



Public Input Meeting Port of San Diego In-Water Hull Cleaning Regulations

Agenda

1. Welcome / Participation Guidelines
2. Meeting Purpose / Objectives
3. TMDL & Water Quality Basics
4. Overview of 2012 Regulations
5. Reason for Regulation Review
6. Topics for Consideration
7. Public Discussion
8. Next Steps & Schedule

Meeting Rules and Guidelines

General rules of conduct:

1. All perspectives are valued
2. One person speaks at a time
3. No perspective should dominate conversations
4. Meeting attendees treat others, and others' perspectives with respect
5. Collaborative problem solving is encouraged

Purpose of Public Meetings

Purpose

Seek public input on Port's In-Water Hull Cleaning Regulations
(Ordinance, Permit Program and Best Management Practices (BMP))

Objectives

- Update public on TMDL and copper reduction efforts
- Discuss regulation review process
- Hear input from the public
- Use input during Ordinance/Permit updates

Copper: *Why is it a concern?*

- Accumulates in water, sediments, marine plants, and animals causing long term toxicity
- Changes the food web in the marine environment by eliminating certain species

Water Quality Objectives: *What are they?*

- Regulatory thresholds for pollutants and drive the “why” for TMDL/ water quality impairments
- Based on California Toxics Rule (CTR)
 - Water Quality Objective is chronic exposure limit of 3.1 ug/L

Copper: *Where does it come from?*

Copper Antifouling Paints

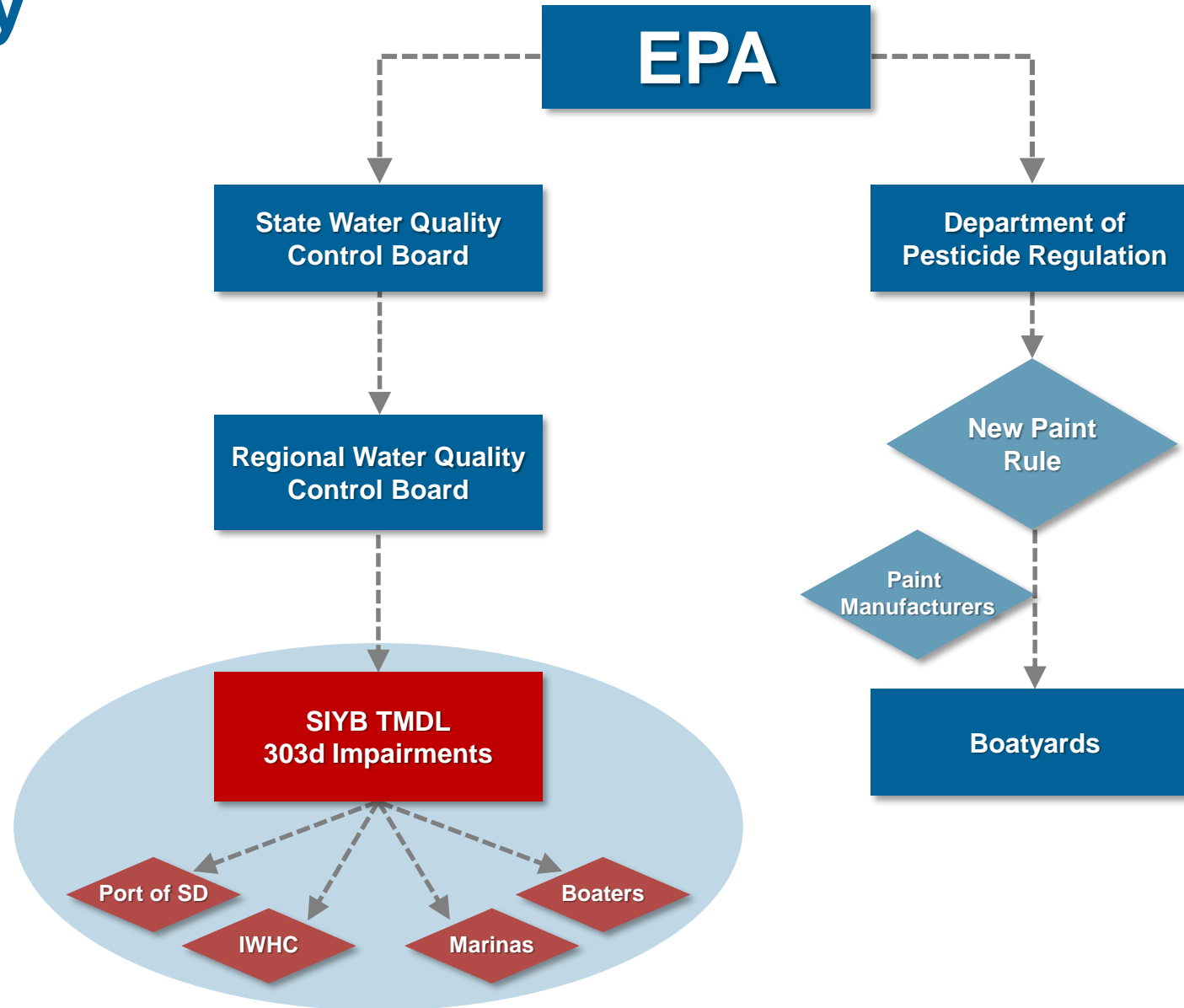
- Preferred Paint of Choice
- Passive Leaching

