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Caring for Your Coast

Gary Jones
Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director

Brock Ladewig
Deputy Director

March 06, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

23 March 6, 2018

CELIA ZAVALA
ACTING EXECUTIVE OFFICER

**PROPOSED WATER QUALITY-RELATED AMENDMENTS TO TITLE 19 OF THE LOS ANGELES COUNTY CODE
(SUPERVISORIAL DISTRICT 4) (3 VOTES)**

SUBJECT

This action is to amend Title 19 (Airports and Harbors) of the Los Angeles County Code to expand regulations in various sections of Chapter 19.12 (Harbors). The intent of the proposed amendments is to minimize and prevent the discharge of chemical and bacterial pollutants into receiving waters of Marina del Rey Harbor (MdRH) from three sources: vessel hull cleaning and maintenance, vessel waste disposal devices, and birds.

IT IS RECOMMENDED THAT THE BOARD:

1. Find the adoption of the water quality ordinance to qualify as a Class 8 (actions by a regulatory agency to enhance the environment) categorical exemption under the California Environmental Quality Act (CEQA), pursuant to Section 15308 of the CEQA Guidelines;
2. Approve the proposed amendments to Title 19 (Airports and Harbors) of the Los Angeles County Code as reflected in the draft ordinance; and
3. Instruct County Counsel to prepare the final ordinance and submit it to the Board for its consideration.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The proposed amendments to Title 19 aim to prevent and reduce copper and bacteria loading in MdrH in an effort to improve water quality in the harbor and to bring the County into compliance with the State's water quality regulations. Dissolved copper in the water column has been found in MdrH at concentrations that exceed the California Toxic Rule chronic criteria of 3.1 micro-grams per liter. In response to the exceedances, the Los Angeles Regional Water Quality Control Board (LARWQCB) has developed a Total Maximum Daily Load (TMDL) for water column copper in MdrH. LARWQCB attributes boats with copper-based hull paint as the source for all of the dissolved copper in the water column.

Studies have documented that hull cleaning best management practices (BMPs) reduce the copper loading in the water column. The proposed ordinance would require any persons performing in-water hull cleaning activities in MdrH to complete training and receive certification in hull cleaning BMPs.

The MdrH has experienced high levels of bacteria in the back basins of the harbor. A TMDL for bacteria in the MdrH Marina Beach and back basins became effective in 2004. The TMDL is intended to limit the amount of bacteria entering the harbor.

Potential sources of bacteria in the Harbor include human sources such as vessel waste disposal systems, and animal sources such as bird guano. The proposed amendments to Title 19 would prohibit the feeding of wild birds in the MdrH, and strengthen regulations regarding leaking vessel waste disposal devices and improper discharge of vessel waste disposal devices in the harbor.

Draft Ordinance

The proposed ordinance would require certification in in-water hull cleaning BMPs for any persons who perform hull cleaning activities in MdrH, whether for compensation or not. The ordinance would also prohibit in-water hull cleaning that results in a visible paint plume in the water. Violations of these regulations would result in infractions for the first and second offense, and misdemeanors for subsequent offenses

In addition, various sanitation regulations that previously applied only to live aboard vessels, would now apply to all vessels and floating facilities within the harbor. Toilet fixtures on vessels, floating homes, houseboats, and floating facilities would be required to be self-contained or a federally approved marine sanitation device. Boaters would be required to demonstrate, if requested by the Harbor Master, that their vessels do not leak or discharge any waste into harbor waters. And vessels with a sanitation device, which allows direct overboard discharge of waste, must be secured while inside the harbor.

Implementation of Strategic Plan Goals

The recommended actions would assist the County in improving water quality in MdrH in furtherance of the County's Strategic Plan Goal II, Foster Vibrant and Resilient Communities, and Strategy II.3.1 Improve water quality, reduce water consumption, and increase water supplies.

