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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION 91-118

REGIONAL BOARD POSITION REGARDING
THE RICHARDSON BAY REGIONAL AGENCY'S
IMPLEMENTATION OF THE VESSEL WASTE
DISCHARGE PROHIBITION IN RICHARDSON BAY

WHEREAS, on July 16, 1985 the Richardson Bay Regional Agency (RBRA), a joint powers agency comprised of Marin County, Sausalito, Mill Valley, Tiburon, and Belvedere, was formed in part to enforce a vessel waste discharge prohibition in Richardson Bay once a discharge prohibition zone was approved by EPA; and

WHEREAS, the RBRA *Joint Exercise Powers Agreement* (Agreement) stipulates that the cleanup of pre-existing conditions in Richardson Bay shall be the responsibility of the individual jurisdictions; and

WHEREAS, the existence of the unsewered community of the Gates Co-op pre-dates the Agreement and is therefore a pre-existing condition whose clean-up is the responsibility of Marin County; and

WHEREAS, the RBRA, in a September 1985 petition to the Regional Board requested that Richardson Bay be designated as an area where sewage discharge from vessels would be prohibited; and

WHEREAS, the Regional Board adopted Resolution #86-0006 on June 18, 1986 amending the San Francisco Bay Basin Plan to prohibit sewage discharge from vessels in Richardson Bay; and

WHEREAS, the State Water Resources Control Board adopted Resolution #86-77 on October 14, 1986 which approved Regional Board Resolution #86-0006 and petitioned the Environmental Protection Agency (EPA) to designate Richardson Bay as a vessel waste no-discharge area; and

WHEREAS, the EPA approved the petition and established the no-discharge area on August 11, 1987; and

WHEREAS, the Regional Board found that the RBRA had not effectively implemented the prohibition and in a letter of March 26, 1990 requested that the Agency provide the Board with a detailed implementation plan by October 1, 1990; and

WHEREAS, due to the slow progress by the RBRA in preparing a satisfactory plan the Regional Board on March 20, 1991 required the RBRA to submit a technical report with an effective implementation plan to the Board by June 18, 1991. The Board specifically indicated the need for a remedy to the existing discharges from unsewered houseboats and 'anchor-outs'; and

WHEREAS, the RBRA submitted the required report and implementation plan on June 18, 1991.

THEREFORE BE IT RESOLVED THAT:

1. The Regional Board finds the implementation plan and associated local Ordinances address the mandate of the Richardson Bay Regional Agency and provide a satisfactory mechanism for enforcing the prohibition against vessel waste discharge to Richardson Bay.

2. In the event the RBRA program does not demonstrate satisfactory progress in abating the discharges from the anchor out and unsewered houseboat communities within one (1) year from the date of this Resolution, the Regional Board will again consider enforcement action against all appropriate agencies and responsible parties including the RBRA, Marin County, Waldo Point Harbor, the Gates Co-op and the Galileo Harbor Association.

BE IT FURTHER RESOLVED THAT:

1. The Richardson Bay Regional Agency shall submit to the Regional Water Quality Control Board on January 15, 1992 and every six months thereafter, for three years, a status report on the RBRA's progress in the implementation and enforcement of the approved plan.
2. The RBRA shall submit to the Regional Water Quality Control Board an implementation plan for insuring a permanent solution to the sewage discharges from all unsewered houseboats, within two months of the resolution of the applicable outstanding law suits as follows: The State of California (*filed by BCDC*) vs Galilee Harbor; Waldo Point Harbor vs BCDC and Marin County; and The State of California (*filed by BCDC*) vs Waldo Point Harbor and Gates Co-operative.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 17, 1991.



Steven R. Ritchie
Executive Officer