

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
MARCH 17, 2009**

ITEM 7

SUBJECT

CONSIDERATION OF A RESOLUTION TO ALLOCATE \$200,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD (SAN DIEGO WATER BOARD) FOR THE REMOVAL OF MARINE DEBRIS FROM A-8 ANCHORAGE, SAN DIEGO BAY, SAN DIEGO

DISCUSSION

The San Diego Water Board requests funding of \$200,000 to support the remaining cleanup of a location in San Diego Bay designated as the A-8 Anchorage.

San Diego Bay has historically been subjected to waste discharges from both shore-side sources and from boats, vessels and activities taking place on or over the water. Efforts to clean up pollutants and remove debris have included dredging and debris removal in areas where discharges have occurred within leaseholds or limited areas. However, the open water portions of the bay are difficult to clean up using regulatory authority because responsible parties are difficult to identify. Therefore, the San Diego Unified Port District (Port District) has adopted a policy to clean up specific open water areas.

The area in San Diego Bay designated as the A-8 Anchorage has long been a location where irresponsible owners of anchored boats have caused discharges of waste through willful acts, including the eventual sinking of boats after abandonment. In recent years, the Port District has aggressively acted in removing the sunken boats and clearing the bottom area of debris. The cleanup has nearly been completed; however the remaining funds needed to finalize the Project are not available.

The San Diego Water Board is requesting financial assistance from the CAA to assist in the cleanup of the final area of the A-8 Anchorage. To ensure that the A-8 Anchorage area is not impacted by new discharges, the area has been secured and is no longer used as a long term anchorage area.

POLICY ISSUE

Should the State Water Board:

Approve funds in the amount of \$200,000, from the CAA to the San Diego Water Board in support of the remaining cleanup of a location in San Diego Bay designated as the A-8 Anchorage?

FISCAL IMPACT

Sufficient funds are available for this Project. As of January 7, 2009, the uncommitted CAA balance is estimated to be no less than \$8 million.

REGIONAL WATER BOARD IMPACT

Yes, the San Diego Water Board.

STAFF RECOMMENDATION

The State Water Board should:

Approve \$200,000 from the CAA to the San Diego Water Board to assist in the remaining cleanup of a location in San Diego Bay designated as the A-8 Anchorage.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012, to fully support the beneficial uses for all 2006-listed water bodies by 2003. In particular, approval of this item will assist in fulfilling Objective 1.3 to take appropriate enforcement actions and innovative approaches as needed to protect and restore all surface waters.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

ALLOCATE FUNDS IN THE AMOUNT OF \$200,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE SAN DIEGO REGIONAL QUALITY CONTROL BOARD (SAN DIEGO WATER BOARD) FOR THE REMOVAL OF MARINE DEBRIS FROM A-8 ANCHORAGE, SAN DIEGO BAY, SAN DIEGO.

WHEREAS:

1. The San Diego Water Board requests \$200,000 to support the remaining cleanup of a location in San Diego Bay designated as the A-8 Anchorage;
2. San Diego Bay has historically been subjected to waste discharges from both shore-side sources and from boats, vessels and activities taking place on or over the water. There have been significant successful efforts to remove pollutants from the San Diego Bay including dredging and debris removal in locations where discharges have occurred within leaseholds or within limited areas;
3. The area in San Diego Bay designated as the A-8 Anchorage has long been a location where irresponsible owners of anchored boats have caused discharges of waste through willful acts, including the eventual sinking of boats after abandonment. The San Diego Unified Port District has aggressively acted in recent years to remove the sunken boats and clear the bottom area of debris;
4. The cleanup has nearly been completed; however the remaining funds needed to finalize the project is not available. The San Diego Water Board is requesting financial assistance from the CAA in order to clean up this final area of the A-8 Anchorage; and
5. The requested allocation is consistent with the purposes of the Water Code section 13442. Water Code section 13442 provides that the State Water Resources Control Board (State Water Board) may order moneys to be paid from CAA to a public agency with authority to cleanup or abate the effects of a waste in order "to assist it in cleaning up the waste or abating its effects on waters of the state."

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the allocation of funds of \$200,000 from the CAA to the San Diego Water Board to support the remaining cleanup of a location in San Diego Bay designated as the A-8 Anchorage; and

D R A F T

2. The funds will be available until March 31, 2012. Any unexpended funds, as of March 31, 2012, shall revert to CAA, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on March 17, 2009.

Jeanine Townsend
Clerk to the Board