

REQUEST FOR BOARD ACTION

ITEM NO. 12.

DATE OF REQUEST: March 9, 2009

REQUESTED BY: Mr. Chris May, Executive Director, Cape Fear COG

SHORT TITLE: Resolution Petitioning the NC Department of Environment and Natural Resources to Petition the EPA to Support the Designation of the Coastal Waters in Pender County as a No Discharge Zone

BACKGROUND: The Clean Water Act gives EPA and the State the authority to designate “no discharge zones” prohibiting the discharge of sewage (treated or untreated) from all vessels while in a “no discharge zone”. In order for the EPA to become involved, a state has to formally request that a specific portion of a water body (or all of its water bodies) be designated a “no discharge zone”. Mr. May is requesting that Pender County adopt a resolution petitioning the NC Department of Environment and Natural Resources to request establishing a “no discharge zone” in the coastal waters of Pender County. A copy of the resolution requested for adoption is attached.

SPECIFIC ACTION REQUESTED: To adopt a resolution petitioning the NC Department of Environment and Natural Resources to request establishing a “no discharge zone” in the coastal waters of Pender County.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

 RS
Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the resolution entitled Resolution by the Pender County Board of Commissioners to Petition the North Carolina Department of Environment and Natural Resources to Petition the United States Environmental Protection Agency (EPA) to Support the Designation of the Coastal Waters in Pender County as a No Discharge Zone be adopted.

AMENDMENTS:

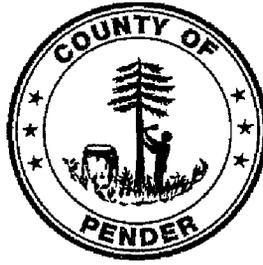
MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Tate ___ Brown ___ Blanchard ___ Rivenbark ___ Williams ___

Jimmy T. Tate, Chairman Date

ATTEST Date



**RESOLUTION BY THE PENDER COUNTY BOARD OF COMMISSIONERS TO
PETITION THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES TO PETITION THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY (EPA) TO SUPPORT THE DESIGNATION OF THE COASTAL
WATERS IN PENDER COUNTY AS A NO DISCHARGE ZONE**

WHEREAS, Pender County depends upon the recreational use of the surrounding coastal waters to attract tourists and derive economic benefit; and

WHEREAS, commercial and recreational boating play an important role in the coastal economy and quality of life of its residents and visitors, but the discharge of sewage from these boats can contribute to the degradation of the coastal marine environment by introducing disease-causing microorganisms such as bacteria, protozoa, and viruses; and

WHEREAS, the health and cleanliness of our waterways have a direct link to the health of the marine fishing and boating industry; and

WHEREAS, water quality within the coastal waters has been declining in recent years resulting in recreational uses advisories and shellfish harvesting closures; and

WHEREAS, the Clean Water Act (CWA) was passed in 1972 to restore and maintain the chemical, physical, and biological integrity of our Nation's waters, and Section 312 of the CWA entitled "Marine Sanitation Devices" (MSD), gives the EPA and States the authority to designate no-discharge zones (NDZ's) prohibiting the discharge of sewage (whether treated or untreated) from all vessels while in the NDZ, thereby affording states an additional tool to address water quality issues associated with sewer discharge; and

WHEREAS, in order for the EPA to become involved, a state has to formally request that a specific portion of a water body (or all of its water bodies) be designated a NDZ; and

WHEREAS, this resolution supports the designation of an NDZ within the coastal waters in Pender County, which includes the Atlantic Intracoastal Waterway, the Cape Fear River, the Northeast Cape Fear River, and all tidal creeks that drain into it, as well as the designated United States Territorial Waters extending to a point three nautical miles off the shoreline measured from the mean low tide and designated line of demarcation at all inlets off Pender County.

NOW, THEREFORE, BE IT RESOLVED, that the Pender County Board of Commissioners do hereby petition the North Carolina Department of Environment and Natural Resources to request establishment of a No Discharge Zone in the coastal waters of Pender County.

ADOPTED this 16th day of March, 2009.

Pender County

Jimmy T. Tate, Chairman

SEAL

ATTEST:

Rick Benton, Clerk to the Board

From: Saved by Windows Internet Explorer 7
Sent: Monday, February 23, 2009 5:23 PM
To: Saved by Windows Internet Explorer 7
Subject: Vessel Sewage Discharges and No Discharge Zones | Ocean Regulatory Programs | US EPA
Attachments: ATT00178.dat

U.S. ENVIRONMENTAL PROTECTION AGENCY

Ocean Regulatory Programs

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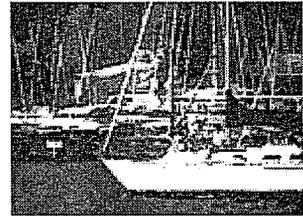


Ocean Regulatory Programs
Home
Where You Live:
No Discharge Programs
Ocean Dumping and Dredged Material Management
Marine and Ocean Discharges
Vessel Discharges
What You Can Do
Estuaries for Kids
Oceans and Coasts for Children, Students and Teachers

