

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 86 - 77

APPROVAL OF AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE SAN FRANCISCO BAY BASIN TO PROHIBIT THE DISCHARGE
OF SEWAGE FROM VESSELS TO RICHARDSON BAY IN MARIN COUNTY

WHEREAS:

1. On September 1985, Marin County and the cities of Belvedere, Mill Valley, Sausalito, and Tiburon requested that Richardson Bay be designated as an area where sewage discharge from vessels would be prohibited.
2. The proposed no-discharge area is located in Marin County, California, and is defined as the portion of Richardson Bay bounded by the shore and by a line bearing 257° from Peninsula Point to the shore of Sausalito.
3. The Clean Water Act Section 312(f) prevents states and local governments from adopting or enforcing laws or regulations with respect to the design, manufacture, installation, or use of any marine sanitation devices on vessels, including recreational vessels. The U. S. Environmental Protection Agency (EPA) and the U. S. Coast Guard have promulgated regulations on this subject.
4. Clean Water Act Section 312(f)(3) provides a mechanism whereby states may completely prohibit sewage discharges from vessels into specified waters if the state determines that a greater level of water quality protection is required and EPA determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such waters to which such prohibition would apply.
5. On June 18, 1986, the CRWQCB, San Francisco Bay Region (SFBRB) adopted Resolution No. 86-0006 determining that the protection and enhancement of water quality in Richardson Bay requires greater environmental protection than is currently provided under Federal regulation for sewage discharge by vessels.
6. The San Francisco Bay Regional Board has documented high bacteriological counts in Richardson Bay at the Sausalito Waterfront. These counts have exceeded the water quality objectives for shellfishing and, in some cases, for water-contact recreation.
7. Richardson Bay has low waste assimilation capacity due to its shallow depth and minimal tidal flushing. The Water Quality Control Plan for the San Francisco Bay Region already prohibits point-source discharges to Richardson Bay. Sewage discharges from vessels have been determined to be a significant contributor to the excessive bacteriological counts detected.
8. San Francisco Bay Regional Board staff, with significant assistance from local agencies, has compiled information on the facilities available to remove and treat vessel sewage waste in Richardson Bay. This information complies with requirements set forth in 40 CFR Section 140.4(a).

9. The Richardson Bay Regional Agency, formed in 1985 and composed as a five-member, joint powers agency, will be the primary local agency administering and enforcing the no-discharge designation for vessel wastes as set forth in the Richardson Bay Special Area Plan.
10. The San Francisco Bay Regional Board staff prepared documents and followed procedures satisfying environmental documentation requirements of both the California Environmental Quality Act under Public Resources Code Section 21080.5 and the Federal Clean Water Act.
11. Water Quality Control Basin Plan amendments do not become effective until approved by the State Board.
12. The State Board, after review of the Water Quality Control Plan amendment and the San Francisco Bay Regional Board's record, concurs that there is sufficient evidence to designate Richardson Bay in Marin County, California, a no-vessel waste discharge area.

THEREFORE BE IT RESOLVED THAT:

The vessel sewage waste discharge prohibition for Richardson Bay as adopted in Resolution No. 86-0006 on June 18, 1986, by the San Francisco Bay Regional Board be approved.

The State Board, therefore, directs staff to forward the approved vessel waste discharge prohibition to the administrator of the U. S. Environmental Protection Agency, Region 9 for the necessary determinations as to the adequacy of facilities for removal and treatment of vessel sewage from Richardson Bay.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 14, 1986.



Maureen Marche'
Administrative Assistant to the Board