FISCAL IMPACT/FINANCING

Approval and implementation of the proposed ordinance will not result in any loss of revenue to the County or significant new costs to the Department of Beaches and Harbors or other County

departments. Adoption of this ordinance will not result in the need for additional department staffing. The proposed ordinance will not result in additional net County costs, and therefore, a request for funding is not being made at this time.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

County Counsel has reviewed and approved the proposed ordinance.

ENVIRONMENTAL DOCUMENTATION

The adoption of the proposed ordinance qualifies as a Class 8 Categorical Exemption under the CEQA Guidelines, exempting “actions by regulatory agencies for protection of the environment.” This exemption applies to actions taken by regulatory agencies, as authorized by state law or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The proposed amendments to Title 19 would help reduce pollutants in MdrH, with no negative environmental impacts.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the proposed ordinance will not significantly impact County services or projects.

CONCLUSION

Should you have any questions, please contact Maral Tashjian at (424) 526-7750 or MTashjian@bh.lacounty.gov.

Respectfully submitted,



GARY JONES

Director

GJ:MT

Enclosures

c: Chief Executive Officer
County Counsel
Auditor Controller
Executive Officer, Board of Supervisors

ORDINANCE NO. _____

An Ordinance amending Title 19 (Airports and Harbors) of the Los Angeles County Code.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 19.12.100 is hereby amended to read as follows:

19.12.100 - Violation—Penalty.

- A. It is unlawful to violate any provision of this chapter, the conditions of any permit or license issued pursuant thereto, or any rule, regulation, or policy relating to the harbors, waterways, maritime facilities, or beaches, as the case may be, duly adopted by the Board of Supervisors, the Director, Fire Chief, or Sheriff when properly adopted under his/her delegated authority, and any person committing such violation is guilty of an infraction, punishable by a fine in accordance with California Government Code section 25132.

- B. Notwithstanding the above, violation of Sections 19.12.690, 19.12.810, 19.12.1040, 19.12.1100, 19.12.1140, 19.12.1150, 19.12.1160, 19.12.1170, 19.12.1250, 19.12.1280, 19.12.1380, 19.12.1420(B), ~~and~~ or 19.12.1420(E) of this chapter is a misdemeanor, punishable by a fine not exceeding \$1,000.00 or imprisonment in the County Jail for a period not exceeding six months, or both.

- C. The first and second violation of Section 19.12.1145 within a 12-month period by a Responsible Person, as defined in Section 1.25.020.F (excluding subsections 4 and 5 thereof) and including without limitation the owner of the subject vessel, shall be an infraction. The third and each additional violation of Section 19.12.1145 within a twelve-month period by such a Responsible Person shall be a misdemeanor. Each such Responsible Person shall be jointly and severally liable for each violation of this section.

- D. Each Responsible Person with actual or constructive knowledge of a violation of Sections 19.12.700, 19.12.1140, 19.12.1145, or 19.12.1146 shall report said violation to the Director or harbor master as soon as practically possible. Failure to report such a violation shall be an infraction.

- ~~E~~G. A repetition or continuation of any violation of any provision of this chapter, or of any order or direction of the Director, Fire Chief, Sheriff, and/or code enforcement officer on successive multiple days, constitutes a separate offense for each day during any portion of which such violation is committed, continued, or permitted.

SECTION 2. The following definitions are added to Chapter 19.12, Part 2 - Definitions:

1 **19.12.371 - In-Water Hull Cleaning.**

2 "In-Water Hull Cleaning" means the cleaning, by hand or mechanical means, of a
3 recreational or commercial vessel hull up to the waterline while the vessel is in
4 the water. In-Water Hull Cleaning does not include cleaning, by hand or
5 mechanical means, of a recreational or commercial vessel painted with a Non-
6 Biocide Hull Paint, or other in-water maintenance activities such as the servicing
7 of zinc anodes or the maintenance and repair of through-hull drive-shaft
8 components, and similar mechanical or structural maintenance activities.

