



MRA REGULATORY MATRIX FOR MARINAS AND BOATYARDS

ACTIVITY	RESPONSIBLE AGENCY	LAW OR REGULATION	PERMITS / ENVIRONMENTAL REVIEW	NOTES	WHAT TO WATCH FOR
COMMUNITY RIGHT-TO-KNOW	County hazardous material or solid waste management departments Cities and local fire departments in some areas	Federal: SARA Title III Assembly Bill 2185 Applicable County codes CCR Title 22, §66262.12	County Hazmat Response and Inventory Permit Business Plan (inventory, quantities, locations, MSDS, emergency contact)	Owners/operators are required to train employees in handling hazardous materials and emergency response preparedness (emergency evacuation and neighborhood notification). Provide county with business plan detailing inventory of hazardous materials onsite, employee safety training, and emergency evacuation procedures.	• Periodic County inspections • Requires annual business plan update, including hazardous materials inventory • Requires bi-annual report on recycling and source reduction (1991 is the baseline year for recycling reports and first source reduction report)
WORKER RIGHT-TO-KNOW AND SAFETY PROGRAMS	Cal-OSHA administers both state and federal laws	Federal OSH Act Cal-OSH Act Senate Bill 198, Injury and Illness Prevention Program	Cal-OSHA allowed to access employee health records and facilities Workers handling hazardous materials must have Safety and Response training Site-specific/job-specific plan is required to prevent illness and injury	Owners/operators are required to conduct employee training, files documenting health and safety training programs, safety meetings, accidents, and health records are required.	• Owners/operators must make MSDS available to employees • All materials and containers must be labeled for safety • Negligent managers may be penalized under Corporate Criminal Liability Act • Physicals must be made available for workers in contact with carcinogens
MAINTENANCE OR NEW CONSTRUCTION OF IN-WATER STRUCTURES, DREDGING, AND PLACEMENT OF FILL	Local governments (City, County, Port)	CEQA	Final CEQA Determination (Cat Ex, ND, MND, or EIR)	Maintenance projects are commonly exempt from CEQA. If project is issued an MND or EIR, an MMPR is required.	• Significant impacts to air quality, water quality, and/or sensitive habitat may trigger an EIR. Local governments or regulatory agencies may require above water and/or below water noise and/or vibration monitoring if project is located near commercial or residential establishments, or threatened and endangered species.
	USACE/USEPA	RHA, CWA ESA, MSA NEPA	Department of the Army Permits ESA and EFH consultations NEPA Determination	Beneficial reuse of clean dredged material as beach nourishment is preferred by agencies. The final USACE permit will be issued after the applicant has obtained the 401 WQC and approval from CCC/BCDC. ESA and EFH consultations are with the USFWS and NMFS. CDFW is a consulting agency. NEPA has been completed for activities covered by Nationwide Permits. For maintenance projects, determine if it is located in an area covered by RGP which will streamline the permitting effort. Many maintenance activities or minor discharges are covered under Nationwide Permits or LOPs. Consult with the USACE to determine applicability.	• Work windows may be determined by the presence of threatened or endangered species. Increased overwater coverage and working in special aquatic sites may trigger mitigation. Wetland or eelgrass impacts typically require preparation of a Mitigation and Monitoring Report and demonstration of successful mitigation within 5 years. • Pre-construction surveys and approvals are needed for dredging projects, including sediment characterization and eelgrass and Caulerpa surveys in coastal areas. Selection of the disposal site requires detailed testing under USACE and USEPA framework. USACE/USEPA and CCC/BCDC must approve the disposal location. • Selection of disposal site requires detailed testing under USACE and USEPA framework. Disposal sites must be approved by USEPA/USACE and CCC/BCDC.
