

# Exclusive look at 'clean marina' programs reveals slow, but steady growth nationwide

BY ADOLFO MENDEZ

A total of 602 marinas in 19 U.S. states have been certified as "clean marinas" in 2006, according to exclusive research conducted by *Marina Dock Age*.

Although the 602 marinas represents a 25% increase over 2005 figures, it's from a small base of less than 7,000 marinas eligible for the clean marina label. Clean marinas are those marinas that have been officially recognized—usually by a state agency—as good stewards of the environment.

It's generally accepted that the number of marinas being designated as clean marinas is increasing nationwide, but that claim has been largely based on anecdotal evidence. There is no centralized source for statistics on clean marinas. The federal government, for example, does not track the number of environmentally compliant marinas in America. The Association of Marina Industries, the Washington, D.C.-based national trade group representing marinas, doesn't keep numbers on clean marinas either.

As such, *Marina Dock Age's* research into every state with a clean marina program offers the most comprehensive look at some of the similarities and differences in these programs, and provides the latest, most up-to-date figures available on this growing trend.

## By the numbers

Based on the numbers each state provided *Marina Dock Age*, Florida tops the list with 130 clean marinas in 2006. Rounding out the top five states are Maryland (117), Virginia (71), Texas (60), and California (47). These top-five states were also the top-five states in 2005.

Meanwhile, Louisiana is the only state to post a drop in the number of clean marinas. In 2005, Louisiana had two clean marinas, but Hurricane Katrina destroyed one of them, South Shore Harbor Marina, a municipal marina in New Orleans. "We still have boats scattered throughout some of the

## MARINA DOCK AGE

### UPDATE ON CLEAN MARINA PROGRAMS<sup>1</sup>

STATE	Total Number of Marinas <sup>2</sup>	Clean in 2006 <sup>3</sup>	Clean in 2005	Percentage change	Year Started
Alabama-Miss. <sup>4</sup>	300	4	3	33.3%	2004
California	450	47	20	135.0%	2004
Connecticut	310	5	5	0.0%	2003
Delaware	97	3	1	200.0%	2001
Florida	2000 <sup>5</sup>	130	112	16.1%	2000
Georgia	68	1	1	0.0%	2003
Louisiana	126	2	1	100.0%	2005
Maine	100	12	11	9.1%	2003
Maryland	600	117	112	4.5%	1998
Michigan	550	9	2	350.0%	2004
New Jersey	500	5	0	500.0%	2005
North Carolina	285	9	9	0.0%	2000
Ohio	300	24	12	100.0%	2005
Oregon	200	3	0	300.0%	2005
South Carolina	125	9	9	0.0%	1998 <sup>6</sup>
Tennessee Valley Authority <sup>7</sup>	230	71	54	31.5%	2002
Texas	355	60	55	9.1%	2000
Virginia	350	71	59	20.3%	1999
Washington	200	20	14	42.9%	2005
<b>Total</b>	<b>7096</b>	<b>602</b>	<b>480</b>	<b>25.4%</b>	

Source: *Marina Dock Age* research

1. The National Oceanic and Atmospheric Administration (NOAA) lists states with clean marina programs, but doesn't track the number of clean marinas in each state. *Marina Dock Age* used the NOAA list (at <http://coastalmanagement.noaa.gov/initiatives/links.html>) as the basis for contacting states for this chart.
2. For total number of marinas per state, most numbers provided are approximate, not exact figures.
3. 2006 figures do not include marinas that may have been certified in November and December after our production deadline.
4. Alabama-Mississippi is the only bi-state clean marina program in the nation. "Marina" defined as 10 slips or more. The total number of clean marinas (4) does not include three other clean marinas that were destroyed by Hurricane Katrina.
5. Estimate. The Florida Fish & Wildlife Conservation Commission is currently conducting a study to determine the precise number of marinas in the state.
6. South Carolina relaunched its program in April of 2006 when the state's Office of Ocean and Coastal Resource management took over control of the program. Dan Berger, a spokesman for the S.C. Department of Health and Environmental Control, said seven coastal marinas were all certified by 1999, but he could not provide *Marina Dock Age* with the date its first marina was certified. Since 1999, there have been "no other marinas that have expressed in interest in becoming certified," Berger said.
7. The Tennessee Valley Authority certifies inland marinas in Kentucky, Tennessee, Mississippi, Alabama, Georgia, North Carolina and Virginia and said that its numbers are not duplicated in the individual listing of those states on this chart.

landscape,” said Greg DeCote, the clean marina coordinator for Louisiana. “We’re trying not to forget about our ‘Clean Marina Program,’ but the program has not been a high priority at this time.”

