

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

MINUTES FOR THE MARCH 9, 2011 MEETING

SAVE THE DATE: The next in-person meeting is scheduled for

Wednesday, June 8, 2011

Meeting Attendees: Steve Fagundes and Randy Yates (State Water Resources Control Board); Amna Hawatky and Nan Singhasemanon (Department of Pesticide Regulation); Suhasini Patel (Department of Toxic Substances Control); Mara Noelle (CA Coastal Commission); Kendall Blake (EPaint); Frank Szafranski (International Paint), Frank Winkelman (Pettit Paint).

Phone In: Vivian Matuk (CCC/Department of Boating and Waterways); Jenny Newman (Los Angeles Regional Water Quality Control Board); Virginia St. Jean (San Francisco Department of Public Health); Collin Kelly (Orange County Coast Keeper); Sarah Sugar (State Lands Commission); Katy Wolf (IRTA); Neil Blossom (American Chemet); Robby Dean (Clean Marina California Program); Michelle Bowman (AMAC); Deborah Pennell (Shelter Island Marina), Jim Sell (American Coatings Association), Brian Rappoli (US EPA), John Kelly, Jim Haussener (CMANC), John Adriany (San Diego Yacht Club); Kirsten Ramey and Susannah (Department of Fish and Game), Chuck Hawley, Shirley Edwards and Laurie Fried (West Marine).

Marina IACC Meeting

1. Announcements

Time and Duration of Meetings Change The Marinas and Recreational Boating Meeting will be from 10 am to noon. The Antifouling Strategy Meeting has expanded and is now from 1 to 3 pm. There will be a lunch break from 12 to 1 pm.

Next Years Schedule The next dates of meetings scheduled in 2011 are June 8, September 7, and December 7.

2. Updates

Molly Munz - State Board Activities

Molly Munz is changing jobs within the State Board. She will no longer be attending the meetings; however, she will still be available for questions as needed. The new State Board representative is Randy Yates.

1. The State Board is working with stakeholders to conduct studies by funding a 319h grant of 600 thousand dollars to Shelter Island Marina in San Diego for financial incentives to repaint boats with non-copper based paints.
2. The State Board sent a letter to Assemblyman Silva in response to his request for additional information on the proposed coastal marinas permit.
3. Creek Watch is an iPhone application to monitor the health of a watershed. The Creek Watch application snaps a picture and reports how much water and trash is seen. The data is shared with water control boards to track pollution and manage water resources. The Creek Watch App uses four pieces of data:
 1. The amount of water: empty, some, or full.
 2. The rate of flow: still, moving slowly, or moving fast.
 3. The amount of trash: none, some (a few pieces), or a lot (10 or more pieces).

This data helps watershed groups, agencies and scientists track pollution, manage water resources, and plan environmental programs. Here is the link: <http://creekwatch.researchlabs.ibm.com>.

Vivian Matuk – Flares Subcommittee

The expired marine flares subcommittee (California Coastal Commission and California department of Boating and Waterways' Boating Clean and Green program, the California Department of Toxic Substances Control (DTSC), CalRecycle, California EPA, CalEMA, San Francisco Department of Public Health and the Coastal Commission's Water Quality Unit) has been meeting about every three weeks to address the lack of options for expired marine flare disposal in California. The group did a lot of work researching information about flares and companies that produce them, and how flare disposal is managed in other states and countries. The group produced a draft fact sheet for the public and for regulators. We determined that Orion was the largest manufacturer of flares for California and contacted the company about options for a take back program or other producer responsibility program.

The subcommittee had a conference call with Bob Defonte from Orion in November and group then met with Mr. Defonte in person on December 6. The group continues to work with Mr. Defonte to create a pilot program to collect expired marine flare and ship them back to Orion or to a disposal company. A small group met with the US Department of Transportation in Sacramento on December 13. Currently, DTSC is working on an issue paper about expired marine flares that will be reviewed by their management.

Vivian Matuk also reported about a new working group called the San Francisco Bay Area Marinas and Yacht Clubs Oil Spill Preparedness

Working Group. This working group is comprised of representatives from OSPR, the Coast Guard, Cal EMA, the Office of Emergency Services, the Port Captains and Harbormasters Association, Marina Recreation Association, the Clean Marinas Program, Pacific Inter-Yacht Club Association, San Francisco Bay Conservation and Development Commission, Cal Boating and the California Coastal Commission's Boating Clean and Green Program. This working group will help to develop a list of involved agencies and their contact procedures, identify resources available to marinas and yacht clubs and their location, as well as other important resources identified during our meetings. The resources and information developed by the working group will be available to all the marinas and yacht clubs in the Bay Area. Two free 8-hour HAZWOPER trainings for marina and yacht club operators will be conducted for free in the Bay Area in September 2011 and February 2012. A long term goal for this group will be to plan a future oil spill drill for marinas and yacht clubs in the Bay.

