

To: Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
Sacramento, California



My husband and I recently purchased a cruising sailboat in Marina del Rey. We moved it out of the marina the first chance we had and it will not return until there is some resolution to the 'responsible party' initiative for boaters as it concerns copper and the TMDL Amendment. We have legal bottom paint on our boat on the day we purchased her and expect to continue to maintain the boat according to available and legal resources – but none of this will be done in Marina del Rey. It appears as if the Regional Water Board isn't concerned about the science behind this situation. The LA Board failed to do site specific sampling and analysis of the water at different sites in Marina del Rey to determine actual copper levels. They also failed to consider Marina del Rey's unique characteristics as a man-made pleasure boat harbor. They failed to consider that copper binds to the considerable amount of organic matter in the marina, which renders it harmless. They also failed to do a meaningful environmental analysis of the impact from invasive species that will result from eliminating copper biocide paints.

The LA Board greatly underestimated the negative economic impact of its regulation on boaters, anchorages and the local business community. Boats in Marina del Rey are stripped maybe every 20-40 years, definitely not every 7-10 years as the LA Board claims. They seriously underestimate the lifecycle costs to apply and maintain non-biocide paints, which our local boatyard experts estimate to be at least \$65,000 on average over 10 years. The Board says that its "unlikely" for boaters to leave Marina del Rey because of the new regulation. They are wrong. Would I seriously consider leaving the marina instead of staying, incurring these costs and facing legal liability? Absolutely and have already done so.

I'm a huge proponent of environmental concerns – I bring water bottles and other glass and plastic containers back from Mexico to recycle them. I can go two months without completely filling my trash container but each week my recycling container is completely full. I bring 8 x 11 papers back from meetings and use them to print on the back page before recycling. I carefully consider both sides of any environmental discussions and sometimes I do agree with the science behind the discussion. But this one is really flawed and the proper and necessary research and study needs to be conducted before sweeping over change should be undertaken.

In conclusion, the LA Board took too many shortcuts to get to the result they had preordained. They violated the due process rights of stakeholders, skimmed on science, did an incomplete economic analysis and overstepped their authority.

I formally request that the State Board reject the TMDL Amendment as currently drafted and to send it back to the LA Board for further study and meaningful consultation with stakeholders.

Sincerely,

Kellie Fennessy