

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE  
DECEMBER 4, 2012**

**ITEM 4**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION TO ALLOCATE \$99,500 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE SAN DIEGO UNIFIED PORT DISTRICT (PORT DISTRICT) FOR THE REMOVAL OF MARINE DEBRIS FROM THE A-8 ANCHORAGE, SAN DIEGO BAY, SAN DIEGO (PROJECT)

**DISCUSSION**

The San Diego Unified Port District (Port District) is requesting \$99,500 from the CAA to support the remaining cleanup of marine debris at a location in the 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 problematic to clean up using regulatory authority because responsible parties are difficult to identify and even when identified, difficult to compel to action. Therefore, the Port District has adopted a policy to clean up specific open water areas using any available funding.

The A-8 Anchorage has historically been a location where irresponsible owners of anchored boats have caused discharges of waste, including willful acts such as the 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. In June 2006, the Port District embarked on a four-year effort to clean up the marine debris in that area, including sunken batteries, engines, fuel tanks, engine blocks and vessels. In 2008, the A-8 Anchorage was closed to vessels for anchoring. Since that time, the Port District has conducted several cleanup efforts, resulting in the removal of over 310 tons of marine debris and 77 derelict vessels, and the expenditure of over \$9,000,000, including \$200,000 in CAA funding allocated to the San Diego Regional Water Quality Control Board (San Diego Water Board) in March 2009 through [Resolution No. 2009-0022](#).

In June 2011, the Port District conducted another marine survey in and around the A-8 Anchorage. This survey revealed that more than 900 marine debris items, including 11 derelict vessels, remain in the area. The Port District is requesting an additional \$99,500 in funding from the CAA to support the cleanup of the recently surveyed marine debris. The total Project cost is estimated at \$484,391 and federal grant funding in the amount of \$120,000 has already been secured from the National Oceanic and Atmospheric Administration (NOAA) marine debris removal program. The funding would be used for the third and final phase of the debris removal project.

The Port District would employ a crane and divers to remove and properly recycle or dispose of the marine debris from the A-8 Anchorage and the 350 acres surrounding the anchorage in the San Diego Bay.

The removal of marine debris will improve water quality in the San Diego Bay. Additionally, the A-8 Anchorage is located off the mouth of the Sweetwater Channel in the southern portion of the Bay, and the debris is posing both a navigational hazard as well as an environmental threat to wildlife in the area. The A-8 Anchorage is located adjacent to salt marshes, eelgrass beds, the Sweetwater Marsh Unit and the South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge, home to a number of endangered species. 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.

The San Diego Water Board supports the Port District's funding request and adopted [Resolution No. R9-2012-0053](#) in August 2012 to request that the State Water Board approve funding from the CAA for the Project.

The requested allocation is consistent with the purposes of Water Code Section 13442. Section 13442 provides that the State Water Board may order monies to be paid from the CAA to a public agency and certain not-for-profit organizations and tribal governments that serve disadvantaged communities, and have the 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 the waters of the state."

## **POLICY USE**

Should the State Water Board:

1. Approve \$99,500 from the CAA to fund the Project as the third and final phase of this cleanup?
2. Approve the funding with the expectation that if the agreement has not been executed by June 30, 2013, the Executive Director will bring this item back to the State Water Board in August 2013 for possible rescission of funding?
3. Make the funds available until June 30, 2014, and revert any unexpended funds to the CAA as of September 30, 2014, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension?

## **FISCAL IMPACT**

According to the most current data, the uncommitted CAA balance is estimated to be no less than \$5.1 million.

## **REGIONAL WATER BOARD IMPACT**

Yes, the San Diego Water Board.

## **STAFF RECOMMENDATION**

The State Water Board should adopt the proposed Resolution.

|  |
|--|
| <p>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 in 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.</p> |
|--|

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2012-

ALLOCATE \$99,500 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE SAN DIEGO UNIFIED PORT DISTRICT (PORT DISTRICT) FOR THE REMOVAL OF MARINE DEBRIS FROM A-8 ANCHORAGE, SAN DIEGO BAY, SAN DIEGO (PROJECT)

### WHEREAS:

1. The San Diego Unified Port District (Port District) is requesting \$99,500 from the CAA to support the remaining cleanup of a location in the San Diego Bay designated as the A-8 Anchorage;
2. The 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;
3. The A-8 Anchorage has long been a location where irresponsible owners of anchored boats have caused discharges of waste, including willful acts such as the sinking of boats after abandonment;
4. Since 2006, the Port District has undertaken multiple cleanup efforts of the A-8 Anchorage and has spent over \$9,000,000 to aggressively remove derelict vessels and other marine debris from San Diego Bay, including \$200,000 in funding from the CAA in March 2009 (State Water Board [Resolution No. 2009-0022](#));
5. In June 2011, the Port District conducted another marine survey in and around the A-8 Anchorage which revealed that more than 900 marine debris items, including 11 derelict vessels, remain in the area;
6. The Port District is requesting financial assistance from the CAA for the third and final phase of the cleanup of the recently surveyed marine debris at A-8 Anchorage and the 350 acres surrounding the anchorage in the San Diego Bay;
7. The Project funds would be used to employ a crane and divers to remove and properly dispose of or recycle the marine debris;
8. The removal of marine debris will improve water quality in the Bay, eliminate a navigational hazard as well as the environmental threat to wildlife and endangered species in the Bay;
9. The total project costs are estimated at \$484,391 and \$120,000 has been secured from the National Oceanic and Atmospheric Administration (NOAA);
10. California Environmental Quality Act (CEQA) and Coastal Determinations were issued by the Port District on October 28, 2011. The Project was determined to be categorically exempt per section 15301 of CEQA and categorically excluded under section 8.a (13) of the District's Coastal Development Permit Regulations;

# DRAFT

11. The San Diego Regional Water Quality Control Board supports the Port District's funding request and adopted [Resolution No. R9-2012-0053](#) in August 2012 to request that the State Water Board approve funding from the CAA for the Project; and
12. 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 monies to be paid from CAA to a public agency with the 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 IT BE RESOLVED THAT:

The State Water Board:

1. Approves \$99,500 from the CAA to fund the Project as the third and final phase of this cleanup.
2. Approves the funding with the expectation that if the agreement has not been executed by June 30, 2013, the Executive Director will bring this item back to the State Water Board in August 2013 for possible rescission of funding.
3. Shall make the funds available until June 30, 2014, and shall revert any unexpended funds to the CAA as of September 30, 2014, 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 December 4, 2012.

---

Jeanine Townsend  
Clerk to the Board