In contrast, Ohio doubled the number of its clean marinas in one year to 24. “Our marina industry has bought in wholeheartedly into our program,” said Gary L. Comer, Ohio’s clean marina coordinator. Comer added that the state tries to take a common-sense approach in its certification process without bringing undue hardship on marinas. “If there’s a regulation involving permits, for example, but it doesn’t exist at this point, marinas don’t have the opportunity to even become compliant with that permit, what do you do? It’s like saying, you need a fishing license to fish, but they don’t go on sale until Friday, but you’re required to have one by Wednesday—two days before it becomes available. So we’re willing to work with them and certify them.”

Elsewhere, California is the only state in the nation where the clean marina program is run entirely by a trade association. All the other states have government-run programs. H.P. “Sandy” Purdon, owner of the Shelter Cove

Marina on San Diego’s Shelter Island, began the program in San Diego. This year, the program went statewide after the Marina Recreation Association of California, a trade group in Sacramento, endorsed Purdon’s program.

California marinas have opted to certify themselves because, Purdon explained, the industry can do a better job at policing itself than the government can. He may have a point: California posted a larger increase in clean marinas from 2005 to 2006 than did any state-run program. During this one-year time frame, California added 27 marinas to its roster of clean marinas. “Other states are doing a great job, but they’re not getting out there like we are,” Purdon said.

To ensure accountability and an objective process, the California marina program relies on industry professionals from neighboring marinas, such as dockmasers, to certify a marina. It takes the approval of three such inspectors to certify a marina. But unlike state-run programs, California’s privately-run program charges marinas a \$250 fee as part of the certification process. Purdon said the fee pays for the printing and creation of clean marina-related materials and is necessary because taxpayer

money isn’t used.

Mississippi and Alabama are the only states that have chosen to offer one clean marina program for both states. Because the states’ coastlines are smaller than others, Mississippi-Alabama state officials decided to incorporate them together, explained Shonda Borden, the clean marina coordinator located in Mobile, Ala.

But numbers alone don’t tell the whole story.

### **A closer look**

Clean marina advocates argue that clean waters are good for the environment, for boaters, for marinas and the U.S. economy. But the reality is that the majority of U.S. states do not participate in any clean marina certification program. Proponents of the environmental movement, some of whom have been described as having missionary-type zeal for clean marinas, still have a long way to go to make new converts to their cause.

And where they have succeeded in persuading states about the benefits of clean marinas, there are many other obstacles to overcome. For example, some states that do offer clean marina programs are not having as much suc-

## **EPA: Better to be ‘clean’ than to be fined**

BY ADOLFO MENDEZ

For Tom Rich, the owner of New England Boatworks Inc., a 330-slip marina in Portsmouth, R.I., the cost of doing business just got costlier.

Although Rhode Island doesn’t have a Clean Marina program, this doesn’t mean marinas in the state don’t have to be concerned with being good stewards of the environment. Just ask Rich.

Rich says he firmly believed his marina was in compliance with all environmental regulations, so he was stunned to discover just the opposite. The U.S. Environmental Protection Agency (EPA) slapped him with a hefty fine for falling short of EPA regulations.

Rich has agreed to pay a \$52,300 fine stemming from the marina’s alleged failure to follow proper envi-

ronmental procedures uncovered by two EPA inspectors in 2003. In fining New England Boatworks, the EPA stated that the marina “failed to identify some containers of waste as hazardous” and that soil samples of the facility uncovered too much lead.

And New England Boatworks was one of five New England marina and boatyard facilities fined by the EPA for violating pollution prevention regulations.

For his part, Rich says the issue with the EPA was “mostly a paperwork issue.” He said the marina doesn’t need to change any of its practices, but rather do a better job of documenting its practices and understanding “why we’re doing what we’re doing.”

Because he thought he was already in compliance, Rich found the EPA fine to be devastating. “I thought, ‘My God! We’re only trying to comply, how can

you hit us this hard?’ I thought about closing the marina,” he said.

“I’ve love to take this one on, but it’s a battle you can’t afford to take on. We don’t have the resources or the people to take on the government. We’re trying to make a living and provide jobs and services, we’re not here to try and do something wrong.”

Although Rich didn’t get out of paying the fine, he did say he now has a “reasonable relationship” with the EPA and that he’s going to remain in the marina business.

### **EPA fines**

For its part, the EPA says it’s willing to help marinas avoid fines for failing to comply with environmental regulations by answering questions, providing technical assistance, and referring them to helpful resources to bring them into compliance. But the govern-

cess signing up marinas to the program as they feel they could because they lack the manpower and resources to get the job done.

