

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2009

ITEM: 12

SUBJECT: Status Report: Statewide Marina Permit (David Gibson)

PURPOSE: To inform the Board on the status of the development of a statewide marina permit.

PUBLIC NOTICE: None required.

DISCUSSION:

Due to increasing impairment of coastal marinas from petroleum hydrocarbon discharges, trash, and emissions from copper-based Anti-Fouling Paints (AFPs) from boat hulls, the State Water Board is in the process of developing Waste Discharge Requirements for marinas (General Coastal Permit). Statewide there are more than 218 marinas and mooring fields (marinas) in saline or brackish waters along coastal regions, bays and estuaries of California that contain slips or mooring locations for 10 or more boats. Statewide, at least 99 marinas (45%) are in water bodies that are listed on the Clean Water Act (CWA) Section 303(d) List of Water Quality Limited Water Bodies as impaired for indicator bacteria or pathogens. In addition, at least 80 marinas (37%) are located in water bodies that are listed as impaired for copper, and a minimum of 44 marinas (20%) are located in water bodies that are on the CWA Section 303(d) list as impaired for zinc.

In San Diego Bay, approximately 322 acres of the bay are listed as impaired for dissolved copper. In 2003, the Regional Board considered a NPDES permit to address discharges in marinas in the San Diego Region. A TMDL for dissolved copper was been adopted by the Regional Board and approved by US EPA in 2005 for the Shelter Island Yacht Basin. In 2007, the Regional Board initiated stakeholder workshops on a regional NPDES permit to protect high quality waters, control discharges of pollutants, and implement TMDLs adopted by the Regional Board.

Statewide, there are six pathogen TMDLs and three metals TMDLs in which marinas listed as sources. With several Regional Boards adopting TMDLs, the State Board identified a need for statewide consistency in regulation and implementation that resulted in the initiation of statewide Waste Discharge Requirements for marinas. US EPA supports the General Permit for implementation of TMDLs and as a tool to address Non Point Source Pollutants associated with marinas.

Within marinas, various activities are conducted that result in the discharge of wastes and cause pollution of the surrounding surface water. The specific types of activities that result in the discharge of pollutants include, but are not limited to, the following: 1) year-round mooring of boats coated with the legal application of registered AFPs; 2) underwater boat hull cleaning; 3) the illegal release of sewage from vessels within a marina, or the misuse or malfunctioning of sewage pumpout facilities, including leaking pipes if pumpout facility or permanently moored houseboat is connected to a sewer system; 4) bilge and marine sanitation device pump-out activities; 5) fueling activities; 6) boat maintenance and cleaning if the marina is not covered under an existing industrial NPDES permit; 7) discharge of storm water if not contained in an existing curb and gutter system or appropriately sized bio-retention system (approximately 7% of marinas statewide are **not** covered by existing municipal separate storm sewer systems Phase I or II NPDES permits); and 8) transfer of aquatic nuisance species between waterbodies by vessel hulls, bilges, live wells, bait buckets, and fishing gear.

The intent of a statewide Coastal Marinas General Permit is threefold: 1) be the regulatory means to require implementation of TMDLs that have marinas listed as likely sources of impairment; 2) to control pollutants generated by marina activities by implementing appropriate best management practices; and 3) to prevent pollution generated by marina activities from potentially impacting high quality waters. While a General Permit establishes minimum statewide requirements, the Regional Board can establish more stringent and/or more specific requirements appropriate for specific marinas.

The General Permit will not directly regulate individual boat owners, but rather the marinas and mooring that are defined as establishments classified under Standard Industrial Classification code 4493 (and North American Industry Classification System Code 713930) and engaged in operating docking and/or storage facilities for pleasure craft owners, with or without one or more related activities, such as retailing fuel and marine supplies; and repairing, maintaining, or renting pleasure boats. This General Permit will require marina owners/operators to: 1) report unauthorized/illicit sewage discharges; 2) develop and implement a Marina Pollution Prevention Plan (MPPP); and 3) perform monitoring and reporting to assure that the MPPP is effective (Supporting Document 1).

The challenge of developing this Coastal Marinas General Permit is to provide the flexibility for the Regional Boards to consider the range of water quality conditions and sizes of marinas they are regulating. To address this challenge, the General Permit will use a tiered risk based determination to rank each marina with a high, moderate or low risk level threat to water quality. This ranking will determine the initial monitoring and reporting frequency as well as the annual fee. The tiered risk-based ranking system will be based on an estimate of the total boat hull area within a marina affecting water quality and the sensitivity of that marina's waters to the permitted discharges.

This permit has been the subject of several workshops with stakeholders statewide (Supporting Document 2). An additional series of informal workshops will be conducted by the SWRCB Office of Public Participation during the winter 2010. These workshops will help determine the average boat hull area by boat class type for use in the risk matrix. This information will also be used (along with the amount of boats per marina that are painted with copper-biocide AFP) to determine load allocations of dissolved copper for the Shelter Island TMDL. The MPPP will be the implementing tool that the regional board can use to approve BMPs that are likely to reduce dissolved copper loads to Shelter Island.

LEGAL CONCERNS: None

SUPPORTING

DOCUMENTS:

1. Draft Monitoring and Reporting Program for Coastal Marinas General Permit.
2. State Board Presentation on the Framework for the Development of a California-Coastal Marinas Permit for the Marinas and Recreational Boating Interagency Coordinating Committee Meeting - April 2, 2009.

RECOMMENDATION(S): Informational Item Only.