

From: CuTMDL_RB8@Waterboards
To: Carrillo_Felipa@Waterboards
Subject: FW: "Basin Plan Amendments to Incorporate Total Maximum Daily Loads for Copper and Non-TMDL Action Plans for Other Metals in Newport Bay"
Date: Friday, October 21, 2016 11:36:00 AM

From: Brian H Ouzounian [brian.oci@sbcglobal.net]
Sent: Monday, October 17, 2016 4:18 PM
To: CuTMDL, RB8@Waterboards
Subject: "Basin Plan Amendments to Incorporate Total Maximum Daily Loads for Copper and Non-TMDL Action Plans for Other Metals in Newport Bay"

Linda Candelaria, PhD
California Regional Water Quality Control Board, Santa Ana
Region
3737 Main Street, STE 500
Riverside, CA 92501-3348
RB8-CuTMDL@Waterboards.ca.

Dear Ms. Candelaria and Board Members:

This memo is intended to oppose the actions that have been proposed for Newport Beach Harbor as related to the subject action. In brief, the following main points are in support of my opposition.

1. The Copper TMDL unlawfully attempts to force local agencies to ban copper anti-fouling paint.
2. The Copper TMDL is unlawful because alternatives to copper anti-fouling paint are not effective or available.
3. The margin of safety is too large and is unsupported
4. The phased implementation schedule is unreasonable, unsupported and would force early investments that may be unnecessary.
5. The Copper TMDL imposes unfunded state mandates that the State must reimburse under the California Constitution.
6. It is improper to promulgate a TMDL for an entire bay when only certain areas of water bodies within the bay may even be arguably impaired.
7. The Substitute Environmental Document (SED) fails to comply with the California Environmental Quality Act (CEQA).
8. The data sources in the staff report are older than 10 years, and were

collected prior to significant dredging activities that recently occurred in the Upper and Lower Bay.

9. The vessel count used in the calculations is significantly different than the actual, verified number of 4,470 vessels in Newport Harbor.

10. I won't be able to afford my boat maintenance.

Please stop this action.

Sincerely,

Brian H. Ouzounian
Private boat owner
Member of Newport Mooring Association
Newport Beach, CA