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REPORT TO THE NATURAL RESOURCES COMMITTEE

PUMPOUT PLAN REPORT & PROPOSED NO DISCHARGE AREAS



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Pumpout Grant Program
Bureau of Land and Water Quality
Maine Department of Environmental Protection
January 15, 2004

DEP Document # DEPLW0631

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(3) required the Maine Department of Environmental Protection (DEP or Department) to develop a plan for the construction, renovation or maintenance of pumpout facilities adequate to meet the needs of watercraft using the coastal waters of the State. The "Coastal Pumpout Plan 2001 to 2005" (Plan) was submitted to the joint standing committee of the Legislature having jurisdiction over natural resources on September 21, 2001. The Plan provides the background for this report. Chapter 655 Part A, Section A-1(5-6) required the Department report back to the committee regarding the status of Plan implementation, the adequacy of boat holding tank pumpout stations, and plans for No Discharge Zones (NDZs) in the State. The Department is required to apply to the Environmental Protection Agency (EPA) for designation of up to 50 NDZs by January 15, 2005.

This report details the current status of the implementation of the Plan and the areas the Department is proposing for NDZ designation.

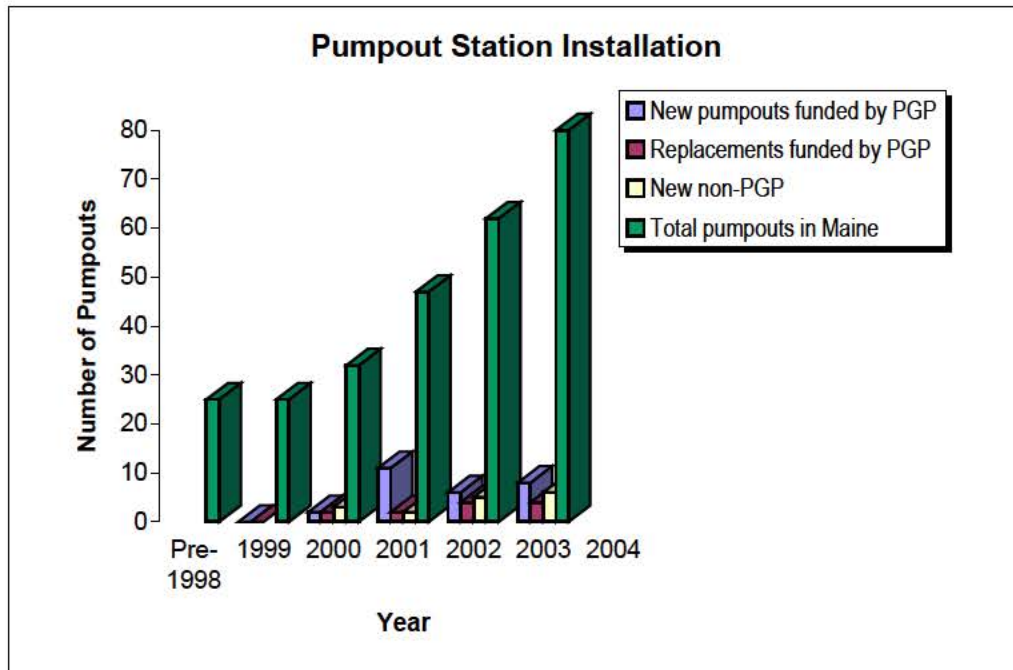
Recommendations

- **Endorse Department goal of new pumpout stations to serve 20 additional priority harbors.**
- **Endorse the submission of an application for Casco Bay (less Portland Harbor) as a No Discharge Zone in spring 2004**
- **Endorse the submission of an application for 12 other priority harbors as No Discharge Zone by fall of 2004**
- **Extend the no discharge area program timeline in statute to allow for additional No Discharge Zones in the future.**

Status of Pumpout Plan

The Pumpout Grant Program (PGP) has been very successful in installing pumpout stations throughout the coast, more than tripling the number of pumpout stations available to boaters since 1998. An attractive grant program and persistent enforcement encouraged facilities required to have pumpout stations under 38 M.R.S.A §423-B to come into compliance with the law. Most of the new stations were underwritten by the PGP and are available at a minimal cost to boaters. Some facilities chose to install pumpout stations independently without the aid of the PGP, and so may not be available to the general public. However, most of the independently installed stations are at marinas that are providing the service free to customers. Pumpout station installation is detailed in Figure 1.

Figure 1.



Other goals identified in the Plan included regular inspection of installed stations, siting of mobile pumpout vessels in East Penobscot Bay and Mount Desert Island, and development and implementation of an education and outreach plan. The Department has conducted regular annual inspections at all existing pumpout stations since 2001, has provided technical support during pumpout installation, and has sited new mobile pumpout vessels in Boothbay Harbor, West Penobscot Bay and Mount Desert Island. The development of the education and outreach plan is an integral part of the program that continues to evolve.

In order to prioritize the development of pumpout facilities and create NDZs, the Department created an inventory of the roughly 350 navigable harbors along the coast and ranked those harbors according to the following criteria:

- Existing Point Sources, including municipal treatment plants, industrial sources and sewer overflows.
- Water Quality, including water classification attainment and bacteria levels.
- Sensitive Resources, including shellfish areas, endangered species habitat, and natural areas.
- Boat Services, including marinas, boatyards, fuel docks and public launching areas.
- Number of Boats, consists of a rough estimate of all boats using the harbor.
- Flushing, consists of a rough description of the harbor's hydrographic aspects.
- Existing Pumpouts, consists of an evaluation of the number of pumpout stations serving a harbor.

The ranking led to the development of the 100 priority harbors for pumpout service. The complete list of priority harbors can be found in Appendix A.

One of the Plan's key objectives is to install pumpout stations within four miles of the 100 priority harbors in the state. Today, 65% of the priority harbors have pumpout stations within four miles. Plans for 2004 include installing stations in areas that will cover 20 additional priority harbors and increase the total coverage to 85%. In 2005, the Department hopes to complete coverage of the priority harbors. The 100 priority harbors and locations of current pumpout stations are identified in Figure 2.

Finally, the Plan requires the Department to prioritize and develop a list and schedule for NDZ application and designation for up to 50 harbors and bays along the coast. It also requires DEP to evaluate the appropriateness of a statewide NDZ. The following section discusses the NDZ issue in depth.