In-water hull cleaning

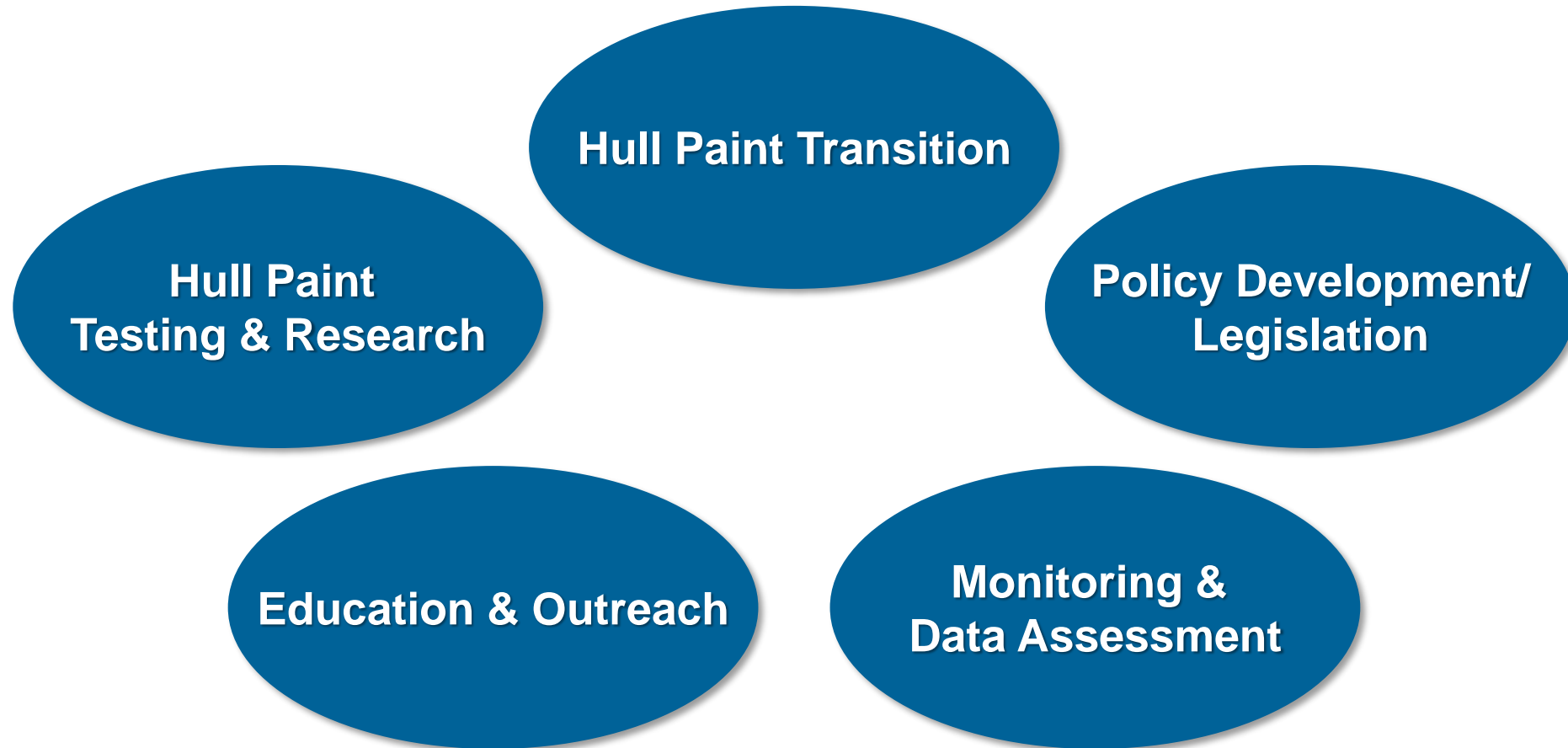
- Power cleaning methods
- Hand cleaning methods



