Responses to CEQA Comments: Marina del Rey Harbor Toxic Pollutants TMDL

January 24, 2014

Comment Author	Comment	Regional Board Response
County of Los Angeles, Department of Public Works	The Regional Board's draft Substitute Environmental Document for the proposed TMDL ("CEQA Report") is inadequate and does not support the adoption of the draft revised TMDL. The CEQA Report is required, among other things, to identify the reasonably foreseeable environmental impacts of the reasonably foreseeable methods of compliance (Pub. Res. Code §21159(a)(1)) and to identify reasonably foreseeable *feasible* mitigation measures (Pub. Res. Code §21159(a)(2)). The CEQA Report also must disclose why an agency approved a project if significant environmental impacts are involved. (Cal. Code Regs.,tit.14 §15002(a).) It is not sufficient to simply list potential mitigation measures, a decision making agency is prohibited from approving a project for which significant environmental effects have been identified unless it makes specific findings about alternatives and mitigation measures. (Pub. Res. Code§ 21081; *Mountain Lion Foundation v. Fish & Game Com*., 16 Cal. 4th 1 05, 134 (Cal. 1997); see also *Environmental Council v. Board of Supervisors* (1982) 135 Cal. App. 3d 428, 439.) The public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives and mitigation measures. Mountain Lion Foundation, supra (citing *City of Poway v. City of San Diego* (1984) 155 Cal. App. 3d 1037, 1046.)	Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requirements for preparing environmental documents (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782). The Regional Board staff has prepared "substitute environmental documents"(SED) for this project that contain the required environmental documentation under the State Board's CEQA regulations. (23 Cal. Code Regs. § 3777.) The commenter has mischaracterized the Substitute Environmental Document (SED). The SED is a programmatic environmental document. The guidelines for implementation of CEQA do not directly apply to a certified regulatory program's environmental document, though a certified regulatory program is subject to the broad policy goals and substantive standards of CEQA. The SED must comply with 23 CCR § 3777(a), which requires: (1) A brief description of the proposed project; (2) An identification of any significant or potentially significant adverse environmental impacts of the proposed project; (3) An analysis of reasonable alternatives to the project and mitigation measures to avoid or reduce any significant or potentially significant adverse environmental impacts; and (4) An environmental analysis of the reasonably foreseeable methods of compliance.

		The SED describes the proposed project and reasonable alternatives to the project in Chapter 4; identifies significant or potentially significant adverse environmental impacts in Chapters 6-7; analyzes mitigation measures to avoid or reduce any significant or potentially significant adverse environmental impacts in Chapters 6.2 and 7; and analyzes reasonably foreseeable methods of compliance in Chapters 6.2 and 7. The particular method by which a discharger decides to achieve compliance is a project-level decision that will require an independent subsequent environmental review (Pub. Res. C. § 21159.2) which is beyond the scope of this analysis "[T]he board shall not be required to conduct a site-specific project level analysis of the methods of compliance, which CEQA may otherwise require of those agencies who are responsible for complying with the plan or policy when they determine the manner in which they will comply." (Pub. Res. C. § 21159(d).) However, staff has analyzed the reasonably foreseeable environmental impacts of the TMDL as an overall program, and reasonably foreseeable environmental impacts of the foreseeable methods of compliance with the TMDL. If not properly mitigated at the project level, there could be adverse environmental impacts. The CEQA substitute documents identify broad mitigation approaches that should be considered at the project level. The SED also includes a statement of overriding considerations. Although the SED concludes that, in general, properly designed and implemented BMPs and properly executed remediation activities will not have a foreseeable significant adverse effect on the environment, the specific economic, legal, social,