No Discharge Zones (NDZs)

Chapter 655 requires that the Department apply to the U.S. Environmental Protection Agency (EPA) for the designation of up to 50 priority bays and harbors as NDZs by January 2005. Federal NDZs apply to all vessels with installed toilets. The EPA will designate an area as a NDZ if the Department has determined that:

1. The waterbody needs additional protection and
2. That there are adequate pumpout facilities to serve the transient boat traffic.

Pumpout service for commercial passenger vessels is not a requirement for NDZ designation under federal law. However, the Department will consider this is a factor in the implementation of NDZs. Once a potential area is identified, informal and formal processing of the application by EPA may take up to a year.

The Department's recommendations for the first round of NDZ applications are taken directly from the priority harbor list developed in the Pumpout Plan of 2001. The list incorporates most of the major boating harbors of the state. The list of recommended NDZs represents 36% of the priority harbors in the State.

The Department recommends that one application for NDZ designation be submitted covering all of Casco Bay except the actual port of Portland Harbor in 2004. Twenty-two of the individual priority harbors are located within Casco Bay itself, and treating the entire bay together will support more efficient administration of the program. In addition, Casco Bay has the highest density of recreational boat traffic in the State and is a nationally recognized estuary. However, the DEP proposes to exclude the Portland Harbor to enable a thorough discussion on commercial vessel pumpout needs and to ensure those needs are met prior to moving forward with a NDZ for Portland Harbor. Similarly, the DEP proposes to delay NDZ application for Bar Harbor to ensure that the commercial vessel pumpout needs are addressed. The proposed initial list for NDZ designation follows in Table 1, with individual maps for each of the NDZs located in Appendix B.

Table 1. No Discharge Zones to be Applied for by January 15, 2005
 listed in alphabetical order by town.

Waterbody	Town	Reason
Casco Bay (2,6,13,22,26,29,32,35,36,47, 48,54,57,58,59,64,66,69,70,7 5,89,92)	Cape Elizabeth, South Portland, Portland, Falmouth, Cumberland, Yarmouth, Freeport, Brunswick, Harpowell, Phippsburg	High bacteria, sensitive resources, lots of boats, generally shallow and not well flushed
East Boothbay (44)	Boothbay	High bacteria, lots of boats
Boothbay Harbor, Townsend Gut (*,100)	Boothbay Harbor, Boothbay	Boothbay Harbor is included due to the amount of boat traffic, it is not a priority harbor).
Camden Harbor (17)	Camden	High bacteria, lots of boats, poor flushing
Robinhood/Riggs Cove (73,76)	Georgetown	High bacteria, medium number of boats, poor flushing
Kennebunk River (3)	Kennebunk/Kennebunkport	High bacteria, lots of boats, poor flushing
Northeast Harbor (7)	Mount Desert	High bacteria, lots of boats, very poor flushing
Rockland Harbor (99)	Rockland	High bacteria, lots of boats
Rockport (31)	Rockport	Sensitive resources, lots of boats
Christmas Cove (1)	South Bristol	High bacteria, sensitive resources, lots of boats, poor flushing
Southwest Harbor and Manset (55,61)	Southwest Harbor	High bacteria, lots of boats
Thomaston (11)	Thomaston	High bacteria, medium number of boats, poor flushing
Bass Harbor (16)	Tremont	High bacteria, lots of boats

Note: All harbors identified in Table 1 are served by at least one pumpout station. The number in parentheses () indicates the overall rank of the harbor in the priority system. The priority list can be found in Appendix A.

In addition to this initial list of No Discharge Zones, the Department determined that an additional number of harbors from the priority list also warrant designation due to environmental and boat traffic concerns. However, these harbors are not expected to have adequate pumpout facilities by January 15, 2005, so it would not be possible for the Department to successfully apply to EPA for designation of the harbors as NDZs by that date.

If the legislature would like to continue the NDZ program to potentially include these other priority harbors, the date in Chapter 655 should be extended.

Table 2. Recommended future No Discharge Zones (in alphabetical order by town).

Waterbody	Town	Reason
Blue Hill Harbor (19)	Blue Hill	High bacteria, medium # of boats, very poor flushing
McHeard Cove (49)	Blue Hill	High bacteria, medium # of boats, poor flushing
Round Pond (4)	Bristol	High bacteria, lots of boats, very poor flushing
Center Harbor (15)	Brooklin	Lots of boats, poor flushing
Benjamin River (18)	Brooklin/Sedgwick	Lots of boats, very poor flushing
Bucks Harbor & Lem's Cove (5)	Brooksville	High bacteria, lots of boats, poor flushing
Horseshoe Cove (24)	Brooksville	Medium # of boats, poor flushing
Castine (53)	Castine	High bacteria, lots of boats,
Ames Cove (14)	Islesboro	Lots of boats, poor flushing
Cape Porpoise Harbor (27)	Kennebunkport	High bacteria, medium # of boats, poor flushing
Seal Harbor (43)	Mount Desert	Lots of boats
Pulpit Harbor (40)	North Haven	Sensitive resources, lots of boats, poor flushing
Poorhouse Cove (39)	South Bristol	Medium # of boats, poor flushing
Tenants Harbor (9)	St. George	High bacteria, lots of boats, poor flushing
Burnt Coat Harbor (45)	Swan's Island	High bacteria, medium # of boats, poor flushing
Perry Creek (51)	Vinalhaven	Many sensitive resources, medium # of boats, poor flushing
Winter Harbor (63)	Vinalhaven	Sensitive resources, medium # boats, very poor flushing
York Harbor (10)	York	Sensitive resources, medium # of boats, poor flushing

Note: The number in parentheses () indicates the overall rank of the harbor in the priority system. The full priority list can be found in Appendix A.

Implementation

The Department plans to continue working through 2005 to ensure there are pumpout stations within four miles of all the priority harbors. In addition, the education and outreach plan will be fully implemented in 2004, continuing to increase the interest in and use of pumpout stations by the recreational boater. We will continue to work with commercial and fishing interests to ensure that they are part of the ongoing conversation regarding boat waste management.

Regarding NDZs, the Department plans to initiate a discussion of the proposed NDZs with the potentially affected communities and interests to identify issues of concern prior to making application to the EPA for the designation of a certain area. The DEP proposes to use the following steps in preparation prior to applying for NDZ designation of any waterbody.

