

# JUNE 13 MEETING NOTES

NEXT MEETING DATE SCHEDULED FOR: October 3, 2012

## INTERAGENCY COORDINATING COMMITTEE (IACC) JOINT MARINAS AND RECREATIONAL BOATING

### Introductions and Announcements

10:00 AM-10:10 AM

*Jack Gregg, California Coastal Commission (CCC)*

*Time: 10 Minutes*

*Jowin Cheung, State Water Resources Control Board (SWRCB)*

**Meeting Attendees:** Jack Gregg and Hilary Papendick (CCC), Nan Singhasemanon (Department of Pesticide Regulation [DPR]), Dominic Gregorio, Jowin Cheung, Pat Leary (SWRCB), Chris Brown, Sarah Shgal, Holly Wyer (California State Lands Commission), Lisa Corvington (Department of Fish and Game)

**Phone Attendees:** Jenny Newman (Los Angeles Regional Water Board), James Muller (San Francisco Estuary Project), Matt Peterson (California Professional Divers Association), Neil Blossom (American Chemet), Virginia St. Jean and Ilana Gauss (San Francisco Department of Public Health), Vivian Matuk (California Department of Boating and Water Ways, CCC), James M. Haussener (California Marine Affairs & Navigation Conference), Karen Holman (Port of San Diego), Deborah Pennell (Shelter Island Marina)

All attachments for the IACC and Joint Marinas and Recreational Boating workgroup can be found on the [CCC website](#).

Action Item(s): None

Related items with this section: None

### Clean Beach Initiative Funding and Eligibility of Enclosed Beaches

10:10 AM-10:25 AM

*Patricia Leary, SWRCB*

*Time: 15 Minutes*

Patricia Leary talked about the [Clean Beaches Initiative \(CBI\) Grant Program](#) funding and eligibility of enclosed beaches.

The CBI Grant Program provides funding for projects that will improve California's coastal water quality and swimmers' safety. The Division of Financial Assistance (DFA) is on the verge of

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initiation to use prop 84 money, along with Prop 40 and 50 money—about 50 million dollars. Prop 50 includes monitoring element, which can be used for research project (including Indian tribes if it meets qualifications).

The CBI Grant is intended to be used for implementation projects at beaches related to pathogen pollution. Think beaches that are closed due to pathogen including dry beaches. There is guideline for what kind of beaches qualify (i.e., AB 47 beaches, beaches that are adjacent to Area of Special Biological Significance).

In addition, CBI Grants can be used for research projects; however only 10 million dollar for research project, as listed in the CBI Grant guideline.

Dominic asked, "Does it have to be a public entity to apply for these CBI Grants?" Patricia Leary responded with, "Yes, it can't be a private entity to get the funds."

For more details on the CBI Grants, please visit the [State Board's website](#). Patricia Leary said, "Pay attention to front page of State boards website in a couple days."

DFA revised their application and is currently waiting from executives to adopt the documents. Solicitation will be continuous.

Action Item(s): If interested in more information regarding CBI Grants, please e-mail Patricia Leary at [PLeary@waterboards.ca.gov](mailto:PLeary@waterboards.ca.gov).

Related Items with this section: None

**US EPA Vessel General Permit Update**

*Shuka Rastegarpour, SWRCB*

**10:25 AM-10:40 AM**

*Time: 15 Minutes*

**Vessel General Permit (VGP)**

This is a Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permit. The first permit cycle started in 2008 and the second permit cycle will start 2013, which will include the small VGP. Each cycle lasts 5 years. The current permit is about to expire, and the role of the SWRCB is to certify the federal permit.

The NPDES permit authorizes the discharges incidental to the normal operation of a commercial vessels. Non-recreational/non-military vessels are no covered under the VGP. The permit covers commercial vessels that are 79 feet or longer in length.

**Small Vessel General Permit (sVGP)**

A congressional moratorium currently exempts all incidental discharges from commercial vessels less than 79 feet in length from having to obtain a CWA Permit until December 18, 2013. sVGP authorize incidental discharges to the normal operation of non-military/non-creational commercial vessels less than 79 feet in length.

It seems that the word "recreational" needs to be better defined because there was some confusion on what recreational vessels include.

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Each state will need to have their VGP or sVGP certified by United States Environmental Protection Agency. In addition, each state has to certify the permit and customize the permit with their state laws. Shuka said is in the process of getting the permit finalized and routed. She made a factsheet for the VGP and sVGP

Dominic adds, "Large vessels have to work with the State Lands Commission's rule. And, stringent rules must be complied. Small boats on trailers may slip through the sVGP."

