

Agenda Item 2021-0345

ADOPT ORDINANCE AMENDING SECTION 4.14 OF THE SAN DIEGO UNIFIED PORT DISTRICT CODE, REGULATION OF IN-WATER HULL CLEANING

October 12, 2021



Karen Holman | Director, Environmental Protection
Kelly Tait | Program Manager, Environmental Protection

Agenda 2021-0345

Presentation and Board Action

- A. Adopt an Ordinance Amending Section 4.14 of the San Diego Unified Port District Code, Regulation of In-Water Hull Cleaning, to Implement a Mandatory Pause of In-Water Hull Cleaning of Vessels with Copper-Based Antifouling Paint in Shelter Island Yacht Basin Starting December 19, 2021 and Continuing Through February 9, 2022

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TMDL Compliance

 Copper levels in Shelter Island exceeds 3.1 µg/L state regulatory standard

 Per TMDL Copper Antifouling Paint is primary source via

- Passive leaching
- In-Water Hull Cleaning

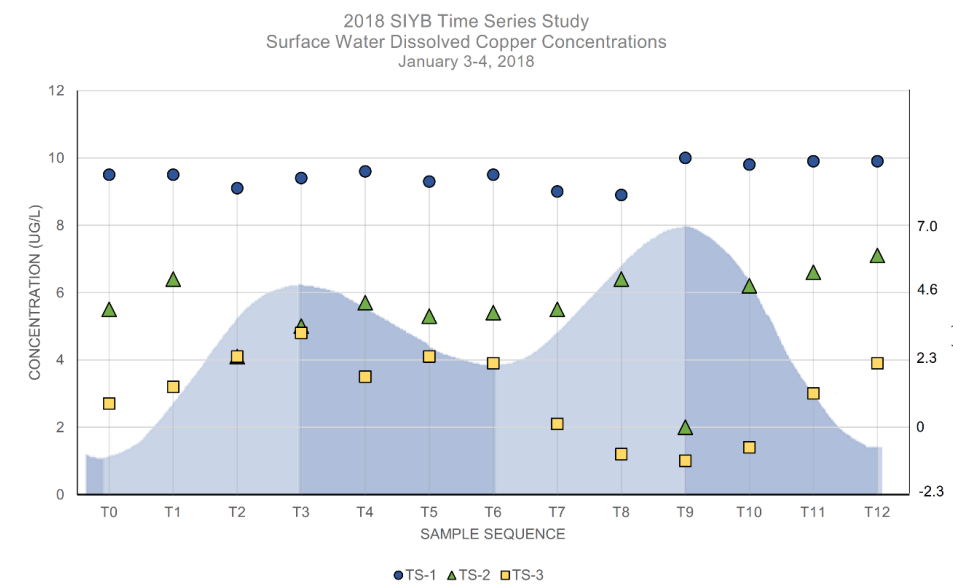
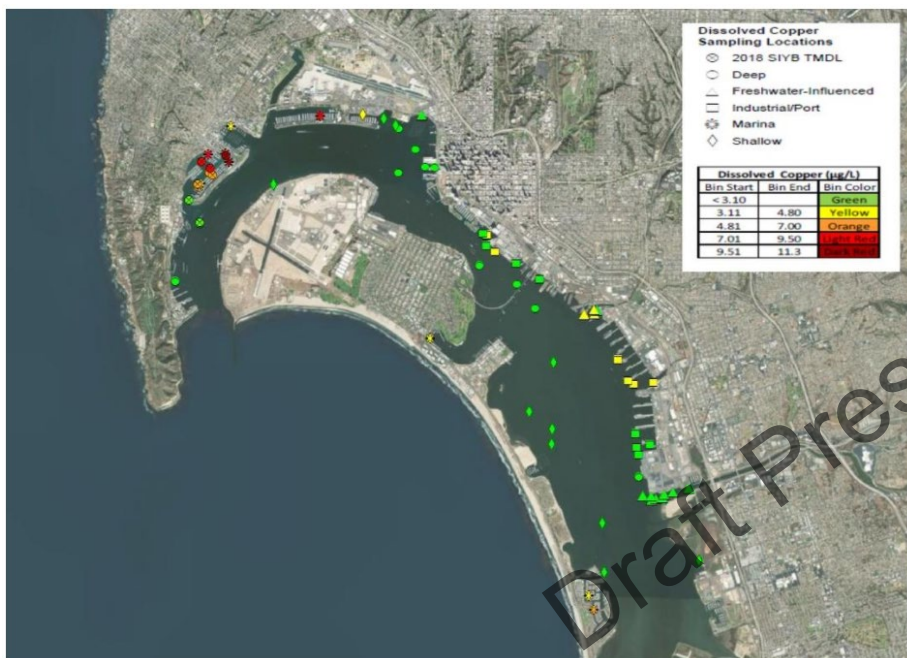
 76% reduction required by 2022