1. Notify local community of draft proposal and invite comment. Notification will be sent to the following: elected town officials, harbormaster, shellfish harvesting committees, and local commercial fishing and boating interests.
2. If sufficient interest, hold a public meeting to discuss proposal. Any public meeting will be advertised in the local papers.
3. Provide a summary of comments and concerns and responses to those comments to all interested parties.
4. Determine whether there is sufficient community support and infrastructure for NDZ.
5. If sufficient support, prepare and submit application to EPA and follow balance of EPA application process.
6. Notify all interested parties of designation, provide materials to community to support NDZ education and compliance assistance.
7. If application is approved, hold press conference/press release announcing designation.

To test this process, the Department expects to proceed with the communities surrounding Casco Bay as it is the largest proposed NDZ early in 2004. Once the pre-application process has been tested by the Casco Bay effort, the DEP will proceed with the other harbors listed in Table 1 concurrently.

While working on the first group of NDZs, the Department will continue to evaluate the readiness of the areas identified in Table 2. As they receive adequate pumpout facilities, they will be added to the proposed NDZ list and follow the same process as the other areas. The Department will continue to evaluate the appropriateness and feasibility of a statewide NDZ in its report to the Legislature in 2005.

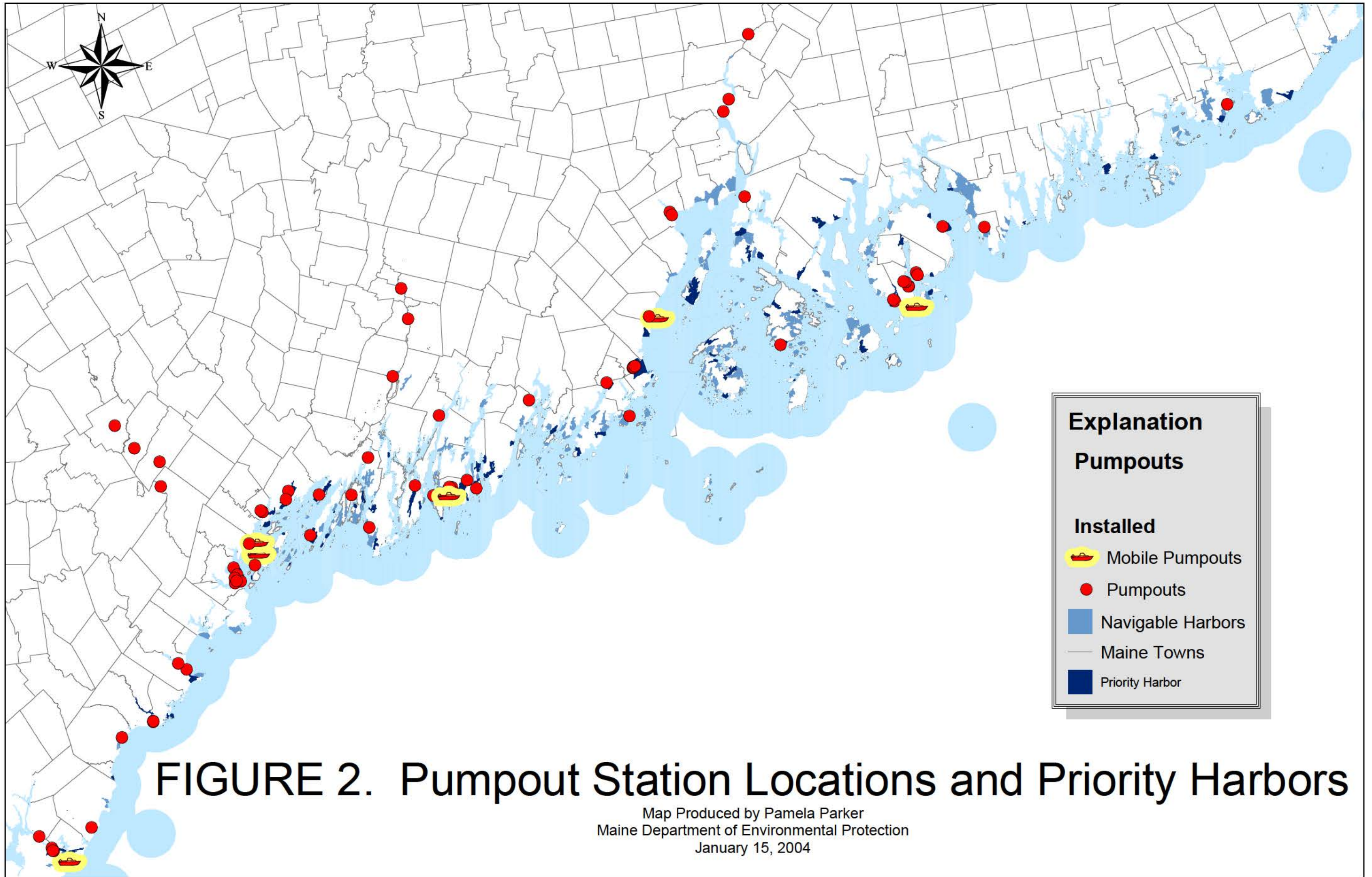
Experience from other areas indicated that the effectiveness of NDZs is directly related to the number of functioning, readily accessible pumpout stations, an effective education campaign and consistent enforcement. Many other New England NDZs are still working on ensuring adequate functional pumpouts and an effective education campaign, but are starting to address the enforcement issue. Historically, enforcement was only available through the Coast Guard. Currently, with additional responsibilities under homeland security, the Coast Guard cannot be expected to provide much support in this area. Therefore, enforcement will be the responsibility of other delegated agents. Currently, the Marine Patrol, Warden Service and State Police are all delegated agents but they are also faced with additional homeland security duties. The DEP expects that enforcement of NDZs will have to fall to local harbormasters.

Pursuant to LD 1999, Ch. 655, the Department will report to the Legislature's Natural Resources Committee by January 15, 2005 concerning plans for enforcement of no-discharge zones in the State and on the feasibility and appropriateness of a State-wide NDZ.

Conclusion

The Maine Pumpout Grant Program has been effective in implementing the Pumpout Plan by tripling the number of pumpout stations available to boaters, ensuring that the stations are functioning, and by continuing to educate the boaters regarding pumpout use.

The next phase of plan implementation that includes the potential designation of No Discharge Areas in the State will include community involvement in deciding how to best protect the water quality in their towns.



