

RESPONSE TO COMMENTS FOR GENERAL ORDER REQUIRING OWNERS AND
OPERATORS OF SPECIFIED VESSEL TERMINALS LOCATED IN NEWPORT BAY AND
HUNTINGTON HARBOUR TO INSTALL, MAINTAIN, AND OPERATE PUMPOUT FACILITIES
AND DUMP STATIONS TO PROTECT WATER QUALITY

November 16, 2004

Response to Comments –

GENERAL ORDER REQUIRING OWNERS AND OPERATORS OF SPECIFIED VESSEL
TERMINALS LOCATED IN NEWPORT BAY AND HUNTINGTON HARBOUR TO INSTALL,
MAINTAIN, AND OPERATE PUMPOUT FACILITIES AND DUMP STATIONS TO PROTECT
WATER QUALITY

Written comments were received from the following parties:

A. CORAL CAY HOMEOWNERS:

1. Undated letter from
Mr. and Mrs. Bernie Barrad
16932 Coral Cay Lane
Huntington Beach, CA 92649
2. 10/11/04 letter from
W.M. Lehman
16965 Coral Cay Lane
Huntington Beach, CA 92649
3. 10/11/04 letter from
Jean Evans
16852 Marina Bay Drive
Huntington Beach, CA 92649
4. 10/11/04 letter from
Mary Makler
16752 Coral Cay Lane
Huntington Beach, CA 92649
5. 10/11/04 letter from
Sasha Erlik
17052 Marina Bay Drive
Huntington Beach, CA 92649
6. 10/12/04 letter from
Scott Buettner
16851 Coral Cay Lane
Huntington Beach, CA 92649
7. 10/12/04 letter from
William T. Kho, Jr. M.D.
16956 Marina Bay Drive
Huntington Beach, CA 92649

8. 10/12/04 letter from
Ronald O. Kindschi
3572 Courtside Circle
Huntington Beach, CA 92649
9. 10/13/04 letter from
Mr. and Mrs. Ray Coupe
3531 Courtside Circle
Huntington Beach, CA 92649
10. 10/13/04 letter from
Dix Helland
16956 Coral Cay Lane
Huntington Beach, CA 92649
11. 10/13/04 letter from
Roger and Lora Anderson
16862 Marina Bay Drive
Huntington Beach, CA 92649
12. 10/15/04 letter from
Dr. Edward J. Olivarez
16962 Coral Cay Lane
Huntington Beach, CA 92649
13. 10/17/04 letter from
Kip F. Cyprus
17012 Marina Bay Drive
Huntington Beach, CA 92649
14. 10/17/04 letter from
Mr. and Mrs. Ewald Eisel
16955 Coral Cay Lane
Huntington Beach, CA 92649
15. 10/18/04 letter from
Gail Clifford Hutton, Attorney at Law
16761 Coral Cay Lane
Huntington Beach, CA 92649
16. 10/21/04 letter from
John and Diana Clarke
17035 Marina Bay Drive
Huntington Beach, CA 92649

17. 10/22/04 letter from
William and Virginia Batiste
17002 Marina Bay Drive
Huntington Beach, CA 92649
18. 10/24/04 letter from
Lawrence W. Zarrilli
3581 Courtside Circle
Huntington Beach, CA 92649
19. 10/26/04 E-mail from
R.E. Poliquin
ReallyTallGrass@aol.com
20. 10/28/04 E-Mail from Mary Ellen Moschetti
memoschetti@socal.rr.com
21. Undated E-Mail from
Mr. and Mrs. Bert Nielsen
16791 Coral Cay Lane
Huntington Beach, CA 92649

B. ADDITIONAL COMMENTS/LETTERS:

22. 10/4/04 FAX from
Cindy Wilson, Vice President
Orca Yacht Charters
2901 West Coast Highway, #170
Newport Beach, CA 92679
23. Undated E-Mail from
name withheld response
24. 10/28/04 letter from
City of Huntington Beach
Cathy Green, Mayor
2000 Main Street
Huntington Beach, CA
25. 10/25/04 letter from
Mr. Joseph Rosen, Tennis Estates
16441 Wimbledon Lane
Huntington Beach, CA 92649-2111