	CCC (in coastal zone outside of San Francisco Bay Area) BCDC (in San Francisco or Suisun Bay Areas)	CCA, CZMA Government code §66600 et seq., McAteer-Petris Act, Suisun Marsh Preservation Act	CDP Construction and Development Permits	BCDC is the regulatory agency for these laws in the San Francisco Bay and Suisun Bay Areas. Transport of the material to an open water disposal site may require a Federal Consistency Determination (federal project) or a Federal Consistency Certification (non-federal project).	• Allow 9 months to complete the process. Before a development permit can be issued, completion of CEQA and approval from SLC is required.
	RWOCB	CWA, California Porter-Cologne Water Quality Control Act	401 WQC, WDR	WQMR is often required.	• An SPCC Plan is required for construction activities. Upload construction activities trigger the need for an NPDES to manage stormwater during construction. • Some activities such as jetting of piles can create turbidity issues that require monitoring. • Water quality monitoring will be required during dredging.
	CDFW	CDFW Code §1601, §1603	SBAA (projects in non-tidal area)		
	SLC	PRC §6321, §6303, CEQA	Aquatic Lands Lease	Approval for dredging under existing lease or new lease is required.	• Proof of ownership or authority to dredge in project area that is provided by the SLC is required before a CDP can be issued. Project may be in an area that has been granted to the local jurisdiction.
DREDGING AND DISPOSAL OF CONTAMINATED MARINE SEDIMENTS	Local governments (City, County, Port)	CEQA	Final CEQA Determination (CatEx, ND, MND, or EIR)	Final Determination often depends on the disposal location and whether the project would result in significant environmental effects. Upland disposal, depending on the volume of material and access, may result in significant air quality and traffic impacts associated with transport of the material.	• Significant impacts to air quality, water quality, and sensitive habitat may trigger an EIR.
	USACE/USEPA	RHA, CWA ESA, MSA NEPA	Department of the Army Permit ESA and EFH consultations NEPA Determination	Upland disposal may allow simplified permits, but could result in a higher cost, depending on volume. ESA and EFH consultations are with the USFWS and NMFS. CDFW is a consulting agency. Issuance of an Individual Permit will require an EA.	• Contaminated sediments will not be disposed unconfined in the aquatic environment. • Water quality monitoring and implementation of BMPs will likely be required. • Pre-construction surveys and approvals are needed for dredging projects, including sediment characterization and eelgrass and Caulerpa surveys in coastal areas. Selection of the disposal site requires detailed testing under USACE and USEPA framework. USACE/USEPA and CCC/BCDC must approve the disposal location. • Possible disposal areas include upland landfills, CAD facility, or CDF site. Treatment of material is possible but not necessarily feasible. In some cases, in situ capping or isolation of sediments may be preferred to removal. Regulatory limits defining contaminated sediments (numerical standards) are currently poorly defined for lower limits in an aquatic environment. • Work windows may be determined by the presence of threatened or endangered species. Work in special aquatic sites may trigger mitigation. Wetland or eelgrass impacts typically require preparation of a Mitigation and Monitoring Report and demonstration of successful mitigation within 5 years.
	CCC/BCDC	CCA, CZMA Division 20 of Public Resources Code, CCR Title 14	CDP	BCDC is the regulatory agency for these laws in the San Francisco Bay and Suisun Bay Areas. Maintenance dredging is an exempt activity. Transport of the material to a confined aquatic disposal site or a confined disposal facility over the water may require a Federal Consistency Determination (federal project) or a Federal Consistency Certification (non-federal project).	• Water quality monitoring and implementation of BMPs will be required.
	RWOCB and DTSC	CWA, Porter-Cologne Water Quality Control Act	401 WQC, WDR, concurrence on Remedial Action Plan by RWOCB and DTSC	Water quality monitoring will be required during dredging and BMPs must be implemented.	• An SPCC Plan is required for construction activities.