7 **19.12.372 - In-Water Hull Cleaning Best Management Practices.**

8 "In-Water Hull Cleaning Best Management Practices" or "Hull Cleaning BMPs"
9 means In-Water Hull Cleaning practices generally accepted by the hull cleaning
10 industry to be effective while having as little negative effect on the environment
11 as practicable, including without limitation tools, schedules of activities,
12 housekeeping practices, pollution-prevention practices, training and educational
13 practices, maintenance practices, and other practices and procedures used to
14 prevent or minimize the discharge of pollutants into receiving waters. Hull
15 Cleaning BMPs may include any and all pollution prevention and pollution control
16 measures designed to maintain and improve water quality.

17 ...

14 **19.12.451 - Non-Biocide Hull Paint.**

15 "Non-Biocide Hull Paint" means a hull paint that does not contain any chemical
16 agents capable of killing living organisms.

17 **19.12.451 19.12.452 - Ocean Lifeguard.**

18 ...

18 **19.12.575. - Vessel Service or Repair Person.**

19 "Vessel Service or Repair Person" means any person who boards, dives near, or
20 works on any vessel, while the same is berthed, moored, or stored within any
21 County harbor or maritime facility, for the purpose of conducting thereon any
22 maintenance, In-Water Hull Cleaning, service, or repairs for compensation.

23 **SECTION 3.** Section 19.12.700 is hereby amended to read as follows:

24 **19.12.700 - Safekeeping of vessels—Evidence of authorization to perform certain**
25 **services required.**

- 26 A. The lessee of any premises within a eCounty-owned harbor or maritime facility at which ~~privately owned~~ vessels are regularly or occasionally berthed, moored, or

1 stored shall take or cause to be taken all reasonable precautions to assure
2 ensure the safekeeping of such vessels at all times.

3 B. It is unlawful for any person to board, dive near, or work on any ~~privately owned~~
4 vessel, while the same is berthed, moored or stored within any ~~e~~County harbor or
5 maritime facility, for the purpose of conducting thereon any maintenance, service,
6 or repairs for compensation, or In-Water Hull Cleaning, whether for
7 compensation or not, unless such person shall have first complied with all
8 registration and identification procedures as may from time to time be established
9 by the harbor master. The harbor master may require written or other satisfactory
10 evidence that such person, if not the owner, has been authorized by the owner of
11 said vessel to conduct such maintenance, service, or repairs.

12 C. The harbor master shall issue written identification to any person who
13 satisfactorily complies with ~~such~~ the harbor master's registration and
14 identification procedures, which written identification shall be carried at all times
15 by such person while rendering ~~such~~ services on or about any privately owned
16 vessel within any County-owned harbor or maritime facility.

17 D. In-Water Hull Cleaning – Certification Required.

18 The harbor master shall issue written proof of certified or re-certified completion
19 of one or more education and training programs in In-Water Hull Cleaning BMPs
20 to any person who, whether for compensation or not, boards, dives near, or
21 works on any vessel, while the same is berthed, moored, or stored within any
22 County harbor or maritime facility, for the purpose of conducting thereon any In-
23 Water Hull Cleaning.

24 1. As a requirement of registration, any person who performs In-Water Hull
25 Cleaning shall provide proof of certified or re-certified completion of one
26 or more education and training programs in In-Water Hull Cleaning
27 BMPs, to the satisfaction of the harbor master.

28 Acceptable education and training programs must cover each of the
29 following topics to the satisfaction of the harbor master: In-Water Hull
30 Cleaning BMPs, regulatory perspective and the Federal Water Pollution
31 Control Act (Clean Water Act), boating pollution economics and impacts,
32 hull coatings, fouling growth and progression, and invasive species.

33 2. Written proof of certification may only be issued to applicants who are not
34 the subject of any open or unresolved violation of County Code Section
35 19.12.1145.

36 ~~D~~E. The provisions of subsection B of this section, except those provisions relating to
37 In-Water Hull Cleaning, shall not be deemed to apply to the owner of any vessel,
38 to members of his immediate family, to regular employees or sub-contractors of

1 the facility or premises on which such vessel is located, or to any person
2 boarding or performing work on any ~~privately-owned~~ vessel for the purpose of
3 performing maintenance, service or repairs thereon or thereto without
4 compensation.