		technological, and other benefits of the proposed TMDL will outweigh any unavoidable adverse environmental effects.
County of Los Angeles, Department of Public Works	The CEQA Report does not adequately evaluate whether its proposed mitigation measures for either remediation of the harbor sediments or dissolved copper are feasible, and does not meaningfully evaluate alternatives. Instead of analysis, all the CEQA Report states on the subject of whether the proposed mitigation measures are feasible is, "foreseeable environmental impacts from methods of compliance are well known, as are feasible mitigation measures." (CEQA Report, p. 17, §4.2.) This is not substantive analysis.	The comment is incorrect. The Regional Water Board shall not adopt or approve a project that would cause significant adverse impacts if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the project may have on the environment (23 CCR § 3780). The SED analyzes alternatives to the proposed project in Chapter 4, and concludes that Alternatives 2 and 3 are not feasible because they would allow toxic impairment of the waters in Marina Del Rey Harbor to continue, in contradiction of the project purpose. The SED addresses the feasibility of mitigation measures to lessen the environmental impacts of the project in Chapters 6.2 and 7. The feasibility of mitigation measures for various methods of compliance will also be analyzed at the project level through independent environmental review. The Staff Report also provides information about the costs of alternative means of compliance in Chapters 4.10 and 5.
County of Los Angeles, Department of Public Works	The CEQA Report identifies more than 50 categories of potentially significant environmental impacts and fails to provide adequate analysis for any of these categories. For example, the CEQA report recognizes potentially significant impacts on native plant life caused by the replacement of copper-based antifouling paints: "Increased growth of fouling organisms could occur as a result of boat owners switching from copper-based antifouling paints to alternative coatings, which may prove to be less effective. An increase in abundance and species diversity of fouling organisms on a boat previously moored in a different location	The SED addresses the feasibility of mitigation measures to lessen the environmental impacts of the project in Chapters 6.2 and 7. The feasibility of mitigation measures for various methods of compliance will also be analyzed at the project level through independent environmental review (Pub. Res. C. § 21159.2) which is beyond the scope of analysis that the Regional Board is required to take (Pub. Res. C. § 21159(d).).Staff has analyzed the reasonably foreseeable environmental impacts of the TMDL as an overall program, and reasonably foreseeable environmental impacts of the foreseeable methods of complying with the TMDL.

	could lead to the transport of invasive species into the Marina del Rey Harbor Waters. Certain invasive species have been known to cause disruptions in ecosystems by a variety of mechanisms, such as through competition with native biota for food and resources. The natural community, if one exists in the Marina del Rey Harbor, could be negatively affected by the introduction and establishment of invasive species." *Id*., p. 61 (emphasis added.) Despite acknowledging that alternative coatings "may be less effective", and the harm that could bring, the Report nevertheless then states, without any reference or support, that, "At present, there are a number of available alternatives that have been demonstrated to be both nontoxic in nature and effective at reducing fouling growth." *Id*. This does not constitute the required meaningful evaluation of alternatives. This is further demonstrated in the same paragraph of the Report, when it states the hope that market will ultimately create more viable alternatives, "Additionally, the formal mandate for copper load reduction in this TMDL Basin Plan amendment will in and of itself increase the market demand for innovative solutions including nontoxic, effective hull coatings. This in turn will create greater market demand for the development of new products." This is hope, not evaluation of feasible alternatives. It is not based on any factual analysis. Another alternative stated in this same paragraph is that "underwater hull cleaning should be performed particularly on vessels prior to leaving an area known or suspected to support species that could become invasive if brought into the Marina del Rey Harbor Waters." No explanation is provided as to	The SED properly identifies the use of alternatives to copper-based antifouling paints to avoid potentially significant impacts to plant life. The SED states, "At present, there are a number of available alternatives that have been demonstrated to be both nontoxic in nature and effective at reducing fouling growth. Examples include silicone hull coatings and hard smooth epoxy hull coatings, combined with more frequent underwater hull cleaning." The reference and support for this statement is included in the TMDL staff report (see section 4.10.2 and 5), which is part of the SED. The SED also properly identifies hull cleaning practices as one potential mitigation measure for potential impacts related to invasive species.

