

**Title 40—Protection of the Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER D—WATER PROGRAMS**

[FRL 765-2]

**PART 140—MARINE SANITATION DEVICES**

**Regulation to Prohibit the Discharge of Vessel Wastes State of Minnesota**

AGENCY: Environmental Protection Agency

ACTION: Final rule.

SUMMARY: Section 312(f) (4) of the Federal Water Pollution Control Act (Pub. L. 92-500) states that, "If 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." The following regulation prohibits the discharge from a vessel of any sewage, whether treated or not, into the Boundary Waters Canoe Area (BWCA), a wilderness area within the Superior National Forest, at the northern border of the State of Minnesota.

EFFECTIVE DATE: August 30, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Kenneth M. Mackenthum, Director, Criteria and Standards Division (WH-585), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202-755-0100).

**SUPPLEMENTARY INFORMATION:**

On March 18, 1977, a notice of proposed rulemaking was published by the Administrator, Environmental Protection Agency,

to amend the present regulations in 40 CFR 140.0 (42 CFR 15079). The proposed rulemaking was issued as a result of application to the Administrator by the State of Minnesota, pursuant to Section 312(f) (4) of the Federal Water Pollution Control Act Amendments of 1972, that he prohibit, by regulation, the discharge from a vessel of any sewage, whether treated or not, into the Boundary Waters Canoe Area (BWCA) of the State of Minnesota.

The BWCA is used entirely for recreation; the majority of travel on the waters of the BWCA is canoe. Motorized vessels are allowed only on certain specified lakes, and on such lakes motors must be less than ten horsepower. The State reports that canoeists routinely take drinking water from all lakes within the BWCA and use it with no treatment. One comment was received by the Agency in response to the notice of proposed rulemaking; the commenter was in favor of the prohibition of the discharge of sewage from vessels into the BWCA.

In consideration of the foregoing, 40 CFR, Chapter I, Subchapter D, §140.4 is hereby amended by the addition of a new paragraph (b) (1) that lets those waters, the quality of which the Administrator has determined require the complete prohibition of the discharge from a vessel of any sewage (whether treated or not) for their protection and enhancement.

Dated: August 22, 1977.  
**Douglas M. Costle,**  
Administrator.

§140.4 Complete prohibition.

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(b) •••  
(1) For the following waters the discharge from a vessel of any sewage (whether treated or not) is completely prohibited:

Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Souix, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, as described in 16 U.S.C. 577-577d1.

[FRL Doc. 77-25257 Filed 8-30-77; 8:45 am]