



915 L Street, #C107
Sacramento,
CA 95814
916. 441. 1475
www.marina.org

October 20, 2016

Santa Ana Regional Water Quality Control Board
3737 Main St., Suite 500
Riverside, CA 92501

Attention: Linda Candelaria, Ph.D.
RB8-CuTMDL@Waterboards.ca.gov

Re: Comments on Proposed TMDL for Copper in Newport Bay, California.

Dear Dr. Candelaria and Members of the Board,

Marina Recreation Association (MRA) national membership consists of public and private entities that support recreational boating with a California centric perspective. MRA's members are recognized for their dedication to vibrant marine habitats which is understandable considering the symbiotic relationship between their lifestyle/business/mandates and clean water. Of concern has been the regional debate between copper-based hull paint and the impact it has on water quality. While the noise from the fringe on both sides of this debate has been distracting at times, we have sought meaningful solutions based on best available science. We have followed and appreciate the opportunity to comment on the proposed total maximum daily load (TMDL) for copper in Upper and Lower Newport Bay as described in the Basin Plan Amendments for Copper TMDLs and Non-TMDL Metals Action Plans for Zinc, Mercury, Arsenic and Chromium in Newport Bay, California, dated August 30, 2016. It was our hope that Regional Board staff would incorporate lessons learned from previous Copper TMDLs and stakeholder feedback provided at and subsequent to the CEQA Scoping Meetings held July 23, 2015.

We respectfully request that the Regional Board decline to adopt the proposed Copper TMDL. Perhaps the most glaring example of staff's failure to consider stakeholder feedback is their continued use of 10,000 as the assumed number of boats in Newport Harbor. Notwithstanding the fact that staff has known for over a year that their assumption is wrong by a magnitude of 2, for unexplained reasons they continue to hold to 10,000 boats. Staff's trusted consultant, City of Newport Beach and marina experts have all advised staff that 10,000 is not the correct number with the actual number ranging from 4,300 to 5,000. Regional Board staff does not explain the methodology of how they came up with 10,000 boats – they just do. Considering staff's calculation is based on inaccurate assumptions, their conclusion that dissolved copper loading to Newport Harbor from recreational boats of 36,000 lbs/year is knowingly false.

Considering how important it is to use the correct number of boats in the bay, it is hard for us to understand why staff chose not to redo their calculations after they learned of their mistake back in July of 2015. Regardless of staff's motives, it would be wrong for the Regional Board to accept this known flaw and pass it on by approving the proposed Copper TMDL. It would be equally unfair to shift the burden of recalculation onto those that the TMDL proposes to regulate post approval. Regional Board staff has had ample time to satisfy themselves as to the true number of boats in the bay and perform the necessary recalculations before coming to the Regional Board with their recommended Copper TMDL.

Sincerely,



Mark Sanders, President