 District, marinas & yacht clubs, hull cleaners, and boaters are named dischargers

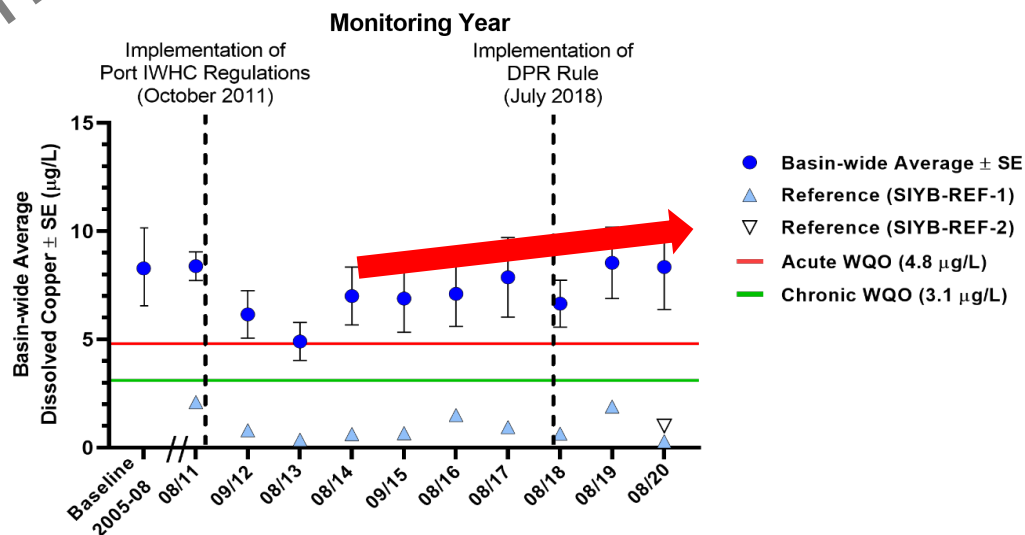
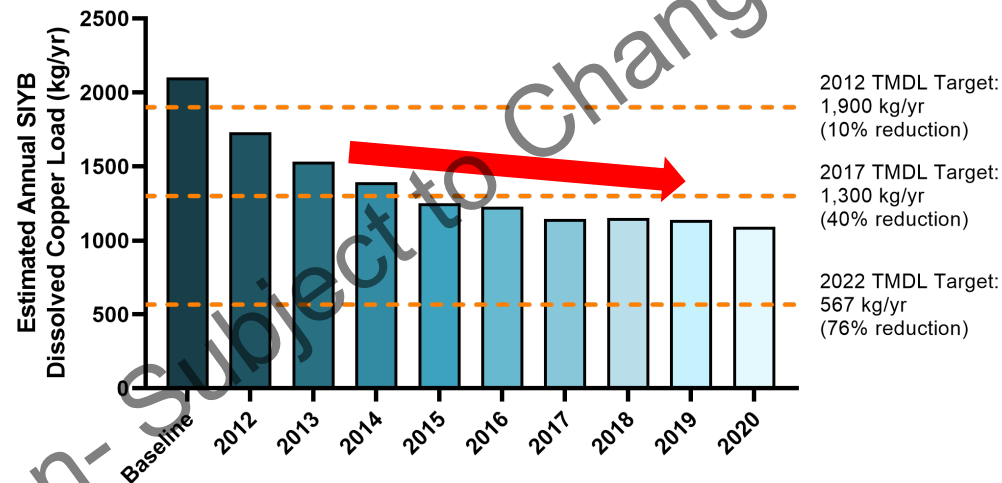
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Water Quality- What We Know

- Bay-wide water quality: marinas have higher dissolved copper concentrations, especially in SIYB
- In SIYB:
 - Copper concentrations well studied in SIYB
 - Water column is relatively consistent, slightly lower concentrations at bottom depths
 - Tidal influences examined within inner, mid, and outer portions of SIYB



SIYB Water Quality and Loading Disconnect



Source: 2020 SIYB Annual Monitoring & Progress Report, Wood, March 2021

In-Water Hull Cleaning & Water Quality

Recent Scientific Studies

- *2019 Conceptual Model Review (Wood)*: adjusting hull cleaning frequencies and practices will reduce copper loads and are likely to improve water quality
- *2021 Study 319 Report: Monitoring of Dissolved Copper in California Coastal Waters (Dept of Pesticide Regulation)*: concluded hull cleaning may contribute 45% greater load compared to no cleaning

Blue Economy Incubator Findings

- Boatwash evaluated water quality effects from diver-based cleaning
- Diver-based cleaning can increase copper 5-10x (4-50 $\mu\text{g/L}$) greater than state standard and effects last 30 days



September 2021 Board Meeting Recap

- Update on Hull Cleaning Pause
- Regional Board is project partner
- Draft Ordinance Amendment as implementation mechanism