	SLC	PRC §6321, §6303, CEQA	Aquatic Lands Lease	Approval for dredging under existing lease or new lease is required.	• Proof of ownership or authority to dredge in project area that is provided by the SLC is required before a CDP can be issued.
EXCAVATION AND REMOVAL OF UPLAND CONTAMINATED SOILS AND DEBRIS	County Environmental Health Department, Cal-EPA, DTSC	Federal Regulation of Hazardous Wastes through RCRA (RCRA Title 40 CFR), California Hazardous Waste Control Law (Title 22, Div. 6.5), and California Hazardous Waste Control Regulations (Title 22, Div. 45)	Approval of Remedial Action Plan by oversight agency	Assumes work is outside the coastal zone. Site investigations, report contents, and reporting and implementation schedule are site-specific. Typical reports include 1) sampling work plan, 2) Health and Safety Plan, 3) Initial Report of Investigations, 4) Remedial Investigation/Feasibility Study, 5) Remedial Action Plan and progress reports.	• Environmental audits associated with real estate transfers and loans or underground tank removal frequently trigger follow up. • Develop clean up standards using Public Health and Environmental Risk Assessment Procedures.
	Local governments (City, County, Port)	Local Land Development Codes	Grading or encroachment permits may be needed.	Letter from County or DTSC requesting a site investigation may be received based on surveillance and inspection.	• Significant impacts to air quality, water quality, and sensitive habitat may trigger EIRs.
BOATYARD OPERATIONS Fueling Stations, Use of Solvents, Sanding, and Spray Painting Activities	U.S. Coast Guard California Air Quality Management Districts CDFW	CWA/Oil Pollution Act of 1990, Ports and Waterways Safety Act, 33 USC 1221, 132b California Clean Air Act, Federal CWA CDFW Code §5660, California Government Code §8670, Oil Spill Pollution Response	Small craft refueling dock operators must register with U.S. Coast Guard and complete questionnaire. Permit to Operate, AQMD permit for sanding/painting operations, fuel dispensing, and use of solvents Must register with CDFW OSPR as a small craft refueling dock under the Small Craft Refueling Dock Program.	Must have SPCC plan in place which has contact number to report oil spills immediately. Period testing/inspections may occur, CARB is responsible for regulation of mobile sources for extremely toxic/acutely hazardous compounds. VOC painting logs are required.	• Marine paints are currently exempt from VOC paint standards. Use BACT to reduce emissions. • BACT: conduct sanding/painting operations inside a building with filtered air, or if outside, under tarp and plastic tenting. • Any pollution incident which affects fish, plants, animals, or water quality must be reported to RWOCB, CDFW, and the U.S. Coast Guard immediately. Employee training must be available.
Discharge of Sewage Process Water Discharged to Sanitary Sewers	U.S. Coast Guard Local sanitation districts, POTW, DTSC	CWA/33 CFR 154-160, Harbors and Navigation Code §133, §151, Ports and Waterways Safety Act, 33 USC 1221	U.S. Coast Guard requires Financial Responsibility Certification for large vessels, tankers, barges, and marine terminals. NPDES Boat Washing Permit: approval by sanitation district/POTW; DTSC tiered treatment permit of wash-water if water is recycled.	Intentional or negligent release of oil into state water is prohibited. Discharge of untreated sewage within 3 miles of coastline is regulated by the CWA. Assume all sludge from treatment system to be hazardous unless lab testing shows otherwise. Bilge water is assumed to be hazardous unless laboratory testing shows otherwise.	• Fines when discharging sewage in U.S. waters • U.S. Coast Guard will provide courtesy inspection of all land-based facilities for fueling, oil storage, and head pump-out.
