California Regional Water Quality Control Board – Santa Ana Region
Vessel Sewage Disposal Program for Huntington Harbour and Newport Bay
Order No. R8-2005-011

Whereas the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. The federal Clean Vessel Act prohibits the discharge of sewage into waters designated as a No Discharge Zone ("NDZ").

2. Newport Bay and Huntington Harbour were designated NDZ waters by the U.S. Environmental Protection Agency in 1976. At that time, there were appropriate numbers of pump-out facilities in Newport Bay and Huntington Harbour. Since that time, there has been an increase in the number of vessels using both harbors.

3. Water contact recreation (REC1) is one of the beneficial use designations specified in the 1995 Water Quality Control Plan (Basin Plan) for Huntington Harbour; water contact recreation (REC1) and shellfish harvesting (SHEL) are among the beneficial use designations specified in the Basin Plan for Newport Bay. The Basin Plan specifies numeric water quality objectives for fecal coliform bacteria in order to protect the designated beneficial uses of Huntington Harbour and Newport Bay.

4. In 1994, Newport Bay was listed on the 303(d) list of impaired water bodies due to bacterial contamination. In 1998 the Regional Board established the Newport Bay Fecal Coliform total maximum daily load (TMDL) to address the bacterial contamination.

5. In 1994, Huntington Harbour was listed on the 303(d) list of impaired water bodies due to bacterial contamination. A bacteria TMDL has not yet been established for Huntington Harbour.

6. The California Harbors and Navigation Code Section 776 authorizes the State Water Resources Control Board (State Board) to require vessel terminal owners/operators to provide adequate vessel sewage retention device pump-out capability at locations that are convenient to the vessel users. Title 23, Chapters 20 and 20.1 of the California Code of Regulations implements the Harbors and Navigation Code requirements for vessel sewage waste.

7. Title 23, Article 2, Chapter 20.1, Sections 2833 through 2835 require the Regional Board to determine if there is a need for additional pump-out facilities. If there is found to be a need, the Regional Board is to request that the State Water Resources Control Board require specified vessel terminals to install and operate the pump-out facilities where necessary to protect water quality.

8. On August 22, 2003, the Santa Ana Regional Board adopted Resolution No. R8-2003-0074, approving the pumpout facility need delineated in the Pumpout Facility Need Report and requesting that the State Board adopt requirements implementing the recommended Vessel Sewage Disposal Program for Newport Bay and Huntington Harbour. These include requirements for the installation of additional vessel waste disposal facilities (pumpout facilities and dump stations) at specified vessel terminals in Newport Bay and Huntington Harbour and the implementation of operation, maintenance, public education and outreach, and monitoring programs by responsible parties and agencies.

9. On September 10, 2003, the Santa Ana Regional Board submitted the "Transmittal of Regional Board Recommended Vessel Sewage Disposal Program for Newport Bay and Huntington Harbor" to the State Board, requesting that the State Board exercise its authority under the Harbors and Navigation Code to require the implementation of the recommended "Vessel Sewage Disposal Program" in Newport Bay and Huntington Harbour.

10. On November 3, 2004, the State Board held a public hearing to receive comments and testimony on the proposed adoption of a general order requiring specified vessel terminal owners/operators to install and operate vessel waste pumpout facilities and dump stations at specified locations in Newport Bay and Huntington Harbour. The Order includes an implementation schedule.

11. On November 18, 2004 the State Board adopted General Water Quality Order No. 2004-0017-DWQ requiring the vessel terminal owners/operators identified by the Santa Ana Regional Board to install and operate vessel waste pumpout facilities and dump stations in Newport Bay and Huntington Harbour.

12. The State Board Order remands to the Regional Board provisions concerning Education and Access, Operation and Maintenance and Cost for adoption, as appropriate, under the Regional Board's authority.

13. The Regional Board is authorized to require implementation of the Education and Access, Operation and Maintenance provisions as specified in the recommended Vessel Sewage Disposal Program pursuant to Harbor and Navigation Code Section 776(a) and Section 778; Water Code Section 13225(a) and Title 23 CCR, Section 2827 and 2829.

14. The Regional Board is committed to oversee compliance with the State Board order by the vessel terminal operators and the cities of Huntington Beach and Newport Beach. This oversight will include annual inspections, at a minimum, regular collection of samples and review of bacterial data collected from the receiving waters in the vicinity of the pump-out stations. Beginning with November 2005, the Vessel Sewage Waste Disposal Program will be reviewed at least once every two years to

assess its effectiveness and determine whether additions or modifications to the Program are necessary.

