



O R A N G E C O U N T Y
COASTKEEPER®

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May 27, 2011

Sent via Fax: (916) 651-4033

The Honorable Mimi Walters
State Capitol, Room 3082
Sacramento, CA 95814

RE: SB 623 (Kehoe): Marine Antifouling Paint – SUPPORT

Dear Senator Walters:

Orange County Coastkeeper (Coastkeeper) is a grass roots environmental organization with the mission to preserve, protect and restore the watersheds and coastal environment of Orange County. As concerned taxpayers and strong supporters of the marine environment, we are writing to support SB 623 and urge your support for this critically important piece of legislation once it reaches the Senate floor.

The passage of SB 623 seeks to address statewide water quality impairments, primarily in boat marinas due to elevated dissolved copper concentrations. Copper is a natural element that is also a powerful aquatic pesticide used in antifouling boat bottom paints, which is applied to the hulls of boats in order to reduce fouling from mussels, worms, barnacles or excessive algae growth. Copper based boat bottom paints are designed to leach copper into the water and as a result, these paints are negatively impacting water quality in marinas from San Diego to Marina Del Rey to a degree where it has become toxic for fish and other aquatic species. Unfortunately, the concentration of boats in marinas with poor water circulation and decades of copper bottom paint use have amplified the problems associated with the paints throughout the state.

Without state action, many California marinas and harbors will be required to implement federally mandated Total Maximum Daily Loads (TMDL's) to reduce copper in their waters and face significant financial penalties if copper concentrations in the water are not drastically reduced. Every bay and harbor from San Diego to Marina Del Rey is currently listed by the state as a impaired waterbody due to copper contamination and many others are close to this designation. The agencies responsible for Harbors and marinas will be exposed to substantial financial liabilities under a TMDL.

These liabilities are a looming crisis in San Diego and Newport Bays where copper TMDL's are already in place and responsible legislation that seeks to resolve the underlying issue by restricting the availability of copper based boat bottom paints is politically and fiscally responsible.

Coastkeeper has been working in close collaboration with the City of Newport Beach and the local boating community for a number of years on a comprehensive project to reduce the level of copper in Newport

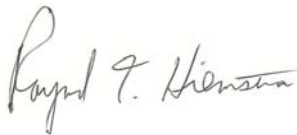
Bay. The “Newport Bay Copper Reduction Project” is a voluntary three-year campaign designed to encourage boaters in the Balboa Yacht Basin to convert their existing copper-based antifouling paint to non-toxic bottom paint. For the past two years, Coastkeeper has offered a financial incentive to qualified boat owners to cover a portion of their regular bottom paint application if the new bottom paint is non-toxic. The application of non-toxic bottom paints will reduce the number of boats in Balboa Yacht Basin with copper bottom paint and improve localized water quality. The project’s aim is to reduce copper levels in Newport Bay through voluntary measures.

Unfortunately, current participation in the campaign does not indicate that voluntary measures will be sufficient to reduce existing copper levels to a degree to satisfy anticipated TMDL concentration levels. As such, Coastkeeper believes SB 623 protects California’s taxpayers in the long and short term by ensuring the reduction copper in marina water columns and sediment. The adoption of SB 623 will begin to “bend the copper curve” and make the achievement of copper concentration levels in forthcoming TMDLs more likely, thereby reducing the exposure of all taxpayers, whether they contribute to the copper exceedance or not, to mandatory penalties.

SB 623 seeks to resolve an issue that taxpayers in every county with a marina or harbor will be faced with in the coming decade with a measured approach that applies equally to all recreational boaters contributing to copper exceedances.

If you have any questions regarding SB 623 or any piece of legislation that may impact the water quality in Orange County, we hope you will turn to us as a local resource. SB 623 is an important and cost effective step in reducing toxic copper levels in southern California’s marinas while also assisting local governments in limiting future liability for TMDL implementation.

Sincerely,



Raymond Hiemstra
Associate Director
Orange County Coastkeeper