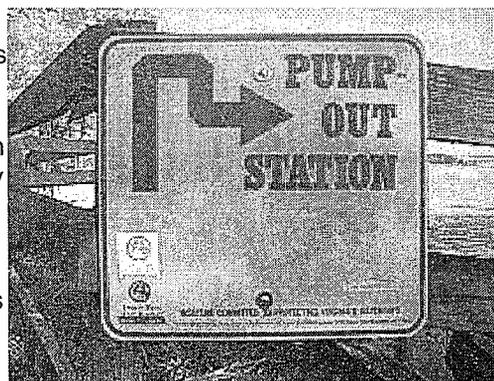
Vessel Sewage Discharges and No Discharge Zones



Commercial and recreational boating play an important role in American society. Unfortunately without proper management, these activities can contribute to water quality degradation. One type of degradation is the increased concentration of fecal coliform bacteria (found in the intestinal tracts of all warm-blooded animals). The discharge of untreated or partially treated human wastes from vessels can contribute to high bacteria counts and subsequent increased human health risks, and these problems can be particularly bad in lakes, slow moving rivers, marinas and other bodies of water with low flushing rates. When concentrations of fecal coliform bacteria rise above safe levels, local health boards act to close swimming areas. A fecal coliform bacteria count of 14 (or greater) MPN per 100 milliliters of water results in the closing of shellfish beds.



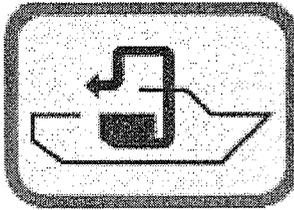
The impact of sewage on delicate coral reef communities is also a concern. Excessive amounts of nutrients from improperly treated sewage can harm coral reef ecosystems by overstimulating the growth of aquatic plants and algae. When the stimulation of algal growth is prolonged, the corals are smothered and die beneath the thick cover of algal growth. This, in turn, affects the fish and other organisms using the area, leading to a decrease in animal and plant diversity and affecting use of the water for fishing and swimming. Pathogens, which are disease-causing microorganisms such as viruses, bacteria, and protozoans, can scar and cause disease in many species of corals. These microorganisms can enter water bodies through the discharge of inadequately treated sewage from vessels (as well as from other sources such as runoff or inadequately treated effluents from sewage treatment facilities).



Features

- [Factsheet: Vessel Sewage Discharge](#)
- [No-Discharge Zone Evaluation](#)
- [Marine Sanitation Devices](#)
- [Frequently Asked Questions](#)
- [No-Discharge Zone for Vessel Sewage](#)
- [Partners/Links](#)
- [Marine Sanitation Devices](#)
- [EXIT Disclaimer](#)
- [No Discharge Zones: How They Work](#)
- [Protecting Our Waterways](#)
- [Using Your Head to Help Protect Our Aquatic Resources](#)

EPA, the Coast Guard, and States work together, under Clean Water Act Section 312 (hereafter referred to as "Section 312"), to protect human health and the aquatic environment from disease-causing microorganisms which may be present in sewage from boats. [Section 312](#) EXIT Disclaimer provides States with a tool to protect their citizens and aquatic habitats through standards for [marine sanitation devices \(MSD\)](#) - boat toilets or heads - and no-discharge zone designations for vessels.



The availability of sewage pumpout stations, the importance of the waterbody for human health and recreation, and the desire for more stringent protection of a particular aquatic ecosystem are important considerations in the designation of no-discharge zones (NDZs) for vessel sewage. A graphic pumpout symbol is often placed at docks and marinas to show boaters where a pumpout facility is located. In some cases, small boats are used as mobile pumpout facilities. These boats carry the waste to an onshore reception facility.

Vessel sewage discharge is regulated under [Section 312](#) EXIT Disclaimer. A State can have all or portions of their waters designated as a no-discharge zone for vessel sewage to achieve any of the following [3 objectives](#): (1) to protect aquatic habitats where pumpout facilities are available; (2) to protect special aquatic habitats or species [the State does not have to show that there are reasonably available pump-out or dump stations]; and (3) to safeguard human health by protecting drinking water intake zones [the State does not have to show that there are reasonably available pump-out or dump stations].

Currently 7 States have all (or nearly all) of their surface waters designated as NDZs. Those States are: Michigan, Missouri, New Hampshire, New Mexico, Rhode Island, and Wisconsin. In addition, 14 other States have segments of their surface waters designated as NDZs. Those States are: Arizona, California, Connecticut, Florida, Georgia, Maryland, Massachusetts, Minnesota, New Jersey, Nevada, New York, North Carolina, South Carolina, Texas, and Utah. Approximately 50% of the NDZs are in fresh water and the other 50% are in salt or estuarine waters. See the table on [Types of Marine Sanitation Devices](#).

For more information, contact the

US Environmental Protection Agency, 4504T,
Oceans and Coastal Protection Division
1200 Pennsylvania Avenue NW
Washington, DC, 20460

or call 202/566-1200.

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