4 ~~E~~F. Appropriate notices of the provisions of this section shall be posted pursuant to
5 the provisions of Section 19.12.760 of this chapter.

5 **SECTION 4.** Section 19.12.1140 is hereby revised:

6 Part 7 – SANITATION

7 **19.12.1140 - Discharge of petroleum, coal, or paint products.**

- 8
- 9 A. A person shall not discharge or deposit or permit to pass into the waters of a
10 County harbor, waterway, or maritime facility any coal, tar, oil, gasoline, diesel
11 fuel, solvents, sludge, or residuary products of coal, petroleum, asphalt, bitumen,
12 or other refined oil products, or any varnish, lacquer, or paint products.
- 13 B. Any such discharge, deposit, or spill of said products shall be immediately
14 reported to the harbor master and any other competent governmental or
15 regulatory authority local or personal agency having concurrent jurisdiction, and it
16 shall be a violation of Part 7 of this chapter to fail to do so.

15 **SECTION 5.** Section 19.12.1400 is hereby revised and moved to Part 8:

16 Part 8 – SAFETY AND MAINTENANCE

17 **19.12.1145 - Vessel servicing and repair prohibited.**

18 No person shall conduct, perform, or cause to be performed any repairs, alterations,
19 maintenance, In-Water Hull Cleaning, or other work upon or to any vessel on or in
20 Marina del Rey, including the harbor waters, the beach and any land area, or on or
21 in the Pacific Ocean, which in any manner causes, or may cause without
22 intervention, any material or substance, including without limitation paint, oil or other
23 petroleum products, dirt, paint sandings or chips, paint plume, wood sandings, or
24 other residue or debris, to enter the waters of the harbor or the Pacific Ocean.

23 **19.12.1146 - In-Water Hull Cleaning – Certification Required.**

24 No In-Water Hull Cleaning shall be performed in the Marina del Rey Harbor without
25 first obtaining written proof of certification from the harbor master, in accordance with
26 section 19.12.700.D.

Section 6. Section 19.12.1400 is hereby deleted from Part 9.

1
2 Part 9 – MARINA DEL REY

3 ~~19.12.1400 - Vessel servicing and repair prohibited.~~

4 ~~No person shall conduct, perform, or cause to be performed any repairs, alterations,~~
5 ~~maintenance, or other work upon or to any vessel on or in any public area of Marina~~
6 ~~del Rey, including the beach or any public parking lot, or in the Pacific Ocean, which~~
7 ~~in any manner may cause or tend to cause any materials or substance, including but~~
8 ~~not limited to, paint, oil or other petroleum products, dirt, paint sandings or chips,~~
9 ~~wood sandings, or other residue or debris, to be deposited upon any vessel, dock,~~
10 ~~structure, or private or County property, or to enter the waters of the harbor, or the~~
11 ~~Pacific Ocean.~~

ORDINANCE NO. _____

An Ordinance amending Title 19 (Airports and Harbors) of the Los Angeles County Code.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 19.12, Part 7 is hereby revised:

Part 7 – SANITATION

19.12.1090 - Sanitation—Responsibility of lessee or agent—Correction by County authorized when—Costs.

The lessee, agent, manager, or person in charge of a facility or water area under lease from the County, or owned in fee in any County harbor, waterway, or maritime facility, shall at all times maintain the premises under his/her charge in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris, and other waste materials. Should the Director find that any facility or water area under lease is not so maintained, he/she shall notify in writing said lessee and the agent, manager, or other person in charge of said facility or area to immediately commence and diligently prosecute to completion the necessary correction of the unsanitary condition, to the satisfaction of the Director. Failure to do so with reasonable dispatch as soon as practically possible shall be a violation of Part 7 of this chapter, and the Director may then cause the condition to be corrected as he/she deems necessary, and the costs of such correction to be charged to said lessee, agent, manager or person in charge.

19.12.1100 - Toilet fixtures—Use prohibited.

