



Caring for Your Coast

Gary Jones
Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director

Brock Ladewig
Deputy Director

March 2, 2015

TO: Each Supervisor

FROM: Gary Jones 
Director

SUBJECT: **UPDATE ON THE MARINA DEL REY TOXIC POLLUTANTS TOTAL MAXIMUM DAILY LOAD REVISIONS INVOLVING COPPER LEACHING FROM BOAT HULL PAINTS AND REMEDIATING CONTAMINATED SEDIMENT IN MARINA DEL REY HARBOR**

This is to provide your Board with an update on the Marina del Rey Toxic Pollutants Total Maximum Daily Load (TMDL) since your June 17, 2014 approval of \$4,000,000 in funding over a 5-year period for TMDL activities such as conducting dissolved copper and sediment toxicity studies for Marina del Rey, hiring a consultant to provide essential support to manage the TMDL studies, developing appropriate strategies, conducting stakeholder outreach and education, and assisting in the management and implementation of other water quality regulation efforts associated with the Marina.

TMDL Approval Status

On September 9, 2014, the State Water Resources Control Board (State Board) approved amendments made by the Los Angeles Region (Regional Board) to the existing Marina del Rey TMDL. The Amended TMDL will next be considered for adoption by the Federal Environmental Protection Agency (EPA) at an upcoming hearing, likely in early 2015.

The Department of Beaches and Harbors made a presentation to the State Board, which included information on all of the water quality projects that have been built or are being planned in Marina del Rey as well as the County's continuing concerns about the proposed TMDL amendments. The Department also responded to Board Member questions.

In addition to approving the TMDL amendments, the State Board adopted a resolution requiring the Regional Board to reopen the TMDL within 18 months of receiving any new information. It is anticipated that the water quality and sediment studies discussed below will make up the bulk of new information to be submitted. The Department has reason to believe that these studies may provide the data necessary to justify more achievable targets for copper loading and sediment remediation. The current targets under the TMDL are discussed below.

Studies

On October 24, 2014, the Southern California Coastal Water Research Project (SCCWRP) and Anchor QEA, LLC submitted a proposal for two special studies to support the development of management actions for the revised TMDL. SCCWRP is an independent, public research agency with the expertise to investigate regional coastal impacts from wastewater discharge for beaches, bays, and the marine shelf. One study will develop a site-specific objective (SSO) for dissolved copper in MdR Harbor. The other is to conduct a stressor identification (SI) study in order to identify the principal causes of sediment quality impacts in MdR Harbor. The objectives, approach, and general study design for these projects are described in the proposal. The total estimated cost for the two studies is \$1.35 million, with the SSO estimated at \$803,000 and the SI estimated at \$550,000. The studies are scheduled to be completed by December 2016. The Department in conjunction with Public Works is working with SCCWRP to establish an agreement and initiate the studies in 2015.

Proposed TMDL Implementation

Regional Board staff has advised that following approval of the TMDL amendments by the EPA, they will introduce a 2-year voluntary program to reduce copper discharges from boat hull paints. County staff will work with Regional Board staff on implementing a program that is reasonable and achievable. We anticipate the voluntary program will include such things as voluntary methods to reduce copper such as the promotion of hull paint maintenance, education, and outreach events.

Grants

The June 17, 2014 Board letter mentioned staff's pursuit of a grant to help defray the cost of hull paint conversions, similar to what is being done by the Port of San Diego for their Shelter Island Yacht Basin TMDL. Regional Board staff strongly suggested to the County to apply for the grant, which is administered by the State Board. Unfortunately, Beaches and Harbors received notification in January that its grant application was not accepted. The Department will work again with the State's grant staff on reapplying for the grant when the opportunity next arises.