Nan asked about leach rate in VGP or sVGP. Dominic said, "In the permit, there is no paint leach rate permit because the VGP does not include hull coating, and the permit is not pragmatic."

For more information on background, applicability, submission requirements, and discharges for the VGP and sVGP, please see the VGP Fact Sheet compiled by Shuka.

Action Item(s): Jack is asking for speakers, who know about treated wood/piles, to speak about them in the next IACC meeting.

Related Items with this section: Vessel General Permit Fact Sheet

<b>Tomales Bay Vessel Management Plan Update</b>	<b>10:40 AM-11:10 AM</b>
<i>Brad Damitz, Gulf of the Farallones National Marine Sanctuary</i>	<i>Time: 30 Minutes</i>

Brad said the State Lands Commission is releasing draft of the Tomales Bay Vessel Management Plan. The next steps are to solicit for comments. Tomales Bay Vessel Management Plan is working to address the Tomales Bay TMDL.

He gave a quick background about Tomales Bay, which is an ecologically significant and biologically rich area with seabirds and fish. Brad works with 11 other agency in the Tomales Bay Interagency meetings to develop best management plan to meet goals including minimizing disturbance to wildlife and improve water quality.

Nan asked if there is a lead agency, and Brad said there is no lead agency.

Brad said 87 vessels in the Tomales Bay require dump station, and 71 requires pump out. And currently there is no single sewage service. Human activity has been ongoing, and resulted in segregation of the bay's water quality.

Most of the oyster and shellfish are contaminated in the Tomales Bay. Early 2000, people got sick from eating shellfish due to contamination in shellfish. It is unclear where the contamination is coming from, but largely believed to be land based discharges. Marin County is dealing with septic tank discharges –also vessel use is linked to the pathogen issue in Tomales Bay. People live on their boats; and some of these boat owners some can't deal with the sewage. The National Park Service is preventing it to becoming a big problem. In addition oil is an issue. Brad is working with the county of Marin to set up a pilot program. Another pilot program, like an exchange station in moss landing-not officially yet, it is still being worked out by the legal staff. Thanks to Vivian Matuk's support— who developed a pilot program.

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Vivian announced there is a flyer for California Coastal Cleanup Day, and forms for maps.

Action Item(s): None

Related Items with this section: 2011-12 San Joaquin Delta Map for recreational boating, San Francisco Bay Area Clean Boating Maps, and Coastal Cleanup Day 091512.

**Sea Level Rise and King Tides**

**11:10 AM-11:40 PM**

*Hilary Papendick, NOAA Coastal Fellow and CCC*

*Time: 30 Minutes*

- Please see the associated attachment for a detailed information.

How sea level rise can impact marinas? Hilary is working to get people to take pictures of low tides and high tides to show the impacts of sea level rise.

The Interim Sea level Strategy is being revised. Updating the CA Adaptation strategy will be updated in December 2012. Individual state agencies are working on their own guidance. BDC is sister agency of the CCC. BCDC updated Bay plan to include sea level rise. State land commission put together a survey how sea level rises can impact their facility, these surveys can be given to ports and marinas.

The CCC is working on sea level rise. Hilary is working with CCC staff, a report named California Coastal Adaptation Needs Assessment is coming out and it recognizes the huge increases in adaptation. Indication of sea level rises includes early stages of adaptation where animals and plants move away from the coast line. Hilary said they are looking at other options to address sea level rises. The greatest barrier currently to her project is the lack of staff capacity and resources. Hilary said people are willing to take action given the resources.

CCC would like to see sea level rise policy. Hilary would like to see people participate in the King's tide initiative to get people out to see high tides. Impacts include inundation of low lying area, and loss of public access.

**Different types of impacts from local King initiative**

- uplift from waves
- ships will be higher than docks (cranes not working properly)
- tidal prism (amount of water comes in and out in high and low tide) leading to great scour.
- damage to engineer structure
- channels will be deeper
- Break waters and jetties will have less free board
- decrease in vertical clearance under bridge (ships have gotten bigger)
- loss of beach areas

California King's Tide initiative- started in 2010. One started in Australia. King tide = means high tide, highest tide. If there is a high tide that day, there is also a low tide.

For more information on the California King tide please visit: [California King Tide website](#).

