

paragraph (a)(1) of this section, shall be designed and operated to either retain, dispose of, or discharge sewage, and shall be certified by the U.S. Coast Guard. If the device has a discharge, the effluent shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters, nor suspended solids greater than 150 mg/l.

(e) Any existing vessel on waters not subject to a prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and which is equipped with a certified device on or before January 30, 1978, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(f) Any new vessel on waters not subject to the prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and on which construction is initiated before January 31, 1980, which is equipped with a marine sanitation device before January 31, 1980, certified under paragraph (a)(2) of this section, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(g) The degrees of treatment described in paragraphs (a) and (d) of this section are "appropriate standards" for purposes of Coast Guard and Department of Defense certification pursuant to section 312(g)(2) of the Act.

§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. [...]

(b) Prohibition pursuant to CWA section 312(f)(4)(A): a State may make a written application to the Administrator, Environmental Protection Agency, under section 312(f)(4)(A) of the Act, for the issuance of a regulation completely prohibiting discharge from a vessel of any sewage, whether treated or not, into particular waters of the United States or specified portions thereof, which waters are located within the boundaries of such State. Such application shall specify with particularity the waters, or portions thereof, for which a complete prohibition is desired. The application shall include identification of water recreational areas, drinking water intakes, aquatic sanctuaries, identifiable fish-spawning and nursery areas, and areas of intensive boating activities. If, on the basis of the State's application and any other information available to him, the Administrator is unable to make a finding that the waters listed in the application require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that the waters listed in the application require a complete prohibition of any discharge in all or any part of the waters or portions thereof covered by the State's application, he shall publish notice of such findings together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that applicable water quality standards require a complete prohi-

bition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application. [...]

(ii) Waters of the State of Florida within the boundaries of the Florida Keys National Marine Sanctuary as delineated on a map of the Sanctuary at <http://www.fknms.nos.noaa.gov/>.

(c)(1) Prohibition pursuant to CWA section 312(f)(4)(B): A State may make written application to the Administrator of the Environmental Protection Agency under section 312(f)(4)(B) of the Act for the issuance of a regulation establishing a drinking water intake no discharge zone which completely prohibits discharge from a vessel of any sewage, whether treated or untreated, into that zone in particular waters, or portions thereof, within such State. Such application shall:

(i) Identify and describe exactly and in detail the location of the drinking water supply intake(s) and the community served by the intake(s), including average and maximum expected amounts of inflow;

(ii) Specify and describe exactly and in detail, the waters, or portions thereof, for which a complete prohibition is desired, and where appropriate, average, maximum and low flows in million gallons per day (MGD) or the metric equivalent;

(iii) Include a map, either a USGS topographic quadrant map or a NOAA nautical chart, as applicable, clearly marking by latitude and longitude the waters or portions thereof to be designated a drinking water intake zone; and

(iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(2) If the Administrator finds that a complete prohibition is appropriate under this paragraph, he or she shall publish notice of such finding together with a notice of proposed rulemaking, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that a complete prohibition covering a more restricted or more expanded area than that applied for by the State is appropriate, he or she shall also include a statement of the reasons why the finding differs in scope from that requested in the State's application.

(3) If the Administrator finds that a complete prohibition is inappropriate under this paragraph, he or she shall deny the application and state the reasons for such denial.

(4) For the following waters the discharge from a vessel of any sewage, whether treated or not, is completely prohibited pursuant to CWA section 312(f)(4)(B):

(i) Two portions of the Hudson River in New York State, the first is bounded by an east-west line through the most northern confluence of the Mohawk River which will be designated by the Troy-Waterford Bridge (126th Street Bridge) on the south and Lock 2 on the north, and the second of which is bounded on the north by the southern end of Houghtaling Island and on the south by a line between the Village of Roseton on the western shore and Low Point on the eastern shore in the vicinity of Chelsea, as described in Items 2 and 3 of 6

NYCRR Part 858.4.

(ii) [Reserved]

§140.5 Analytical procedures.

In determining the composition and quality of effluent discharge from marine sanitation devices, the procedures contained in 40 CFR part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or subsequent revisions or amendments thereto, shall be employed.

(40 CFR 140)

30/03

Page 179—Paragraph 19, line 3; read:
limits and regulations.)

No-Discharge Zone.—The State of California, with the approval of the Environmental Protection Agency, has established a No-Discharge Zone (NDZ) in San Diego Bay. The NDZ is comprised of the portion of San Diego Bay that is less than 30 feet deep at mean lower low water (MLLW), as determined from the most recent NOAA nautical chart.

Within the NDZ, discharge of sewage, whether treated or untreated, from all vessels is prohibited. Outside the NDZ, discharge of sewage is regulated by **40 CFR 140** (see Chapter 2).

(NOS/03; 40 CFR 140)

30/03

Page 183—Paragraph 96, line 22; read:

Basin. The inner bay has depths of about 6 feet.

No-Discharge Zone.—The State of California, with the approval of the Environmental Protection Agency, has established a No-Discharge Zone (NDZ) in Mission Bay. It encompasses the entire by (see NOAA chart 18765 for the zone limits).

Within the NDZ, discharge of sewage, whether treated or untreated, from all vessels is prohibited. Outside the NDZ, discharge of sewage is regulated by **40 CFR 140** (see Chapter 2).

(NOS/03; 40 CFR 140)

30/03

Page 184—Paragraph 116, line 14; read:
and a light on the S side.