Stormwater Control	USEPA, RWOCB, CCC/BCDC	California Porter-Cologne Water Quality Control Act, CWA, 40 CFR parts 122-124 require boatyard NPDES permit	Regionally applicable NPDES stormwater permit	Stormwater monitoring and laboratory analyses are required. Permit must be renewed every 5 years. SWPPP and NPDES identifies BMPs to put in place to reduce pollutants entering the ocean.	• Pertains to boatyards that clean equipment and/or that provide boat maintenance facilities. Most USEPA programs are administered through the RWOCBs or Cal-EPA.
Hazardous Waste Management	DTSC (Cal-EPA)	California Hazardous Waste Control Law Title 22, California Hazardous Waste Control Regulations, Health and Safety Code §25250	On-site recycling permit; extremely hazardous waste permit; Small Quantity Generator Storage Permit exemptions may apply; tiered permit for treatment, provides Generator Identification numbers	Spill prevention/stormwater management BMPs for fueling stations must be part of the SWPPP and Industrial NPDES. SPCC plan may also be required where spilled product could reach navigable waters. Identify the wastes that are generated; obtain Generator Identification number, if required; applies to storage, handling, labeling, and transportation of waste; conduct employee training; violations or failure to comply may result in fines or jail time.	• The characteristics and quantities of all hazardous waste material must be tracked. Annual reports are to be filed with the State Franchise Tax Board.
Live-aboards and Houseboats	BCDC/CCC	Government code §66600 et seq.; McAteer-Petris Act, Suisun Marsh Preservation Act	Regulates the number of live-aboards and house boats in a marina	Marina permit requires provision of sewage pump out station and oil recovery facilities in San Francisco and Suisun Bay Areas.	• BCDC marina permit requires provision of sewage pump out station and oil recovery facilities in the San Francisco Bay Area.
Storage of Petroleum Products and Other Hazardous Materials, Vehicle Maintenance, Fueling	SWRCB / RWOCB / USEPA SWRCB / RWOCB / County Health Department - Fire Protection District Office of Waste Management	Health and Safety Code §25288, 40 CFR Part 112 California Above Ground Petroleum Storage Act, Uniform Fire Code Applicable local codes	Underground Storage of Hazardous Substances Permit Above ground storage tank permit Fueling permit for installation of fuel tanks; permit for gasoline, hazardous materials permit	Owners must file a storage statement and pay a fee every two years. Hazardous SPCC Plan to include certification information, facility analysis/inspection information, facility improvements, site plans, spill notification plan, etc.	• Also need verification from county building department that storage facility plans are in compliance
Storage of Hazardous Materials and Waste in USTs	Health Services Department, County Government	CCR Title 22, Sher Bill, Federal UST Law	UST Operating Permit (or Removal/Abandonment Permit)	Local fire department supervises tank installation and removal. County/RWOCB oversees cleanup and remediation. SWRCB funds are available for cleanup programs under Senate Bill 2004.	• Many USTs are found during Phase 1 Real Estate Transfer or Bank Loan Environmental audits.
Collection and Storage of Used Oil	California Integrated Waste Management Board DTSC, County Environmental Health	Public Resources Code §48600-48691 CCR Title 22 §66262.12, Health and Safety Code §25250.8, §25250.11	Waste Oil Collection Center Certification Hazardous materials handlers fee	Applies to the collection of used oil from marina users (i.e. do-it-yourself oil changes). Drain used oil filters and recycle for metal, or dispose of as hazardous waste.	• Container must be maintained in good condition, separated from incompatible water, have secondary containment, protection from weather, and be labeled as hazardous waste.
Acceptance of Hazardous Waste from Public or Other Businesses	Cal-EPA, DTSC	CCR Title 22, Health and Safety Code §25250.11	Hazardous Waste Facilities Permit for treatment, storage, disposal	TSD Permit not required if: 1) facility accepts and recycles only used oil, antifreeze, latex paint, and lead-acid batteries; 2) shipments of used oil are less than 20 gallons and contents of one container are less than 5 gallons; and 3) collected wastes are stored less than 6 months.	