Water Quality Regulatory Process



The Port's Copper Reduction Program



Copper Reduction Program:

Policy Development/Legislation

- **Goal: Seek Regulatory Change**
 - State-wide changes to hull paints - *completed*
 - DPR Paint re-evaluation – *completed*
 - Hull Cleaning Policies/Permits - ongoing

Overview of Port's 2012 Regulations

Current Regulations include four main elements :

- **Port Code Section 4.14** - Contains prohibitions and provisions required for divers, boaters, marinas; provides the Port the enforcement authority to legally require the terms of the Permit and Ordinance
- **Permit** –Issued to those operating in-water hull-cleaning businesses on Port Tidelands
- **Diver Identification Card-** Issued to individuals performing services on behalf of a permitted business
- **BMP Plans-** Plans created by businesses; expected to be followed during all cleaning activities

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2681

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

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I; and

WHEREAS, Section 21 of the Port Act authorizes the Board of Port Commissioners (Board) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, on July 12, 2011, the Board approved Ordinance 2645 adopting an In-Water Hull Cleaning regulations requiring that all businesses engaging in in-water hull cleaning obtain a permit to conduct business on District tidelands; and

WHEREAS, since November, 2011 District staff began enforcing permit requirements after a ninety (90) day grace period; and


WHEREAS, to date, 55 businesses have received permits, with approximately 150 hull cleaners working for permitted businesses and staff has conducted over 40 inspections; and

WHEREAS, staff has received four complaints relating to in-water hull cleaning from outside sources and investigated, resulting in six verbal warnings and four citations; and

WHEREAS, following the July 2011 adoption of the ordinance staff has engaged in numerous outreach with such groups as Dockmasters, the San Diego Port Tenants Association's marine recreation committee, the California Professional Divers Association to obtain feedback and to determine whether any modifications to the ordinance were necessary; and

WHEREAS, staff determined that the ordinance should be amended to add a standard clause requiring permittees to adhere to all permit terms and conditions

October 2 2017 Final Permit for In-Water Hull Cleaning, Amended

 For Port use only
Permit # _____
Date Issued: _____

In-Water Hull Cleaning Permit

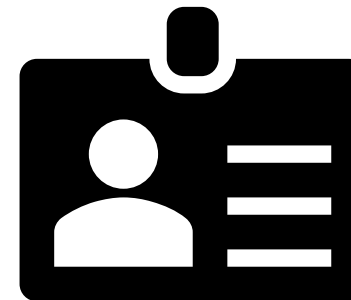
Permittee Information	
Business Name (if applicable)	Business Owner(s) Name
Mailing Address	City State Zip
Day phone (w/area code)	Cell phone (w/area code)
E-mail Address (if applicable)	

I certify that the information contained in my permit application is true and correct to the best of my knowledge. I understand and agree on behalf of myself and my employees, agents, and representatives, including independent contractors, to comply with the Terms and Conditions of the Permit and to abide by the rules and regulations governing In-Water Hull Cleaning in San Diego Unified Port District Code Section 4.14.