	how such a requirement would be implemented or enforced, especially when the "area known or suspected to support species that could become invasive" is outside the jurisdiction of the County or the Regional Board.	
County of Los Angeles, Department of Public Works	As another example, as to whether the remediation of the sediments through dredging would result in deterioration of existing fish or wildlife habitat, the CEQA Report states: "Dredging or capping would increase suspended sediment in the vicinity of dredging activity, increasing turbidity of the water. This would reduce water clarity in the Harbor, which would result in the deterioration of existing fish or wildlife habitat. The increased turbidity would affect survival of phytoplankton and zooplankton, which form the prey basis for many of the wildlife, fish, and bird species in the Harbor. Dredging processes would disrupt activities of wildlife in the Harbor, and the presence of the pipeline and barge, as well as tugboat and barge movements, would affect biological resources in the Harbor for the duration of the dredging. Noise, human disturbance, and mechanical barriers from equipment and boats, all would affect wildlife, fish, and birds in the harbors. Some sediment in the Harbor contains toxic compounds that, when suspended, could affect water quality, which in turn could affect existing fish or wildlife habitat." (CEQA Report, p.75.) However, despite identifying these significant adverse impacts, the Report fails to provide any consideration of alternatives and mitigation measures, much less meaningful ones, as required.	The quoted text in this comment does not reflect the entire analysis of the potential impacts and mitigation measures to existing fish or wildlife habitat from dredging or capping. The analysis under this impact also states "also see 'Plant.' 2 a, b, and c" and these sections of the SED contain much more extensive discussion. Potential impacts to animal life and associated mitigation measures are also discussed in the previous "animal life" sections of the SED. For example, mitigation measures that are identified in the SED to lessen impacts to plant and animal life due to dredging include proper project modeling, siting, and planning. These mitigation measures might include limiting the extent and duration of dredging; conducting dredging in portions and phases to allow species to reestablish, recover, and propagate; and using sediment curtains to reduce sediment migration to habitat adjacent to a current dredge site. Furthermore, the SED examined worst case impacts due to dredging, when in fact, the relatively shallow depths in Marina del Rey Harbor lends itself to greater disturbance and resulting re-suspension given the proximity of base sediments to the surface and the high amount of disturbances associated with one of the largest private craft marinas in southern California. The Marina is a relatively enclosed and static system, with flat sediment beds, not lending itself to transport of sediment out of the harbor. This is exasperated by the fact that the wider harbor rather than the entrance channel is seldom if ever dredged. Therefore, the impacts from dredging are likely to be limited and temporary.

Recreational Boaters of California	No consideration has been given to the fact that copper anti-fouling paint has been used in Marina Del Rey since it was created. Therefore the removal of that product from the waterway should merit a California Environmental Quality Act [CEQA] analysis to determine what negative effects might ensue. For example, a reduction in the levels of copper will encourage algal growth in the basin. RHMP [Weston, 2008]. The waters in enclosed harbors and bays do not meet the water quality standard for dissolved oxygen [DO] which can impact fish populations. In-water cleaning of boat hulls creates an additional demand for oxygen. That demand will increase three or four fold with cleaning of non-toxic coatings, possibly leading to oxygen depletion and fish die-off like that in King Harbor in 2011. The consequential release has not been considered as a permitted release. Several studies indicate that the marine biofilms, the growth of which copper is intended to inhibit, can be a reservoir for human pathogens such as *E. coli* and *V. cholera* [Shikuma & Hatfield, (2010), Marine biofilms on submerged surfaces are a reservoir for *Escherichia coli* and *Vibrio cholera*].	Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requirements for preparing environmental documents (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782). The Regional Board staff has prepared "substitute environmental documents" for this project that contain the required environmental documentation under the State Water Board's CEQA regulations. (23 Cal. Code Regs. § 3777.) The SED was posted on the Regional Board website on November 5, 2013. Staff disagrees that the removal of copper paints merits a CEQA analysis with respect to potentially increased algal growth. Antifouling paints are intended to protect boat hulls. Such paints are not designed for or intended to control algal growth within the larger marina. Should an algal impairment be documented in Marina del Rey Harbor, the causes of this impairment should be assessed and managed. Increases in hull cleaning are not anticipated to create an additional demand for oxygen. Evidence has not been presented to support this claim or provide a mechanism by which the dissolved oxygen levels in the harbor would decrease as a result of increased hull cleaning. The Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL has been effective since 2004. The bacteria TMDL addresses microbial sources of pollution to Marina del Rey Harbor. Additionally, the use of copper antifouling paints to control potential disease vectors is not an approved use of