The King's tide 2011 report is available at:

[http://www.bcdc.ca.gov/planning/climate\\_change/KingTides.pdf](http://www.bcdc.ca.gov/planning/climate_change/KingTides.pdf)

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Action Item(s): None

Related Items with this section: California Kings Tide Initiative Flyer, California Kings Tides Photo Initiative FAQs, and Sea Level Rise and California King Tides (Hilary's Papendick's PowerPoint presentation- Marina IACC June 2012.pdf)

**Announcements on Marina Water Quality Topics**

**11:40 AM-11:55 PM**

*Jack Gregg, CCC*

*Time: 25 Minutes*

Action Item(s): Possible presentation on treated wood piles for next meeting.

Related Items with this section: None

**Wrap Up and Next Meeting Date**

**11:55 AM-12:00 PM**

*Jack Gregg, CCC*

*Time: 5 Minutes*

*Jowin Cheung, SWRCB*

The next meeting date is: Wednesday, September 12<sup>th</sup>.

Action Item(s): None

Related Items with this section: None

**ANTIFOULING STRATEGIES (AFS) WORKGROUP**

**Introductions and Announcements**

**1:00 PM-1:10 PM**

*Nan Singhasemanon, Department of Pesticide Regulation (DPR)*

*Time: 10 Minutes*

**Meeting Attendees**: Jack Gregg (CCC), Nan Singhasemanon , Rachel Kubiak, and Denise Alders ( DPR), Jowin Cheung (SWRCB), Chris Brown, Sarah Sugar, Holly Wyer (California State Lands Commission), Lisa Corvington (Department of Fish and Game)

**Phone Attendees**: Katy Wolf (Institute for Research and Technical Assistance), Ignacio Rivera (U.S. Navy), Vivian Matuk (Department of Boating and Waterways, CCC), Matt Peterson (California Professional Divers Association), Virginia St. Jean (San Francisco Department of Public Health), Grace Lee (Santa Monica Bay Restoration Commission), Karen Holman, Stephanie Bauer, Michelle White (Port of San Diego), Kelly Moran (UP3 Project), Marie Hobson, John Hopewell (American Coatings Association), Neal Blossom (American Chemet), Deanna Spehn (Senator Kehoe's Office), Deborah Pennell (Shelter Island Marina), Roy Hobbs (Shelter Island Boatyard), Apostolos Koutsaftis (New Zealand EPA).

Action Item(s): None

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Attachments associated with this section: None

<b>California Senate Bill (SB) 623 Update &amp; Discussion</b>	<b>1:10 PM-1:40 PM</b>
<i>Michelle White and Deanna Spehn, Port of San Diego</i>	<i>Time: 30 Minutes</i>

Nan sent a newspaper article from the San Diego Union regarding SB 623 to the workgroup. The article announced the status of SB 623 and it appears that the bill has been dropped from consideration from the current legislative session.

Michelle White and Deanna Spehn (in place of Linda Barr who was unable to join the meeting) announced that as of May 21<sup>st</sup>, Senator Kehoe made the decision to defer the bill in her letter to the Port of San Diego. The letter cited copper antifouling paint (AFP) related regulatory and scientific activities that are occurring this year and will be completed in 2013 as reasons for the deferral. These activities include DPR's copper AFP reevaluation, consideration of the marine Biotic Ligand Model, Water Effects Ratio work for Shelter Island Yacht Basin, SLC's biofouling regulations, and proposed aquatic invasive species workgroup. Senator Kehoe encouraged groups involved to keep working on these projects.

Nan offered his perspective that he thought that even though the bill is being deferred, its proposal has noticeably stimulated progress in a number of areas considered important in motivating and accelerating the development of mitigation practices, alternative coatings, and regulations over the last couple of years. The bill brought all the stakeholder groups to the table to discuss the issues and better understand their differences and common goals. Public awareness of the interest to move to more environmentally-friendly AFPs has also increased because of the bill. Senator Kehoe and the bill's sponsors are still interested in a long-term solution. Note that she will be termed out at the end of this legislative year. Deanna believes that the bill will likely be "picked up" or reintroduced by another legislator.

Action Item(s): Nan will obtain various correspondences between Kehoe and stakeholder groups from Linda Barr, Deanna Spehn, and Michelle White. They will be distributed to the workgroup shortly.

Related Items with this section: None

<b>Nonbiocide Alternatives to Copper Antifouling Paints</b>	<b>1:40 PM-2:10 PM</b>
<i>Katy Wolf, Institute for Research and Technical Assistance</i>	<i>Time: 30 Minutes</i>

- Please see the associated attachment for a detailed presentation.

