

CHAPTER 11-56 APPENDIX C

**NONPOINT SOURCE POLLUTION CONTROL REQUIREMENTS FOR
MARINAS AND RECREATIONAL BOATING**

1. General Applicability

(a) Requirements defined in this chapter shall be implemented by persons identified in section 11-56-03 who own or operate a publicly-owned marina or recreational boating facility that has any of the following:

- (1) Ten or more slips;
- (2) A pier where ten or more boats may tie up;
- (3) A facility where a boat for hire is docked;
- (4) A boat maintenance or repair yard that is adjacent to the water; or
- (5) A mooring field where ten or more boats are moored.
- (6) Other marinas or recreational boating facilities may be subject to the requirements of this Appendix at the discretion of the director based on risk of harm to human or environmental health, as determined by the director. Marinas and recreational boating facilities determined by the director to be subject to the requirements of this Appendix will be provided written notice by the director.

(b) For marinas and recreational boating facilities that do not fall under the applicability of this Appendix, the director encourages voluntary development of a Water Pollution Prevention Plan to

facilitate the implementation of the management measures contained in this Appendix.

2. Incorporation of Management Measures into Water Pollution Prevention Plans

(a) The owner or operator of a marina or recreational boating facility subject to regulation shall incorporate water pollution reducing management measures into a Water Pollution Prevention Plan. At a minimum, Water Pollution Prevention Plans shall incorporate all appropriate management measures to prevent and control the specific sources of pollution identified in section 3 of this Appendix.

(b) The owner or operator of a marina or recreational boating facility subject to this Appendix shall identify which management measures in section 3 are required based upon the specific applicability of each management measure and its subparts. Each management measure identified as being applicable shall be implemented as detailed in the Water Pollution Prevention Plan developed pursuant to this chapter.

(c) Authorized management practices that satisfy management measure requirements shall be identified in the Water Pollution Prevention Plan.

(d) For discharges identified in section 11-56-03 that result from activities identified in this Appendix, where such discharges or activities are subject to an alternative regulatory mechanism that accomplishes the objectives of one or more of the management measures in section 3 of this Appendix, the Water Pollution Prevention Plan may include a reference to the alternative regulatory mechanism in lieu of the specified management measure.

(e) All publicly-owned facilities or operations managed by the Department of Land and Natural Resources, Division of Boating and Ocean Recreation are not required to incorporate the following management measures in a Water Pollution Prevention Plan, provided that those facilities or operations are subject to and in compliance with section 13-232-43, HAR (4/22/04): shoreline stabilization (section 3(d)(d)), storm water runoff (section 3(e)), fueling station design (section 3(f)), sewage facility (section 3(g)), maintenance of sewage facilities (section 3(h)), solid waste (section 3(i)), and liquid material (section 3(k)).

3. Management Measures Required for Specific Sources of Pollution

- (a) Marina Flushing Management Measure
 - (1) Specific Applicability. This management measure applies to new and expanding marinas.
 - (2) Purpose. The purpose of this management measure is to ensure proper siting and design of marinas and recreational boating facilities such that water quality will be maintained through proper flushing.
 - (3) General Requirements. Site and design marinas such that tides and/or currents will aid in flushing of the site or renew its water regularly.
 - (4) Authorized Management Practices. Authorized management practices include but are not limited to marina flushing BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA

841-B-01-005, November 2001, or as subsequently amended).

- (b) Water Quality Assessment Management Measure
 - (1) Specific Applicability. This management measure applies to new and expanding marinas.
 - (2) Purpose. This management measure is intended to establish criteria for assessments of water quality that may be used to determine whether a proposed marina design will result in poor water quality.
 - (3) General Requirements. Assess water quality as part of marina siting and design.
 - (4) Authorized Management Practices. Authorized management practices include but are not limited to water quality assessment BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA 841-B-01-005, November 2001, or as subsequently amended).
- (c) Habitat Assessment Management Measure
 - (1) Specific Applicability. This management measure applies to new and expanding marinas where site changes may have an impact on important marine species, coral reefs, wetlands, or other important habitats. The habitats of non-indigenous nuisance species are not considered important habitats.
 - (2) Purpose. This management measure is intended to establish biological siting and design provisions for marinas based on the premise that marinas should not destroy important aquatic habitat, should not