15. Issuance of a Regional Board Order supplementing the State Board's Order No. 2004-0017-DWQ with provisions regarding Operation and Maintenance, Education and Access and Cost provisions for the pumpout facilities is exempt from the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) as an action to protect the environment (Title 14, CCR Section 15308) and an action requiring the placement of minor structures accessory to existing commercial or institutional facilities (Title 14, CCR Section 15311).

IT IS HEREBY ORDERED that owners and/or operators of the vessel terminals specified in State Board General Water Quality Order No.2004-0017-DWQ, and applicable public agencies in Newport Bay and Huntington Harbour shall comply with the following:

A. Cost Provision

1. While the State encourages the no cost use of pump-out stations and dump stations, owners and operators may charge a reasonable fee, not to exceed a maximum of $5.

B. Education and Access

1. All public pump-out stations and dump stations shall be at an end tie so that they will be visible and easily accessible by vessel operators.

2. Each pump–out station and dump station shall have signage readily visible to traveling vessels and use instructions in English and Spanish and in colorized graphics as to how to operate the station, how to minimize leakage, and how to report an inoperable station.

3. Each vessel terminal operator shall provide a 24-hour phone number for pump-out station and dump station users to report station failures.

4. Each pump-out station and dump station location shall be marked to prevent mooring of vessels other than for use of the pump-out station.

5. The Cities of Huntington Beach and Newport Beach shall notify the owners of slips in front of residences that each harbor is an NDZ and that it is illegal to discharge the contents of their MSDs into the NDZ waters of the State (Newport Bay and Huntington Harbour). Along with the notification, each city shall provide a map identifying the location of the pump-out stations and dump stations.

6. Vessel terminal owners/operators shall notify the owners/operators of vessels occupying their terminals that Newport Bay and Huntington Harbour are No Discharge Zones (NDZ) and that it is illegal to discharge the contents of their marine sanitation devices (MSDs) into the NDZ waters of the State (Newport Bay and Huntington Harbour). The notification shall also stipulate that pursuant to Harbors and Navigation Code Section 780, no person shall disconnect, bypass or operate a MSD so as to potentially discharge sewage and that no person shall occupy or operate a vessel in which a marine sanitation device is installed unless the marine sanitation device is properly secured (as defined in State Board Order 20004-0017-DWQ). The vessel terminal owners/operators shall also provide owners/operators of vessels occupying their terminals a map identifying the location of the pump-out stations and dump stations.

C. Operation and Maintenance

1. Vessel terminal owners/operators shall prepare a set of operation and maintenance instructions to be used in the operation and maintenance of the pump-out station/dump stations. The operation and maintenance instructions shall be available for inspection at the pump-out station/dump station and if found to be deficient by Regional Board staff, the vessel terminal owner/operator shall correct the instructions within 30 days.

2. The operation instructions shall have a detailed explanation of valve positions when the system is transferring sewage and when the pump-out station/dump station is not being used.

3. The operation and maintenance instructions shall include methods that will be used to isolate portions of the pump-out station/dump station system for maintenance and repair.

4. All pump-out stations/dump stations shall be operated and maintained in such a manner that there shall be no leakage or spillage of sewage.

5. The vessel terminal owner/operator shall inspect their pump-out stations and dump stations at least three times per week during October 1 through May 31 and five times per week during June 1 through September 30th. The purpose of such inspection is to ensure the pump-out stations/dump stations are working properly and there are no leaks of sewage into the receiving waters.

6. Vessel terminal owners/operators must keep in stock readily replaceable spare parts such as hoses. When a pump-out station or dump station is inoperable, its owner shall initiate appropriate repairs within 24 hours of noticing the inoperability. Where the inoperability is found to be due to

the failure of a readily replaceable part, such as a hose, the repair must be done within 24 hours. Where necessary, the vessel terminal owner/operator shall secure a licensed plumbing contractor who would assess the reason that the pump-out station/dump station is not working properly, identify the steps required to bring that pump-out station/dump station back into working order, and identify a reasonable time frame to complete the necessary repairs. The vessel owner/operator must initiate the repairs promptly and take all reasonable steps to assure that the repairs are completed within the time frame identified by the contractor. The vessel terminal owner shall post a sign on the pump-out station/dump station indicating that it is not working, with a map of other locations of pump-out stations/dump stations.

