



RBOC

Protecting your boating interests.

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BOATER BRIEF

Protecting Boater Rights to Use Copper-Based Paints

RBOC is lobbying the state water board before it acts on a Marina del Rey plan that could lead to requirements that boaters switch from effective copper-based antifouling paints we use on our boat hulls. This could lead to action in several other regions of the state.

It can happen in Marina del Rey and it could happen to boaters in many other parts of the state. Marina del Rey boaters have only used State approved copper based paint products on their boats and now the Board is telling them that they have a choice to make: Register for a \$1,094 Waste Discharge Permit, pay \$8,000 or more to strip and paint their boats, incur more than double the amount of cleaning costs, incur compliance costs, be named a "Responsible Party" for pollutants, risk litigation, and put their property into legal jeopardy --- or, leave the Marina so they won't be subject to these onerous burdens and legal jeopardy.

RBOC is urging the state water board to delay implementation or approval of copper total maximum daily loads [TMDLs] in any salt water bodies in California until a number of key actions occur, and to reject the proposed amendment to the Los Angeles Regional Basin Plan to revise the TMDLs for Marina del Rey Toxic Pollutants.

1. Delay Implementation of TMDLs in Salt Water

RBOC is urging a delay in the implementation or approval of copper Total Maximum Daily Loads [TMDLs] in any salt water bodies in California and to reject the proposed amendment until the following occur:

▶ **Allow divers to implement best management practices** - on hull cleaning as per the state report issued pursuant to AB 425 (Atkins, Chapter 587, Statutes of 2013).

▶ **Allow time for the USEPA to approve the Biotic Ligand Model (BLM)** - for determining copper toxicity in salt water. It is believed this approval is forthcoming shortly and therefore there would be accurate site specific information available to the Regional and State Water Boards in determining appropriate implementation methods needed, if any.

▶ **Allow the paint manufacturers to develop copper paints with lower leach rates** - also pursuant to AB 425 (Atkins). Effective and affordable paints with lower leach rates are in the foreseeable future.



2. Reject Proposed Marina del Rey Basin Plan Amendment

Given the enormous cost to the State of California, Counties, Cities and boaters in implementing the revised copper TMDLs, and considering that the above factors may mitigate the need for TMDLs to be necessary at all, this request is reasonable and should be granted by the State Water Resources Control Board.

- The Board's notice fails the due process test
- This Regulation puts the Marina del Rey Community in jeopardy
- The Regional Board failed to do a meaningful site specific environmental analysis of the increase in invasive species that will result from eliminating copper bio-cide paints
- The Board's economic analysis is wrong
- The Board's actions are illegal, it has no authority to name "Responsible Parties" in a TMDL
- The Board's responses are inadequate or factually incorrect

Phase-in Boat Operator Certification

RBOC is supporting SB 941 [Monning and DeSaulnier] that would phase-in a boat operator certification requirement in California.

RBOC supports provisions that require boat operators pass a boating education examination and obtain a vessel operator card issued by the state Division of Boating and Waterways [DBW] in order to operate a boat propelled by an engine in California.

SB 941 is modeled on legislation RBOC sponsored previously. This new measure would require DBW to issue a vessel operator card to individuals who have passed an approved examination. The requirement to obtain a vessel operator card would apply initially to operators 20 years of age or younger with a phased-in implementation date depending on the age of the individual. The seven-year phase-in would begin in 2018 and would eventually apply to everyone as of 2025.

Importantly, online education such as the BoatUS Foundation course will be an option. The BoatUS Foundation course is available at: <http://www.boatus.org/courses/>

RBOC will continue to be engaged as SB 941 moves forward. Additional key provisions in the bill as introduced are proposed statutes that provide for the vessel operator certification program to be administered by DBW, establish a procedure to set new fees at levels that are reasonable and at levels directly related to the costs of implementation, and phase-in a lifetime certificate for operators who pass a state-approved examination.



Support RBOC

We estimate that, over the years, RBOC's efforts are saving California boaters several hundreds of dollars each year.

It is easy to make a contribution either mail donations to: RBOC, 925 L Street – Ste. 260, Sacramento, CA 95814-3703 OR donations may be made on-line at www.rbo.org using Discover, Visa, American Express, MasterCard, or PayPal. Donations are not tax deductible due to RBOC's extensive lobbying efforts.