

**INTERAGENCY COORDINATING COMMITTEE (IACC)
JOINT MARINAS AND RECREATIONAL BOATING AND
ANTIFOULING STRATEGY (AFS) WORKGROUP**

FINAL MINUTES FOR THE April 8th, 2010 Meeting

SAVE THE DATE: The next in-person meeting is scheduled for **Wednesday, August 11th, 2010, from 10-12** at Cal/EPA, Room 1510. Conference Call Number: 916-227-1132

Meeting Attendees: Molly Munz, Steve Fagundes (State Water Resources Control Board); Nan Singhasemanon (Department of Pesticide Regulation); Alan White and Barbara Heinch (Cal Recycles); Melissa Salinas (Department of Toxic Substances Control); Tim Leathers (Clean Marinas Program), Jack Gregg and Mara Noelle (Ca. Coastal Commission), Bill Kraus (The Apex Group – lobbyist)

Phone In: Vivian Matuk (CCC/Department of Boating and Waterways); Jenny Newman (Los Angeles Regional Board); Linda Candelaria (Santa Ana Regional Board); Grace Lee (Santa Monica Bay Restoration Commission); Stan Susman (Interlux Paint); Katy Wolf (Institute for Research and Technical Assistance); Neal Blossom (American Chemet); Rolf Schottle, Chris Stranski and Michelle Woo (AMEC); Karen Holman (Port of San Diego); Robbie Dean and John Adriany (San Diego Yacht Club); Jack Peveler (County of Ventura and CAHMPC); Tom Nielsen (Nielsen Beaumont Boatyard), Bob Riopel (RBOC); Leigh Johnson (UC Sea Grant); Ray Heimstra and Colin Kelly (Orange County Coastkeeper), Matt Peterson and Marlan Hoffman (Ca. Professional Divers Association), Carrie Klaussen (Brick Yard Cove Marina), Jack Dever (Channel Islands Harbor), Roy Hobbs (Shelter Island Boatyard), Deborah Pennell (Shelter Island Marina)

Marina IACC Meeting

1. Announcements and updates

Lisa Sniderman became ill and is out on disability retirement. If you would like to send well wishes or a message to Lisa, contact Jack Gregg (415) 904-5246 or Jgregg@coastal.ca.gov

Change Meeting: Molly Munz requested to change the meeting day from Thursday to Wednesday. The next meetings are scheduled for: Aug. 11 (10 – 12) & Dec. 8 (10 – 12).

2. Primary Topic

Tim Leathers - Clean Marina Program

Tim Leathers provided a history of the Clean Marina Program (CMP). The CMP started in San Diego due to RWQCB work on an NPDES permit. The marina industry suggested forming a Clean Marina Program in response, & the RWQCB agreed. The volunteer, industry-led program is based on programs in other states. Tim Leathers is the president, Pat Began at Sierra Boat Works is Vice President, and Kathy O'Brien from Sun Harbor Marina is secretary. Contact information for Tim Leathers:

tleatten@alma.com, (619) 204-3505.

The State Board and the Marina IACC reviewed the Clean Marina Program documents, and provided a list of 154 comments. Tim Leathers stated that CMP volunteers were too

under staffed to formally address the comments at that time; however, in March 2010, the CMP agreed to incorporate the IACC comments into the Clean Marina Program.

Action Item: Molly Munz will send agency comments to the IACC subgroup and any interested parties. Contact Molly at MMunz@waterboards.ca.gov.

The CMP will hire a part-time person to make the changes to the program from the IACC comments. The CMP is now a 501(c) (3) non-profit organization and is trying to get grants funds to implement the program. The CMP currently has 91 certified Clean Marinas, in CA, AZ & NV. There is interest in the program from other western states.

The control of invasive species was recently added as a 13th issue onto the CMP checklist. Tim incorporated invasive species BMP's obtained from Vivian Matuk from the California Coastal Commission and the Department of Boating and Waterways (DBW). The general goals of the CMP are to (1) do what is required by law (2) educate staff to address water quality issues using Best Management Practices, and (3) incorporate issues with copper antifouling paint and professional divers. Current goals of the CMP are to (1) add two board members representing lake marinas; (2) add staff to accomplish their goals, and (3) include clean ports and harbors because these are often landlords of marinas and yacht clubs, and have a mutual interest in clean water.

Tim questioned whether the State Board will accept their program, and work with them to get it right. Molly from the State Board confirmed that they would continue to work with the CMP on their program.

The CCC, State Board and DPR want to attend a marina certification with the CMP. Tim from the CMP invited the group to come to the review that is conducted before certification. Mariann Timms handles the certification schedule, and we could go to her to determine a date to attend. The CMP is beginning to re-certify marinas that have been in the program for 5 years, and re-educate new people.

Action Item: Members of the State Board, CCC and DPR attend a marina certification.

Copper Antifouling Paint & Divers

The CMP knows there are issues with antifouling paint and impacts from hull cleaning. The CMP does not want to make a decision about how professional divers operate, or which paint should be used, but once the decision is made, the CMP will help with the education and outreach. They concur that marinas use non-toxic paints, and will add the language to their program, but will not be enforcers.