		such products by the Department of Pesticide Regulations; nor is there evidence that this is an effective means of disease control.
Maureen Gorsen, Alston & Bird	Second, the TMDL Amendment will name each boater with a vessel moored in the Marina as a "responsible party." In accordance with the Nonpoint Source Implementation and Enforcement Policy, each responsible party may have to obtain a Waste Discharge Requirement ("WDR") permit to comply with the TMDL Amendment. The cost of a WDR permit is $1,097. 23 Cal. Code Regs. § 2200. Such an administrative burden is costly and time-intensive and will further drive boaters from the Marina, causing economic impacts on local businesses in the Marina, **creating potential environmental cleanup liabilities** and the loss of jobs.	The State Water Board's Nonpoint Source policy does not require the Regional Board to issue waste discharge requirements to address nonpoint source pollution. The TMDL's implementation plan specifies the Regional Board's regulatory options in may use to achieve the goals of the TMDL. These include issuing waste discharge requirements or waivers of waste discharge requirements or other regulatory mechanisms (e.g., cleanup and abatement orders). The staff report analyzes costs based on reasonably foreseeable methods of compliance, including the costs to strip and paint boats with copper free hull coatings. The administrative cost of complying with the TMDL is an economic impact, which does not contribute to and is not caused by physical impacts on the environment and an analysis of such costs is not required by CEQA.
Maureen Gorsen, Alston & Bird	The RWQCB must analyze the potential impacts from alternatives. For instance, the United States Environmental Protection Agency ("EPA") has discredited both zinc and organic formulations as poor alternatives. Although EPA has endorsed the use of non-biocide formulations, such non-biocide paints do not provide the same protection or cost-effectiveness as copper-based hull paints. Non-biocide paints are soft, easily damaged, have a short effective lifespan (8-12 months), and cost three times more than traditional bottom paint. Additionally, some boat yards refuse to haul out boats with silicon bottom finishes because they are so slippery that they can easily slide out of the Marine Travel	The SED analyzes the potential impacts from replacement of copper-based antifouling paints with non-toxic coatings; zinc and organic biocides were not analyzed because they are not non-toxic. The SED and staff report discuss the fact that non-toxic coatings must be used with additional BMPs, including increased hull cleaning for them to be as effective as copper-based paints. The economic impacts due to the replacement of copper-based antifouling paints have been analyzed in the staff report. (See Staff Report, Chapter 5.2). The potential for boats coated with silicone coatings to slip out of marine travel lifts can be mitigated by boat yards by using other non-toxic coatings that do not contain silicon, such as epoxy-based coatings.

	Lift straps.	
Maureen Gorsen, Alston & Bird	The RWQCB fails to satisfy the requirements of the California Environmental Quality Act ("CEQA"). The RWQCB has not analyzed the environmental impact of alternatives nor the reasonably foreseeable consequences of this regulation in the "Substitute Environmental Documents for Toxic Pollutants in Marina del Rey Harbor Waters Total Maximum Daily Load" ("CEQA Document"). *See* 14 Cal. Code Regs. §§ 15126.6 and 15187. For instance, the RWQCB failed to consider the economic losses to businesses in Marina del Rey when boaters will choose to dock their boats at nearby harbors that are not subject to this Amendment. More critically, the RWQCB fails to include an analysis of the impacts of the alternatives, and improperly defines away two reasonable alternatives as infeasible.	The comment mischaracterizes the SED. Staff disagrees that the SED fails to include an analysis of the impacts of the alternatives. The SED analyzes three program level alternatives and more than 20 project level alternatives. The SED properly finds that program alternative 1 is the most environmentally feasible alternative, based on the fact that the other two program alternatives do not meet the project purpose and would allow toxic pollutants to continue impairing Marina del Rey Harbor waters. (See Chapter 4). The potential for economic losses to businesses in Marina del Rey if boaters choose to dock their boats at nearby harbors is not a CEQA-relevant inquiry. The CEQA inquiry relates to what significant adverse environmental impacts are foreseeably attendant with the reasonably foreseeable means of compliance with the regulation.
Maureen Gorsen, Alston & Bird	The CEQA Document does not pass muster under Cal. Pub. Res. Code§21159(c). Section 211 59(c) requires that an environmental analysis take into account a reasonable range of environmental, economic, and technical factors, population and geographic areas, and specific sites. The CEQA Document does not address enough specific-site factors (e.g. natural flushing rates of the Marina), and therefore does not satisfy Section 211 59(c).	The comment mischaracterizes the SED. The SED describes the proposed project and reasonable alternatives to the project in Chapter 4; identifies significant or potentially significant adverse environmental impacts in Chapters 6-7; analyzes mitigation measures to avoid or reduce any significant or potentially significant adverse environmental impacts in Chapters 6.2 and 7; and analyzes reasonably foreseeable methods of compliance in Chapters 6.2 and 7. The Regional Board is prohibited from specifying the manner of compliance with its orders (Water Code § 13360), and accordingly, the actual compliance strategies will be selected by the local agencies and other permittees. Although the Regional Board does not mandate the manner of compliance, foreseeable methods of compliance are well known and site-specific factors