Board Direction

- Schedule Adjustments
- Fines & Citations
- Alternate Cleaning Location

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Proposed Amendment

District Code 4.14, Regulation of In-Water Hull Cleaning

- Temporary pause in cleaning of copper-based antifouling paints in SIYB (Sub-section E)
- Defines pause period as December 19, 2021 – February 9, 2022
- Only Shelter Island Yacht Basin
- Only copper-based antifouling paints
- Includes prohibitions for cleaning
 - ✓ Hull cleaning business & Hull Cleaners
 - ✓ Boaters
 - ✓ Marinas
 - ✓ \$1,000 fines for non-compliance
- Provision expires upon conclusion of pause period (Feb 10)

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Proposed Amendment

District Code 4.14, Regulation of In-Water Hull Cleaning

Other provisions unchanged since September:

- Includes definitions for the terms Copper-Based Antifouling Paint or Coating and Shelter Island Yacht Basin.
- Clarifies appeals process for any person subject to enforcement in accordance with the provisions of Section 0.11(i) of the District Code.
- Provides limited clarifications of existing provisions.

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Alternate Cleaning Locations

Site Feasibility Analysis

Preferred alternatives based on site analysis

Opportunities

- Multiple sites evaluated
- Proximity to SIYB
- Accessibility (Waterside & Landside)

Constraints

- Use restrictions
- Safety

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Next Steps

Ongoing Engagement

- Ensure SIYB boating community aware of project details
- Provide information on alternate locations available

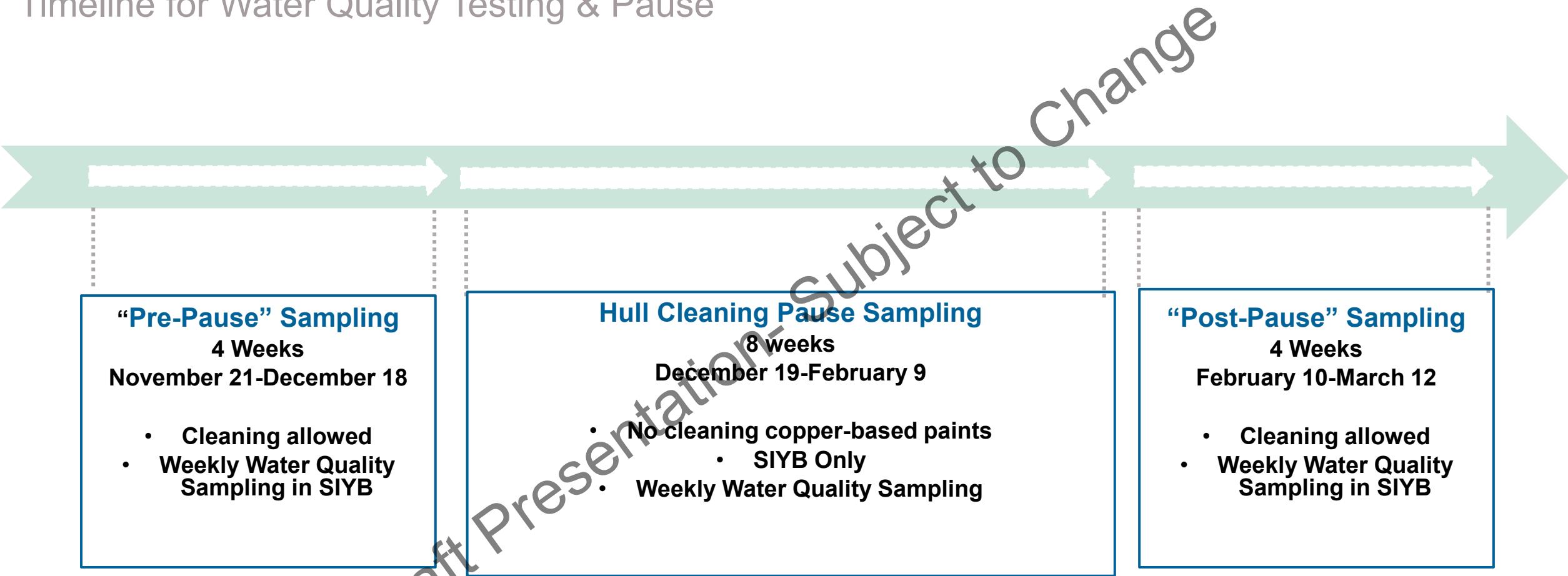
Enforcement

- Frequent inspections in SIYB during pause period
- Citations will be issued as appropriate

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Hull Cleaning Pause Schedule

Timeline for Water Quality Testing & Pause



Staff Recommendation

Staff is recommending the Board adopt an amendment to District Code Section 4.14, Regulation of In-Water Hull Cleaning, that would temporarily pause in-water hull cleaning of vessels with copper-based paint in the Shelter Island Yacht Basin (SIYB) from December 19, 2021- February 9, 2022

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