



ENVIRONMENTAL PROTECTION AGENCY

[EPA-R03-OW-2025-2004; FRL-12999-02-R3]

Virginia; Waters of the Northern Neck Peninsula Vessel Sewage No-Discharge Zone; Final Affirmative Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final determination.

SUMMARY: The U.S. Environmental Protection Agency (EPA), Region 3, has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for waters within Virginia's Northern Neck peninsula to support the designation of a vessel sewage no-discharge zone for such waters. Pursuant to the Clean Water Act section 312, this notice constitutes the EPA's final affirmative determination on the application submitted by Virginia on September 10, 2025. Following this final affirmative determination, Virginia may designate certain waters within Richmond, Lancaster, Northumberland, and Westmoreland Counties as a vessel sewage no-discharge zone in accordance with State law.

FOR FURTHER INFORMATION CONTACT: Byron Riggins, Wetlands Branch, Water Division (3WD10), U.S. Environmental Protection Agency, Region 3, Four Penn Center, 1600 John F Kennedy Blvd, Philadelphia, PA 19103-2852; telephone number: (215) 814-5146; email address: riggins.byron@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On September 10, 2025, the Commonwealth of Virginia submitted an application to the U.S. Environmental Protection Agency (EPA), Region 3, for a determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for certain waters of Northern Neck peninsula, so that Virginia may

completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters. This application for a no-discharge zone was made pursuant to Clean Water Act section 312(f)(3).

The proposed no-discharge zone encompasses various waterbodies in the rural watersheds of Virginia's Coastal Plain, specifically on the Northern Neck peninsula, in the counties of Richmond, Lancaster, Northumberland, and Westmoreland. Virginia's application includes maps that depict the waterbodies included in the proposed no-discharge zone, as well as tables that specify the geographic coordinates of the zone's boundaries. In its application, Virginia certified that the protection and enhancement of the quality of these waters require greater environmental protection than is afforded by the applicable Federal standard. This certification was based on a need to protect extensive shellfish harvest and aquaculture acreage from bacterial impairment and to preserve water quality for recreational activities, such as boating, fishing, and swimming. Virginia also provided information on the vessel population and usage of these waters and identified the pumpout facilities available to service these vessels. Virginia's application is available electronically in Docket ID No. EPA-R03-OW-2025-2004 through <https://www.regulations.gov>.

II. Response to Public Comments

On December 8, 2025 (90 FR 56748), the EPA published a tentative affirmative determination in the *Federal Register* that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters subject to Virginia's proposed no-discharge zone and solicited the public's input during a 30-day comment period.

The EPA received two comments on the tentative affirmative determination. One commenter wrote in support of the designation. The other commenter expressed concern that obtaining data for this area is difficult due to the construction of offshore wind turbines in the Virginia Beach area. The EPA disagrees. Virginia's application included the necessary data and

information to demonstrate the adequacy and availability of pumpout facilities to potentially affected vessels in the Northern Neck peninsula. Other matters discussed in this comment are outside the scope of the EPA's responsibility to determine whether adequate facilities are reasonably available for the removal and treatment of sewage from all vessels to which the no-discharge zone would apply.

III. Adequacy and Availability of Pumpout Facilities

In the tentative determination, the EPA outlined the Agency's role in evaluating Virginia's application for a vessel sewage no-discharge zone under Clean Water Act section 312(f)(3), which requires that the Agency determine whether adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters proposed for a no-discharge zone designation.

As set forth in the tentative determination, based on the information provided by Virginia and the EPA's subsequent review, there are an estimated 3,105 recreational and transient vessels and 50 commercial vessels operating within the waters of the Northern Neck that are expected to require pumpout services. These vessels may be serviced by 24 publicly accessible sewage pumpout facilities, as well as one private facility. Information about these facilities is provided in Table 1¹ of this document. During peak usage, such as a holiday weekend, the EPA estimates that 1,292 vessels are expected to require access to pumpout facilities, and up to 1,456 vessels may be served by available pumpout facilities. This estimate is based on the number of vessels that can be serviced per hour by each available facility and the hours of operation of each facility. As such, the EPA determined that adequate pumpout facilities are reasonably available to meet the expected demand during peak usage. Additionally, the EPA finds that the cost for recreational vessels to access these facilities is minimal, with most publicly accessible facilities (19 of the 24 facilities) charging 10 dollars or less per pump out.

¹ Table 1 of the tentative determination incorrectly included information for only 20 of the 25 facilities identified in Virginia's application. This transcription error has been resolved in this final determination.

