation

Three Ways To Establish A NDZ

➤ **Particular Environmental Importance when Adequate Pumpout Facilities are Available**

- State determines protection and enhancement of waters require greater environmental protection than current Federal regulations
- EPA determines adequate facilities for the safe and sanitary removal/treatment of sewage are reasonably available

➤ **Particular Environmental Importance**

- State does not have to show adequate and reasonably available pump-out stations
- Protects human health, sensitive habitats, and aquatic organisms, birds, and other animals from adverse impacts
- Used for established sanctuaries, national parks, national wilderness areas, national recreation areas, and areas used by endangered or threatened species

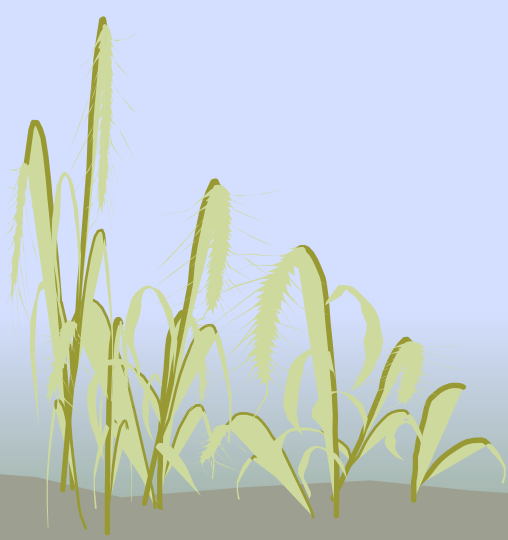
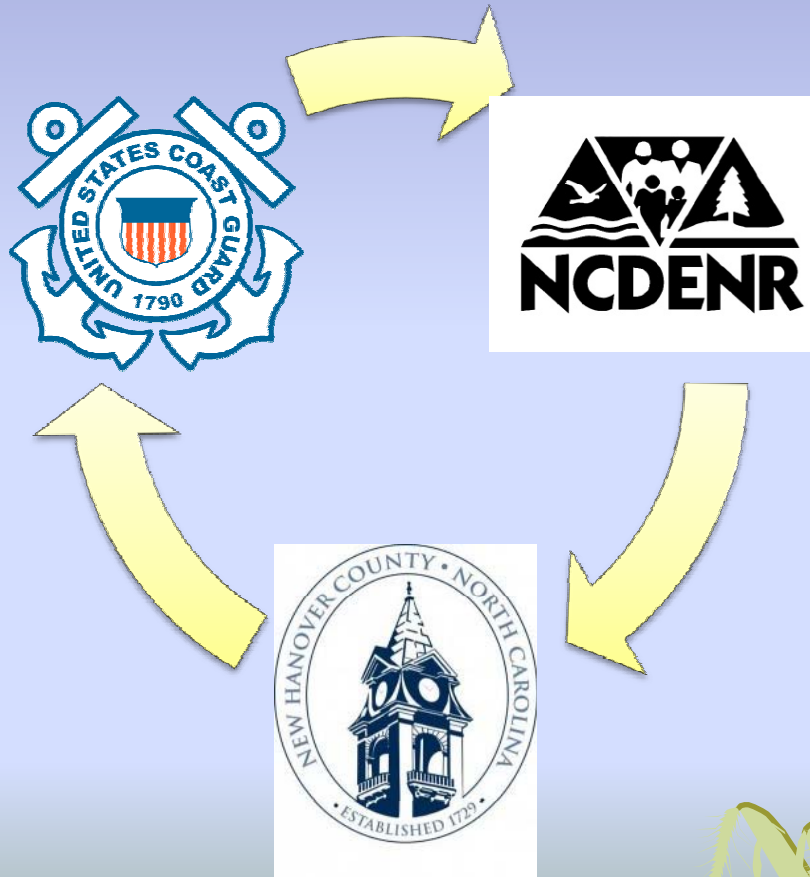
Drinking Water Intake Zone

Application Requirements

1. Description of the water body and surrounding resources
2. Pumpout data:
 - Map showing location of commercial and recreational pump-out facilities
 - Description of the location of pump-out facilities
 - General schedule of operating hours of the pump-out facilities
 - Depth of water at the pump-out facilities
 - Documentation that treatment of wastes from pump-out facilities conforms with Federal law
3. Vessel population and usage of the subject waters
4. Education and outreach program
5. Enforcement strategy

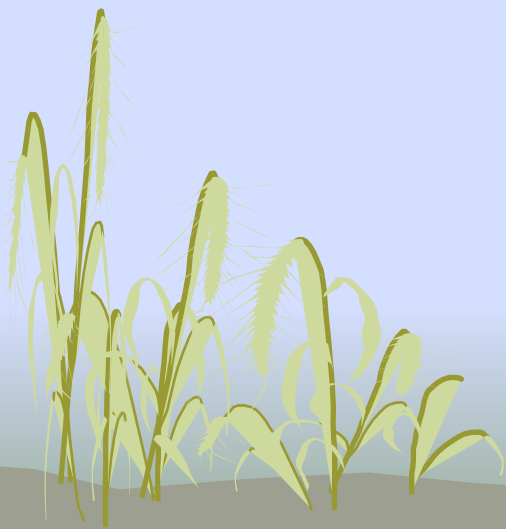
Established NDZ Challenges

- Enforcement
- Education



Enforcement

- Officers with Authority:
 - Wildlife protectors
 - Marine fisheries inspectors
 - Local law enforcement officers
 - US Coast Guard



Education is the key

What boaters should know about the **NO DISCHARGE ZONE** in New Hanover County, North Carolina



What is a No Discharge Zone?