		are considered in the SED to the extent possible. For example, flushing rates of the Marina are accounted for in the modeling used for the dissolved copper linkage analysis. This SED, including the TMDL staff report the Basin Plan amendment, and tentative resolution should be considered as a whole when evaluating compliance with the Public Resources Code.
Maureen Gorsen, Alston & Bird	The CEQA Document does not have a proper scope of cumulative effects as defined in Section 15355 of the CEQA Guidelines. According to the CEQA Document, the only cumulative impacts of the project are noise and vibration, air quality, transportation and circulation, public service, and aesthetics. One overlooked impact is loss of recreation-dredging in the Marina and higher maintenance and administrative costs will impact the public's access to this recreation resource	Staff disagrees that the SED does not have a proper scope of cumulative effects. The impacts to recreation due to dredging are analyzed in the SED in Chapter 6.2.2 at page 100. The argument that the cost of dredging will impact the public's access to Marina del Rey is not substantiated. In addition, potentially higher maintenance and administrative costs would be economic impacts, which do not contribute to and are not caused by physical impacts on the environment and an analysis of such costs is not required by CEQA.
Maureen Gorsen, Alston & Bird	In sum, the RWQCB has not satisfied its requirements to review all feasible alternatives, to compare the potential impacts of alternatives under CEQA and must take the time and research necessary to determine the Amendment's true impact on Marina del Rey.	Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Boards' basin planning process as a "certified regulatory program" that adequately satisfies the CEQA requirements for preparing environmental documents (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782). The Regional Board staff has prepared an SED for this project that contains the required environmental documentation under the State Board's CEQA regulations. (23 Cal. Code Regs. § 3777.) The analysis considers all reasonably foreseeable environmental impacts associated with the proposed TMDL, including impacts associated with reasonably foreseeable implementation measures to be developed and deployed by others, at an appropriate level of detail.

Jeff Pence, Pacific Marina Development	We are concerned that an inadequate California Environmental Quality Act (CEQA) analysis has been performed an exemption is inappropriate. Given the significant financial burdens involved a full Environmental Impact Report (EIR) must be prepared.	Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Boards' basin planning process as a "certified regulatory program" that adequately satisfies the CEQA requirements for preparing environmental documents. The Regional Board staff has prepared an SED for this project that contains the required environmental documentation under the State Board's CEQA regulations. (23 Cal. Code Regs. § 3777.) See supra, Response to County of Los Angeles, Department of Public Works. The SED was posted on the Regional Board website on November 5, 2013. The SED is a programmatic environmental document and accounts for the reasonable foreseeable means of compliance. As a "certified regulatory program," the Regional Board must satisfy the substantive requirements of 23 CCR § 3777(a), which requires a written report that includes a description of the proposed activity, an alternatives analysis, and an identification of mitigation measures to minimize any significant adverse impacts. Mitigation measures and a CEQA checklist were included in the SED.
Scott Smith	Another concern that the removal of all copper paint could cause an unintended environmental impact. As Ray Tsuneyoshi former director of the department of boating and waterways said. "Before you rush to get rid of all biocide control without finding an alternative I would strongly urge that you first find the same kind of covering that has the same kind of qualities that zinc has but not the toxicity. I challenge you to do that because it's almost an impossibility."	The comment does not specify how removal of copper paint would cause an unintended environmental impact. It appears as though the comment refers to replacement paints that are also toxic. The SED analyzes the potential impacts from replacement of copper-based antifouling paints with non-toxic coatings; zinc and organic biocides were not analyzed because they are not non-toxic. The quoted statements from Greg Shem that swimming, fishing, and shellfish harvesting are prohibited in Marina del Rey are