Matt Peterson - Professional Divers Association

Matt stated that the professional divers have a set of BMP's, and certify divers that agree to use those BMPs. The California Professional Divers Association website listing the BMP's is www.prodivers.org. Click on Downloads to access the individual BMP sheets.

Molly Munz – Proposed Coastal Permit

The State Board is delaying any release of a draft Coastal Marina Permit for stakeholder comment until more information is available. The State Board is waiting for a report from the Port of San Diego documenting alternatives to copper-based AFPs. This report is expected in December 2010. There is also a \$600,000 CWA 319 grant from the State Water Board to the Unified Port of San Diego to create a financial incentive & education program to switch to non-copper AFPs in Shelter Island Yacht Basin. The project will be completed by 2015.

Jack Gregg - CCC Update

The CCC is reviewing coastal development permits to determine how many contain water quality BMP's for marinas. The goal is to better understand the range of water quality requirements placed on marinas.

Jack solicited the group for future agenda topics and new issues. Here are the responses:

1. Jack Gregg - Coliform

Jack noted that more information may be needed on how to evaluating pathogenic bacteria in marina waters. The group could get a speaker on natural vs. human pathogens, and how they influence testing. He mentioned that the Southern California Coastal Water Research Project (SCCWRP) has done work on measuring pathogens and led an epidemiology study to determine the chance of a people getting sick from Coliforms. Linda Candelaria stated that the Santa Ana Regional Board has read a study on natural vs. human pathogens. SCCWRP staff may be able to give a talk on this subject.

Action item: Linda Candelaria may be able to send the group a study on natural vs. human pathogens.

2. Molly Munz - Tomales Bay mooring

The State Board is investigating regulatory options to help reducing bacteria contamination from vessel discharges in Tomales Bay, including designating Tomales Bay as a federal No Discharge Zone.

3. Linda Candelaria – BPA's

She would like to receive more information on Bisphenol (A) compounds coming off plastic. Are Bisphenol (A) compounds also coming out of epoxy paint? Here is a link to more information <http://www.usnews.com/science/articles/2010/03/23/bpa-found-beached-and-at-sea.htm>. This issue could get more interest from the RWQCB. Nan S. stated that Japanese researchers are finding BPA's in beach sands, although the source has not been determined. An article on this subject is located at this website: http://news.nationalgeographic.com/news/2004/05/0506_040506_oceanplastic.html. BPA's could lead to endocrine problems with humans and aquatic organisms.

4. Vivian Matuk - Flares

Proper disposal of expired flares is an issue in California. Only 13 out of 58 Household Hazardous Waste Collection centers collect expired flares. The Coast Guard and fire Departments used to collect flares: http://www.coastal.ca.gov/ccbn/Ca_Flares.pdf. Cal Boating is going to start a working group with other state agencies to explore and identify some potential options to provide a better collection system throughout the state. Flare collection could be implemented the same way batteries are currently collected from sellers. Alan White mentioned Cal Recycle has seen information on this issue. In San Bernardino, a fire station was accepting used flares.

Action Item – Alan White from Cal Recycle may have more information on this subject he can provide to the group.

5. Molly Munz –Information on green products

Virginia St. Jean from San Francisco is knowledgeable about Clean, Green programs.

Action Item – Get information on green business in SF City & County (Note: Virginia St. Jean will speak at the August 2010 meeting.)

AFS Meeting

1. Newport Bay Copper Reduction Program (Ray Hiemstra, Orange County Coastkeeper

Ray provided an overview of the program, which started in April 2009. There are two main components to the program: a marina-specific outreach and incentive program and a harborwide outreach project. Ray described a variety of educational materials that are provided to boaters including those on current regulations, water quality concerns, and copper AFP alternatives. These materials will be provided along with the meeting notes for the workgroup. Ray welcomes any feedback.

There is currently an incentive program in Balboa Yacht Basin to convert to non-copper AFPs. The goal is to convert at least 50% of the basin's boats. There are approximately 160 slips in the basin. Five coatings are being offered for participating boat owners: ceramic-epoxy, silicone-epoxy, silicone, epoxy, and fluorinated-siloxane. Marina dissolved copper concentrations will be monitored in hope that a reduction in copper concentrations can be documented. Ray mentioned that baseline data for the basin have already been collected. Molly Munz (State Board) questioned whether a simpler monitoring design was adequate in showing copper reduction. Discussion on this topic followed.

Ray added that there have also been interactions with the local boatyards although he admitted that the alternative coatings are a "little new" for them to work with. Interlux Paint has been assisting Coastkeeper's dialogue with the boatyards. Leigh Johnson (UC Sea Grant) asked Ray whether the local boatyards were using a new and less expensive paint stripping technique called "baking soda blasting". Ray said that they were. One of the meeting participants mentioned hull blasting with volcanic rock as another emerging technique. Roy Hobbs (Shelter Island Boatyard) added that the square-foot cost for hull paint stripping is a very important factor in facilitating transitions to alternative coatings.