A. Vessel's Toilet Fixtures Not to be Used. No person shall operate the toilet fixtures of a vessel, floating home, houseboat or other floating facility within a County harbor, waterway, or maritime facility at any time so as to cause or permit to pass or to be discharged into the waters of such harbor, waterway, or maritime facility any excrement, treated or untreated sewage, or other waste matter or contaminant of any kind.

B. Toilet fixtures of any vessel, floating home, houseboat, or other floating facility must employ either a self-contained portable toilet or a federally-approved marine sanitation device which has been demonstrated to the satisfaction of the harbor master to prohibit the overboard discharge of excrement, treated or untreated sewage, or other waste matter or contaminant of any kind while within the Marina del Rey Small Craft Harbor.

C. If a vessel, floating home, houseboat, or other floating facility has a sanitation device which allows direct overboard discharge of excrement, treated or untreated sewage, or other waste matter or contaminant of any kind, it must be secured while moored in or using the waters of the harbor, waterway, or maritime

1 facility, so that overboard discharge is prevented. Acceptable methods of
2 securing such device include:

- 3 1. Closing the seacock and removing the handle;
- 4 2. Padlocking the seacock in the closed position;
- 5 3. Using a non-releasable wire-tie to hold the seacock in the closed position;
6 or
- 7 4. Locking the door to the space enclosing the toilet(s) with a padlock or
8 door handle key lock.

9 D. Toilet fixtures of any vessel, floating home, houseboat or other floating facility
10 may be sealed by the harbor master unless such fixtures can be operated in
11 compliance with Section 19.12.1100 A, B, and C of this code at all times when
12 the vessel, floating home, houseboat or other floating facility remains in the
13 harbor.

14 E. The owner of any vessel, floating home, houseboat, or other floating facility not
15 equipped with approved and acceptable devices for the neutralization or storage
16 of contaminants shall post notices that the toilet facilities aboard shall not be
17 used while the vessel, floating home, houseboat, or other floating facility is
18 moored in or using the waters of the harbor, waterway, or maritime facility.

19 **19.12.1110 - Use of vessel as place of abode—Restrictions.**

20 A. No person shall, within a County harbor, waterway, or maritime facility, use any
21 vessel, floating home, houseboat, or any other floating facility as an abode in
22 excess of three (3) days within any one-week period unless such person shall
23 first have authorization by the lessee, agent, manager, or person in charge of
24 such facility for a liveaboard status, and secondly, have obtained a liveaboard
25 permit from the harbor master. The liveaboard permit shall establish compliance
26 by such vessel, floating home, houseboat, or other floating facility with the
following:

- 1 ~~1. Compliance with the requirements for seaworthiness as described in~~
2 ~~Section 19.12.1060 of this code, unless otherwise exempted or~~
3 ~~temporarily excused by the provisions of that section; and the~~
4 ~~requirements for toilet fixtures as described in Section 19.12.1100.~~
- 5 ~~2. Installation of a federally approved marine sanitation device or self-~~
6 ~~contained portable toilet which has been demonstrated to the satisfaction~~
7 ~~of the harbor master to prohibit the overboard discharge of treated or~~
8 ~~untreated excrement, sewage, or other waste matter or contaminant of~~
9 ~~any kind while within the Marina del Rey Small Craft Harbor.~~

If it is determined by the harbor master that the criteria for issuance of a
liveaboard permit have been satisfactorily met, the harbor master shall issue a
liveaboard decal which shall be prominently placed, as directed by the harbor

1 master, on the vessel, floating home, houseboat, or any other floating facility.
2 Liveaboard permits shall be valid for a period of one (1) year commencing with
3 the first day of the month following the month of issuance and shall be renewed
4 on each successive annual anniversary of the previous term's commencement
5 date. Any renewal of a liveaboard permit shall be issued by the harbor master
6 upon the same terms as required for the initial permit. In the case of a floating
7 home, no annual renewal of a liveaboard permit shall be issued following the
8 ~~tenth anniversary of the effective date of the ordinance adding this subsection~~
9 [ordinance effective date] unless the owner provides the harbor master with his
10 or her statement, made under penalty of perjury, that no transfer of ownership, as
11 defined by Section 19.12.1060 B2, has occurred with respect to that floating
12 home since ~~the tenth anniversary of the effective date of the ordinance adding~~
13 ~~this subsection~~ [ordinance effective date]. Failure to have obtained such a
14 liveaboard permit shall be a violation of Part 7 of this chapter.