26. 10/27/04 letter from
County of Orange
Susan M. Brodeur, P.E., Senior Coastal Engineer
300 North Flower Street
Santa Ana, CA
27. 10/23/04 letter from
Mr. Garry Brown, Orange County CoastKeeper
441 Old Newport Blvd., Suite 103
Newport Beach, CA 92663
28. 10/26/04 letter from
Rick Wilson, P.E., Coastal Management Coordinator
Surfrider Foundation
P.O. Box 6010
San Clemente, CA 92674-6010
29. 10/27/04 E-mail from
Melissa Martel
Humboldt County Environmental Health
Mmartel@co.humboldt.ca.us
30. 10/28/04 E-mail from
John Earl
6166 ½ Crest Avenue
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res19gdd@verizon.net
31. 10/29/04 E-mail from
Jan D. Vandersloot, M.D.
2221 East 16th Street
Newport Beach, CA 92663
jonV3@aol.com
32. 10/29/04 E-mail from
Traci Thiel
Salmonid Restoration Federation
P.O. Box 397
Garberville, CA 95542
www.calsalmon.org

33. 10/29/04 E-mail from
Eileen Murphy
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Murphyeile@aol.com
34. 10/29/04 E-mail from
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doug@seal-beach.org
35. 10/29/04 FAX from
John F. Skinner, M.D.
Stop Polluting our Newport
1724 Highland Drive
Newport Beach, CA 92660
36. 10/29/04 E-mail from
Merrilee Madrigal
10231 Cliff Drive
Huntington Beach, CA 92646
merrilee_madrigal@hotmail.com
37. 10/29/04 E-mail from
Monica Ruzich Hamilton
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38. 10/29/04 E-mail from
Randy Seton, Resource/Media Director
Orange County CoastKeeper
110 ½ Topaz Avenue
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39. 10/29/04 E-mail from
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Westminster, CA 92683
Isdayve@myfastmail.com

40. 10/29/04 E-mail from
Judith M. Gielow
469 East 18th Street
Costa Mesa, CA
tagielow@comcast.net
41. 10/29/04 E-mail from
Sandra Genis
1586 Myrtlewood
Costa Mesa, CA 92626
slgenis@stanfordalumni.org
42. 10/29/04 E-mail from
Nancy Donaven
4831 Los Patos Avenue
Huntington Beach, CA 92649
ndonaven@fea.net

Responses, organized by letter number as shown above, are provided below.

Comment Letter Numbers: 1 through 21 – Coral Cay Homeowners

Comment: Reasons that a pumpout station is not needed in Coral Cay Marina:

1. Coral Cay is a private marina and does not rent slips or have liveaboards.
2. Marina is not, never has been, or probably never will be at full capacity.
3. Many of the boats do not have toilet facilities.
4. All slips are individually owned. There is no slip available for a pumpout station.
5. Coral Cay marina is currently under contract for weekly pumpouts from a pumpout service (Royal Flush).

Response: It is acknowledged that requiring the installation of a sewage pumpout station at marinas managed by a Homeowner Associations, with individual boat slips owned by the homeowners, may not be the best alternative. Accordingly, an option has been provided. If a Homeowner's Association determines that it does not have an available slip and cannot justify the need based on a low number of boats with marine sanitation devices or the expense of installing a vessel waste pumpout facility, the General Order provides the option, subject to Regional Board authorization, for the Homeowners' Association to employ a private pumpout service to pumpout the appropriate boats on a consistent and regular schedule in lieu of installing pumpout facilities. Regional Board staff is amenable to this alternative, which is also included in the Regional Board's proposed Vessel Waste Program.

Comment Letter Numbers: 9, 13 - Coral Cay Homeowners

Comment: In addition to the above listed comments - Coral Cay, which is a private community with a privately owned marina, does not want the public using the facilities that they maintain and pay for.