	Greg Shem, owner of The Boatyard points out, "The report states that copper and other pollutants affect the beneficial use of Marina del Rey for: water contact recreation, marine habitat, wildlife habitat, commercial and sport fishing, and shellfish harvesting. Notwithstanding the fact that swimming, fishing, and shellfish harvesting are prohibited in Marina del Rey, the impact on these uses is still considered a problem because we are told they 'could be' potential uses".	not correct.
John Adriany	A more thorough evaluation of recent science would provide added assurance that beneficial uses with little real world impact would continue and unintended impacts to water quality would be avoided.	A CEQA analysis was completed for this TMDL, in which potential impacts to the environmental as a result of implementation of the TMDL are thoroughly discussed. The SED was posted on the Regional Board website on November 5, 2013.
John Adriany	While the current antifouling approach has recognizable impacts, the recommended alternative and corrective solution, a shift to nontoxic paints, has yet to be evaluated for attendant risks to water quality and human health. There is reasonable concern that these impacts could be substantial. 1. Substantial organic loading accompanies non-toxic coatings and dissolved oxygen levels are currently depressed in boat basins. The additional demands on oxygen from this loading are unknown. 2. The presence of human pathogens in high abundances on hulls in marine harbors was documented in Marine biofilms on submerged surfaces are a reservoir for Escherichia coli and Vibrio cholerae "(Shikuma, 2010).	A CEQA analysis was completed for this TMDL in the SED, in which potential impacts to the environmental as a result of implementation of the TMDL are thoroughly discussed. The SED was posted on the Regional Board website on November 5, 2013. Potential impacts to water quality and human health as a result of shifting to non-toxic paints are evaluated. The statements that organic loading accompanies non-toxic coatings and dissolved oxygen levels are currently depressed in boat basis are not substantiated. Marina del Rey is not impaired due to low dissolved oxygen. The Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL has been effective since 2004. The bacteria TMDL addresses microbial sources of pollution to Marina del Rey Harbor. Additionally, the use of copper antifouling paints to control potential disease vectors is not an approved use of such products by the Department of Pesticide Regulations; nor

	In summary, the risk from current practices may have been overstated and the risk from potential alternatives has not yet been evaluated. The fact is that no boat harbor currently exists without antifouling controlling growth on hulls and the consequence of large populations of boats in moorage is without experience. I believe to assure that unintended impacts to water quality are avoided; it would be prudent to engage in a more thorough evaluation. I thank the Regional Board for an opportunity to contribute comments on the Marina Del Rey TMDL.	is there evidence that this is an effective means of disease control.
Essex Property Trust, David Josh Staub, Joel Eve, Rotondi Leshner, J. Simon	The environmental impact of stripped paint disposal has not been acknowledged or addressed.	The comment is incorrect. The potential impacts to the environmental as a result of paint stripping are thoroughly discussed in the SED. (See Chapter 6.2.2, pp. 45 & 55)The SED was posted on the Regional Board website on November 5, 2013.
Gregory F. Schem, Harbor Real Estate Group	The environmental benefits of dredging the marina do not warrant the environmental impacts created by the process itself. The proposal to dredge the entire marina one foot deep would entail the removal of approximately 17.42 million cubic feet of sediment. Using a hydraulic dredge and assuming the effluent is 50% water (conservative estimate) that would require 143,407 truckloads to be removed from the site. Assuming 30 truckloads a day were utilized, 365 days per year, it would take 13.1 years to accomplish this task. Applying a disposal cost of $25 per cubic foot, the cost would be approximately $435 million and create a tremendous carbon footprint by the utilization of the diesel truck fleet required. A detailed cost-benefit analysis must be done in order to understand the larger impact(s) of such a proposal, including the	The potential environmental impacts due to increased trucking were analyzed in the SED, including impacts to air and traffic. (See Chapter 6.2.2, p. 45-46, 77-78). It is not clear where the disposal cost of $25 per cubic foot was obtained. The cost estimate in the staff report is based on sediment disposal costs of $150 to $200 per cubic yard for inland disposal and about $15 per cubic yard for slip fill disposal. These costs include dredging, dewatering, and transport costs. The costs of complying with the TMDL were adequately analyzed. The SED acknowledges that increased growth of fouling organisms and invasive species could result from the switch from copper based anti-fouling paint. The SED identifies

