

Addendum to Marina Committee Report  
FDA Recommended Language For  
Discussion at Task Force

**ISSC 2019  
Committee Report**

**Committee Name :** Marina  
**Chairperson:** Bob Shuster  
**Date of Meeting:** Multiple Conference Calls 2018-2019

**Committee Members:**

Bob Schuster (Chairperson)	Debra Barnes Chris Sherman	Bill Kramer (EPA Delegate)
Michael Bott	Alissa Dragan	Quentin Forrest (FDA Delegate)
Erik Broussard	Margaret Pilaro	John Jacobs (NOAA Delegate)
Bryant Lewis	Pete Jensen	
Heather Merritt	Mike Pearson	
Mike Hickey	David Fyfe	
Vanessa White	Scott Berbells	

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**Charges**

**Charge 1: Proposal 17-100: Marina Definition**

**Findings/Conclusions:**

The Committee reviewed both Proposal 17-100 and the current Marina Definition. The Committee determined there was a need to revise to the definition as well as revise Model Ordinance Chapter IV. The Committee also determined that mooring areas needed to be addressed separately in the Model Ordinance.

**Recommendations:**

The Committee recommended the following amended language:

**Section I. Purpose & Definitions**

**Definitions**

(73) **Marina** means any water area with a structure (docks, basin, floating docks, etc.) which is ~~:(a) Used~~ used for docking ~~or otherwise mooring vessels;~~ and ~~(b) Constructed~~ constructed to provide temporary or permanent docking space for more than ten (10) boats.

Add new definition.

**Mooring Areas** means any water area that is used to provide temporary or permanent mooring or anchorage for more than ten (10) boats. Mooring areas do not include any structures for docking boats.

**Section II. Model Ordinance**

## Chapter IV. Shellstock Growing Areas

@.05 Marinas.

A. Marina Proper. The area within any marina which is in or adjacent to a shellstock growing area shall be classified as: conditionally approved, conditionally restricted or prohibited.

- (1) Prior to the Authority establishing a classification of conditionally approved or conditionally restricted in the marina proper, a pollution assessment supporting the classification will be conducted by the Authority.
- (2) The assignment of a prohibited classification within the marina proper does not require a pollution assessment by the Authority if it is not in or adjacent to a growing area.
- ~~(1) Conditionally approved;~~
- ~~(2) Conditionally restricted; or~~
- ~~(3) Prohibited.~~

B. Adjacent Waters. Waters adjacent to marina waters classified under Section A. may be impacted by pollution associated with the marina.

- (1) A dilution analysis shall be used to determine if there is any impact to adjacent waters.
- (2) The dilution analysis shall be based on the volume of water in the vicinity of the marina.
- (3) The dilution analysis shall incorporate the following:
  - (a) A slip occupancy rate for the marina;
  - (b) An actual or assumed rate of boats which will discharge untreated waste;
  - (c) An occupancy per boat rate (i.e., number of persons per boat);
  - (d) A fecal coliform discharge rate of  $2 \times 10^6$  fecal coliform per ninth power per day; and
  - (e) The assumption that the wastes are completely mixed in the volume of water in and around the marina.
- (4) The dilution analysis may incorporate the following:
  - (a) Documentation, verification, and enforcement of Federal No-Discharge Zones, and locally well-enforced no discharge and occupancy by-laws, Memorandum of Understanding, statutory authority, and regulations.
  - (b) ~~(e)~~ Availability and documented use of pump out boats or facilities.
- (5) 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 marina shall be classified as:
  - (a) Conditionally approved;
  - (b) Restricted;
  - (c) Conditionally restricted; or
  - (d) Prohibited.
- (6) If the dilution analyses predict a theoretical fecal coliform loading less than or equal to fourteen (14) fecal coliform MPN per 100 ml, the waters adjacent to the marina may be classified as:
  - (a) Approved; or
  - (b) Conditionally approved.
- (7) 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.

@.06 Mooring Areas

A. Mooring Area Proper. The area within any ~~Public entity designated~~ mooring area or anchorage, where there is mooring and or anchoring of boats, which is in or adjacent to a shellstock growing area shall be classified as, conditionally approved, conditionally restricted, restricted, or prohibited.

(1) Prior to the Authority establishing a classification of, conditionally approved, ~~or~~ conditionally restricted, ~~or~~ restricted, or prohibited in the mooring area proper, a pollution assessment supporting the classification will be conducted by the Authority. The pollution assessment shall include at a minimum:

(a) Location of mooring area

(b) Number of moorings

(c) Boat type and usage

~~(b) Density of boats~~

~~(e) Accessibility to boats which could reduce likelihood of overnight occupancy.~~

(d) Occupancy rates

(e) Seasonal Use Pattern (e.g., Presence or absence of boats)

~~(f) An actual or assumed rate of boats which will discharge untreated waste~~

~~(f)~~

(g) Documentation, verification, and enforcement of Federal NDZ, and enforced no discharge and occupancy by-laws, Memoranda of Understanding, statutory authority, and regulations.

~~(e)(h) (h) Availability and documented use of pump out boats.~~

(2) The assignment of a prohibited classification within the mooring area proper does not require a pollution assessment by the Authority if it is not in or adjacent to a growing area.

B. Adjacent Waters. Waters adjacent to ~~open water~~ mooring areas classified under Section A. may be impacted by pollution associated with the mooring areas. ~~If determined a pollution source:~~

(1) A dilution analysis shall be used to determine if there is any impact to adjacent waters.

(2) The dilution analysis shall be based on the volume of water in the vicinity of the mooring areas.

(3) The dilution analysis shall incorporate the following:

(a) An occupancy rate for the mooring areas;

(b) An actual or assumed rate of boats which will discharge untreated waste;

(c) An occupancy per boat rate (i.e., number of persons per boat);

(d) A fecal coliform discharge rate of 2 x 10 fecal coliform per ninth power per day; and

(e) The assumption that the wastes are completely mixed in the volume of water in and around the ~~open water~~ mooring areas.

(4) The dilution analysis may incorporate the following:

(a) Documentation, verification, and enforcement of Federal NDZ, and enforced no discharge and occupancy by-laws, Memoranda of Understanding, statutory authority, and regulations.

(b) Availability and documented use of pump out boats or facilities.

~~Even if overboard discharges are prohibited (i.e., NDZ), a minimum closure zone is required~~

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~~(4)~~(5) 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 mooring areas shall be classified as:

- (a) Conditionally approved;
- (b) Restricted;
- (c) Conditionally restricted; or
- (d) Prohibited.

~~(5)~~(6) If the dilution analyses predict a theoretical fecal coliform loading less than or equal to fourteen (14) fecal coliform MPN per 100 ml, the waters adjacent to the mooring areas may be classified as:

- (a) Approved; or
- (b) Conditionally approved.

(6)(7) 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.