

# MEMBER ALERT



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## **CALIFORNIA: NO DISCHARGE ZONE PROHIBITING VESSEL SEWAGE IN ALL CALIFORNIA MARINE WATERS**

Your Managers wish to bring to the attention of Members the following new requirements which take effect on March 28, 2012.

Vessels meeting the following criteria will be prohibited from discharging all sewage, whether treated or not, while in California marine waters:

- **large passenger vessels** of 300 gross tons or greater that have berths or overnight accommodations for passengers; and
- **large oceangoing vessels** of 300 gross tons or greater, including private, commercial, government, or military vessels equipped with a holding tank with remaining capacity or containing sewage generated prior to entry in to California marine waters.

For further information, Members should refer to the attached Environmental Protection Agency's *Fact Sheet for the California No Discharge Zone Prohibiting Vessel Sewage in all California Marine Waters*.



## Fact Sheet for the California No Discharge Zone Prohibiting Vessel Sewage in all California Marine Waters

Effective March 28, 2012, the following vessels will be prohibited from discharging all sewage, whether treated or not, while in California marine waters:

- Large Passenger Vessels of 300 gross tons or greater that have berths or overnight accommodations for passengers.
- Large Oceangoing Vessels of 300 gross tons or greater, including private, commercial, government, or military vessels equipped with a holding tank with remaining capacity or containing sewage generated prior to entry in to California marine waters.

**Background:** In response to an application from the State of California, the U.S. Environmental Protection Agency (EPA) established this regulation under our Clean Water Act Section 312(f)(4)(A) authorities. EPA estimates the Rule will prohibit the discharge of over 22 million of the 25 million gallons of treated sewage that large vessels could otherwise legally discharge into California marine waters each year. Even treated sewage can contain pathogens, nutrients and other contaminants that affect human and environmental health, and economic productivity. Prohibiting large vessel sewage discharges provides additional protection of California's marine water quality.

California Marine Waters are defined as the territorial sea measured from the baseline as determined in accordance with the Convention on the Territorial Sea and the Contiguous Zone and extending seaward a distance of three miles, and all enclosed bays and estuaries subject to tidal influences from the Oregon border (41.999325 North Latitude, 124.212110 West Longitude, decimal degrees, NAD 1983) to the Mexican border (32.471231 North Latitude, 117.137814 West Longitude, decimal degrees, NAD 1983). A map illustrating these waters is included with this flyer and can be obtained or viewed at EPA's website

Holding Tanks include any tank specifically designed, constructed, and fitted for the retention of treated or untreated sewage that has been designated and approved by the ship's flag Administration on the ship's stability plan; a designated ballast tank is not a holding tank for this purpose.

Gross Tons are measured under the International Convention on Tonnage Measurement of Ships, 1969, measurement system in 46 U.S.C. § 14302, or the regulatory measurement system of 46 U.S.C. § 14502 for vessels not measured under § 14302.

Other California NDZs for ten bays and marinas remain in effect for all vessels. More information is available at EPA's website.



NOAA Marine Sanctuary Prohibitions: This No Discharge Zone overlaps with portions of the four NOAA National Marine Sanctuaries, adjacent to the California coast (see map), and is consistent with the existing prohibitions on vessel sewage from large passenger and large oceangoing vessels within the Sanctuaries. More information on regulations within NOAA's Sanctuaries can be found at:

Central CA [http://sanctuaries.noaa.gov/jointplan/fmp/112008final\\_rule.pdf](http://sanctuaries.noaa.gov/jointplan/fmp/112008final_rule.pdf) and

Southern CA <http://channelislands.noaa.gov/manplan/pdf/fnr1rule1-09.pdf>

Enforcement of the No Discharge Zone: The U.S. Coast Guard will inspect vessels for compliance with the No Discharge Zone pursuant to section 312(k) of the Clean Water Act and its existing vessel examination and inspection authorities. The U.S. Coast Guard may incorporate compliance components within existing inspection and Port State Control Exam protocols and procedures to verify vessel compliance with the applicable laws and regulations. The compliance examinations and inspections may include review of inspection records, visual inspections, evaluation of holding tank limits and review of any sewage logs, if applicable. The State of California can also enforce the NDZ.