North Carolina, for example, reported that the number of clean marinas in the state remained unchanged in 2006 compared to a year ago. The reason? “Part of the problem is, basically, it’s been a one-person operation. And that’s me,” said Mike Lopazanski, the coastal and ocean policy analyst for the North Carolina Division of Coastal Management, the state agency that runs the program with the cooperation of a handful of local partners, including the North Carolina Marine Trades Services. “We’re actually looking to hire somebody in the next couple of months to give it the push and attention that it really needs. I have not been able to devote the time necessary to promote the program and visit with marinas.”

Beyond the lack of resources, the clean marina movement lacks cohesion and clarity. Ask a simple question—like, “What exactly is a clean marina?”—and, there is no one answer. That’s because states vary in what they define as a clean marina and they even vary in how they define a marina. States do not agree on the number of slips a marina must have

in order to be considered a marina.

Unable to get straight answers to simple questions explains, in part, why New York state has opted out of the clean marina certification program. “There’s been no movement in New York. The industry has not come to the table saying, ‘We want this.’ Boaters haven’t asked for it,” said David White, a marine recreation facility specialist with New York Sea Grants’ Great Lakes Boating and Marine Facilities in Oswego, N.Y.

White continued, “One of the issues is you will never have every marina certified. So what does that say about those that aren’t? Will there be grants available to help them? Is it cost-effective to do a state-run certification program? What’s the cost per certification? What’s a clean marina? Is it a marketing label or a true, environmental certification? Who should certify them? Does the state run into a liability issue if certifies them? So there are all these issues that come into play.”

That’s not to say New York won’t join the movement in the future, White quickly added. “It could become something that’s market-driven, if [environmentally-conscious] boaters start asking for it.”

Like New York, all states without a



Scott Tinkler and Donna Morrow display the Maryland Clean Marina flag bestowed on Port Annapolis in 1999.

clean marina program are often engaged in various other environmental efforts to keep the waters clean—such as New York’s boater education programs and pollution prevention programs. Massachusetts offers a “Massachusetts Clean Marina Guide,” that marina owners and operators can download from a state Web site, but it doesn’t certify marinas as clean. “We need to make sure we know that we’re consistent with the label,” explained Jay Baker, a coastal non-point coordinator with the state’s Office of Coastal

ment isn’t shy about imposing penalties to motivate marinas to do what’s required.

“Both compliance assistance and enforcement are necessary to bring these facilities into compliance,” Sanchez said.

So what’s a marina looking at when it comes to possible fines? “Actual penalties depend on what the inspector finds at the marina,” Sanchez said. “Sometimes a facility has so many violations that EPA turns the case over to the U.S. Dept. of Justice, which means penalties of \$25,000 or greater.”

Here’s a sampling of how much marinas could wind up paying for specific EPA violations:

Violation	Fine
No general permit <sup>1</sup>	\$3,000
No Stormwater Pollution Prevention Plan (SWPPP)	\$3,000
Spilled oil on land	\$500

Violation	Fine
Paint chips from hull work on land	\$500
Oil sheen in water traced to land	\$1,000
Failure to implement anything that was promised in the SWPPP <sup>2</sup>	\$500 per item

Failure to use Best Management Practices<sup>3</sup> \$1,000

1. To obtain a general permit, a marina only needs to send a Letter of Intent (LOI) to the EPA.
2. This could be, for example, having no record of annual employee briefings or quarterly inspections, as promised.
3. Best Management Practices are what EPA considers “commonsense good housing items” such as having a fuel oil spill kit, proper storage for paints and solvents and containment for chips from hull work.

## Helpful links

The EPA offers several, useful links to help marinas know compliance requirements:

**EPA Compliance Strategy**  
[http://www.epa.gov/compliance/resources/policies/civil/cwa/stwefstrate\\_gy2003.pdf](http://www.epa.gov/compliance/resources/policies/civil/cwa/stwefstrate_gy2003.pdf)

**Expedited Settlement Offer Policy**  
[http://www.epa.gov/Compliance/resources/policies/civil/cwa/esoprogram\\_stormwater.pdf](http://www.epa.gov/Compliance/resources/policies/civil/cwa/esoprogram_stormwater.pdf)

**General Stormwater Regulatory**  
<http://www.epa.gov/reg3wapd/stormwater/>

**Sample MARINA Stormwater Pollution Prevention Plans (SWPPP):**  
<http://www.epa.gov/reg3wapd/stormwater/pdfs/marina.pdf>

Zone Management. “Clean marina designation can mean a lot of different things.”

To be sure, states that have clean marina programs have learned that such programs do not happen without much debate and even tense, heated discussions among all the key players involved—environmental groups, government employees, and private marina owners.

## History and motives

The earliest, most active clean marina programs began in Maryland and Florida. Both states began work on their clean marina programs in the late 1990s. The Maryland Clean Marina Initiative was designed to protect the Chesapeake Bay. Many of the coastal states interviewed by *Marina Dock Age* said they used Florida’s clean marina program as a guide in developing their program, and several other states have relied upon Maryland’s program for their own.