Response: It is not the State Board's intention to require privately owned vessel terminals to provide public access to their facility (Section III, Article 2, Section 2834.1(b) of the Fact Sheet). The Fact Sheet is incorporated into the General Order. It is important to note that if a vessel terminal owner chooses to request a Clean Vessel Act Grant to help offset the costs to install required sewage disposal facilities, the owner could not restrict public use of the grant funded facilities. The Clean Vessel Act provides federal funds in the form of grants for the installation of pumpout stations and dump stations. In California, these grants are administered through the Department of Boating and Waterways and are expected to be available through the year 2007.

Comment Letter Numbers: 10, 15, 16, 19, 20, 21 – Coral Cay Homeowners

Comment: In addition to the above listed comments - There are pumpout facilities located near (within ¼ to ½ mile) the Coral Cay Community that can be used by Coral Cay residents.

Response: The Regional Board recommended that each vessel terminal with a capacity of 50 or more vessels have a pumpout facility. The purpose is for each of the specified facilities to provide sewage disposal services to their tenants and customers without relying on other locations to provide those services. This could provide additional available capacity for transient boaters at those facilities that currently provide service to Coral Cay homeowners. In addition, the Regional Board recommended at least one pumpout for every 500 vessels. To meet this recommended standard, three additional pumpout facilities are needed in Huntington Harbour. The designated locations are those marinas with more than 50 slips that currently have no sewage disposal services for their boating tenants.

Comment Letter: 20 –Coral Cay Homeowner

Comment: In addition to the above listed comments - Requests that the Homeowner Association be allowed to provide to the Regional Board, on a monthly, biyearly, or yearly basis, the number of vessels housed in the Coral Cay Marina. The State Board is requested to conduct a physical inspection of the Coral Cay Marina prior to requiring a pumpout station.

Response: It is understood that marine terminals are not always at full capacity. To require the Regional board to periodically amend requirements based on capacity fluctuations would be too onerous. Determinations are based on "potential" capacities (i.e. number of slips). The Regional Board is the implementing agency for the General Order. We recommend that the Coral Cay Community request the Regional Board to conduct a physical inspection, if needed. As previously stated, the requirement to assure pumpout service can be satisfied by employing a private pumpout service to pumpout the appropriate boats on a consistent and regular schedule in lieu of installing pumpout facilities.

Comment Letter: 22 – Orca Yacht Charters

Comment: The commenter did not think that the proposed General Order pertained to their facility.

Response: Orca Yacht Charters is listed in the Regional Board's Report as having an existing pumpout facility. This facility is not one of the marine terminals targeted for installation of sewage disposal facilities.

Comment Letter: 23 Name Withheld

Comment: Concerned about need for additional pumpout stations because:

1. Should not be at the expense of the marinas. Costs should be directed to the boating public.
2. There are other pumpout stations that are not available (although should be) to the general public.
3. New pumpout should be placed in visible and easily accessible areas.
4. A small fee should be charged to cover maintenance and service costs to assure that existing and new facilities are serviced often.

Response:

1. Although the marina owner is required to provide the required sewage disposal services, there is a grant program, funded by the Clean Vessel Act and administered by the Department of Boating and Waterways, that provides 75% reimbursement for the costs of purchasing and installing a sewage pumpout or dump station. Grant funds are available to both the public and private sector.
2. The State Board does not have the authority nor is it the intent of the State Board to require privately owned and operated facilities to provide sewage disposal services to the general public. The intent of this program is to require specified vessel terminals to provide services to their boating tenants and customers. Installation of sewage disposal facilities at privately owned marinas for their tenant's use could free up additional capacity for the general public at those marinas that have been providing services to the Huntington Harbour residents who have not had available disposal options at their facility.
3. The General Order requires the additional sewage disposal facilities to be placed at locations that are convenient and accessible to the vessel users. The vessel terminal owner is required to submit plans and specifications, including proposed locations, to the Regional Board for approval prior to installing the required facility. If the proposed location is not convenient and accessible, the plans will not be approved.
4. Clean Vessel Act grant recipients are allowed to charge up to \$5.00 per pumpout to cover maintenance and service costs. Marine vessel terminal owners who do not participate in the Clean Vessel Act grant program can charge a reasonable fee for the use of their sewage disposal facility to cover their maintenance and service costs. A fee, not exceeding \$5.00, is recommended to encourage boater use.