A resolution is also currently being sought with the City of Newport Beach through its Coastal/Bay Water Quality Citizen Advisory Committee to help support the reduction in use of copper-based AFPs in the area's marinas. Ray expects the resolution to pass through the committee and be heard by the City Council sometime in May.

2. Updated Antifouling Paint Literature Reference List (Nan Singhasemanon, DPR)

Nan announced that a document was sent out prior to the meeting that is an update of the workgroup's antifouling paint literature reference list. The previous and less ambitious version was developed back by DPR staff in 2004. The 2010 update included more than five hundred citations. In light of the larger list, the document has been reorganized into the following sections: Copper Environmental Fate/Transport, Copper Biological Effects, Copper Analytical Methods/Techniques, Copper Modeling, Copper Monitoring, Miscellaneous Copper, Copper Risk Assessment, Copper Water Quality Standards/Regulations, Copper Antifouling Paint, and Miscellaneous Antifouling Paint.

The purpose of the document remains the same, which is to be a useful resource to workgroup members on various topics relating to the water quality impacts and regulation of antifouling paint use. Nan gave recognition to a DPR scientific aid, Lina Kiaune, who did the majority of the research and organizational work for this revised document. Nan asked that if workgroup members become aware of new reports, books, and publications, they should let him know so that he may consider it for the next update.

Nan also announced that Lina has also been working an environmental fate paper on the copper oxide. DPR regularly write review papers on pesticide active ingredients that it considers to be higher priority. When completed, these papers are posted on DPR's Environmental Monitoring Branch's external website as a resource to all. In some cases, the papers are submitted for publication in scientific peer-reviewed journals. Molly Munz asked if she could see this paper. Nan said that since the State Board is a sister agency and that the Management Agency Agreement between DPR and the Water Boards encourage various types of reviews, he would be happy to share the draft document with the Water Boards. However, he would prefer to have it more complete before he shares it.

3. Agency Updates

DPR – Nan gave some quick updates relating to AFPs.

Copper AFP Reevaluation: After some delay, the public notice and letter to affected registrants have finally been drafted and are undergoing review. Once finalized, the notice will be immediately posted online and the letters will be sent to the registrants. Again, reevaluation will focus on mitigation of elevated dissolved copper concentrations in the water column.

Meeting with marina/boating representative: DPR recently met with marina/boating representatives at their annual legislative update meeting in Sacramento. Nan provided an update on AFP-related topics and was involved in productive discussions particularly about California regulatory approaches to the marina copper problem and critical areas for an increased adoption of copper-AFP alternatives.

Meeting with the State Board: DPR's and the State Board's upper management also met to discuss each agency's approach to deal with the marina copper issue and to identify additional areas of coordination. Nan and Molly (who were both participated in the meeting) agreed that it was good to have high levels of management converse about their perspectives. Both parties understood the sense of urgency that is needed to resolve the copper issue.

U.S. EPA Risk Assessment and Risk Management Decisions: Nan had heard that U.S. EPA intended to release its risk assessment and risk management decision on antifoulant use of copper oxide in the next couple of months (April through June). Moreover, similar documents will be released for zinc pyrithione later this year. Nan said that the 2006 DPR/State Board marina study is likely to be considered by U.S. EPA. The metals data, toxicity, and effects modeling finding from the study would have been of particular interest to them. Nan is not sure how useful the zinc data set would have been to the Agency. These risk management decisions were supposed to have been completed several years back as part of U.S. EPA's reregistration process, but were pushed back so that the Agency could gather more data and conduct further evaluations.

Pilot AFS Boater Outreach Project: Nan announced that he has been talking to Leigh Johnson (UC Sea Grant) and the boating supply retailer, West Marine to explore a possible partnership to use the retail outlet as a point of outreach to boaters. The outreach would involve useful information to help boaters make informed decisions about the AFP they are choosing for their boats. The project is in the discussion phase. Stay tuned for more details at future meetings.

State & Regional Board

Thanhloan Nguyen's name came up in association with a potential new Total Maximum Daily Load that may be in development for the Long Beach area.

Action Item: Nan will inquire into this.

UC Sea Grant

Leigh Johnson spoke briefly on UC Cooperative Extension's outreach project that will focus first on the results of the economic study of coast and Delta services for controlling invasive and other fouling species on recreational boat hulls.

Port of San Diego

Karen Holman gave a quick update on the Port's "Safer Alternatives to Copper Antifouling Paint" Project. The next project stakeholder meeting is scheduled for May 6 from 9 a.m. to 12 p.m. at the Port Building. Although hull testing of non-copper AFPs are being conducted on a handful of products, panel testing are still being conducted on about 20 products that were submitted after the project's kick off. Moreover, the grant under which the project is funded has been extended through to December 2010. Project partners felt that a complete 2-year window was necessary to really evaluate the AFPs being tested.

Karen also mentioned that the Port had applied for a State Board 319h grant to support the next phase of activities. The 3-year proposal involves local outreach, stripping incentives, and an online conversion tracking database.

Others

Neal Blossom (American Chemet) announced that the copper AFP industry has been making good progress in its discussions with U.S. EPA about finalizing the Biotic Ligand Model based ambient water quality criteria.