Appendix A: Priority Harbors from the 2001 Pumpout Plan

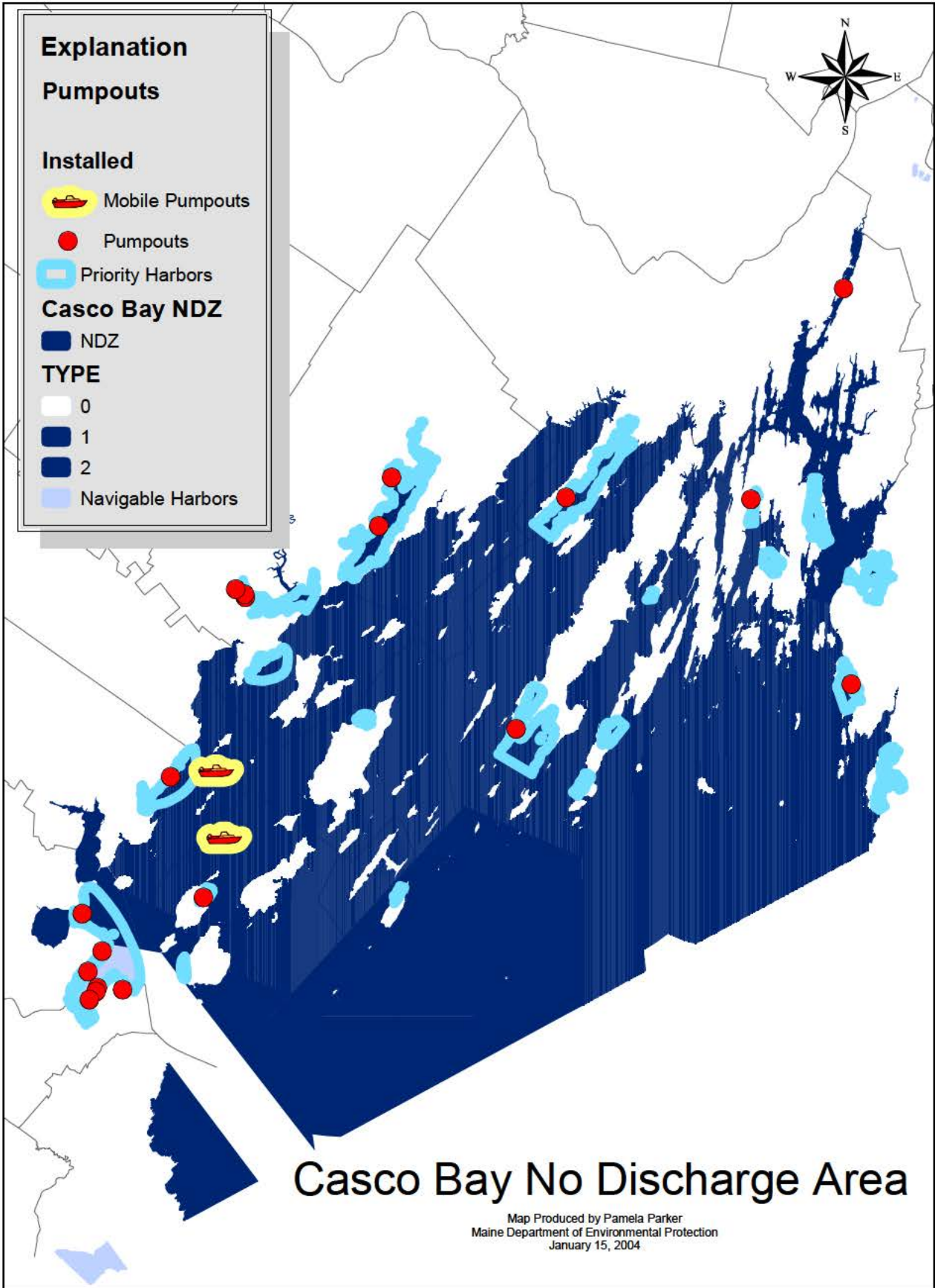
Updated to include recently installed pumpout stations, but overall rank not re-computed.

Rank	Harbor	Town	Pumpout within 4 miles	2001 Score
1	Christmas Cove	South Bristol	Y	200.00
2	Orrs Cove	Harpswell	Y	180.00
3	Kennebunk River	Kenebunk	Y	160.00
4	Round Pond	Bristol	N	160.00
5	Bucks Harbor & Lem's Cove	Brooksville	N	135.00
6	New Meadows River	Brunswick	Y	135.00
7	Northeast Harbor	Mount Desert	Y	135.00
8	Back Channel	Kittery	N	120.00
9	Tenants Harbor	St George	N	120.00
10	York Harbor	York	N	120.00
11	Thomaston	Thomaston	Y	112.50
12	Biddeford Pool	Biddeford	N	108.00
13	Cape Small Harbor	Phippsburg	N	108.00
14	Ames Cove	Islesboro	N	105.00
15	Center Harbor	Brooklin	N	105.00
16	Bass Harbor	Tremont	Y	101.25
17	Camden Harbor	Camden	Y	101.25
18	Benjamin River	Sedgwick	N	96.00
19	Blue Hill Harbor	Blue Hill	N	96.00
20	Inner Harbor	Winter Harbor	N	96.00
21	Somesville Harbor	Mount Desert	N	96.00
22	Merepoint Bay	Brunswick	Y	90.00
23	Pepperal Cove	Kittery	Y	90.00
24	Horseshoe Cove	Brooksville	N	84.00
25	Little River	Boothbay	N	84.00
26	The Basin	Phippsburg	Y	84.00
27	Cape Porpoise Harbor	Kennebunkport	Y	81.00
28	Cutler	Cutler	N	81.00
29	Mackerel Cove	Harpswell	Y	81.00
30	Pemaquid Harbor	Bristol	Y	80.00
31	Rockport	Rockport	Y	80.00
32	Royal River	Yarmouth	Y	80.00
33	Maddock Cove	Southport	Y	78.75
34	Perkins Cove	Ogunquit	N	75.00
35	Potts Harbor	Harpswell	Y	75.00
36	Snow Island	Harpswell	Y	75.00
37	Eastern Harbor	Addison	N	72.00
38	Frenchboro	Frenchboro	Y	72.00
39	Poorhouse Cove	South Bristol	Y	72.00
40	Pulpit Harbor	North Haven	N	72.00
41	Gilkey Harbor	Islesboro	N	70.00
42	Little Cranberry Island	Cranberry Isles	Y	70.00
43	Seal Harbor	Mount Desert	Y	70.00

