

Re San Diego Unified Port District's }
 Commitment to Take Actions to }
 Reduce Copper Concentrations in }
 San Diego Bay }
 _____ }

RESOLUTION 2009-230

WHEREAS, the San Diego Unified Port District (District) serves as the trustee of certain tidelands and lands lying under the inland navigable waters of San Diego Bay, as established by the San Diego Unified Port District Act; and

WHEREAS, the District was established to protect State Tidelands and submerged lands for the people of the State of California; and

WHEREAS, the San Diego Unified Port District Act allows the District to use its powers and authority to protect, preserve and enhance the quality of water in San Diego Bay; and

WHEREAS, the San Diego Regional Water Quality Control Board added Shelter Island Yacht Basin to the State's Clean Water Act Section 303(d) list of impaired water bodies in 1996 due to high concentrations of dissolved copper in the water column; and

WHEREAS, a compliance time line has been set to reduce copper loads in Shelter Island Yacht Basin; a Total Maximum Daily Load (TMDL) was developed, requiring a Seventy Six Per Cent (76%) reduction of copper loading over Seventeen (17) years to restore beneficial uses to the waters; interim load reduction targets are also set at Five (5) years (Ten Per Cent [10%]), and Ten (10) years (Forty Per Cent [40%]); and

WHEREAS, the parties named in the Shelter Island TMDL include the District, marinas, yacht clubs, in-water boat hull cleaners and boaters; and

WHEREAS, in the most recent 2006 update of the Clean Water Act Section 303(d) list, the Seven (7) other San Diego Bay marina basins also were listed as impaired for dissolved copper, requiring the development of TMDL's and associated load reductions; and

WHEREAS, dissolved copper in the water column has been associated with copper-based antifouling paints; the primary mechanisms for copper inputs are from: 1) the passive leaching of copper from antifouling coatings, and 2) in-water hull cleaning of vessels, NOW, THEREFORE,

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

1. The District finds that reductions in the levels of copper are necessary to ensure the protection of marine life in San Diego Bay;

2. The District is committed to complying with the provisions of regulatory requirements and achieving reductions in copper levels within or in advance of the time frames specified;

3. The District is committed to identifying viable options for reducing copper levels in San Diego Bay;

4. The District will support and encourage regulations on hull paints at a State or Federal level;

5. The District is committed to developing, as necessary, policies, ordinances, procedures and/or programs to achieve load reductions;

6. The District finds that switching to alternative, non-copper based coatings is an effective means of achieving copper reductions;

7. The District finds that proper use of Best Management Practices is essential to reduce copper loading during in-water hull cleaning;

8. The District is committed to working with the tenants and stakeholders to identify and implement copper reduction strategies; and

9. The District is committed to transitioning District vessels to non-copper alternatives.

ADOPTED this 1st day of December, 2009.


San Diego Unified Port District

Office of the Clerk

CERTIFICATION OF VOTE

Passed and adopted by the Board of Port Commissioners of the San Diego Unified Port District on December 1, 2009, by the following vote:

| <u>Commissioners</u> | <u>Yeas</u> | <u>Nays</u> | <u>Excused</u> | <u>Absent</u> | <u>Abstained</u> |
|----------------------|-------------|-------------|----------------|---------------|------------------|
| Michael Bixler | X | | | | |
| Lee Burdick | X | | | | |
| Stephen P. Cushman | X | | | | |
| Stephen C. Padilla | X | | | | |
| Scott H. Peters | X | | | | |
| Robert J. Spane | X | | | | |
| Robert Valderrama | X | | | | |

AUTHENTICATED BY:


Chairman of the Board of Port Commissioners

MARY ANN LINER
Clerk of the San Diego Unified Port District

By: 
District Clerk

(Seal)

Resolution Number: 2009-230

OR

Ordinance Number: _____

Adopted: December 1, 2009