

Public Workshop: Copper Total Maximum Daily Load for Newport Bay City of Newport Beach Factsheet

April 2019

Regulatory history

USEPA adopted water quality limits for copper and other metals in 2002, through development of total maximum daily loads (TMDLs). In 2016 and 2018, Regional Water Quality Control Board (RWQCB) developed revised TMDLs that would replace the USEPA TMDLs. The draft TMDL would require the **City of Newport Beach, County of Orange, marina owners/operators, individual boat owners, underwater hull cleaners, and boatyard owners/operators** to develop their own plan to implement copper reduction programs through boat paint conversions, hull cleaning BMPs, hull cleaning certification programs and education programs.

Stakeholders have identified problems with the RWQCB's analysis and are concerned with science and implementation requirements of the proposed TMDL. During the October 2016 hearing, the RWQCB directed staff to hold workshops with stakeholders to resolve concerns with the proposed implementation, specifically the availability of non-toxic antifouling paints for recreational boaters.

Copper in the Bay

Copper threshold for the TMDL regulation is 3.1 micrograms per liter ($\mu\text{g/L}$) dissolved copper. Currently, copper in the bay ranges from 2 to 4 $\mu\text{g/L}$. Copper concentrations are greater in the portions of Lower Newport Bay that have limited circulation (Rhine Channel and West Newport areas). The City engaged in studies to measure the presence of toxicity associated with elevated copper concentrations. No toxicity has ever been found to be associated with copper in the last 8 years in Lower Newport Bay.

While the current concentrations are near the water quality threshold, there have been significant management actions taken by the State that will lower dissolved copper in the Bay. Department of Pesticide Regulation (DPR) adopted new regulations that began July 1, 2018 and will be in full effect by July 2020. The new regulations put limits on copper concentrations in anti-fouling paints that are expected to reduce dissolved copper concentrations by 30% after about five years as boats convert to the new copper paints over time. In addition, copper sources outside the bay are expected to be reduced through the brake pad initiative. In 2010, SB 346 was adopted, and required the reformulation of brake pads to reduce their copper content which is believed to contribute about 50% of the copper in urban runoff. That reduction in copper loading from the watershed is expected to be effective within the next five years.

The City of Newport Beach's Position

Boat paints are regulated by DPR. The City, County or other agencies do not control the decision of an individual boat owner in the selection of legal copper based paints. If the copper concentrations in the State approved paints create an environmental concern, then RWQCB needs to work with DPR to develop paint formulations that provide the needed anti-fouling while meeting standards. That being said, the State has invested significantly in the two copper reduction initiatives mentioned above. The City would like to see the State examine the effectiveness of the current reduction efforts over the next five years prior to requiring further actions that may not be necessary.

What can you do?

- Get engaged in the stakeholder [workshops](#) (May 9 & 10, 2019)
- Bring forward your thoughts or concerns regarding the RWQCB's proposed new TMDL regarding copper based antifouling paints

For further information, please review:

- [City's website](#)
- [RWQCB website](#)
- [DPRs website](#)