

US EPA ARCHIVE DOCUMENT

[FRL 503-1]

**MARINE SANITATION DEVICE
Standard for New Mexico**

On January 20, 1976, notice was given that the State of New Mexico had petitioned the Administrator, Environmental Protection Agency, to determine, pursuant to section 312(f) (3) and (4) of Pub. L. 92-500, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for all waters of the State of New Mexico, and that the protection and enhancement of the quality of all of the waters of the State requires that the discharge of any sewage, whether treated or not, be prohibited (41 F.R. 2858, January 20, 1976).

Section 312(f) (3) states, "[A]fter 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 State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except 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 waters to which such petition would apply."

Section 312(f) (4) states, "[I]f the Administrator determines upon application by a State that the protection and enhancement of the quality of specified waters within such State requires such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into such waters."

Following an examination of the petition and supporting information, and in consideration of all comments received pursuant to the January 20 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 all waters

of the State of New Mexico pursuant to section 312(f) (3) of Pub. L. 92-500. The information submitted to me is not compelling in the support of positive determination under section 312(f) (4) of Pub. L. 92-500. Thus, my determination in this notice is made pursuant to section 312(f) (3) only.

In its petition, the State of New Mexico certified that there are only four lakes in the State having a vessel population which includes vessels equipped with marine sanitation devices. These are Conchas, Elephant Butte, Navajo and Ute Lakes, all of which are administered by the State Park and Recreation Commission. Other lakes in the State are too small or have no facilities that accommodate larger vessels; however, the smaller lakes, if used by larger boats with marine toilets, are used by such vessels intermittently on a daily basis. If there is need to pump out a marine toilet at one of the smaller lakes, mobile pumpout units can be used.

Elephant Butte Lake has a pump-out facility located at the marina from which the sewage is pumped to a septic tank onshore. Most vessels are moored within one and one-half miles of the pump-out facility, but some vessels, which are more at approximately five to six miles from the pump-out facility, are provided a mobile truck with a pump for waste removal. The State has noted no operational efficiency of the septic tank because of the disposal of holding-tank wastes. Conchas Lake, Ute Lake and Navajo Lake State Parks have self-propelled pontoon pump-out boats from which the collected sewage is transported to a mobile pump truck onshore and taken to a designated area and buried in compliance with the State Environmental Improvement Agency regulations. The pontoon pump-out boats service all areas of the lake.

The State certifies that the operating hours of the pump-out facilities on the four above-mentioned lakes are from 7:00 a.m. to 6:00 p.m. seven days a week in the summer months and from 8:00 a.m. to 5:00 p.m. seven days a week during the winter months. The petition certifies further that no watercraft is excluded because of

insufficient water depth adjacent to any pump-out facilities.

The Agency has received no comments in opposition to the New Mexico petition on the merits.

Dated: April 21, 1976

RUSSELL E. TRAIN,
Administrator.

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