Comment Letter: 24 – City of Huntington Beach

Comment:

1. Criterion used for requiring a marina or vessel terminal to install a pumpout or dump station was not developed in a logical, fair manner.
2. The City was denied the opportunity to work with Regional Board staff in development of the recommended program.
3. The proposed new pumpout station locations are not where most boats enter and leave the Harbour, where they would be most convenient and useful.
4. Proposed order does not appear to be applied fairly for the entire Harbour. Coral Cay is listed but Seagate is not. The Regional Board directed Regional Board staff to explore the issues and incorporate changes prior to submittal to the State. No additional research was conducted and no changes were made.

5. The Fact Sheet indicates that some of the names of terminal owners and addresses are “not yet known”, demonstrating incomplete research.
6. Regional Board staff ignored comments provided by the City at a November 6, 2002 meeting of the Huntington Harbour Waterways Sub-Committee.
7. It is not clear if new pumpout facilities will be required to accept waste from public vessels other than from the marina boat owners.
8. Wants clarification that a “wand” pumpout system is sufficient to qualify as a dump station.

Response:

1. The recommendations for additional pumpout stations and dump stations were based on site-specific considerations, including the number of vessels with sewage retention devices, the location of vessel terminals, the location of existing pumpout stations, and receiving water characteristics, such as its beneficial uses, sensitivity and status as a no-discharge zone for vessel sanitary wastes. In addition, Regional Board staff relied on two sets of guidelines in the development of the Recommended Program. Federal guidelines recommend that at least one pumpout facility and dump station should be provided for every 300 to 600 boats over 16 feet length, and at least one pumpout facility at marinas with 50 slips or more that are capable of mooring +26' boats. The Department of Boating and Waterways guidelines recommend a statewide target of one pumpout facility station and dump station for every 300 boats with Type III marine sanitation devices (devices that retain sewage for shore-based disposal or discharge beyond the 3 mile offshore limit). The Regional Board recommendations, at least one pumpout and dump station for every 500 boats, are within the federal guidelines.
2. Regional Board staff respectfully disagree with the City's assertion that they were denied the opportunity to work with Regional Board staff in the preparation of the pumpout recommendations. Regional Board staff worked with City of Huntington Beach staff, as well as marina owners/operators and homeowners, in developing the recommended program. City staff did provide comments on specific elements of the recommended pumpout program, some of which were incorporated into the recommended pumpout program. However, Regional Board staff notes that at no time did City staff make specific recommendations for changes to the proposed pumpout locations. Further, at the Regional Board public hearing on this matter, testimony provided by City staff indicated their support of the recommended program, but also indicated that they wanted more data and information to be made available to the State Board prior to their consideration of the recommendations. At the public hearing, the Regional Board indicated that any additional information provided by the City would be transmitted to the State Board for their consideration. More than a year has passed since the Regional Board approved the pumpout recommendations (August 2003), but no additional data or information has been received from the City on this issue.
3. The Regional Board has taken a conservative approach in requiring installation of additional sewage disposal facilities. In Huntington Harbour, they have only targeted those facilities with 50 slips or more that do not have existing pumpout facilities to service their boating tenants. It is recognized that additional pumpouts may be needed, in addition to those being required, to service transient boaters as they enter and leave the harbor. The Regional Board's Recommended Program includes provisions for periodic review of effectiveness of the program to determine if revisions are necessary to achieve protection of water quality. Additional locations may be identified at that time. The City has not provided any specific information regarding locations where pumpouts would be better placed. Such information can be considered during the periodic review of the effectiveness of the program. To address the concern expressed, the City may wish to consider

assuming the responsibility for installation, operation and maintenance of the additional pumpouts at City-owned locations (i.e. public slips or docks).