Owner Name (PRINT) _____
Title _____
Signature: _____ Date: _____

For Port Use Only			
Date of Receipt:	Permit Received by:	Permit Received Date:	Permit Fee: \$250.00
GL Account: 520111	Cost center: 165	WHSR CR-0052	
Permit Fee: Cash	Check #	Money Order/Cashier Check #	
Insurance Received by:	Insurance Approved Date:		
Employee Training Verified:	Approved/Authorized Signature:		

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SAMPLE TEMPLATE
FOR DEVELOPING A
BEST MANAGEMENT PRACTICES PLAN
FOR
IN-WATER HULL CLEANING SERVICES

NAME OF BUSINESS

Business Address

Date Developed

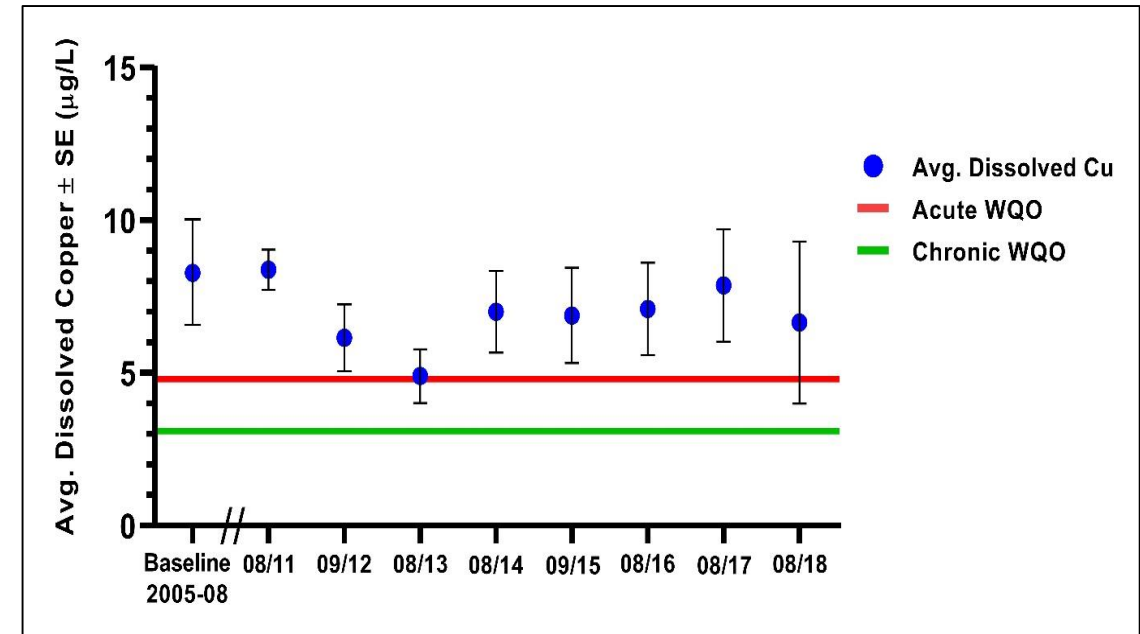
Developer Name
Address

Why Update IWHC Regulations?