- diminish the harvestability of organisms in adjacent habitats, and should accommodate the same biological uses (e.g., reproduction, migration) for which the source waters have been classified.
- (3) General Requirements. Site and design marinas to protect against adverse effects on coral reefs, shellfish resources, wetlands, submerged aquatic vegetation, or other important riparian and aquatic habitat areas as designated by local, State, or federal governments.
 - (4) Authorized Management Practices. Authorized management practices include but are not limited to habitat assessment BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA 841-B-01-005, November 2001, or as subsequently amended).
- (d) Shoreline Stabilization Management Measure
- (1) Specific Applicability. This management measure applies to new and expanding marinas where site changes may result in shoreline erosion.
 - (2) Purpose. This management measure is intended to encourage the use of vegetative methods for shoreline stabilization to prevent or reduce the delivery of pollutants to water resources.
 - (3) General Requirements. Stabilize shorelines where shoreline erosion is a serious nonpoint source pollution problem.
 - (4) Authorized Management Practices

- (A) Authorized management practices include but are not limited to shoreline and streambank stabilization BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA 841-B-01-005, November 2001, or as subsequently amended).
 - (B) Authorized management practices that employ vegetative methods to stabilize shorelines should be used. Structural methods to stabilize shorelines may be necessary where vegetative methods cannot work and where they do not interfere with natural beach processes or harm other sensitive ecological areas.
- (e) Storm Water Runoff Management Measure
- (1) Specific Applicability
 - (A) This management measure applies to all marinas, with vessel maintenance areas and any other areas where vessel maintenance, boat bottom scraping, sanding, and/or painting is done.
 - (B) This management measure does not apply to storm water runoff that enters the marina property from upland sources.
 - (2) Purpose. The purpose of this management measure is to control pollutants in runoff from vessel maintenance areas. The proper design and operation of these areas can significantly prevent the entry of pollutants from marina property into surface waters.

- (3) General Requirements
 - (A) Implement effective runoff control strategies which include the use of pollution prevention activities and the proper design of vessel maintenance areas to minimize storm water contact with water pollutants.
 - (B) Reduce the average annual loadings of total suspended solids and other water pollutants in runoff from vessel maintenance areas to the maximum extent practicable.
- (4) Authorized Management Practices. Authorized management practices include but are not limited to storm water runoff BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA 841-B-01-005, November 2001, or as subsequently amended).
- (f) Fueling Station Design Management Measure
 - (1) Specific Applicability. This management measure applies to all marinas where fueling stations are to be added or moved.
 - (2) Purpose. The purpose of this management measure is to prevent and control petroleum and other chemicals associated with fuel spillage.
 - (3) General Requirements
 - (A) Design fueling stations to allow for ease in cleanup of spills.
 - (B) Maintain adequate spill containment and mitigation measures.

- (C) Eliminate storm water contact with fueling appurtenances.
- (4) Authorized Management Practices. Authorized management practices include but are not limited to fueling station design BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA 841-B-01-005, November 2001, or as subsequently amended).
- (g) Sewage Facility Management Measure
 - (1) Specific Applicability
 - (A) This management measure applies to new and expanding marinas in areas where adequate marine sewage collection facilities do not exist.
 - (B) This measure does not apply to direct discharges from vessels covered under Section 312 of the Clean Water Act.
 - (2) Purpose. This management measure is intended to prevent and control pollution by ensuring proper siting and design of sewage facilities associated with marinas and recreational boating activities.
 - (3) General Requirements
 - (A) Install pumpout, dump station, and restroom facilities where needed at new and expanding marinas to reduce the release of sewage into surface waters. Design these facilities to allow ease of access and post signage to promote use by the boating public.

- (B) Marinas that do not provide services for vessels that have marine sanitation devices (MSDs) do not need to have pumpouts, although dump stations for portable toilets and restrooms shall be available.

- (4) Authorized Management Practices. Authorized management practices include but are not limited to sewage facility BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA 841-B-01-005, November 2001, or as subsequently amended).