4. Subsequent to the Regional Board's August 22, 2003 public hearing, the Orange County CoastKeeper, on behalf of the Regional Board, conducted additional research to determine if marine vessel facilities had been inadvertently overlooked. The OCCK used the federal guideline definition of marinas "facility with 10 or more wet slips", and confirmed the presence of four privately owned marinas, including Sunset Aquatic Marina, Peter's Landing Marina, Davenport Marina, and Huntington Harbour Marina. Homeowner Associations manage the remaining marinas in Huntington Harbour. Targeted Homeowner Associations have marine vessel facilities that are configured like a marina (with long docks for pedestrian/boatowner access and slips on either one or both sides of the dock). There are approximately 6 additional residential developments with wet slips that are individually owned and in most cases, located in front of the owner's home condominium. These slips are not configured like a marina. Ideally, all of the Associations could get together and develop a plan and spread the costs. But, neither the State Board nor the Regional Board have the resources or required authorities to issue and enforce orders to individual homeowners.
5. Owners names and addresses were inadvertently left out of the State Board's Draft Fact Sheet. The information has been incorporated into the Final Fact Sheet, which will be made available on the State Board's website at: <http://www.swrcb.ca.gov/nps/index.html>.
6. See response to #2 above. Regional Board staff carefully considered input from all interested parties during the development of the proposed pumpout program and made changes where deemed appropriate.
7. The State Board does not have the authority nor is it the intent of the State Board or Regional Board to require privately owned and operated facilities to provide sewage disposal services to the general public.
8. A wand system is an alternative to a dump station, and can be used, with Regional Board approval, at those facilities with a pumpout facility. A wand system is an attachment to a pumpout facility that is used to remove the contents of a port-a-potty. A means to allow boaters to rinse out the portable toilet would need to be provided.

Comment Letter: 25 – Tennis Estates

Comment:

1. Requiring installation of three additional pumpout stations in Huntington Harbour is excessive because: not all boats are over 16 feet in length; boat owners prefer to use home bathrooms or, as commonly practiced, dump their boat heads beyond the three mile limit prior to returning to the harbor; and vessels are used on an average of only 12 days per year.
2. Majority of contamination in the harbor comes from land runoff. Funding a method of preventing contaminated runoff into Huntington Harbour would be a better use of funds.
3. New stations are not needed if operation and access problems with existing facilities are corrected.
4. City did not identify a public/private fueling dock, a city owned public dock on Trinity Island, a city owned public parking lot called the Earl D. Perry Marine Park with an attached dock, Christiana Bay Marina and Portafino Marina, all of which are more available and accessible than those recommended.
5. All of Tennis Club Estates marina slips are owned by individual homeowners for their exclusive use; there are no liveaboards in the marina; and the requirement could result in the taking of private property/eminent domain issues.

6. Who pays for the installation and maintenance, who maintains the station, and who pays for engineering and modification of docks?
7. If the station is made available to the general public can operation hours be restricted? Who is liable for damages in the case of malfunctions?
8. Could result in loss of property value if monthly homeowner dues are increased or if a public pumpout is required.
9. Existing stations should be repaired and made operable, meters should be installed, and usage of existing stations should be determined prior to requiring installation of additional pumpout stations.

Response:

