

Southern California Yachting Association



September 17, 2018



Dr. Linda Candelaria, PhD
California Regional Water Quality Control Board Santa Ana Region
3737 Main Street, Suite 500 Riverside, California 92501-3348

RE: Regional Board Meeting on October 19, 2018 to adopt the Basin Plan Amendments to Incorporate Total Maximum Daily Loads for Copper and Non-TMDL Action Plans for other Metals in Newport Bay

Dear Dr. Candelaria:

Southern California Yachting Association (SCYA) submits these comments in response to the July 10, 2018 notice that the California Regional Water Quality Control Board, Santa Ana Region will consider adopting Amendments to the Water Quality Control Plan for the Santa Ana Region to incorporate Total Maximum Daily Loads for copper and non-TMDL Action Plans for other metals in Newport Bay.

The Southern California Yachting Association was organized in 1921 to provide a much-needed communication, educational, and organizational service to the yachting community in Southern California and Arizona. Our objectives are to provide a forum for sharing ideas, identifying and engaging in governmental issues that affect recreational boating, promoting events, acknowledging excellence, and providing a social and educational platform to build a stronger boating community.

Boaters in the Santa Ana watershed and throughout the region have a keen interest in the issues being addressed by the regional board. Our organization is greatly concerned about the ramifications of this issue as it pertains to all recreational boating.

- The copper TMDL impermissibly attempts to force local agencies to solve a conflict caused by the Regional Board's failure to convince the Legislature or its sister state agencies to ban copper anti-fouling paint (AFP).
- The copper TMDL is unwarranted because alternatives to copper AFP are not effective or readily available and may have significant adverse environmental impacts.
- The phased implementation schedule is unreasonable and unsupported, and would force substantial early investments that may be completely unnecessary.

In addition, SCYA is significantly concerned that:

- The revised amendments place an unfair and unreasonable responsibility on boats to continue to be responsible for lowering the levels of copper even after boat copper loads

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have been reduced to recommended levels, if the water column then shows that copper levels exceed 3.1 CTR.

- The information included in the attachments establishes that there may in fact not be a copper impairment (either in the water or sediment), and that no implementation plan is necessary at this time.
- The board has not acknowledged and learned from the ongoing challenges at Marina del Rey Harbor and Shelter Island in San Diego.
- The revised amendments do not reflect the fact that alternatives to copper-based AFP may cause greater environmental harm and may *increase the entrance and spread of invasive species and pathogens that are fatal to humans*.
- The copper TMDL imposes unfunded state mandates.
- The substitute environmental document fails to comply with the California Environmental Quality Act and CEQA's implementing guidelines.
- The revised amendments seem flawed, preemptive, fails to adequately consider current conditions and technical analyses, and do not comply with CEQA.

SCYA joins in the request of the City of Newport Beach and Recreational Boaters of California that the board:

1. Not adopt the amendments at this time.
2. Select an additional review period for a meaningful discussion about additional testing and monitoring, education, best management practices, the implementation timeline for DPR's updated AFP regulations, and more, with the goal of coming back to the Regional Board with more robust data and implementation ideas.
3. Commit to participating thoroughly and in good faith in that discussion provided all of the parties do so collaboratively, as has been the collective spirit in the past.

For these and other reasons, SCYA respectfully requests that the Regional Board not adopt the amendments on October 19, 2018, and provide additional time for all stakeholders to further discuss the stated concerns.

SCYA appreciates the Regional Board's objective to protect the water and the recreational boating community remains willing and ready to discuss the development of amendments that incorporate a justified, reasonable, fact and science-based implementation plan to address actual water quality concerns in the Newport Bay.

Sincerely,



Gary Green,
Commodore, SCYA

cc. SCYA Board & Member Clubs

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