Because commercial vessels incur additional types of costs associated with accessing pumpout facilities that recreational vessels do not, the EPA compared the volume of sewage produced by commercial vessels with the volume that can be received by available pumpout facilities and considered the costs associated with accessing and using those facilities. As described in the tentative affirmative determination, the EPA's screening analysis showed that demand for pumpout services is never expected to exceed capacity in the waters proposed for designation, indicating that sufficient pumpout capacity is available for commercial vessels. Because capacity significantly exceeds demand, the EPA expects that this capacity surplus would be sufficient when both recreational and commercial vessels access the facilities during peak usage. The EPA also considered the various costs incurred by commercial vessels to determine how the proposed no-discharge zone would impact baseline operating costs. The EPA estimates that the increase in baseline operating costs would be 0.2 percent for working vessels (e.g., tugboats), 1.8 percent for commercial fishing vessels, 2.3 percent for excursion vessels, and 1.3 percent for offshore vessels. This increase is largely attributable to lost revenue due to the time it takes to pump out sewage from a vessel; therefore, savings may be achieved if vessel operators are able to time pumpout activities to minimize cost impacts. The EPA also used conservative values in estimating the increase in costs, as such, the true percent increases are likely to be lower.

Finally, the EPA verified that the treatment of waste from pumpout facilities is in conformance with Federal law. As discussed in the EPA's tentative affirmative determination, seven wastewater treatment plants (WWTPs) receive sewage from the available pumpout facilities. The Virginia Department of Environmental Quality reviews and issues Virginia Pollutant Elimination Discharge System permits to the WWTPs to ensure compliance with applicable regulations. While two of the facilities (Reedville WWTP and Town of Colonial Beach WWTP) had permit violations within the last five years, Virginia confirmed that Reedville WWTP is currently in compliance with a consent order intended to bring the facility into

compliance. For the Town of Colonial Beach WWTP, the EPA determined that, upon implementation of appropriate corrective actions, the facility could be operated consistent with Federal, State, and local requirements. Based on a review of design capacities and average actual flows, the EPA does not expect that any of the WWTPs would exceed capacity due to increased volumes that may result from establishment of a no-discharge zone.

IV. Determination

Based on the EPA’s review of both the information provided in Virginia’s application and the comments received on the EPA’s tentative determination, the EPA Region 3 hereby makes a final determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are available for the waters of the Northern Neck peninsula, including waters in Richmond, Lancaster, Northumberland, and Westmoreland Counties.

Table 1—List of Pumpout Facilities

| Name | Location | Contact information | Operating schedule | Water depth (feet) | Fee |
|---|--|----------------------------|--|---------------------------|---------------------------------|
| Blue Compass Marina at Horn Harbor (CB-3) | 836 Horn Harbor Rd., Burgess, VA 22432 | 804-453-3351 | Apr-Oct: 8 a.m.-9 p.m. (M-F); 9:30 a.m.-4 p.m. (S & Su) Nov-Mar: 11 a.m.-4 p.m. (W-Su) 24/7 call ahead service | 7 | Free |
| Buzzard Point Dry Storage & Marina (CB-7) | 468 Buzzard Point Rd., Reedville, VA 22539 | 804-453-3545 | Late Mar-Dec: 8 a.m.-5 p.m. (M-S); 8 a.m.-4 p.m. (Su) | 8.5 | \$5 |
| Carter's Cove Marina (RAP-3) | 347 Carters Cove Drive, Weems, VA 22576 | 804-438-5299 | Apr-Nov: 9 a.m.-5 p.m. | 5 | Free (\$5 for non-slip holders) |
| Chesapeake Boat Basin | 1686 Waverly Ave., | 804-436-1234 | 8 a.m.-5 p.m. (M-S); 8 a.m.-3 p.m. | 13 | \$5 |

| | | | | | |
|---|---|--------------|---|-----|---|
| (CB-10) | Kilmarnock, VA 22482 | | (Su); Closed Sun & Mon in Jan & Feb | | |
| Coan River Marina (POT-9) | 3170 Lake Rd., Lottsburg, VA 22511 | 804-529-6767 | Apr-Oct: 8:30 a.m.-5 p.m. (M- F); 9:30 a.m.-2 p.m. (S); Nov-Mar: 9:30 a.m.-4 p.m. (M-F) | 7 | \$10 (\$5 for portable toilets) |
| Cockrell's Marine Railway Inc. (CB-12) | 309 Railway Dr., Heathsville, VA 22473 | 804-453-3560 | 6:00 a.m.-6:00 p.m. | 5 | \$5-20 (holding tank size dependent) |
| Coles Point Marina (POT-6) | 190 Plantation Drive, Hague, VA 22469 | 804-472-4011 | Apr-Oct: 9 a.m.-5 p.m. (M-Th); 8 a.m.-7 p.m. (F & S); 9 a.m.-4 p.m. (Su); Nov-Mar: 9 a.m.- 5 p.m. (M-S); 9 a.m.-12 p.m. (Su) | 6 | \$20 |
| Colonial Beach Yacht Center (POT-5) | 1787 Castlewood Drive, Colonial Beach, VA 22443 | 804-224-7230 | Apr-Oct: 10 a.m.- 4 p.m. (daily except T); Nov-Mar: 10 a.m.-4 p.m. (F-Su) | 5 | \$5 |
| Fairport Marina (CB- 8) | 252 Polly Cove Rd., Reedville, VA 22539 | 804-453-5002 | 9 a.m.-5 p.m. (M, T, S, Su); 9 a.m.- 10 p.m. (W-F) | 8 | \$5-10 (holding tank size dependent) |
| Indian Creek Country & Yacht Club (CB-9) | 362 Club Drive, Kilmarnock, VA 22482 | 804-435-1340 | Private (members & guests only) | 6 | Free for members & guests |
| Ingram Bay Marina (CB- 4) | 545 Harveys Neck Rd., Heathsville, VA 22473 | 804-580-7292 | 9 a.m.-5 p.m. | 6 | \$5 |
| Jenning's Boatyard Inc. (CB-5) | 169 Boatyard Road, Reedville, VA 22539 | 804-453-7181 | 8 a.m.-5 p.m. (M- F); 8 a.m.-12 p.m. (S) | 9 | \$5 |
| Lewisetta Marina (POT-10) | 369 Church Lane, Lottsburg, VA 22511 | 804-529-7299 | 7 a.m.-5 p.m. | 9 | \$5 |
| Monroe Bay & Winkie Doodle | 551 Lafayette Street, Westmoreland, | 804-224-7544 | Apr-Oct: 8 a.m.-8 p.m. | 5.5 | Free |