7. Vessel terminal owners/operators must maintain, and provide for inspection at any time, maintenance and monitoring logs at the site of each pump-out station and dump station.

8. The Cities of Newport Beach and Huntington Beach shall inspect each pump-out station and dump station to ensure that the pump-out stations and dump stations are operational and that vessel terminal operators keep the necessary maintenance logs. These inspections shall be performed at least monthly.[1]

9. Every vessel pumpout facility shall have a notice posted on the facility identifying the city, county, local public health officer, or boating law enforcement officer responsible for enforcing the Harbors and Navigation Code pursuant to Section 779, and the telephone number where discharges of sewage from the pumpout facility into the waters of Newport Bay or Huntington Harbour may be reported.

D. Plumbing Standards

1. Each pump-out station and dump station shall be constructed and plumbed such that pipe breakage, fitting failure, and related damage is minimized or eliminated.

2. Each pump-out station and dump station shall be designed and constructed in such a manner that there shall be no leakage or spillage of sewage.

3. Pumps provided at the pump-out station for the transfer of waste from vessels to the pump-out station and from the pump-out station to the disposal system shall:

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[1] The County of Orange shall be responsible to implement these inspection requirements for those vessel terminals leased by the County to private parties and for those pump-out stations/dump stations directly under the control of the County.

a. Be of self-priming and non-clogging design.
b. Be of sufficient size and capacity to complete the transfer operation in a reasonable amount of time when operating against the maximum anticipated head.
c. Be designed and installed to prevent leakage or spillage.
d. Be designed and installed to meet all safety requirements.
e. Be constructed of corrosion-resistant material.
f. The pumps may be either of portable or preferably fixed type installation.

4. All piping/hosing used in the design and construction of a pump-out system shall:
   a. Be designed to withstand any pumping pressure or vacuum encountered without leakage; and
   b. Be constructed of material capable of withstanding solar radiation and chemical action of freshwater, salt water, chemical additives, and sewage without excessive deterioration.
   c. All fittings shall be of corrosion-resistant material and shall be so constructed and installed as to ensure a water-tight seal. All pump-out systems shall be designed and constructed to have a minimum capability of pumping out vessel marine sanitation devices having 1 ½ -inch fittings. The system shall be designed and constructed to prevent leakage when transferring or when the system is disconnected. This would normally require a minimum of 4 valves. One on each side of the pump, plus one at the storage tank, and one at the vessel holding tank connection.

5. The pump-out station shall be designed and constructed such that a water supply is available at appropriate locations for flushing and cleaning of vessel holding tanks and storage tanks. The water supply shall be protected against back siphoning of waste into the water system by a backflow prevention device.

6. Storage tanks used to store pumpout waste shall:

   a. Be designed and constructed to allow for complete emptying of contents into a disposal system or waste haulers tank.
   b. Be equipped with a means of determining the amount of sewage in the tank.
   c. Be equipped with a means of preventing backflow from the storage tank into the pumpout system.
   d. Be designed and constructed to prevent overflow or spillage.
   e. Be designed and installed to protect against a 1 in 100 year flood.

f. Be constructed of material capable of withstanding solar radiation and chemical action of freshwater, saltwater, chemical additives, and sewage without excessive deterioration.
g. Be designed and constructed such that the sewage enters the tank above maximum storage level.

7. Regional Board staff will 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 pump-out stations and dump stations within the Santa Ana Region that would be consistent with the sections listed above.

E. Live-aboard Vessels

1. Vessel terminals with live-aboard vessels shall require all live-aboard vessels that are incapable of moving under their own power to have all overboard discharge piping permanently sealed, unless such discharge piping is plumbed directly to appropriate on-shore waste facilities.

2. Vessel terminal owners/operators shall inspect monthly all live-aboard vessels incapable of moving under their own power to ensure that all overboard discharge piping has been sealed or properly plumbed to onshore facilities. A log of these inspections shall be kept at the vessel terminal and made available to the staff of the Regional Board or to staff from the Cities of Newport Bay and Huntington Beach.

3. Vessel terminal owners/operators with live-aboard vessels capable of moving under their own power shall notify the occupants of such vessels that it is illegal to discharge the contents of their holding tanks into the NDZ waters of the State (Newport Bay and Huntington Harbour) and require them to use a pump-out station or to subscribe to a pump-out service.

