

**ENVIRONMENTAL PROTECTION
AGENCY
[FRL 758-7]**

MINNESOTA

**Marine Sanitation Device
Standard**

On January 5, 1977, notice was published that the State of Minnesota had petitioned the Administrator, U.S. Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of the Middle Mississippi River from Lock and Dam No. 2 at Hastings, Minnesota to the Coon Rapids Dam, for the Minnesota River from its mouth to the end of the commercial channel near Shakopee, Minnesota for the St. Croix River from the Wisconsin border to Taylors Falls, and for all other interstate waters except Lake Superior, Superior Bay, and St. Louis Bay, the Lower Mississippi River from the Iowa border to Lock and Dam No. 2 at Hastings, Minnesota, the waters of the Lower St. Croix River, and the Boundary Waters Canoe Area (42 FR 15079, March 18, 1977). The petition was filed pursuant to section 312(f) (3) of Pub L. 92-500.

Section 312(f) (3) states, "After the effective date of the initial standards and regulations promulgated under this regulation, if any State determines that the protection 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 water to which such prohibition would apply."

The information submitted to me certifies that there are five stationary pump-out facilities and eighteen septic tank pumpers available to service vessels on the Middle Mississippi River from Lock

Dam No. 2 at Hastings, Minnesota to the Coon Rapids Dam, and for vessels on the Lower Minnesota River from the mouth to the end of the commercial channel near Sakopee, Minnesota. All five pump-out facilities cited by the State are on the Mississippi River; four of the five facilities (Hastings Marina, Kings Cove Marina, Jolly Roger Marina, and Hidden Harbor Marina) service any recreational craft, while the fifth facility (Twin City Barge and Towing in St. Paul, Minnesota) services commercial vessels primarily. Of the eighteen septic tank pumpers cited by the State, thirteen are in municipalities that are either directly on or border on the Mississippi River. Of the remaining five septic tank pumpers cited, one (Anoka Sewer Service in Anoka, Minnesota) is on the Mississippi river but is approximately four miles north of the northern limit of the Mississippi addressed by the application, the second (A&B Sanitation in White Bear Lake, Minnesota) is approximately twelve miles east of the Mississippi, the third (Marty Sewer Service, in Lake Elmo, Minnesota) is approximately twelve miles northeast of the Mississippi River, the fourth (Roger P. Wierke, in Rosemount, Minnesota) is between the Mississippi River and Minnesota Rivers, and is approximately six miles from the from the Mississippi River and an estimated eight miles from the Minnesota River, and the fifth (Bob Frelermuth Sanitation Service, in Hampton, Minnesota) is located between the Mississippi and Minnesota Rivers, and is approximately six miles from the Mississippi River and an estimated twenty miles from the Minnesota River. The State has certified that the combination of stationary pump-out facilities and septic tank pumpers will exclude no vessel because of water depth. The distance covered by this application on the Mississippi River is 54 miles and on the Minnesota River is 22 miles.

The State of Minnesota has certified that all vessel wastes removed at either stationary pump-out facilities or by septic tank pumpers are required to be disposed of at a National Pollutant

Discharge Elimination System permitted facility or applied on land in conformance with applicable Federal, State and local requirements. The seasonal and daily operating times of the stationary facilities, as certified by the State, are adequate.

The Agency has received no comments in opposition to the Minnesota petition that are based on scientific or technical merits.

Following a consideration of the fact that the discharge of sewage from all vessels will be prohibited when the Federal Marine Sanitation Device Standard is fully implemented in 1980, the State of Minnesota withdrew its petitions for the Upper St. Croix River from the Wisconsin border to Taylor Falls, because such water is incapable of navigation by vessels with installed marine sanitation devices, and for all other interstate water, where ingress or egress to standing waters or interstate navigation by vessels subject to the regulation are physically not possible. Thus, the applicable portions of the Mississippi and Minnesota rivers are the remaining waterways from the January 6 FEDERAL REGISTER notice requiring a determination pursuant to section 312(f) (3).

Following an examination of the petition and supporting information, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available to the Middle Mississippi River from Lock and Dam No. 2 at Hastings, Minnesota to the Coon Rapids Dam, and for the Minnesota River from its mouth to the end of the commercial channel near Shakopee, Minnesota, both within the State of Minnesota.

Dated June 23, 1977

BARBARA BLUM,
Acting Administrator

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