- (h) Maintenance of Sewage Facilities Management Measure
 - (1) Specific Applicability. This management measure applies to marinas where marine sewage disposal facilities exist.
 - (2) Purpose. The purpose of this measure is to eliminate the release of untreated sewage into marina and surface waters.
 - (3) General Requirements. Ensure that sewage pumpout facilities are maintained in operational condition and encourage their use.
 - (4) Authorized Management Practices. Authorized management practices include but are not limited to maintenance of sewage facilities BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA 841-B-01-005, November 2001, or as subsequently amended).

- (i) Solid Waste Management Measure

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- (1) Specific Applicability. This management measure applies to the operation and maintenance of all marinas.
 - (2) Purpose. This management measure is intended to ensure proper disposal of solid waste materials generated at marinas and recreational boating facilities.
 - (3) General Requirements. Properly dispose of solid wastes produced by the operation, cleaning, maintenance, and repair of boats to limit entry of solid wastes into surface waters.
 - (4) Authorized Management Practices. Authorized management practices include but are not limited to solid waste BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA 841-B-01-005, November 2001, or as subsequently amended).
- (j) Fish Waste Management Measure
- (1) Specific Applicability. This management measure applies to marinas where fish waste is generated.
 - (2) Purpose. The purpose of this management measure is to control fish waste pollution, which can result in water quality problems and odor problems at marinas with large numbers of fish landings or at marinas that have limited fish landings but poor flushing.
 - (3) General Requirements
 - (A) Promote sound fish waste management through a combination of fish-cleaning

restrictions and proper disposal of fish waste.

- (B) Prohibit discarding fish waste into State waters.
- (4) Authorized Management Practices. Authorized management practices include but are not limited to fish waste BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA 841-B-01-005, November 2001, or as subsequently amended).
- (k) Liquid Material Management Measure
 - (1) Specific Applicability. This management measure applies to the operation and maintenance of marinas where liquid materials used in the maintenance, repair, or operation of boats are stored.
 - (2) Purpose. This management measure is intended to minimize the discharge of potentially harmful liquid materials into marina and surface waters through proper storage and disposal.
 - (3) General Requirements. Provide and maintain appropriate storage, transfer, containment, and disposal facilities for liquid material, such as oil, harmful solvents, antifreeze, and paints, and encourage recycling of these materials.
 - (4) Authorized Management Practices. Authorized management practices include but are not limited to liquid material BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA

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841-B-01-005, November 2001, or as subsequently amended).

- (1) Petroleum Control Management Measure
 - (1) Specific Applicability. This management measure applies to boats that have inboard fuel tanks and marinas that harbor such boats.
 - (2) Purpose. This management measure is intended to control pollution from fuel and oil associated with marina boat operation and maintenance.
 - (3) General Requirements. Reduce the amount of fuel and oil from boat bilges and fuel tank air vents entering marina and surface waters.
 - (4) Authorized Management Practices. Authorized management practices include but are not limited to petroleum control BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA 841-B-01-005, November 2001, or as subsequently amended).
- (m) Boat Cleaning Management Measure
 - (1) Specific Applicability. This management measure applies to marinas where boat topsides are cleaned and marinas where hull scrubbing in the water may result in water or sediment quality problems.
 - (2) Purpose. This management measure is intended to minimize the use and release of potentially harmful cleaners and bottom paints to marina and surface waters.

- (3) General Requirements. For boats that are in the water, perform cleaning operations to minimize, to the extent practicable, the release to surface waters of harmful cleaners, solvents, and paint from in-water hull cleaning.
 - (4) Authorized Management Practices. Authorized management practices include but are not limited to boat cleaning BMPs identified in the *National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating* (EPA, EPA 841-B-01-005, November 2001, or as subsequently amended).
- (n) Public Education Management Measure
- (1) Specific Applicability. This management measure applies to all environmental control authorities in areas where marinas are located.
 - (2) Purpose. This management measure is intended to prevent pollution from marinas and boating activities by educating the public and facility operators about the causes and effects of pollution and the methods to prevent pollution.
 - (3) General Requirements. Education, outreach, and/or training programs shall be instituted for boaters and marina owners and operators to prevent improper disposal of polluting material, including, but not limited to, solid waste, fish waste, liquid materials, fuel and oil, sewage, and boat cleaner and paints.
 - (4) Authorized Management Practices. Authorized management practices include but are not limited to public education BMPs identified in the *National Management Measures to*

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