

[FRL-4510-9]

Massachusetts Marine Sanitation Device Standard; Determination

On June 19, 1992, notice was published that the State of Massachusetts had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for all the coastal waters of the Town of Nantucket, County of Nantucket, within the State of Massachusetts (57FR 27465). The petition was filed pursuant to section 312(f)(3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4, for the purpose of declaring these waters a "no discharge area."

Section 312(f)(3) states: After the effective date of the initial standards and regulations promulgated under this section if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters. expect that no such prohibition shall apply until the

Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply. The information submitted to me by the State of Massachusetts certified that there are six pump-out facilities available to service vessels in Nantucket coastal waters. Five are located within Nantucket Harbor, and a sixth is located in Madaket Harbor, at the western end of the island.

There are four pump-out facilities at the Nantucket Boat Basin, which is located on the western shore of Nantucket Harbor adjacent to the downtown area of the Town of Nantucket. There are two stationary pump-out units and two portable units available for use by both Nantucket Boat Basin patrons and transient vessels. In addition, the Boat Basin dock is equipped with deck fittings plumbed directly into

the town sewer system that are used in conjunction with the portable units. With the deck fittings, the Boat Basin can service 95 percent of its vessels in their slips. The remaining five percent have access to the two stationary pump-out units. These pumpout facilities will accommodate vessels with a draft of twelve feet, and are operating from 7 a.m., to 7 p.m., seven days a week. Pump-out services are free to patrons and \$10 for all others.

A fifth pump-out facility is located on the Nantucket Town Pier, which is located just to the south of the Nantucket Boat Basin on Nantucket Harbor, and is operated by the Town of Nantucket. This pump-out facility will accommodate vessels with a draft of twelve feet, and is open from 8 a.m. to 8 p.m., seven days a week. Pump-out services are free of charge to all vessels. The sixth pumpout facility is operated by Madaket Marine, which is located on Hither Creek, in Madaket Harbor. This portable pump-out facility will accommodate vessels with a five foot draft, and is open from 8 a.m. to 4:30 p.m., seven days a week. There is a \$10 fee per pump-out.

The State of Massachusetts certified that the five pumpout facilities in Nantucket Harbor discharge directly to the town sewer system. The State of Massachusetts further certified that sewage collected at Madaket Marine is discharged into an above-ground holding tank and periodically collected by a septage hauler for disposal at the town wastewater treatment plant. The Nantucket Waste Water Treatment Facility is located on South Shore Road. This facility provides primary treatment before discharging to groundwater and has consistently met or exceeded EPA and Massachusetts Department of Environmental Protection standards.

The maximum daily vessel population for the coastal waters of Nantucket is approximately 1725. This includes 1250 vessels on private seasonal moorings registered with the Town of Nantucket, and an average of 475 transient vessels per day. None of

these vessels will be excluded from using one or more of the existing pump-out facilities.

A single set of comments was received by the Agency on the merits of the petition prior to the deadline for receipt of comments; it was from a Mr. alan Spackman of Houston, Texas. Mr. Spackman's comments neither supported nor opposed the petition, but questioned several of the statements made in the June 19 Federal Register "Notice of Receipt." His main concern is consistent with that of EPA. It has been determined that vessels in transit to and from other points outside the proposed no discharge area (all the coastal waters of Nantucket, three miles seaward of its coastline) may include vessels incapable of reaching the pump-out stations due to draft limitations and/or vessels which may only be in the proposed no discharge area for a limited period of time while in transit, and that prohibiting discharges from such vessels may be both impracticable and unenforceable.

Therefore, based on an examination of the petition and its supporting information, which included a site visit by EPA Region I staff, and in consideration of the single comment received pursuant to the June 19 Federal Register notice, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for that portion of Nantucket coastal waters that lie within a straight line between Great Point on Nantucket Island and the western tip of Muskeget Island (delineated on NOAA chart 13237 by LORAN-C line 9960-Y-43850) to the limits of the Territorial Sea, and within a straight line between the southeast point of Muskeget Island and the southwest point of Tuckernuck Island, and between the southwest point of Tuckernuck Island and Smith Point of Nantucket Island. The exclusion of those waters outside the Territorial Sea boundary from the no discharge area is intended to prevent any jurisdictional conflicts. This determination is made pursuant to Section 312(f) (3) of Public Law 92-500, as amended by

Public Laws 95-217 and 100-4.

Dated: August 17, 1992

Julie De Beluga,
Regional Administrator,

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8:45 am)

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