No-Discharge Zone.—The State of California, with the approval of the Environmental Protection Agency, has established a No-Discharge Zone (NDZ) in Oceanside Harbor. It encompasses the entire harbor (see NOAA chart 18758 for the zone limits).

Within the NDZ, discharge of sewage, whether treated or untreated, from all vessels is prohibited. Outside the NDZ, discharge of sewage is regulated by **40 CFR 140** (see Chapter 2).

(NOS/03; 40 CFR 140)

30/03

Page 186—Paragraph 140, line 2; read:

110.1 and 110.93, chapter 2, for limits and regulations.)

No-Discharge Zone.—The State of California, with the approval of the Environmental Protection Agency, has established a No-Discharge Zone (NDZ) in Dana Point Harbor. It encompasses the entire harbor (see NOAA chart 18746 or 18774 for the zone limits).

Within the NDZ, discharge of sewage, whether treated or

untreated, from all vessels is prohibited. Outside the NDZ, discharge of sewage is regulated by **40 CFR 140** (see Chapter 2).

(NOS/03; 40 CFR 140)

30/03

Page 201—Paragraph 508, line 4; read:

berthing facilities for over 2,400 boats.

No-Discharge Zone.—The State of California, with the approval of the Environmental Protection Agency, has established a No-Discharge Zone (NDZ) in Channel Islands Harbor. It encompasses the entire harbor (see NOAA chart 18725 for the zone limits).

Within the NDZ, discharge of sewage, whether treated or untreated, from all vessels is prohibited. Outside the NDZ, discharge of sewage is regulated by **40 CFR 140** (see Chapter 2).

(NOS/03; 40 CFR 140)

30/03

COAST PILOT 7 34 Ed 2002 Change No. 22

Page 128—Paragraphs 2997 to 3004; read:

§165.1101 Security Zone: San Diego Bay, CA.

(a) *Location.* The following area is a security zone: The water area within Naval Station, San Diego enclosed by the following points: Beginning at

32°41'16.5"N., 117°08'01"W. (Point A); thence running southwesterly to

32°41'02.5"N., 117°08'08.05"W. (Point B); to

32°40'55.0"N., 117°08'00.0"W. (Point C); to

32°40'49.5"N., 117°07'55.5"W. (Point D); to

32°40'44.6"N., 117°07'49.3"W. (Point E); to

32°40'37.8"N., 117°07'43.2"W. (Point F); to

32°40'30.9"N., 117°07'39.0"W. (Point G);

32°40'24.5"N., 117°07'35.0"W. (Point H); to

32°40'17.2"N., 117°07'30.8"W. (Point I); to

32°40'10.6"N., 117°07'30.5"W. (Point J); to

32°39'59.0"N., 117°07'29.0"W. (Point K); to

32°39'49.8"N., 117°07'27.2"W. (Point L); to

32°39'43.0"N., 117°07'25.5"W. (Point M);

32°39'36.5"N., 117°07'24.2"W. (Point N); thence run-

ning easterly to

32°39'38.5"N., 117°07'06.5"W. (Point O); thence run-

ning generally northwesterly along the shoreline of the Naval Station to the place of beginning. All coordinates referenced use datum: NAD 1983.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port San Diego; Commander, Naval Base San Diego; or Commander, Navy Region Southwest.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 619-683-6495 or on VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(d) *Enforcement.* The U.S. Coast Guard may be assisted

in the patrol and enforcement of this security zone by the U.S. Navy.
(FR 5/12/03) 30/03

Page 128—Paragraph 3017 to Page 129—Paragraph 3035;
read:

§165.1103 Security Zone: San Diego Bay, CA.

(a) *Location.* The following area is a security zone: The water adjacent to the Naval Submarine Base, San Diego commencing on a point on the shoreline of Ballast Point, at 32°41'11.2"N., 117°13.57.0"W. (Point A), thence northerly to

32°41'31.8"N., 117°14'00.6"W. (Point B), thence westerly to

32°41'32.7"N., 117°14'03.2"W. (Point C), thence south-westerly to

32°41'30.5"N., 117°14'17.5"W. (Point D), thence generally southeasterly along the shoreline of the Naval Submarine Base to the point of beginning. (Point A). All coordinates referenced use datum: NAD 1983.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port San Diego; Commander, Naval Base Point Loma; or Commander, Navy Region Southwest.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 619-683-6495 or on VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

§165.1104 Security Zone: San Diego Bay, CA.

(a) *Location.* The following area is a security zone: on the waters along the northern shoreline of Naval Base Coronado, the area enclosed by the following points: Beginning at

32°42'53.0"N., 117°11'45.0 W. (Point A); thence running northerly to

32°42'55.5"N., 117°11'45.0"W., (Point B); thence running easterly to

32°42'57.0"N., 117°11'31.0"W., (Point C); thence south-easterly to

32°42'42.0"N., 117°11'04.0"W. (Point D); thence south-easterly to

32°42'21.0"N., 117°10'47.0"W. (Point E) thence running southerly to

32°42'13.0"N., 117°10'51.0"W. (Point F); thence running generally northwesterly along the shoreline of Naval Base Coronado to the place of beginning. All coordinates referenced use datum: NAD 1983.

(b) *Regulations.* (1) In accordance with the general regulations in Sec. 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the

Port San Diego; Commander, Naval Base Coronado, or Commander, Navy Region Southwest.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 619-683-6495 or on VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

(FR 5/12/03)

30/03