Virginia St. Jean – San Francisco Department of Public Health

The San Francisco Department of Public Health partnered with the California Coastal Commission and the Department of Toxic Substances Control to produce a Pollution Prevention Tool Kit for Maritime Industries. The goal was to increase implementation of pollution strategies at marinas and maritime support businesses and eliminate or reduce hazardous waste generation. This Pollution Prevention Toolkit for Maritime Industries, available online at <http://www.sfdph.org/dph/eh/green/Marina.asp> and see Pollution Prevention report. It contains a useful, foldable, wallet-sized purchasing guide to cleaner alternatives to hazardous cleaning and maintenance products in the maritime industry for consumers to reference prior to making their purchasing decisions.

3. Presentations

Brian Rappoli – U.S. EPA

The US EPA is conducting public outreach to get input from state governments and other stakeholders prior to making a proposal to regulate discharges from recreational vessels. There is no proposal yet.

In 2005, the EPA lost a lawsuit and an appeal regarding the exemption of vessel discharges under the Clean Water Act (CWA), and was required to start a permitting regime for regulating discharges from recreational and commercial vessels. In 2008, The Clean Boating Act was signed into law by President Bush. The Act amends the CWA to remove recreational vessels from the permitting regime and, instead, requires EPA and the USCG to promulgate management practices for recreational vessels.

There are three phases in the development of the rule for recreational boaters:

1. Develop Best Management Practices for boaters
2. Develop Performance Measures
3. Coast Guard to establish implementation and enforcement of the management practices

Recreational vessels of all sizes will be affected by these regulations. There are approximately 17 million (13 million state registered, 4 million non-registered) recreational vessels in the US. Approximately 50 million boaters will be affected.

Question Vivian Matuk: How do you consider state laws? The first attempt to regulated commercial vessels didn't work because it wasn't realistic. The recreational boating proposal was excluded two years ago. How can it work now?

The EPA has and continues to reach out to state boating offices. CWA Section 312(o) will require boaters to implement the management practices established by the regulations. The primary enforcement authority will be the Coast Guard; however, states also have enforcement authority and may enforce the regulations at their discretion. The regulations will not preempt state law.

EPA is conducting live listening sessions and the web page is providing links to webinars that will extend from March 21 through mid May. The EPA is looking for new, innovative BMP's for pollution prevention and methods to control invasive species. While the time frame for proposing a rule will be based on the type and amount of information received by the EPA, the Agency anticipates publishing a proposal rule in 2012 and a final rule in 2013.

Chuck Hawley – West Marine Vice President, Product Information & Laurie Fried – West Marine Chief Sustainability Officer

The PowerPoint presentation of this talk is posted online at the CCC website: <http://www.coastal.ca.gov/nps/nps-boating.html>.

One of West Marine's Sustainability Task Forces focuses on selecting products for sale which are either reformulated to safer for the user or safer for the environments. Many maintenance products are directly or indirectly discharged into the marine environment, so these products are examined for replacements that have safer chemistry. West Marine has created a "green" brand called Pure Oceans where the products are reformulated to be safer, and most have the EPA Design for the Environment (DFE) designation. The greener products reduce the pounds of chemicals of concern from potentially being released into the environment. For example, all of West Marine's winterizing antifreeze is

made from propylene glycol, as opposed to the very toxic ethylene glycol that is commonly used in automotive applications.

An example of a Pure Oceans “safer chemistry” product is their bio-renewable wheel bearing grease is based on canola oil rather than a petroleum base. The old VOC-based solvent used in the Pure Oceans fiberglass cleaner wax was replaced with more natural ingredients. Another is Crystal Boat Soap, which was reformulated to remove harmful surfactants and replace them with DFE recommended ones.

West Marine presents an annual award for the Green Product of the Year. The winning products should further efforts to preserve fisheries and reduce water pollution. One product, the Eco Screen from Mercury, allows boat owners to reduce their fuel consumption by showing them the optimum speed and trim angle to maximize their boats’ efficiency.

Kendall Blake – EPaint

Kendall works in the OCSC Fleet Service Department at the Berkeley Marina. He volunteers as a representative of EPaint in the Bay Area and Northern California and is also associated with Cal Sailing in Berkeley.

