

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

REPORT TO THE NATURAL RESOURCES COMMITTEE

**ON THE FEASIBILITY OF A STATEWIDE NO DISCHARGE AREA FOR
MAINE'S COASTAL WATERS**



Report Prepared by: Pamela Parker
Pumpout Grant Program
Bureau of Land and Water Quality
Maine Department of Environmental
Protection
March 1, 2005

DEP Document #DEPLW0698

Background and Purpose

In April, 2000, the Legislature enacted PL 1999, Chapter 655, "An Act to Rid Maine's Waters of Ocean Vessel Sewage". Part A, Section A-1(7) required the Maine Department of Environmental Protection (Department) to report on the feasibility of implementing a No Discharge Area for all of the territorial waters of the State.

Previous submissions to the Joint Standing Committee of the Legislature on Natural Resources pursuant to Chapter 655 include: The "Coastal Pumpout Plan 2001 to 2005" (Plan) in September, 2001; and The Pumpout Plan Report and Proposed No Discharge Areas (NDA Report) in January, 2004. The Plan explains the background for this report and the structure of the Maine Pumpout Grant Program. The NDA report details the status of Plan implementation, the adequacy of boat holding tank pumpout stations, and plans for No Discharge Area (NDAs) in the State. The Department is required to apply to the Environmental Protection Agency (EPA) for designation of up to 50 NDAs by January 15, 2005.

This report details the current status of the implementation of the Plan and the Department's position regarding the feasibility of a statewide No Discharge Area.

Recommendations

- **Submit NDA application for Casco Bay in March 2005; submit applications for at least two priority harbors in 2006.**
- **Support law changes that would extend the marina pumpout station requirement, 38 M.R.S.A. §423-B (2), to all waters of the state, and require that the definition of "pump-out facility" (38 M.R.S.A. §423-B (1)(B) be clarified to explain that the pump-out facility must be adequate for the size and type of marina. "Adequate" is to be determined by the Department.**
- **Do not proceed with statewide NDA at this time.**

Status of Pumpout Plan

Accomplishments

- The number of pumpout stations installed tripled since 1998 to 82.
- 80% of priority harbors have a pumpout station within 4 miles.
- Mobile pumpout stations operational in West Penobscot Bay, Boothbay Harbor and Mount Desert Island.
- All existing pumpout stations inspected annually.
- The education and outreach program continues with a new three-page information section in regional cruising guide; annual production of the pumpout station list; educational materials on boat sewage distributed through boatyards and marinas; clear and standardized signage; and a coordinated information campaign with the Maine Healthy Beaches Program.
- All 350 harbors in State prioritized for pumpout station installation

Next steps / goals

- All priority harbors to have pumpout station access within 4 miles by end of 2005

No Discharge Areas

The Department has prioritized a list for NDA application and provided that to the committee in the NDA Report. The Department is preparing the NDA application for Casco Bay but has not yet submitted the application to EPA. The Department expects to submit a draft application to EPA by March 15, 2005. As part of our application, we will be submitting a request for exclusion of “advanced wastewater treatment systems” aboard large commercial passenger vessels from the requirements of the NDA. We expect EPA will have some initial comments but that we will be able to submit the final application fairly soon thereafter. The Department hopes to receive authorization to designate Casco Bay a NDA by mid July 2005.

Once we have completed the Casco Bay NDA application, the Department will review the process used, make any adjustments indicated by our experience, and proceed with applications for other NDAs identified in the NDA report.

Statewide No Discharge Area

The Department has been focused on achieving the goals of the pump-out plan. These goals do not ensure that there will be adequate pumpout stations throughout the entire coast to support a state-wide no discharge area. The Department has not discussed the density of pumpout stations needed to address all the harbors along the coast as the Plan targets just the 100 priority harbors. Within the next two years, the Department will further investigate the density issue and adequacy of the current infrastructure.