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

October 2 and 3, 2019
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

- EPA
  - State Water Quality Control Board
  - Regional Water Quality Control Board
  - SIYB TMDL 303d Impairments
    - Port of SD
    - IWHC
    - Boaters
    - Marinas
  - New Paint Rule
    - Paint Manufacturers
  - Boatyards

- Department of Pesticide Regulation
The Port’s Copper Reduction Program

- Hull Paint Transition
- Hull Paint Testing & Research
- Policy Development/Legislation
- Education & Outreach
- Monitoring & Data Assessment
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
Why Update IWHC Regulations?

### TMDL Compliance Schedule

<table>
<thead>
<tr>
<th>Stage</th>
<th>Years</th>
<th>Loading Reduction</th>
<th>Load Target (kg/yr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2007</td>
<td>0%</td>
<td>2,163</td>
</tr>
<tr>
<td>2</td>
<td>2012</td>
<td>10% ✓</td>
<td>1,900</td>
</tr>
<tr>
<td>3</td>
<td>2017</td>
<td>40% ✓</td>
<td>1,300</td>
</tr>
<tr>
<td>4</td>
<td>2022</td>
<td>76%</td>
<td>567</td>
</tr>
</tbody>
</table>

**SIYB Water Quality Results**

![Water Quality Result Chart]

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)*

![Graph showing loading projections for various hull cleaning frequencies.](image)

- **2017 TMDL 40% Load Reduction Target (1300 kg/yr)**
- **2022 TMDL 76% Load Reduction Target (567 kg/yr)**

* Projections use 2018 SIYB vessel tracking data

- **2005 TMDL Instantaneous Model**
  - (0.45 kg/yr for Category I paints; 3.4-m beam width)

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- **Earley et al. (2013) Life Cycle Dynamic Model**
  - (0.485 kg/yr for Category I paints; 4-m beam width)
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
**Topic #1- BMP Requirements**

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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)

- **Public Engagement Sessions**: Oct 2-3, 2019
- **Draft Ordinance and Permit revisions released to the public**: Nov 2019
- **Ordinance to Board of Port Commissioners for approval**: Dec 10, 2019
- **Quarterly Water Quality Monitoring to evaluate impact of revised regulations**: Mar 2020-Aug 2021
- **TMDL Compliance Deadline**: Dec 31, 2022

- **Oct 8, 2019**: Staff to discuss IWHC regulations at Board of Port Commissioner’s Meeting
- **Nov-Dec 10, 2019**: Public comment period
- **Feb 1, 2020**: New permit applications required
- **Aug 2021**: Back to Board of Port Commissioners with evaluation of new regulation
Thank You!