Katy presented on nonbiocide AFPs that have been developed as potential alternatives to copper AFPs. Here are some highlights from the presentation:

- There are several types of alternative AFPs. Some contain non-copper biocides and some do not. The latter are referred to as "biocide free" coatings.
- The Port of S.D. Project tested 46 biocide and biocide-free paints on panels and painted 15 boats. Results showed that soft biocide-free paints are a viable option and are cost

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effective to use over the life of paint. Two top performing paints were Intersleek 900 and Hempasil X3.

- Cost of using paints typically includes the one time application cost and the ongoing maintenance cost.
- Paint job cost for nonbiocide paints is higher than paint job cost for copper paints (\$4,600 to \$6,400 compared to about \$1,000 for a 30-foot boat).
- The life of the copper based paint is not that long—about two to three years. The biocide-free alternatives to copper-based paint are expected to last up to ten years. The upfront cost for the biocide-free alternatives is, however, about 5 times higher than copper AFPs.
- Boaters are typically unwilling to pay high up-front cost even with the acknowledgement that biocide-free paints have longer lives.
- There is a need to focus on methods of reducing cost of application for biocide-free paints
- IRTA also conducted work on biocide-free paints as part of what is called the “DTSC Project”. The Project aim is to investigate methods of facilitating use of nonbiocide paints by identifying more high-performing paints, simplifying application methods, and reducing cost of paints, paint jobs, and maintenance.
- The first paint application traditionally requires paint stripping to convert from copper to an alternative. Stripping and painting can be expensive for boat owners.
- IRTA looked at 3 alternative stripping methods: dry sodium bicarbonate, wet volcanic rock, and dry ice blasting. These methods are generally better from an overall health and environmental standpoint but do not significantly reduce the cost of the paint application.
- IRTA also investigated 2 application techniques: spraying and rolling. IRTA showed that biocide-free paints can be rolled on and not just sprayed.
- The use of sealers allows some biocide-free paints to be rolled on over existing copper-painted hulls thus saving additional money while maintaining efficacy.
- Ten boats had non-biocide coatings applied to their hulls. Intersleek 900 and Hempasil X3 were tested. Moreover, a number of emerging biocide-free coatings were also tested. These include XZM 480, XZM 480 w/ hardener, XP-A101, XA278, Bottomspeed, SherRelease.
- Reduced underwater cleaning frequency on biocide-free coatings resulted in heavier fouling but it was relatively easy to remove. Thus, cleaning frequency could potentially be reduced thus reducing maintenance cost.

Factsheets can be found on the IRTA website: [www.irta.us](http://www.irta.us)

Matt Pederson (CPDA) noted that the results so far from the first 4 or 5 months of testing are alright for a short-term assessment, but may not be representative of performance on the longer term.

Denise Alder (DPR) asked about the relationships of marinas and boatyards. It was clarified that boats are moored in the marinas and boats are painted in the boatyard. Denise also asked whether marinas could possibly subsidize application of copper alternatives at boatyards. The general response from the workgroup was that few marinas have boatyards; marinas and boatyards in California are separate business entities.

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Action Item(s): None

Related Items with this section: Katy Wolf Nonbiocide Alternative to Copper Antifouling Paints  
.pptx

<b>DPR Reevaluation Update</b>	<b>2:10 PM-2:30 PM</b>
<i>Denise Alder, DPR</i>	<i>Time: 20 Minutes</i>

Denise updated the group on DPR's reevaluation of copper antifouling paint products. She mentioned that she recently added more products to the reevaluation and these newly registered products have to now comply with the data requirements, which include leach rate data. DPR will review the products and communicate with registrant on the reevaluation status via letter.

The American Coatings Association (ACA) has been working with DPR scientists to finalize the protocol for the leaching study that will look at contributions from passive leaching and underwater hull cleaning activities. As of the time of the meeting, DPR had not yet prepared an official response to ACA on the acceptability of the latest draft.

Matt Pederson asked regarding the status of the public information request made to DPR regarding the protocol. Denise said that this request is still pending since the document has not been finalized yet.

Kelly Moran (TDC Environmental) noted that it would be good for DPR to make available an updated list of documents (e.g., those generated as part of reevaluation) that are of potential interests to stakeholders. Denise said that announcements at forums like this one are the primary way for which this type of disclosure can take place. Folks can contact her in person also. DPR does not currently have an alternative mechanism for disclosure at this time.

For more information on reevaluation and the process, please visit the [DPR website](#).