1. Huntington Harbour is a designated no-discharge zone. In order to establish no-discharge zones States must be able to demonstrate to the U.S. EPA that safe and adequate pumpout facilities are available. The success of no-discharge zones in improving water quality depends in large measure on the ongoing availability of accessible and affordable pumpout and dump station facilities that encourage and allow all boaters to comply with the discharge restrictions. The information compiled by the Regional Board clearly demonstrates that although adequate facilities may have been available in 1976 when the Harbour was designated a NDZ, this is no longer the case. Although some boat owners may not use their on-board heads, and others discharge outside of state waters (not the preferred option), the intent of the Program is to provide convenient and accessible facilities for those boaters who need them.
2. It is recognized that urban runoff is a major contributor of pollution into our bays and harbors. The State and Regional Boards are working towards reducing urban runoff through their respective Stormwater Programs. It is also recognized that discharges from recreational boaters is a source of nonpoint source pollution. The “Plan for California’s Nonpoint Source Pollution Control Program” mandates that all potential nonpoint sources be reduced or eliminated. Before we can expect boaters to dispose of their wastes appropriately, we must be able to provide them with easily accessible and convenient disposal facilities.
3. It is very important that the existing facilities be repaired and maintained to ensure operability. But, even if the four existing pumpouts are repaired and kept operable, there is a need for additional facilities to service the boating population and to meet federal guidelines. Huntington Harbour is a designated “No Discharge Zone” and the State Board is required to demonstrate to the U.S. Environmental Protection Agency that there are adequate facilities available.
4. The definition used for “Vessel Terminal” is: any private or public shoreside installation on any waters of this state which provides mooring, docking, berthing, and other facilities for the use of vessels. Typically public docks are used by boaters who haul their boats on trailers. The majority of these boats are small and do not have on-board sewage disposal devices. In addition, public docks do not typically have an operator on the premises, which could result in problems in the case of a pumpout or dump station malfunction or poor housekeeping practices. For instance, if hoses are not put away properly and are left lying on the dock, it could result in backwash or spillage of sewage once the pump is turned off. We agree that there is no mention of Christiana Bay Marina. This “marina” does not meet the definition of a vessel terminal; rather, it is a conglomerate of private residences with slips next to each residence. There is no homeowner’s association that has collective authority. Portafino Marina was identified and was not targeted because it has less than 50 slips.
5. It is acknowledged that requiring the installation of a sewage pumpout station at marinas managed by a Homeowner Associations, with individual boat slips owned by the homeowner, may not be the best approach. Accordingly, an option has been provided. If a Homeowner’s Association

determines that it does not have an available slip and cannot justify the need based on a low number of boats with marine sanitation devices or the expense of installing a vessel waste pumpout facility, the General Order provides the option, subject to Regional Board authorization, for the Homeowners' Association to employ a private pumpout service to pumpout the appropriate boats on a consistent and regular schedule in lieu of installing pumpout facilities. Also, it is not the State Board's intention to require privately owned vessel terminals to provide public access to their facility (See Section III, Article 2, Section 2834.1(b) of the Fact Sheet). The Fact Sheet is incorporated into the General Order.

6. The marina owner is required to pay for and provide the required sewage disposal services to their boating clients. There is a grant program that can help offset some of these costs. The Clean Vessel Act grant program, which provides 75% reimbursement for the costs of purchasing and installing a sewage pumpout or dump station, is administered by the Department of Boating and Waterways. Information on this program will be provided to marina owners who are required to install new facilities. In addition, Homeowner Associations are provided with the option to use a mobile pumpout service, in lieu of modifying their docks to accommodate a pumpout station.
7. If a marina owner chooses to make the station available to the general public they can restrict operation hours. The boater could be held responsible for spills resulting from misuse of the facility but the marina owner could be liable for damages in the case of malfunctions. It is important to post operating instructions and contact information in case of a spill at the pumpout station.
8. We recognize that the proposed requirements may add a burden to targeted facilities, but it will also help protect the water quality and the designated beneficial use (water contact recreation) in the surrounding area, which should prove to be an asset. There is an economic value in having clean water in the harbor. In addition, it will provide a needed service to those boaters located at your facility, who are reluctant to use their on-board heads or who commonly dump their boat heads beyond the three mile limit prior to returning to the harbor, by providing an easy and convenient way to dispose of their on-board sewage wastes. It may also provide an incentive to other residential boating communities to join the effort and participate in a harbor-wide mobile pumpout service.
9. We agree that existing stations should be repaired and made operable, meters should be installed, and usage of existing stations should be determined. But, this should occur in coordination with the installation of additional needed facilities. Information, contained in the Regional Board's proposed program, clearly demonstrates the need for operation of both existing and additional facilities.