44	East Boothbay	Boothbay	Y	67.50
45	Burnt Coat Harbor	Swan's Island	N	63.00
46	Corea	Gouldsboro	N	63.00
47	High Head Yacht Club	Harpswell	Y	63.00
48	Long Island	Harpswell	Y	63.00
49	McHeard Cove	Blue Hill	N	63.00
50	New Harbor	Bristol	Y	63.00
51	Perry Creek	Vinalhaven	N	63.00
52	Stonington	Stonington	Y	60.75
53	Castine	Brooksville	N	60.00
54	Harraseeket River	Freeport	Y	60.00
55	Manset	Southwest Harbor	Y	60.00
56	North Haven Thorofare	North Haven	N	60.00
57	Peaks Island	Portland	Y	60.00
58	Portland Harbor	Portland	Y	60.00
59	Sebasco Harbor	Phippsburg	Y	60.00
60	Sorrento Harbor	Sorrento	N	60.00
61	Southwest Harbor	Southwest Harbor	Y	60.00
62	Stage Island Harbor		Y	60.00
63	Winter Harbor	Vinalhaven	N	60.00
64	Falmouth Foreside	Falmouth	Y	55.00
65	Carver's Harbor	Vinalhaven	N	54.00
66	Cousins Island	Yarmouth	Y	54.00
67	Cradle Cove	Islesboro	N	54.00
68	Greenlaw Cove	Deer Isle	N	54.00
69	Jewell Island	Cumberland	Y	54.00
70	Love Cove	Harpswell	Y	54.00
71	Northwest Harbor	Deer Isle	N	54.00
72	Port Clyde	Saint George	N	54.00
73	Robinhood Cove	Georgetown	Y	54.00
74	Warren Island	Islesboro	N	54.00
75	Wills Gut	Harpswell	Y	54.00
76	Riggs Cove	Georgetown	Y	52.50
77	Bath Harbor	Bath	Y	48.00
78	Sand Cove	Winter Harbor	Y	48.00
79	Starboard Cove	Machiasport	Y	48.00
80	Bar Harbor	Bar Harbor	Y	45.00
81	Cape Harbor	Southport	Y	45.00
82	Eastern Branch	Bristol	Y	45.00
83	Farnham Cove	Southport	Y	45.00
84	Harmon Harbor	Georgetown	Y	45.00
85	Isle au Haut thorofare	Isle Au Haut	N	45.00
86	Sylvester Cove	Deer Isle	N	45.00
87	The Gut (West of Bridge)	South Bristol	Y	45.00
88	The Gut-East of the Bridge	South Bristol	Y	45.00
89	Diamond Cove	Portland	Y	42.00
90	Friendship	Friendship	N	42.00
91	Gilpatrick Cove	Friendship	Y	42.00
92	Great Chebeague Island	Cumberland	Y	42.00

93	Hulls Cove	Bar Harbor	Y	42.00
94	Jonesport	Jonesport	N	42.00
95	Owls Head Harbor	Owls Head	Y	42.00
96	Piscataqua River	Kittery	Y	42.00
97	Henry Cove	Winter Harbor	Y	40.50
98	Linekin Bay	Boothbay	Y	40.00
99	Rockland	Rockland	Y	40.00
100	Townsend Gut	Boothbay Harbor	Y	40.00