One of the biggest selling points of the program for marinas is that it’s a good way to avoid heavy fines from the U.S. Environmental Protection Agency (EPA), according to Robert Sanchez, a compliance officer with the EPA office in Philadelphia, Penn. Earlier this year, the EPA fined several marinas (see sidebar, page 56) for noncompliance. Reacting to the fines, the Lake Erie Marine Trades Association in Westlake, Ohio, warned its members in a recent newsletter that the EPA “has unleashed its regulation enforcers on the industry.”

The EPA for its part inspects up to an estimated 500 marinas a year throughout the nation, or about 50 annual inspections per each of its six geographic regions. “That may not seem like many, but surprisingly, some of the worst marinas are identified to EPA by boat owners,” Sanchez said. “The remainder of the marinas is targeted based on waterways that have been shown to have elevated contamination, in accordance with the EPA stormwater compliance strategy.”

Storm water, a fancy name for rain once it hits the ground, can carry litter, sewage, and paint chips, to name a few things, from marinas to the water, thereby polluting it. But pinpointing the source of pollution is difficult.

Pollution that originates from many sources, as opposed to a single point, is called “non-point source pollution.”



*The “clean” movement in the marina industry is broadening to include boat and motor dealers. MarineMax Cape Haze in Pompano Beach, Fla., is presented with the nation’s first “Clean Retailer” award in September by Florida’s Department of Environmental Protection. MarineMax is the largest recreational boat and yacht retailer, with 85 retail locations in the U.S.*

Such nonpoint sources were a concern for Congress when it passed the Coastal Zone Act Reauthorization Amendments of 1990 requiring EPA to describe ways to control pollution from nonpoint sources, including marinas and recreational boating.

The EPA, along with the National Oceanic and Atmospheric Administration (NOAA), is responsible for protecting the coasts from polluted runoff. As these government agencies considered voluntary ways to encourage marinas to practice good stewardship of their environment, the clean marina program was born. NOAA provides federal funds for states interested in starting clean marina programs or expanding them, but such funds are subject to congressional approval and aren’t always readily available.

## To clean or not to clean

There are economic benefits to becoming a clean marina, according to the EPA. The last major study that suggested a link between economic benefits and the adoption of environmental measures and practices is dated. It was conducted 10 years ago by the U.S. EPA.

At that time, EPA made this dire prediction: “Marinas that do not clean up will probably not be in business as the 21st Century dawns.” It also indicated that “sometime in the future” 75% of the estimated 10,000 marinas facilities in the U.S. would make “significant environmental improvements.”

But 10 years after that EPA report, *Marina Dock Age* has learned that only 10% of marinas in states with Clean Marina programs are certified as clean. At the current rate of growth, it would

take at least six decades before 75% of all U.S. marinas were clean marinas, assuming a one percent increase in growth per year.

Marina programs are still very much in their infancy. About three states began clean marina programs each year from 2000 to 2005, except for the year 2002. At the growth rate of three states per year, it would take about another 10 years before a clean marina program existed in every U.S. state.

Nonetheless, it’s a worthwhile program to implement, said Scott Tinkler, general manager of Port Annapolis Marina in Maryland. The Port Annapolis Marina will celebrate an eight-year anniversary next January as being a clean marina. And, it turns out, Port Annapolis was the first marina in the nation to be designated a clean marina, based on dates provided by the states.

“Really?” Tinkler said, in response to the news. “I knew we were the first in the state, but I didn’t know we were the first in the nation.” (Annapolis was also the 2003 Marina of the Year, an annual award given by this magazine. A profile of the marina published in *Marina Dock Age* at the time took note of its extensive efforts to keep the waters clean.)

According to Tinkler, the owners of the 270-slip marina never hesitate to do whatever it takes to operate at “a high level,” including being a pioneer in demonstrating itself as a good environmental steward. Leading the charge to minimize a marina’s impact on the environment, however, often means not being afraid to rock the boat.

For example, Tinkler said the marina’s standards—that can go above and beyond what the state requires—can be pretty strict, such as not letting boaters use open-air spray paint on their boats. In the beginning, some slipholders at Port Annapolis were so bothered by the marina’s environmental standards that about “10 to 15” of them left the marina in search of a “less greener marina.”

“But we’ve gained two or three times that amount because we are a clean marina,” Tinkler said. “Marinas have to be a place where you do more than park a boat. They should be a place for people to hang out. We like to call ourselves a destination [marina]. Boaters can come here and do more than just enjoy a boat ride. So it had better be very, very clean.” ⚓