TMDL Concerns

Your Board was previously advised that the proposed amendments will have significant economic impacts to the County and its constituency in Marina del Rey. The current TMDL revisions include new requirements for an 85% reduction of copper leaching from boat hull paint by 2024 and removing potentially contaminated sediment from the Marina del Rey harbor by 2029. These requirements were developed by the Regional Board with limited scientific data, much of which was not site-specific to Marina del Rey. As discussed above, the proposed site specific studies may provide the data necessary to justify more achievable targets for copper loading and sediment remediation.

Copper Boat Hull Paints

In order to achieve the targets for copper discharges currently set forth in the

amended TMDL, there needs to be a substantial reduction of the copper that leaches from hull paints from approximately 4,000 boats berthed in Marina del Rey. This reduction can likely only be achieved by boaters changing to non-copper hull paints, the cost of which are significantly higher due to the extra work needed to strip the existing paint off the boats and the more expensive paints. In many of the TMDL comment letters received in January 2014 by the Regional Board, boaters expressed that the cost of converting to a non-copper paint would be a financial hardship, that such non-copper paints were not readily available, and that such paints had not proven to be adequate for the needs of recreational boaters.

Under the proposed TMDL amendment, there is a March 2024 deadline to meet the copper reduction target. To meet this deadline, more than 400 boats per year would have to switch from copper hull paints to an alternative paint, beginning March 2014. Most of the alternative paints require the existing paint to be stripped from the hull. This work needs to be done at a boat yard and the two boat yards in Marina del Rey indicate they have the capacity to strip and paint approximately 150 boats per year. The other paint conversion challenges facing boaters today are the high cost of stripping (stripping is not part of the normal hull repainting regimen), and the viability of the existing alternative paints.

Harbor Sediment

The proposed TMDL also requires removal of existing legacy contaminated harbor sediment by 2029. The extent of the toxicity in the sediment is not known and in order to ensure that the required remediation is performed in the correct manner and to the proper extent further study is needed. As discussed above, one of the two studies to be conducted by SCCWRP is a stressor identification study to identify the principle causes of sediment quality impacts in Mdr Harbor. In addition, before any sediment remediation is undertaken, extensive environmental analysis will be required to determine the impacts on existing wildlife that such remediation would cause. The likely source of the legacy sediment contamination is the watershed that drains into the Marina. There are projects and legislation planned or in place which have significantly reduced the flow of contaminants into the Marina. However, at this point it is uncertain whether such efforts have been completely successful in stemming the contaminant flow without further monitoring and analysis.

Please contact me should you have any questions.

GJ:CM:ng

c: Interim Chief Executive Officer
Chief Operating Officer
County Counsel
Department of Public Works

Naomi Guzman

From: Charlotte Miyamoto
Sent: Tuesday, February 24, 2015 7:56 AM
To: Naomi Guzman
Cc: Gary Jones
Subject: FW: TMDL Status - Memo to BOS
Attachments: TMDL Status - Memo to BOS-Jan2015_Studies Added.docx

Follow Up Flag: Follow up
Flag Status: Completed

Please finalize the attached memo for Gary's signature. Thanks.

Charlotte Miyamoto
310.305.9512



From: Paul Alva
Sent: Monday, February 23, 2015 1:36 PM
To: Charlotte Miyamoto; Bruce Hamamoto; Hoan Tang; Frank Wu
Cc: acaves@counsel.lacounty.gov; Michael Tripp; 'Simon, Michael S.'
Subject: RE: TMDL Status - Memo to BOS

Hi Charlotte.....I have a couple of quick comments. In addition, what do you think about deleting the last 3 sentences of the memo (highlighted in yellow) since it is no longer needed with the insertion of the new text?

Thanks Charlotte.

From: Charlotte Miyamoto
Sent: Monday, February 23, 2015 8:51 AM
To: Paul Alva; Bruce Hamamoto; Hoan Tang; Frank Wu
Cc: acaves@counsel.lacounty.gov; Michael Tripp; 'Simon, Michael S.'
Subject: RE: TMDL Status - Memo to BOS

All, here's the latest version of the TMDL status memo to the BOS. Mike worked on the last paragraph, "Harbor Sediment", to address the concerns you raised, Bruce. Please let me know if you're good to go with this version. Thanks.