4. The Cities of Newport Beach and Huntington Beach shall conduct quarterly inspections of those live-aboard vessels that are tied to off-shore moorings to ensure that these vessels do not discharge the contents of their holding tanks into the NDZ waters of Newport Bay or Huntington Harbour.

5. The Cities of Newport Beach and Huntington Beach shall conduct quarterly inspections of any over- the- water public restroom or marine head facilities that are attached to the bulkhead or pier line to ensure that these are working and easily accessible to the public and shall conduct repairs and general maintenance of the plumbing system to ensure these

facilities do not become a source of pollutants into Newport Bay or Huntington Harbour.

6. Vessel terminal owners/operators and the Cities of Newport Beach and Huntington Beach shall update lease agreements with the live-aboards to ensure that there is adequate authorization for the vessel terminal owner/operator or city staff to board the live-aboard vessels and conduct inspections necessary to assure that no vessel waste discharges take place.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on February 3, 2005.

Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

February 3, 2005

Item: **11**

Subject: **Vessel Sewage Disposal Program for Newport Bay and Huntington Harbour**

Background

The California Harbors and Navigation Code (Chapter 6, Division 3) provides the statutory authority for the State Board, in coordination with Regional Boards, to develop and adopt standards for the location, construction, operation, and maintenance of vessel pumpout facilities and to require installation of sewage disposal facilities at vessel terminals. Vessel terminals are defined in the Harbors and Navigation Code as any private or shore-side installation on any waters of the state that provides mooring, docking, berthing, and other facilities for the use of vessels. The Harbors and Navigation Code specifies "Every vessel terminal shall, as required by the regional board for the protection of the quality of the waters of this state, be equipped with vessel pumpout facilities for the transfer and disposal of sewage from marine sanitation devices."

The California Code of Regulations (Title 23, Chapters 20 and 20.1) contains regulations for the State Board and Regional Board to follow in requiring any person lawfully vested with the possession, management, or control of a marine terminal to provide adequate vessel sewage retention device pumpout capability at locations which are convenient and accessible to vessel users. Chapter 20.1, Article 2, requires Regional Boards to determine if there is a need for additional pumpout stations and dump stations. If there is found to be a need, the Regional Board is to request that the State Board require specified vessel terminals to install and operate the pumpout and dump stations where necessary to protect water quality. If the Regional Board determines that there is no public vessel terminal within an area in which additional pumpout stations and/or dump stations are needed, the State Board is required to hold a hearing to determine whether private vessel terminals should be designated to provide pumpout stations and dump stations. After consideration of the Regional Board request and the record of any Regional Board hearing or State Board hearing, the State Board may issue an order requiring vessel terminals to install and operate vessel waste pumpout stations and dump stations pursuant to an implementation schedule.

At a public hearing on August 22, 2003, the Regional Board considered the recommended Vessel Sewage Disposal Program for Newport Bay and Huntington Harbour that was developed by Board staff in coordination with local stakeholders. This Program requires specific vessel terminal owners/operators, the cities of Huntington Beach and Newport Beach and the County of Orange to install, operate and/or maintain

pumpout stations and dump stations in Newport Bay and Huntington Harbour. The Program also includes recommendations for the implementation by these parties of education and access and operation and maintenance programs, as well as specific measures to address potential water quality impacts from live-aboard vessels. The Program also includes recommended cost provisions for public use of pump-out facilities.

At the close of the hearing on August 22, 2003, the Regional Board adopted Resolution No. R8-2003-0074. The resolution requested the State Board to require implementation of the recommended Vessel Sewage Disposal Program. The State Board reviewed the Regional Board vessel waste program and on November 18, 2004, adopted Order No. 2004-0017-DWQ, requiring the installation of additional pump-outs and dump stations in Newport Bay and Huntington Harbour as described in the Regional Board's recommended vessel waste program. However, the State Board's legal counsel determined that the State Board did not have the legal authority to require the education and access, operation and maintenance, live-aboard vessels requirements and cost provisions as recommended by the Regional Board. The State Board's Order remands these provisions to the Regional Board for consideration and adoption as appropriate to ensure protection of water quality. Board staff continues to believe that these provisions are requisite elements of an effective vessel sewage disposal program for these waterbodies.

Staff Recommendation

Board staff recommends adoption of Order No. R8-2005-011, requiring implementation of the Vessel Sewage Disposal Program requirements for Education and Access, Operation and Maintenance, Live-aboard Vessels and Cost Provisions.

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