Appendix B. Proposed No Discharge Area Maps








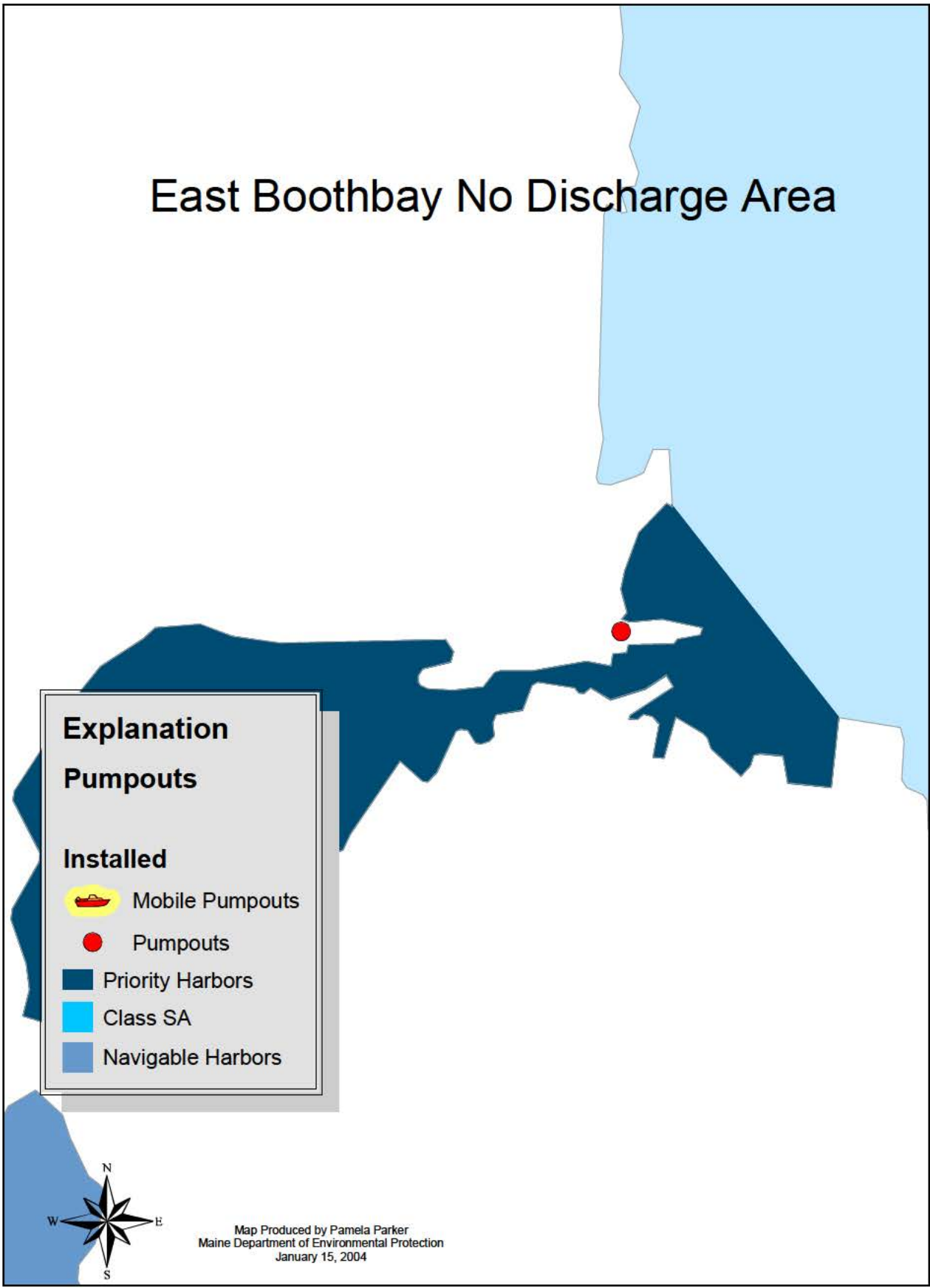
East Boothbay No Discharge Area

Explanation

Pumpouts

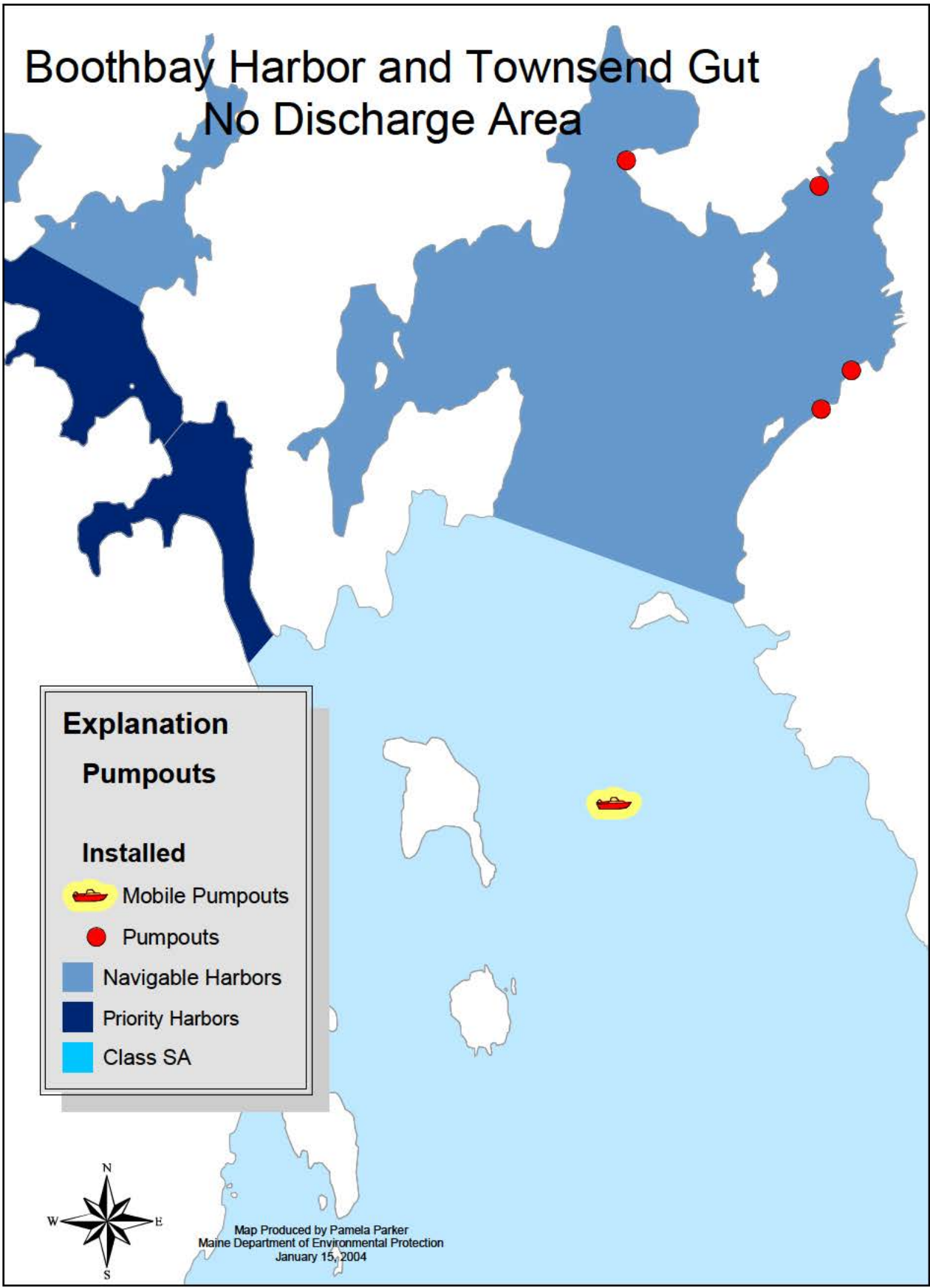
Installed

-  Mobile Pumpouts
-  Pumpouts
-  Priority Harbors
-  Class SA
-  Navigable Harbors



Map Produced by Pamela Parker
Maine Department of Environmental Protection
January 15, 2004






Boothbay Harbor and Townsend Gut No Discharge Area



Explanation

Pumpouts

Installed

-  Mobile Pumpouts
-  Pumpouts
-  Navigable Harbors
-  Priority Harbors
-  Class SA








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January 15, 2004

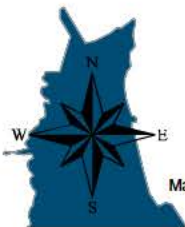
Camden No Discharge Area

Explanation

Pumpouts

Installed

-  Mobile Pumpouts
-  Pumpouts
-  Priority Harbors
-  Class SA
-  Navigable Harbors



