

# Marinas and Mooring Fields - Proposal 17- 100

Robert Schuster  
NJDEP Marine Water Monitoring

# Scope and Discussion

- FDA is evaluating Mooring Areas as Marinas.
- The States of MA and NY submitted proposals to not classify Mooring Areas as Marinas, MA proposal was preferred and referred to committee.
- Separation of Mooring fields from the definition of marinas.
- Current definition of marinas was not intended for mooring fields. Structure in the current definition was meant for permanent docks, not anchors, chains and floats.
- Marina calculations are not appropriate for moorings, all vessels are not permanently at the mooring location, and they are spread out to allow for swing, not as concentrated and dense as a Marina. They tend to be in deeper water with tidal exchange giving larger dilution, current dilution formula is not designed for these areas.

# Scope and Discussions

- When classifying mooring areas need to account for and recognize pump-out facilities, pump-out boats, and whether it is an NDZ, many are parking lot moorings with no overnight stay. Sanitary Surveys are performed for these areas.
- Existing Water Classification sampling shows properly classified waters.
- FDA is open to discussion of differences between mooring areas and marinas, concern was based on documentation and enforcement of NDZ.

New Definition: Marina means any water area with a structure (docks, basin, floating docks, etc.) which is Used for docking and Constructed to provide temporary or permanent docking space for more than ten boats.

Consideration of the existence and enforcement of Federal No Discharge zones and locally well enforced no discharge and occupancy by-laws and regulations.

Availability and documented use of pump out boats or facilities.

- Mooring Area Proper. The area within any open water mooring area which is in or adjacent to a shellstock growing area shall be classified as approved, conditionally approved, conditionally restricted, restricted or prohibited.
- Prior to the Authority establishing a classification of approved, conditionally approved or conditionally restricted in the open water mooring area proper, a pollution assessment supporting the classification will be conducted by the authority. The assessment shall include:
  - Boat type and usage
  - Density of boats
  - Accessibility to boats which could reduce likelihood of overnight occupancy.
  - Occupancy rates
  - Seasonal Use Pattern
  - An actual or assumed rate of boats that may discharge untreated waste
  - Consideration of the existence and enforcement of federal No Discharge Zones, and locally well enforced no discharge and occupancy regulations or by-laws.
  - Availability and documented use of pump out boats .

- Adjacent Waters. Waters adjacent to open water mooring areas classified under Section A. may be impacted by pollution associated with the open water mooring areas. If determined a pollution source:
  - A dilution analysis shall be used to determine if there is any impact to adjacent waters.
  - The dilution analysis shall be based on the volume of water in the vicinity of the open water mooring areas.
  - The dilution analysis shall incorporate the following:
    - A slip occupancy rate for the open water mooring areas;
    - An actual or assumed rate of boats which will discharge untreated waste;
    - An occupancy per boat rate (i.e., number of persons per boat);
    - A fecal coliform discharge rate of  $2 \times 10^6$  fecal coliform per ninth power per day; and
  - The assumption that the wastes are completely mixed in the volume of water in and around the open water mooring areas.
  - If the dilution analysis predicts a theoretical fecal coliform loading greater than fourteen (14) fecal coliform MPN per 100 ml, the waters adjacent to the open water mooring areas shall be classified as:

- Conditionally approved;
- Restricted;
- Conditionally restricted; or
- Prohibited.
- If the dilution analyses predicts a theoretical fecal coliform loading less than or equal to fourteen (14) fecal coliform MPN per 100 ml, the waters adjacent to the open water mooring areas may be classified as:
  - Approved; or
  - Conditionally approved.
- If the Authority chooses not to determine a specific occupancy per boat rate by investigation in specific areas or sites, the Authority shall assume a minimum occupancy rate of two (2) persons per boat.

# NDZ

- **§ 140.4 Complete prohibition.**
- (a) Prohibition pursuant to CWA section 312(f)(3): a State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into some or all of the waters within such State by making a written application to the Administrator, Environmental Protection Agency, and by receiving the Administrator's affirmative determination pursuant to section 312(f)(3) of the Act. Upon receipt of an application under section 312(f)(3) of the Act, the Administrator will determine within 90 days whether adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels using such waters are reasonably available. Applications made by States pursuant to section 312(f)(3) of the Act shall include:
  - (1) A certification that the protection and enhancement of the waters described in the petition require greater environmental protection than the applicable Federal standard;
  - (2) A map showing the location of commercial and recreational pump-out facilities;
  - (3) A description of the location of pump-out facilities within waters designated for no discharge;
  - (4) The general schedule of operating hours of the pump-out facilities;
  - (5) The draught requirements on vessels that may be excluded because of insufficient water depth adjacent to the facility;
  - (6) Information indicating that treatment of wastes from such pump-out facilities is in conformance with Federal law; and
  - (7) Information on vessel population and vessel usage of the subject waters.



Questions?