ACRONYMS

AQMD	Air Quality Management District
BACT	Best Available Control Technology
BCDC	Bay Conservation and Development Commission
BMP	Best Management Practice
CAD	Confined Aquatic Disposal
Cal-EPA	California Environmental Protection Agency
CARB	California Air Resources Board
CCA	California Coastal Act
CCC	California Coastal Commission
CCR	California Code of Regulations
CDBW	California Department of Boating and Waterways
CDF	Confined Disposal Facility
CDFW	California Department of Fish and Wildlife
CDP	Coastal Development Permit
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DTSC	Department of Toxic Substances Control
EA	Environmental Assessment
EFH	Essential Fish Habitat
EIR	Environmental Impact Report
ESA	Endangered Species Act
LOP	Letter of Permission
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
ND	Negative Declaration
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MSDS	Material Safety Data Sheets
NPDES	National Pollutant Discharge Elimination System
OSH	Occupational Safety and Health
OSHA	Occupational Safety and Health Administration
OSPR	Office of Spill Prevention and Response
POTW	Publicly Owned Treatment Works
PRC	Public Resources Code
RCRA	Resource Conservation and Recovery Act
RGP	Regional General Permit
RHA	Rivers and Harbors Act
RWOCB	Regional Water Quality Control Board
SARA	Superfund Amendments and Reauthorization Act
SBAA	Streambed Alteration Agreement
SLC	State Lands Commission
SPCC	Spill Prevention, Control, and Countermeasure
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TSD	Treatment, Storage, and Disposal
USACE	U.S. Army Corps of Engineers
USC	U.S. Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
UST	Underground Storage Tank
VOC	Volatile Organic Compound
WDR	Waste Discharge Requirement
WQC	Water Quality Certification
WQMR	Water Quality Management Report

PERMIT AGENCIES

U.S. Army Corp Engineers	
Sacramento District.....	(916) 557-7490
San Francisco District.....	(415) 744-3324
Los Angeles District.....	(213) 452-4160
U.S. Environmental Protection Agency	
Region 9.....	(415) 744-1500
San Francisco Bay Conservation and Development Commission	(415) 557-3638
Regional Water Quality Control Board	
North Coast.....	(707) 576-2220
San Francisco Bay.....	(510) 464-1255
Central Coast.....	(916) 361-5600
Los Angeles.....	(213) 576-6600
Central Valley.....	(916) 464-3291
Lahontan.....	(530) 542-5400
Colorado River Basin.....	(760) 346-7491
Santa Ana.....	(951) 782-4130
San Diego.....	(858) 467-2952
California Environmental Protection Agency	
Department of Toxic Substances Control	(510) 542-2112
California Department of Fish and Game	
Oil Spill Prevention and Response.....	(916) 445-9338
Small Craft Refueling Dock Program.....	(916) 445-9338
California Coastal Commission	
San Francisco, Headquarters.....	(415) 904-5200
North Coast.....	(707) 445-7833
North Central Coast.....	(415) 904-5260
Central Coast.....	(831) 427-4863
South Central Coast.....	(805) 585-1800
South Coast.....	(562) 590-5071
San Diego Coast.....	(619) 767-2370
U.S. Coast Guard Marine Safety Office	(510) 437-3073
California Air Resources Board	(800) 222-4450
Bay Area Air Quality Management District	(415) 741-6000
South Coast Air Quality Management District	(909) 396-2000

EMERGENCY PHONE NUMBERS

EMERGENCY (MEDICAL, FIRE, POLICE)	911
Poison Control Center.....	(800) 662-9886
Emergency Response Spill Reporting.....	(800) 852-7550
California Office of Emergency Services.....	(800) 852-7550
National Response Center.....	(800) 424-8802
Office of Spill Prevention and Response.....	(800) OILS-911



ABOUT THIS MATRIX The maritime industry is heavily regulated by a myriad of federal, state and local organizations, with sometimes overlapping and even conflicting requirements. The purpose of this matrix is to illustrate the interrelationship between the laws and agencies, which govern the boating industry, as a useful resource to facilitate communication between these agencies, non-government organizations and those who serve the maritime industry. It is hoped this will assist regulators in avoiding burdensome, duplicative and conflicting regulations detrimental to the recreational boating industry and the public it serves. This matrix and its production costs were funded entirely by the Marine Recreation Association and its Boating Agencies Resource Fund.

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