For more information: <http://www.epa.gov/region9/water/no-discharge/index.html>.

#### California NDZ FAQs:

1. Are large oceangoing vessels without sewage holding tanks exempt from the rule?

Answer: Operators of large oceangoing vessels of 300 gross tons or greater that do not currently have a holding tank may continue to discharge treated sewage in the California NDZ after proper treatment through a certified MSD.

2. Does the rule require that vessels be retrofitted with sewage holding tanks?

Answer: No, the rule does not require the installation of sewage holding tanks. Operators of large oceangoing vessels not currently equipped with holding tanks are allowed to discharge in the California NDZ after proper treatment through a certified MSD. Large passenger vessel owners may elect to install or retrofit sewage holding tanks to improve operational flexibility.

3. If a vessel does not have a sewage holding tank but has been certified to hold sewage in a ballast tank, is it regulated by the rule?

Answer: Yes, a vessel is regulated if it has a designated ballast water tank that has been converted to a designated sewage holding tank and approved by the vessel's flag administration or classification society acting as a recognized organization on behalf of the flag administration.

4. Does the rule prohibit the discharge of vessel graywater?

Answer: No, graywater is regulated under EPA's Vessel General Permit. For more information: <http://cfpub.epa.gov/npdes/vessels/vgpermit.cfm>



5. Can graywater be regulated under the rule if it has been commingled with sewage?  
Answer: If the vessel is regulated under the rule, any graywater that has been comingled with sewage is thereafter considered sewage and regulated accordingly.
6. Can vessels with holding tanks discharge in the California NDZ once they are full?  
Answer: A large oceangoing vessel that has maximized its holding tank capacity by entering the NDZ with an empty holding tank may discharge properly treated sewage above and beyond that capacity in the California NDZ. A large passenger vessel may not discharge sewage in the California NDZ.
7. What are the penalties for violators of the California NDZ?  
Answer: The U.S. Coast Guard and the State of California can determine appropriate penalties for violations of the California NDZ.
8. If a vessel is assigned a gross tonnage (GT) under the International Measurement on Tonnage (ITC) system and its gross registered tonnage (GRT) has been "grandfathered" which applies for the purposes of the California NDZ?  
Answer: A vessel assigned a GT under the ITC must use its GT as its tonnage measurement for the purpose of this rule.
9. What if my vessel meets the size criteria but does not leave California marine waters?  
Answer: Large oceangoing vessels, such as tugs and barges, operating only within California marine waters may continue to discharge sewage after treatment through a certified MSD. This exception does not apply to large passenger vessels or large oceangoing vessels transiting the coast between California ports that are equipped with sewage holding capacity.
10. Where can San Francisco Bay-bound large passenger vessels, and large oceangoing vessels that have sewage holding tanks discharge sewage before entering the California NDZ?

Answer: Due to the extent of NOAA's Marine Sanctuaries outside the San Francisco Bay, there is limited opportunity for large passenger, and large oceangoing vessels with holding tanks to discharge before entering the California NDZ. Like the California NDZ, these vessels are prohibited from discharging even treated sewage in the Sanctuaries except for large oceangoing vessels that have maximized their holding capacity. As shown on the attached map, the area between the northern extent of the Monterey Bay Marine Sanctuary and 3 miles off the Golden Gate does not fall within either the Sanctuary or the NDZ. This unregulated area also coincides with the IMO recommended tracks for vessels arriving and departing the San Francisco Bay shown on the map at: <http://montereybay.noaa.gov/resourcepro/resmanissues/vessels.html>.

EPA strongly recommends that large passenger vessels, and large oceangoing vessels with sewage holding capacity, empty their holding tanks before entering the Marine Sanctuaries and discharge in the unregulated area only after treatment through an MSD. Emptying the holding tank before entering the Marine Sanctuaries will minimize any amount of sewage discharged in the unregulated area to the volume generated while transiting the Sanctuaries. If a vessel has sufficient holding capacity for sewage generated while transiting the Sanctuaries, the California NDZ, and the duration of port call, EPA recommends the vessel not discharge until after departing the western boundary of the Sanctuaries.