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January 15, 2004








Robinhood and Riggs Cove No Discharge Area

Explanation

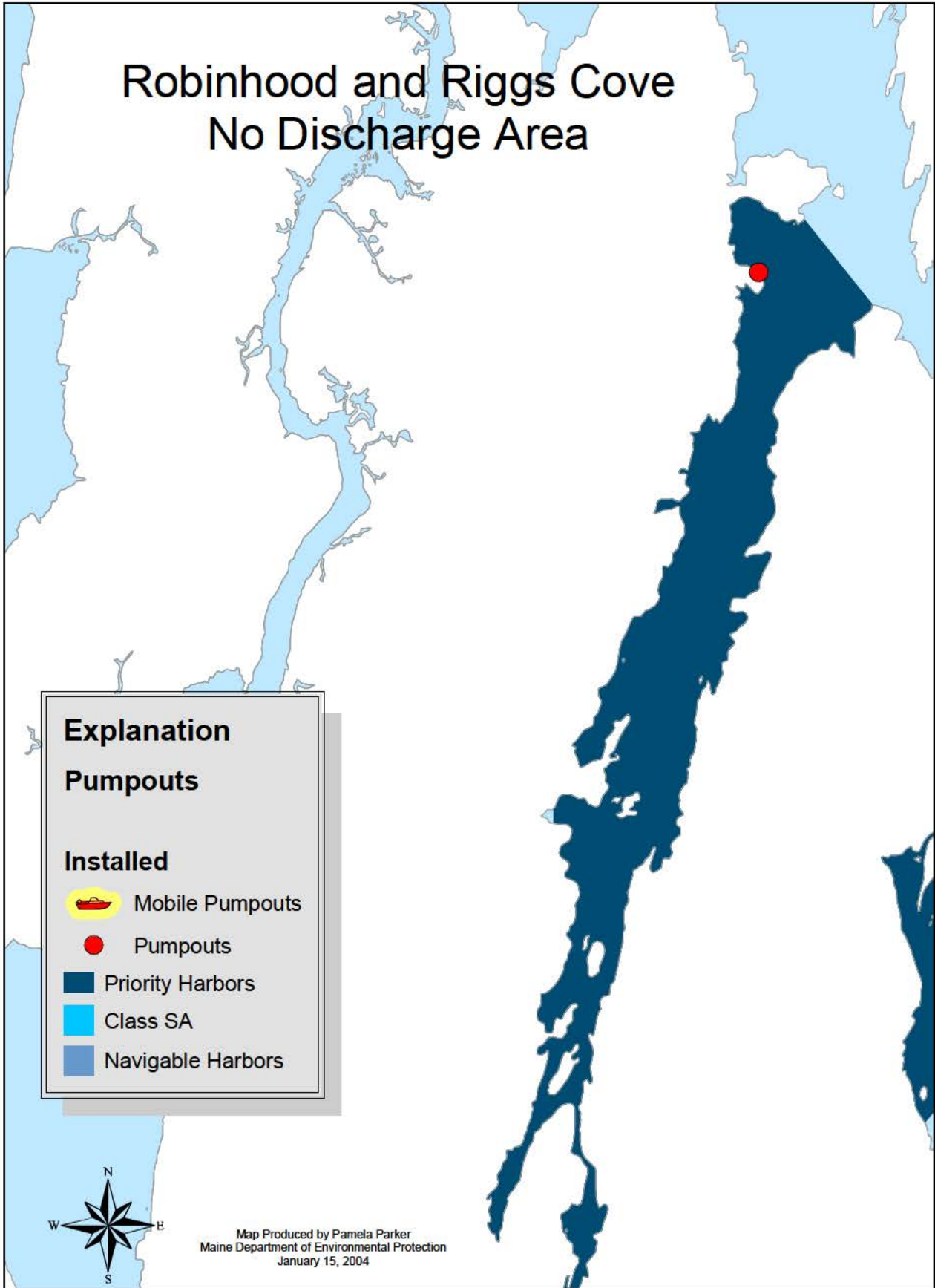
Pumpouts

Installed

-  Mobile Pumpouts
-  Pumpouts
-  Priority Harbors
-  Class SA
-  Navigable Harbors