15 ~~B. For vessels, floating homes, houseboats or other floating facilities which had~~
16 ~~obtained authorization for use for a liveaboard status by the respective lessee,~~
17 ~~agent, manager or person in charge of the facility prior to the effective date of the~~
18 ~~ordinance adding this section to the code, a liveaboard permit shall be obtained~~
19 ~~within 120 days of the effective date of the ordinance adding this subsection to~~
20 ~~the code unless a longer time period is provided in order to demonstrate~~
21 ~~seaworthiness pursuant to the operation of Section 19.12.1060C or D.~~

22 ~~C. For all other vessels, floating homes, houseboats or other floating facilities not~~
23 ~~covered by subsection B of this section, a liveaboard permit shall be obtained~~
24 ~~prior to the commencement of the use of the vessel, floating home, houseboat or~~
25 ~~other floating facility as an abode in excess of three days within any one-week~~
26 ~~period.~~

~~D. Regardless of the length of occupancy: 1~~

1. ~~A person living aboard any vessel, floating home, houseboat or other~~
2. ~~floating facility using the harbor, waterway or maritime facilities shall not~~
3. ~~use the toilet fixtures of any vessel, floating home, houseboat or other~~
4. ~~floating facility unless such use will not violate the provisions of Section~~
5. ~~19.12.1100 of this code;~~

6. ~~Toilet fixtures of any vessel, floating home, houseboat or other floating~~
7. ~~facility which is used as an abode may be sealed by the harbor master~~
8. ~~unless such fixtures can be operated in compliance with Section~~
9. ~~19.12.1100 of this code so long as the vessel, floating home, houseboat~~
10. ~~or other floating facility remains in the harbor;~~

11. ~~The owner of any vessel, floating home, houseboat or other floating~~
12. ~~facility not equipped with approved and acceptable devices for the~~
13. ~~neutralization or storage of contaminants shall post notices that the toilet~~

1 facilities aboard shall not be used while the vessel, floating home,
2 houseboat or other floating facility is moored in or using the waters of the
harbor, waterway or maritime facility.

3 ~~E~~B. The ~~D~~irector and/or harbor master may promulgate such additional
4 regulations in connection with vessels used as abodes as may be necessary to
5 ~~insure~~ ensure the maintenance of sanitary and sightly conditions, as determined
6 by the Director and/or the harbor master, and the preservation and protection of
7 the public health, safety, peace, welfare, and convenience in the use of any
8 County harbor, waterway, or maritime facility, or portion thereof. A violation of
9 any part of such regulations shall be cause for revocation for use of any vessel,
floating home, houseboat, or other floating facility as an abode, and it shall be
unlawful for any person to live aboard such vessel, floating home, houseboat, or
other floating facility until such violation has been corrected to the satisfaction of
the Director and/or the harbor master.

10 **SECTION 2.** Section 19.12.1380 is hereby amended to read as follows:

11 Part 9 - MARINA DEL REY

12 **19.12.1380 - Wild animals and birds—Molesting and feeding prohibited.**

- 13 A. Anywhere within the harbor, a person shall not hunt, injure, molest, frighten, trap,
14 chase, tease, shoot, or throw ~~missles~~ missiles at any animal, bird, or fowl, nor
15 shall a person remove or have in his possession the young of any wild animal or
the eggs, nest, or young of any bird or fowl.
- 16 B. Feeding. Anywhere within or about the harbor, a A person shall not give, or offer,
17 or attempt to give, or provide in any way to any animal, bird, or fowl any tobacco,
18 alcohol, or other known noxious or toxic consumable substances, regardless of
whether such substance is toxic or nontoxic.