| | | | | | |
|---|--|--------------|--|-----|-------------------------------------|
| Marinas (POT-7) | VA 22443 | | | | |
| Olverson's Lodge Creek Marina (POT-8) | 1161 Melrose Rd., Lottsburg, VA22511 | 804-529-5071 | 8 a.m.-5 p.m. (M-S); 8 a.m.-2 p.m. (Su) | 10 | \$5 |
| Reedville Marina— Crazy Crab Restaurant (CB-11) | 902 Main St., Reedville, VA 22539 | 804-453-6789 | Apr-Oct: 9 a.m.-5 p.m. | 14 | \$5 |
| Smith Point Marina (CB-2) | 989 Smith Point Rd., Reedville, VA 22539 | 804-453-4077 | Apr-Dec: 8 a.m.-4 p.m.; Nov-Mar: 8 a.m.-4 p.m. (M-F) | 4.5 | Free; (\$10 for non-slip holders) |
| Stepp's Harbor View Marina (POT-2) | 277 Harbor View Circle, Colonial Beach, VA 22443 | 804-224-7230 | Apr-Nov: 9 a.m.-5 p.m. | 8 | \$10 |
| The Boat House Marina (POT-3) | 829 Robin Grove Lane, Colonial Beach, VA 22443 | 804-224-7644 | 8 a.m.-4 p.m. (T-S) | 6 | Free |
| Tides Inn & Lodge (RAP-6) | 480 King Carter Drive, Irvington, VA, 22480 | 804-438-4418 | Mid-Mar-Dec: 8 a.m.-7 p.m.; Jan-Mid-Mar: 8 a.m.-4 p.m. | 8 | Free |
| Tiffany Yacht Company (CB-6) | 2355 Jessie Dupont Memorial Highway, Burgess, VA 22432 | 804-453-3464 | 7:30 a.m.-4:30 p.m. (M-F); 7:30 a.m.-12 p.m. (S) | 10 | \$20+ (holding tank size dependent) |
| Whelan's Marina & Campground (RAP-7) | 3993 Hales Point Rd, Farham, VA 22460 | 804-394-9500 | Apr-Oct: 8 a.m.-5 p.m. (M-F); 8 a.m.-1 p.m. (S); Nov-Mar: 8 a.m.-5 p.m. (M-F) | 3 | Free |
| White Point Marina (POT-4) | 175 Marina Drive, Kinsale, VA 22488 | 804-472-2977 | Mar 15-Nov 15: 7:30 a.m.-4 p.m. (M-F); 7:30 a.m.-5 p.m. (S & Su) | 8 | \$5 |
| Windmill Point Marina (RAP-2) | 40 Windjammer Lane, White Stone, VA 22578 | 804-436-1818 | 9 a.m.-5 p.m. (on call 24/7) | 6.5 | \$20 |

| | | | | | |
|-----------------------------|--|--------------|---|-----|-------------------------------------|
| Yankee Point Marina (RAP-5) | 1303 Oak Hill Rd., Lancaster, VA 22503 | 804-462-7635 | <p>May 1-Sept 30: 8 a.m.-4:30 p.m. (M-Th); 7 a.m.-6 p.m. (S & Su);</p> <p>Oct 1-Apr 30: 8 a.m.-4:30 p.m. (M-F); 9 a.m.-4 p.m. (S)</p> | 8.5 | \$10+ (holding tank size dependent) |
|-----------------------------|--|--------------|---|-----|-------------------------------------|

Amy Van Blarcom-Lackey,
Regional Administrator,
Region III.

[FR Doc. 2026-09042 Filed: 5/6/2026 8:45 am; Publication Date: 5/7/2026]