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January 15, 2004








Kennebunk River No Discharge Area

Explanation

Pumpouts

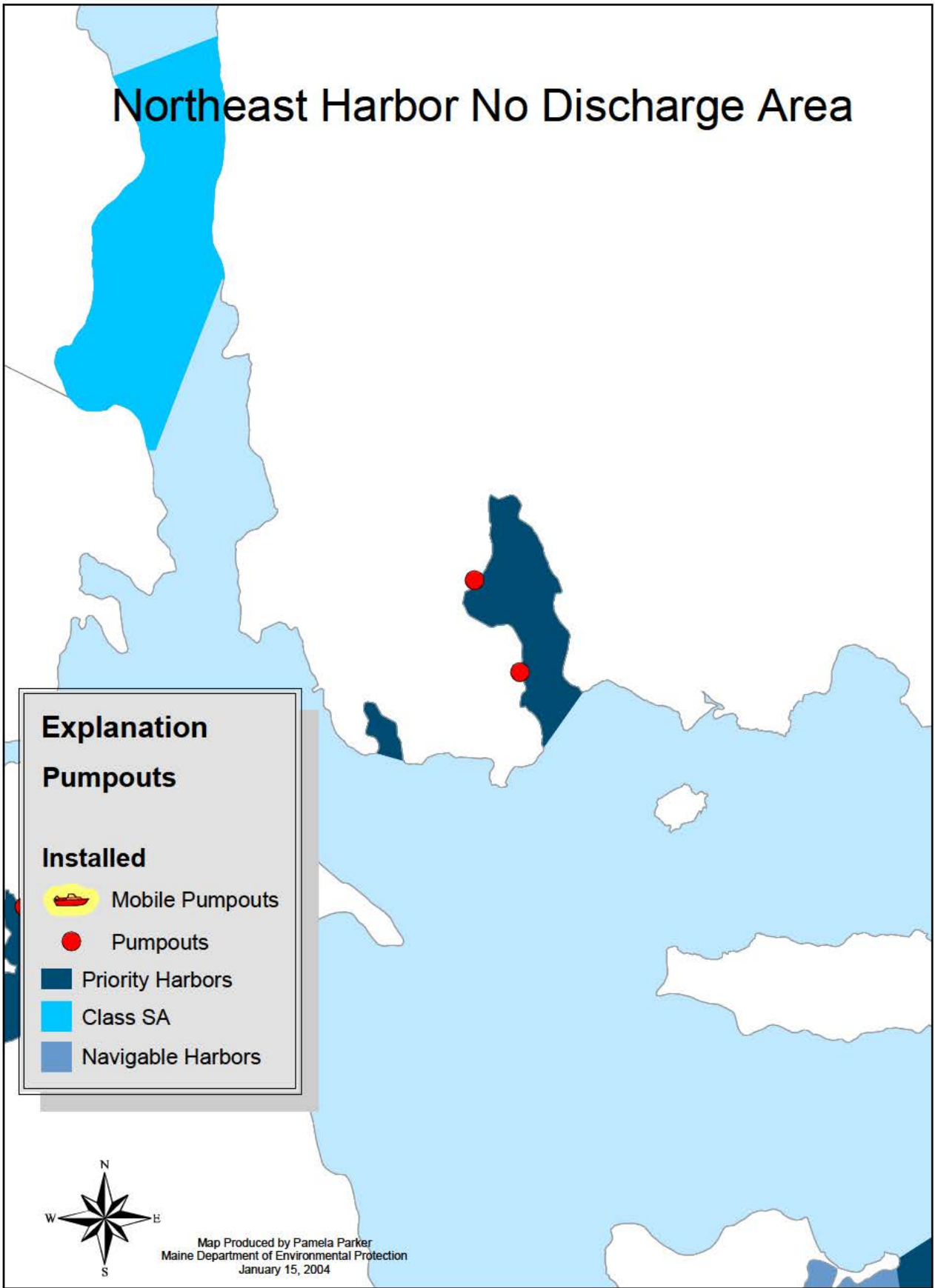
Installed

-  Mobile Pumpouts
-  Pumpouts
-  Priority Harbors
-  Class SA
-  Navigable Harbors



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Northeast Harbor No Discharge Area



Rockland Harbor No Discharge Area


Explanation

Pumpouts

Installed

 Mobile Pumpouts

 Pumpouts

 Class SA

 Navigable Harbors

 Priority Harbors








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January 15, 2004

Rockport Harbor No Discharge Area

Explanation

Pumpouts

Installed

-  Mobile Pumpouts
-  Pumpouts
-  Priority Harbors
-  Class SA
-  Navigable Harbors








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Christmas Cove No Discharge Area

Explanation

Pumpouts

Installed

-  Mobile Pumpouts
-  Pumpouts
-  Priority Harbors
-  Class SA
-  Navigable Harbors







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January 15, 2004

Southwest Harbor/Manset No Discharge Area

Explanation

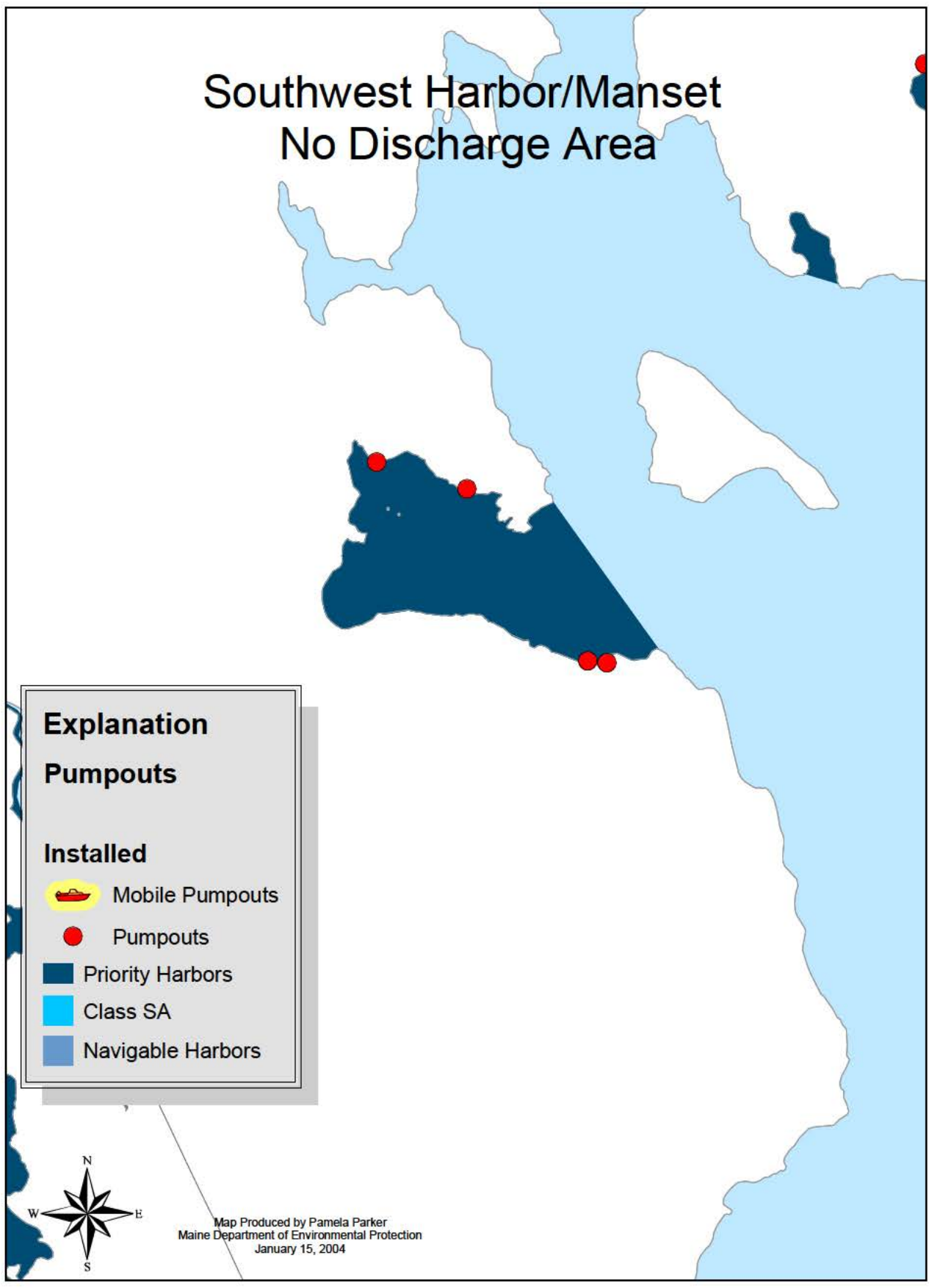
Pumpouts

Installed

-  Mobile Pumpouts
-  Pumpouts
-  Priority Harbors
-  Class SA
-  Navigable Harbors



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Thomaston No Discharge Area

