



ORANGE COUNTY
COASTKEEPER

EDUCATION / ADVOCACY / RESTORATION / ENFORCEMENT

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Via Electronic Mail: MMunz@waterboards.ca.gov

Molly Munz
Nonpoint Source Pollution Control Program
Division of Water Quality
California Water Resources Control Board

RE: Clean Marina Program - California

Dear Mrs. Munz,

Orange County Coastkeeper (“Coastkeeper”) is an environmental organization with the mission to preserve, protect and restore the watersheds and coastal environment of Orange County. Unlike many environmental organizations, Coastkeeper approaches this sensitive issue wearing the hat of an environmental organization as well as that of a boat owner’s. After careful review of the contents of the California Clean Marina Program and similar programs nationwide Coastkeeper strongly encourages the modification of the voluntary program to ensure the improvement of marina water quality.

Since the Clean Marina Program’s inception in California Coastkeeper has seen little to no practical benefit to the program as it relates to improved water quality in the state’s marinas. We view the failure of the program as being twofold. First, with little exception, voluntary programs rarely perform as well as programs with mandatory measurable requirements. Second, the rationale for the voluntary program and its benefits must be understood by the relevant sector of the public. Unfortunately, the Clean Marina Program has failed to make the boating public aware of its existence or the problems with marina water quality which sparked the creation of the program. This lack of public awareness or participation in the program demands attention and is sufficient to reject its continuation without substantial modification.

Coastkeeper believes voluntary measures are insufficient and regulations must be enacted and strictly enforced in order to ensure improved marina water quality. States throughout the nation have implemented mandatory requirements on marina operators through their Environmental Protection Agencies subjecting them to the full enforcement authority of the regulating entity and mandatory minimum penalties. For example, on or before December 31, 2010, Connecticut will require all marinas to submit written reports on vessel bottom pressure washing activities which: 1) certifying that the required actions have been completed on or before the specified timeframe(s); or (2) certifying that all vessel pressure washing discharges which do not have a permit have ceased, and no such discharge shall be initiated unless such permit(s) have been obtained.

Mandates similar to those found in Maine's Antifouling Paint Contaminated Wash Water General Permit and Michigan's requirement to protect fish and wildlife habitat to receive certification should be considered when modifying the requirements of this program. California, along with marinas nationwide, is increasing their focus on water quality issues and the era of voluntary programs to protect REC-1 waters is coming to an end. Considering the fact that the state of Ohio requires marina operators to comply with an NPDES general permit that authorizes storm water discharges associated with industrial activity from marinas prior to operating a marina facility indicates a strengthened California program is more than due.

We encourage the State Board to consider transferring control of the Clean Marina Program from marina operators to the state of California. Numerous states implement the Clean Marina Program under the auspices of their environmental protection agency. For example, the State of Maryland operates its Clean Marina Initiative under the Department of Natural Resources. This state sponsorship allows for unbiased supervision and enforcement as well as a controlled and modern website with a clear description of the initiative, resources for both marina operators and boat owners, along with a power point presentation for boating instructors on the importance of clean boating.

Coastkeeper supports the reformation of the Clean Marina Permit website for California. Comprehensive Clean Marina Program websites effectively transmit the message behind the program, its purpose, and methods for improving the behavior of marina operators and boat owners. This has resulted in some states with a large proportion of marina involvement in the program. These websites are more attractive and easily navigable, providing useful links to manuals, prepared plans, checklists, online training workshops, contact information for in-person training, discussion forums, fact sheets, and grant or low-interest loans available for projects which improve environmental protection. California's website devoted to the Clean Marina Program provides scant information about the program, its participants, or beneficiaries.

Coastkeeper recommends the adoption of a mechanism which prominently recognizes those marinas committed to compliance by displaying their participation in the program on a unified Clean Marina Program website. For example, the Washington D.C. Clean Marina Program hosts a public website whose homepage prominently displays those marinas participating in the program as well as those who are not participating. Along with the name of each marina the website displays contact information and a link to a Google map which permits visitors the ability to determine each marina's location and allows concerned boat owners the ability to determine distance between participating and non-participating marinas if they are unfamiliar with the location of local marinas.

A revised Clean Marina Program California website should integrate the aforementioned information in a user friendly manner which permits visitors the ability to research the issues with marina water quality, discover participating marinas, and provide contact information for boat owners to connect with clean marina participants. The State Board should not lose sight of the fact that educating boat owners as well as marina operators is essential if a revised Clean

Marina Program is to become an effective tool. Providing boat owners with information on common marina water quality problems, their sources, marina centric solutions, and boater specific measures to avoid and/or mitigate those problems should be the emphasis of a revised program. This information must be centrally located, online, easily accessible, comprehensive, multilingual, and written so that it is easily understood by a boater unfamiliar with the terminology or concepts.

California's Clean Marina Program lacks effective incentives for participation. Essentially, recognition serves as the sole incentive. Other states assist marinas by covering a part or the entire cost of compliance as an additional incentive. Many of the other states also include ready to print self-evaluation forms on-line which are to be followed-up by site inspections for certification as a clean marina, without a fee of \$300.00. These websites offer easy to understand and ready to use information that California marina operators do not currently have available with the current website.

Coastkeeper encourages adapting the Clean Marina Program as implemented in California to support passive advertising by marina operators as an additional incentive for participation and compliance. Special burgees and the maintenance of unadvertised websites have failed to effectively distribute the message behind the Clean Marina Program. Marina operators should place information on the issues, their certification, and a link to the Clean Marina Program website on the slip fee statement mailed to boat owners monthly. Advertising experts have consistently testified to the positive affect of repeated messaging in order to deliver information and this method should be implemented to distribute the message of the Clean Marina Program.

Additional incentive programs should be encouraged for those marina operators who chose to exceed the requirements of a new marina permit. Some incentive programs in the building industry can be adapted to marina operators as a proven marketing benefit. For example, Leadership in Energy Environmental Design ("LEED"), a green building certification system developed by the U.S. Green Building Council, provides contractors with the ability to attract environmentally conscious potential owners and tenants into newly constructed or remodeled buildings. A system similar to LEED could be adapted to those marinas wishing to exceed California's standards and in return they could be certified, according to a delineated point system, as either "certified," "silver," "gold," or "platinum." Such a ranking system would provide a uniform system easily understood by boaters and marina owners as to the cleanliness of their marina in comparison to both the California standard and to each other. This competition would provide an incentive for marina's to improve water quality.

Therefore, Coastkeeper strongly encourages the adoption of a significantly modified Clean Water Program which mandates compliance with clearly delineated standards, provides for rigorous enforcement, increases public education and access, and encourages marina operators to exceed the standards by establishing a uniform rating system which would foster competition between marinas while improving California's marina water quality.

In conclusion, we look forward to a constructive relationship with the development of a responsible marina permit and hope our comments will assist in the development of a thoughtful and progressive product. If you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,

Colin A. Kelly
Staff Attorney
Orange County Coastkeeper