TMDL Compliance Schedule

Stage	Years	Loading Reduction	Load Target (kg/yr)
1	2007	0%	2,163
2	2012	10% ✓	1,900
3	2017	40% ✓	1,300
4	2022	76%	567

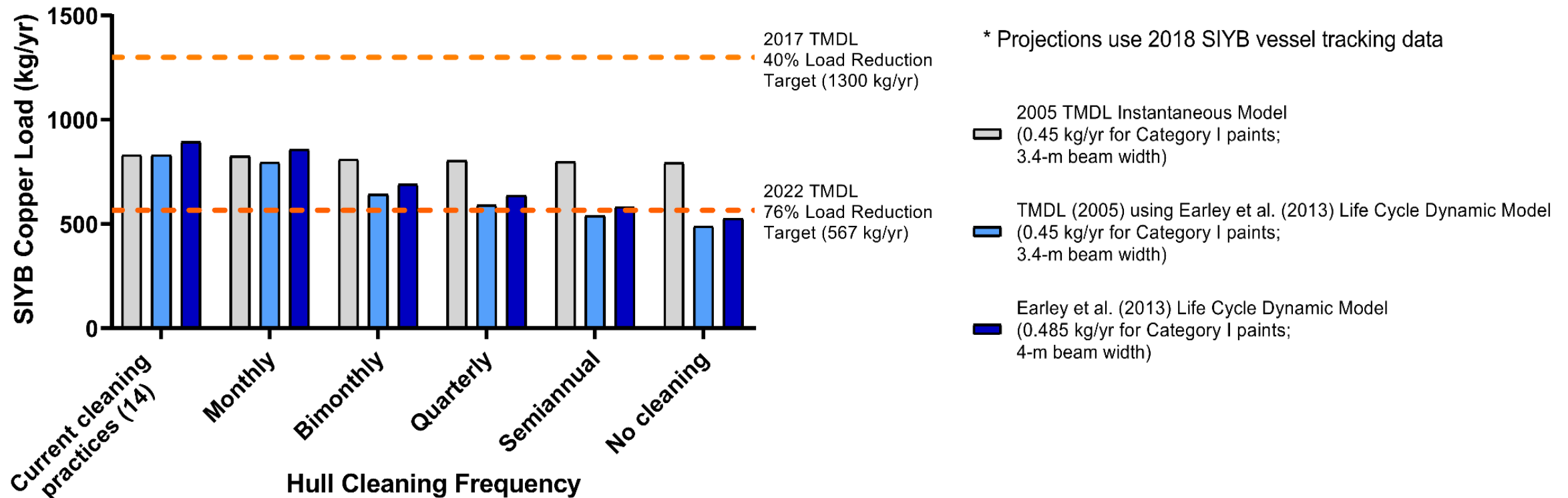
SIYB Water Quality Results



Less than 30 months until TMDL required compliance deadline

Why Update IWHC Regulations?

Loading Projections for Various Hull Cleaning Scenarios (following full implementation of DPR Rule)



Topics for Consideration

1. BMP Requirements
2. Permit Issuance
3. Programmatic Tracking
4. Enforcement



Regulations apply ONLY to Copper Antifouling Paints

Topic #1- BMP Requirements

Evaluating:

- Align with Department of Pesticide Regulation
 - No more than 1x/month cleaning of copper based AFPs
 - Using materials no more abrasive than soft pile carpet
- Restrictions on in-slip use of mechanical cleaning methods
- BMP Plan effectiveness

Why?:

- Water Quality has “flat-lined”
- Concerns from marinas and yacht club managers, other stakeholders about BMPs not being followed
- Best available science indicates greater than 5% loading contribution from IWHC

Topic #2 – Permit Issuance

Evaluating:

- Effectiveness of permit issuance process
- Permitting for Business or Business and Diver
- Appropriateness of fees, insurance, permit term

Why?:

- Concerns from marinas and yacht clubs
- Concerns from divers
- Port staff inspection observations

Topic #3 – Programmatic Tracking

Evaluating:

- Tracking for new/additional BMP requirements
- Mechanisms to track boats being cleaned by divers
- Mechanisms to track frequency of cleanings