Spring is a good time to talk about painting and repainting boats. In his work, Kendall often talks to the public about anti fouling paint use and function for recreational vessels.

EPaint has VOC and water-based paints, all of which use photo active technology as the primary deterrent for hard growth. EPaint can be used on wood boats and applied over various other copper based paints. Zinc oxide is the primary algicide in most ePaint Products. EPaint is starting become more present in the bay area on recreational boats and government related marine operations. EPaint was involved in panel testing in Florida. [*The results of the test were published by the magazine Practical Sailor in March of 2010 in an article called New-wave Bottom Paints (You have to subscribe to get access. An email was sent to the magazine attempting to get the article for this group, but a response to the query was never received).*]

The Berkeley Boatyard requires all yard patrons to rent Festool vacuum sanders for sanding any toxic substances including; fiberglass, epoxy and antifouling paints.

There was a discussion about zinc based paints among participants. The highlights are:

- Zinc may become a water quality issue too.
- Straight bans on products are not popular with consumers.
- Decisions should be made based on scientific data, bans don’t work.
- The public is concerned about invasive species.

- All coatings have to be proven effective, in their respective environments.
- Toxic pollution is the issue in the Southern CA marinas, not dissolved oxygen.
- Any coating has potential to be a contaminant when immersed in water.

Kendall has observed that it takes real dialog and education to encourage boat owners to change their approach to their current anti fouling systems. And in order for boaters to confidently convert to alternatives, they need to have absolute confidence and trust in the product. Bottom paint is expensive and extremely necessary, so converting to alternative products is interpreted to some as a risk financially and a risk to their vessel's below waterline integrity. In order to make progress towards alternatives, we must engage in real dialog about alternative coatings, on the docks and after the race. To many boaters, consensual trust and confidence in critical marine products will be key to the success of alternatives.

Kirsten Ramey and Susannah Manning – Department of Fish and Game – Stop the Spread of Non-native Dwarf Eelgrass, *Zostera japonica*

The PowerPoint presentation of this talk is posted online at the CCC website: <http://www.coastal.ca.gov/nps/nps-boating.html>.

Additional comments that were not part of the talk, or are emphasized points, are provided here.

One program objective is the eradication of dwarf eelgrass. Early detection and, particularly, a rapid response to remove the invasive species, are the most effective methods of eradication.

To survey for this species, teams walked transects on mudflat habitat where the species tends to colonize. The movements of the survey crew were tracked with GPS. Other data collected included associated species and substrate variations.

During the experimental treatment portion of the project, ocular estimates of the presence or re-growth of dwarf eelgrass were recorded weekly. The three thermal treatment options, the hot water treatment, flame heat, and the infrared heat treatment were applied for 1 minute and 5 minute durations. The excavation treatment removed four inches of surface soil. Since this species can regenerate from a small piece in contact with soil, the soil and plant portions removed were bagged and carried off site for disposal. The covering treatment option used black plastic and carpet materials to smother the plant. These cover materials stayed in place for one month.

The study concluded that hot water and manual excavation are the best methods of removal. Manual excavation has been the more convenient method to use because access to the dwarf eelgrass populations with the hot water treatment equipment is limited. Manual excavation is very effective, but labor intensive. The access to remove bags of soil and plant material from the eradication site is also a limiting factor with this method. One method to remove bags of soil and plants from a remote location on the mudflat is to leave the bags onshore and when the tide is high, bring in a flat bottom boat to collect the bags. Disposal of the soil and plant material must ensure that the plants cannot regenerate at the disposal location.

The covering method was attempted in 2010 in areas where there is limited access and the removal of the bags extremely difficult if not impossible. Burlap was used over the dwarf eelgrass population, and soil was piled on top of the burlap layer. Plastic was not used. This combination of burlap and soil did not move during winter tidal surges.

Below ground heaters were also tested as an eradication method. The temperatures could reach 1,400 degrees Fahrenheit. The experiment looked at the duration to apply this heat treatment and how far the heat extended from the source.

A copper grid was also used to apply heat. The mud started to boil, but the heat did not extend far beyond the perimeter of the grid. The eradication team is still experimenting with this method.

McNulty Slough has a large population of dwarf eelgrass. Eradication methods to be used here included heat, burial and excavation.

The study also included experiments to determine how invertebrates are responding to the treatment method that uses burlap and soil to bury the dwarf eelgrass. Through this study, we found that more than one month of covering is required to kill the plant.

The Sea Grant Marine Advisor suggests that chemical treatments cannot be used in the marine environment.

An important preventative measure to control the spread of invasive plant species includes stream or power-washing boat trailers that travel between water bodies.