A No Discharge Zone (NDZ) designation prohibits discharging sewage into coastal waters. This includes chemically treated sewage from Marine Sanitation Devices, but does not apply to gray water from showers or sinks, and does not prohibit the use of "porta-potties" that do not discharge waste. Through-hull fittings for disposal of sewage are required to be closed and appropriate methods to dispose of sewage implemented.

Who is affected?

The No Discharge Zone applies to all commercial and pleasure vessels operating in the waterways of New Hanover County, N.C.

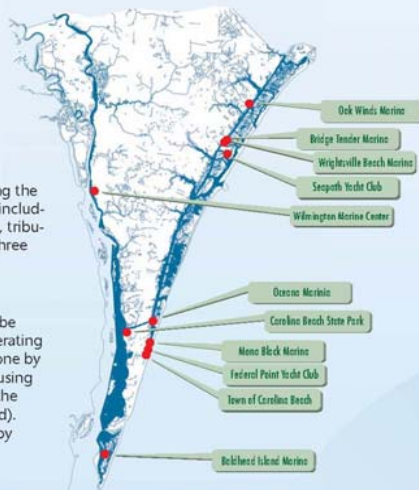
Where is the NDZ in New Hanover County?

The No Discharge Zone is in effect along the entire length of New Hanover County, including the Intracoastal Waterway, all inlets, tributaries and tidal creeks, and extending three miles into the Atlantic Ocean.

How can boaters comply?

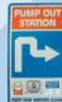
MSDs Type I, Type II and Type III must be secured to prevent discharge when operating in a No Discharge Zone. This can be done by closing the seacock and padlocking it, using a non-releasable wire tie, or removing the seacock handle (with the seacock closed). Type I and Type II can also be secured by locking the toilet door handle.

Boaters must use sewage pumpout facilities to empty MSDs. These facilities are available at marinas throughout coastal New Hanover County (see map above). Some may charge a fee.



The Clean Marina program identifies those marinas that have taken extra steps to help safeguard the environment and ensure the cleanliness of area waterways

Look for this sign to locate marinas that have pumpout facilities.



N.C. Requirements

Any owner or operator of a vessel that has a Marine Sanitation Device (MSD) shall maintain a record of each pumpout of the MSD and the location of the pumpout facility. Records must be maintained for one year after the pumpout date. A simple log to track pumpouts is available at the N.C. Division of Coastal Management's website at www.nccoastalmanagement.net/marinas/xxx.htm. Marinas are also required to keep records of pumpouts and may ask to see the vessel's records.

Penalties

Under U.S. Coast Guard penalty guidelines, failure to secure a MSD prior to operating a vessel in an NDZ (area where the discharge of sewage is prohibited) can result in penalties of:

- \$375 for the first offense
- \$1,125 for the second offense
- \$2,200 for the third/each additional offense

Additional North Carolina civil penalties of up to \$10,000 per day may also be assessed.

Enforcing Agencies

The following law enforcement agencies are authorized to enforce the rules and regulations pertaining to the No Discharge Zone:

- U.S. Coast Guard
- N.C. Wildlife Resources Commission
- N.C. Marine Patrol
- Any local law enforcement officer

For more information, contact:

U.S. Coast Guard
(252) 247-4501

N.C. Department of Environment and
Natural Resources Customer Service
(877) 623-6748 (toll free)

New Hanover County Planning
(910) 798-7444

Town of Wrightsville Beach
Stormwater Services
(910) 256-7935

Town of Carolina Beach Harbormaster
(910) 458-2540



Clean Coastal Water and Vessel Act

(Session Law 2009-345; House Bill 1378)

- Chapter 77; *Rivers, Creeks, and Coastal Waters*
- Ratified July 27, 2009; Effective April 1, 2011
- Affects ***Large Vessel Marinas & boaters***
 - More than 10 wet slips for vessels 26' or more in length
 - Located in **existing or proposed NDZs**

DENR Responsibilities

- Establish pumpout facility criteria
 - Public & Private Marinas
 - Types of facilities/services to be made available
 - Available during normal hours (Public only)
 - Must be readily available at private marinas
 - Ensure pumpout used properly
 - Require marinas to maintain records

Large Vessel Marina Responsibilities

- **Must:**
 - Contract with a service provider, or
 - Install a pumpout
 - DCM grants up to \$15,000 available (25% match)
 - Maximum pumpout charge = \$5.00
- **Must report sewage discharges by vessels docked or moored at marina**



Boater Responsibilities

- Must maintain a record of pumpout dates/locations
 - Does not address **legal** dumping
 - Recommend logging date/location
- Must be maintained for one year
- Must report illegal dumping



Questions?