Why?:

- Divers need to know paint types being cleaned
- Improvements to the check-in process
- Provides mechanism to assess compliance

Topic #4 - Enforcement

Evaluating:

- Enforcement effectiveness
- Mechanisms to improve enforcement
- Appropriate enforcement approaches

Why?:

- Divers not checking in with marinas when arriving by boat
- Divers not using proper BMPs
- Potential mis-use of permit and/or Diver Identification Cards

Facilitated Discussion

1. BMP Requirements
2. Permit Issuance
3. Programmatic Tracking
4. Enforcement

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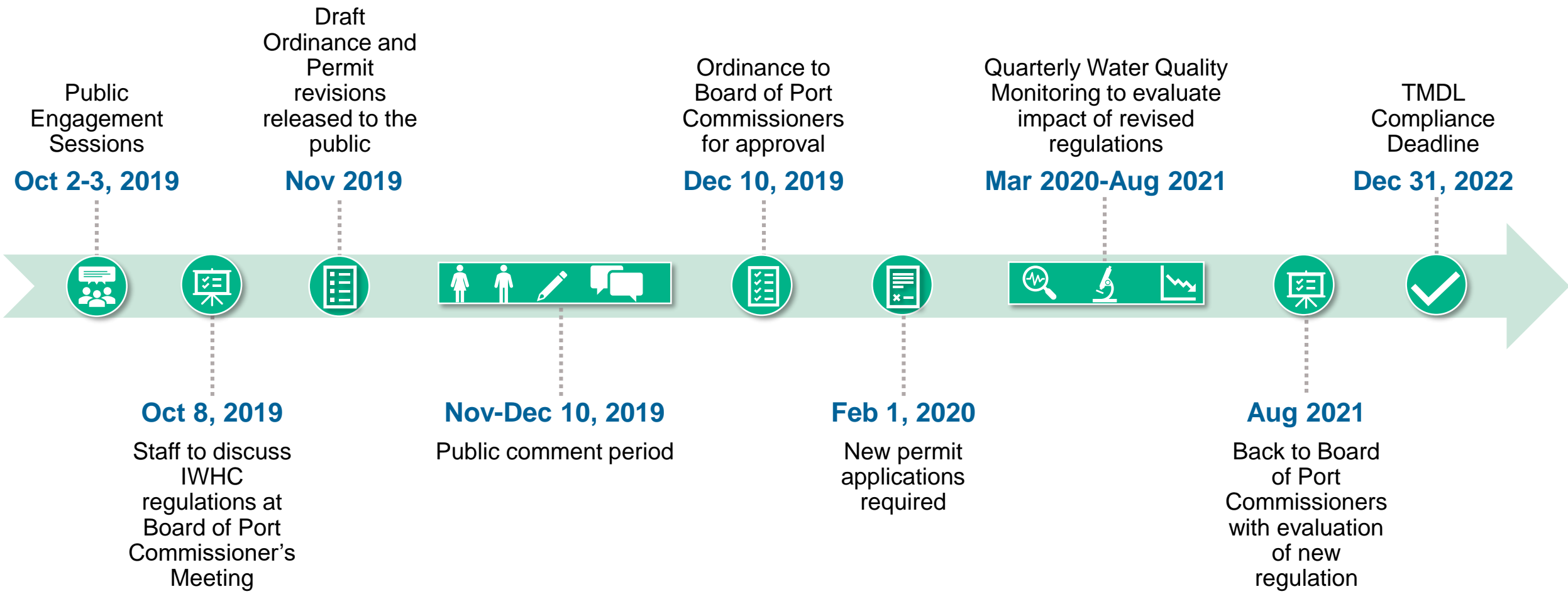
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Next Steps

1. Compile comments and draft Response to Comments
2. Ordinance revisions
3. Distribute Draft Ordinance for public review
4. Further workshops
5. Board Ordinance adoption

Schedule (proposed)





Thank You!



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