	socio-economic impacts to the local community. Removal of biocides from bottom paints will invite the unintended consequence of permitting the transport of invasive species from marina to marina. Over the past 5 decades, Marina del Rey has been spared the impact of invasive species to a large extent by the benefit of biocide containing paints. Although copper is not 100% effective in killing all invasive species it is extremely effective in preventing the recruitment of most organisms if properly maintained.	mitigation measures to address that potential impact. (See Chapter 6.2.2, pp. 61-76). In addition, the SED includes a statement of overriding considerations which states that in view of the entire record supporting the TMDL, the specific economic, legal, social, technological, and other benefits of the proposed TMDL outweigh the unavoidable adverse environmental effects, and that such adverse environmental effects are acceptable under the circumstances.
Simon Landt	The environmental footprint that goes with stripping and recoating the bottoms of approximately 4,200 boats is going to make an immense impact on a hazardous waste level, be it disposed of in California or another state.	The potential impacts to the environmental as a result of paint stripping are thoroughly discussed in the SED. (See Chapter 6.2.2, pp. 45 & 55) The SED was posted on the Regional Board website on November 5, 2013.
Neal Blossom	The TMDL nor its reconsideration even mention the risk associated with having less effective biofouling control coatings on 5100 vessels and the increased likelihood of the transport and introduction of hull born invasive species. California's Marine Invasive Species Act of 2003 renewed and expanded the Ballast Water Management for Control of Nonindigenous Species Act of 1999, to address the threat of nonindigenous species (NIS) introductions. An example of one extension of that law is the California State Lands Commission (Commission) has been charged with oversight and administration of the state's program to prevent or minimize the release of NIS from vessels that are 300 gross registered tons and above. In their current draft of their "Biofouling Management Regulations for Vessels Operating in California Waters", as can be found in this link http://www.slc.ca.gov/Spec_Pub/MFD/Ballast_Water/Documents/Attachment_2_Biofouling_7June12.pdf, is the	The potential impacts of the removal of non-biocide paints from the Marina on invasive species were analyzed in the SED (See Chapter 6.2.2, pp. 61-76).

	statement “The purpose of the regulations in Title 2, Division 3, Chapter 1, Article 4.8 of the California Code of Regulations is to move the state expeditiously toward elimination of the discharge of nonindigenous species into the waters of the state or into waters that may impact the waters of the state, based on the best available technology economically achievable.” Copper based antifouling coatings are more effective than the biocide free coatings this TMDL is obviously requiring vessels to apply. Again I can site the added risk from “IPM for Boats: Integrated Pest Management for Hull Fouling in Southern California Coastal Marinas” Culver et al, June 2012. From page 18 “both toxic and nontoxic coatings represent a risk for spreading invasive species. While this risk is higher for the nontoxic coatings…….”. The additional risk of increased hull born invasive species transport and introduction should be addressed before this TMDL is adopted and if the risk is greater without effective copper based antifouling coatings the TMDL nor its reconsideration should be adopted.	