Comment Letter: 26 – County of Orange

Comment:

1. Report did not include an evaluation of the current practices of boaters. Not conclusive that adding pumpout facilities and dump stations will improve water quality. No evidence that current facilities are over-utilized, or that it is inconvenient for boaters to properly dispose of sewage at the existing facilities. Initial focus should be on maintenance of existing facilities and boater education.
2. There are no specific standards set for dump stations. The suction wand attachment should be an alternative for a dump station.

Response:

1. Continued adequacy of pumpout facilities is a critical component of an effective no-discharge zone because such facilities both allow and encourage compliance with the no-discharge prohibitions. Adequate facilities must be available before we can expect boaters to do the “right thing”. According to surveys conducted in October 2002 and March 2003, neither Newport Bay nor Huntington Harbour have had convenient and operable disposal options for their boating population. Neither of the designated areas meet federal or state guidelines for the number of pumpouts. Neither area has a dump station available for boaters with on-board port-a-potties. Once adequate facilities are available and are metered to measure usage, it will be easier to determine actual usage. The Regional Board’s Recommended Program includes an Education and Access component that will ensure that boaters are informed of the “No Discharge” status of the waterbodies and the location of available pumpout facilities and dump stations. As boaters are encouraged to use pumpout services and the pumpout facilities become more convenient and widespread, demand for such services can increase.
2. The Regional Board’s Recommended Program includes a provision for Regional Board staff to convene an adhoc committee consisting of the appropriate staff from the County of Orange, the City of Huntington Beach and the City of Newport Beach to develop and implement appropriate construction standards for pumpout facilities and dump stations within the Region. Also, the Department of Boating and Waterways has standards that are used for Clean Vessel Act grantees. In addition, the U.S. Fish and Wildlife Service has developed guidelines that provide states with technical information on the adequacy of and appropriate types and location of pumpout stations and dump stations (U.S. Fish and Wildlife Service published the guidelines in the Federal Register, Clean Vessel Act: Pumpout Station and Dump Station Technical Guidelines, 59 Fed. Reg. 11,290 (1994) (codified at 50 C.F.R. pt. 85). Lastly, a wand system is an alternative that can be used, with Regional Board approval, in lieu of a dump station at those facilities with a pumpout facility. A wand system is an attachment to a pumpout facility that is used to remove the contents of a port-a-potty.

Comment Letter: 27 – Orange County CoastKeeper

Comment: The Orange County CoastKeeper commends the Regional Board and the State Board for their efforts, supports of the recommended program, and encourages the adoption of statewide standards.

Response: We thank Garry Brown and the Orange County CoastKeeper for their support.

Comment Letter: 28 – Surfrider Foundation

Comment: The Surfrider Foundation strongly supports the General Order and encourages the State Board to work with the other Regional Boards to evaluate the need for similar orders elsewhere in the state.

Response: We thank Rick Wilson and the Surfrider Foundation for their support. The State Board is working with other Regional Boards to evaluate the need for similar orders and hopes to expand this effort statewide.

Comment Letters: 29 – Humboldt County Environmental Health

Comment: Supports adoption of the General Order and recommends that it be implemented in Humboldt Bay and all of the state's bays and sensitive areas.

Response: We thank Melissa Martel, County Environmental Health employee, for her support. The State Board is working with other Regional Boards to evaluate the need for similar orders and hopes to expand this effort statewide.

Comment Letters: 30 through 42

Comments: Letters in support of the Regional Board's approved program and adoption of the General Order because:

1. Potential adverse impacts to designated beneficial use of both water bodies (water recreation and shellfish harvesting for Newport Bay, and water recreation for Huntington Harbour);
2. Both water bodies are listed as impaired water bodies for bacterial contamination;
3. Surveys revealed major problems in Newport Bay and Huntington Harbour, including a limited number of pumpout facilities, inoperable or inaccessible pumpout facilities, poor maintenance and housekeeping, lack of education on proper use, and high bacterial levels in the water in the vicinity of the pumpout;
4. The absence of dump stations in Newport Bay or Huntington Harbour.

Response: The State Board acknowledges the need for the proposed program and appreciates the support.