Charlotte Miyamoto
310.305.9512



From: Bruce Hamamoto
Sent: Thursday, January 22, 2015 7:32 AM
To: Charlotte Miyamoto; 'Simon, Michael S.'; Hoan Tang

Cc: Paul Alva; Frank Wu; acaves@counsel.lacounty.gov; Michael Tripp
Subject: RE: TMDL Status - Memo to BOS

Hello Charlotte,

I raised a concern about the highlighted sentence to DPW staff last night. In the past the watershed may have contributed sediments, but recent sediment monitoring indicates very little sediment in the drains. Also, we believe sediment can settle out in Oxford before entering the Marina. Mike Simon concurred and has suggested that the whole discussion be removed, since we don't really think that further legislation will make a significant difference, there really is little importance to the discussion.

Harbor Sediment

The proposed TMDL also requires removal of contaminated harbor sediment by 2029. The extent of the toxicity in the sediment is not known and in order to insure that the required remediation is performed in the correct manner and to the proper extent, a study is warranted. In addition, before any sediment remediation is undertaken extensive environmental analysis will be required to determine the impacts on existing wildlife that such remediation would cause. The likely source of contamination is the watershed that drains into the Marina. There are projects and legislation planned or in place to significantly reduce the flow of contaminants into the Marina. However, at this point it is uncertain how successful the projects will be in stemming the contaminant flow without sufficient time to monitor and analyze the results.

Bruce Hamamoto

Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-5918 | BHAMAMO@dpw.lacounty.gov

From: Charlotte Miyamoto

Sent: Wednesday, January 21, 2015 7:10 AM

To: 'Simon, Michael S.'; Hoan Tang

Cc: Paul Alva; Frank Wu; Bruce Hamamoto; acaves@counsel.lacounty.gov; Michael Tripp

Subject: RE: TMDL Status - Memo to BOS

Good morning all. Please make any final updates to the attached draft. We'd like to finally get this out to the Supervisors this week if possible.

Mike, given what I've heard you say in the past about not offering up copper reduction milestones as part of the voluntary program, should that be deleted from the attached draft?

Thanks.

Charlotte Miyamoto
310.305.9512



From: Simon, Michael S. [<mailto:MSimon@counsel.lacounty.gov>]

Sent: Tuesday, November 25, 2014 1:14 PM

To: Hoan Tang; Charlotte Miyamoto

Cc: Paul Alva; Frank Wu; Bruce Hamamoto

Subject: RE: TMDL Status - Memo to BOS

Hi, Hoan--

Attached are my suggested edits.

--Mike



Michael S. Simon
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From: Hoan Tang [<mailto:HTANG@dpw.lacounty.gov>]
Sent: Monday, November 24, 2014 6:08 PM
To: Simon, Michael S.; Charlotte Miyamoto
Cc: Paul Alva; Frank Wu; Bruce Hamamoto
Subject: FW: TMDL Status - Memo to BOS

Mike- Per Charlotte's request, I've filled in the section for the Studies (in red). Please edit/revise as needed.

Charlotte- We will finalize the Studies section once Mike completes his review and provide his comments. We hope to get this to you soon. Thanks for your patience in this matter.

From: Charlotte Miyamoto
Sent: Wednesday, November 19, 2014 5:58 PM
To: Angela George; Paul Alva; Frank Wu; jfries@counsel.lacounty.gov; msimon@counsel.lacounty.gov; Tracy J. Egoscue (Tracy@egoscuelaw.com)
Cc: Gary Jones; Brock Ladewig; Michael Tripp
Subject: TMDL Status - Memo to BOS

Finally, here's a draft of the status memo to the Board of Supervisors. Angela/Paul/Frank, there's a section on studies that needs to be filled in. Please provide your comments to me by Monday, November 24th. If you need more time, please let me know. Thanks.