Action Item(s): None

Related Items with this section: None

<b>Other Agency and Stakeholder Updates</b>	<b>2:30 PM-2:50 PM</b>
<i>All Agencies and Stakeholders</i>	<i>Time: 20 Minutes</i>

Karen Holman (Port of San Diego) said that the Port got good feedback from boaters at the spring hull paint conversion event in San Diego. It was apparent that boaters liked going to the boatyards to get information and advice on hull painting. The Port would like to do this type of event annually to at least provide outreach to the local boating community. With that said, there was still a lack of connection between boater awareness and the willingness to convert to less toxic hull paints even with the subsidy provided under the 319(h) grant. Only 3 boats have been enrolled for conversion. The primary hurdles have to do with the higher upfront cost and the lack of familiarity and experience with the alternatives.



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Matt said that his experience with Northern California boaters is that they simply don't want to switch at this time. This would be more likely to happen if boaters are forced by laws and non-copper alternatives prove to be more effective.

The workgroup engaged in discussion of the various factors that are impeding conversions. One of the suggestions was that boatyards were still steering boaters to copper AFPs. There was some disagreement with this claim. It was suggested that boatyards are merely doing their jobs by providing customers with the facts and the costs associated with each option. Boaters ultimately make the decision and often time, they elected to stay with copper. Due to the interest of time and the fact that the topic deserves further discussion, Nan suggested that the topic should be tabled for a future meeting.

Action Item(s): None

Related Items with this section: None

**New Zealand AFP Reassessment**

**2:50 PM-3:00 PM**

*Dr. Apostolos Koutsaftis, New Zealand Environmental Protection Authority Time: 10 Minutes*

- For more information on Antifouling Paint Reassessment in New Zealand, please see attachment associated with this section.

The Environmental Protection Authority is currently [conducting a reassessment of all approved antifouling paints in New Zealand](#). A [preliminary human health and environmental risk assessment \(ERA\)](#) has been performed for all AFP biocides. The MAM-PEC model is being used to predict environmental concentrations in the risk assessments. Toxicity data developed in support of U.S. EPA registration and the European Union Biocidal Products Directive are also being used in the ERA. Preliminary conclusions and recommendations can be found on the [Environmental Protection Authority website](#). (Note that more active ingredients have been approved for antifouling use in New Zealand compared to California.) Some of these conclusions are:

- Diuron, chlorothalonil, Irgarol, and ziram pose **very high** risks to either human health, the aquatic environment or to both, relative to the other biocides.
- Octhilinone, Sea Nine, and thiram pose a **high** risk to the aquatic environment. However, risks are lower than those calculated for the biocides described above.
- Depending on the exposure scenario risks to the aquatic environment from copper, copper pyrithione, and zinc pyrithione are **either below or above the level of concern (LOC)**.
- In most use scenarios, zineb, dichlofluanid, mancozeb and tolylfluanid pose risks that are both **low** to human health and the environment and **well below the LOC**.
- Copper biocides are considered to be of moderate environmental risks; however, when the benefits are also considered, the NZ EPA found the continued use of copper in AFPs to be justified.
- Antifouling paints containing Irgarol, chlorothalonil, diuron and ziram should be phased out due to the risks they pose to human health and/or the environment.

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- Prohibit antifouling paints containing chlorothalonil, diuron, octhilinone, Sea Nine, thiram and ziram from being applied on boats less than 25 m long. This is because risks are significantly lower in harbors compared to marinas, therefore restricting these biocides to large vessels means their presence in marinas is avoided. For chlorothalonil, diuron, and ziram, this management option would apply during the phase-out period.

At this time, the NZ EPA is soliciting feedback on these conclusions and recommendations. Apostolos said that his agency is under a fairly aggressive schedule to complete the reassessments and they are aiming for October of this year as the completion date. Nan mentioned that he would like to bring Apostolos back at the meeting to give a more detailed Powerpoint presentation and an update on the reassessment.

For further information contact Apostolos Koutsaftis at [Apostolos.koutsaftis@epa.govt.nz](mailto:Apostolos.koutsaftis@epa.govt.nz) (DDI+64 4 918 4869) or Jo Armstrong at [joanne.armstrong@epa.govt.nz](mailto:joanne.armstrong@epa.govt.nz) (DDI: +0064 4 918 4822).

Action Item(s): Nan will make arrangements to have Apostolos make a more detailed WebEx presentation on the reassessment at the next meeting.

Related Items with this section: See hypertext links above for documents.