

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

August 2021

Regulatory history

USEPA adopted water quality limits for copper and other metals in 2002, through development of total maximum daily loads (TMDLs). The Santa Ana Regional Water Quality Control Board (Regional Board) has just released a draft of the 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.

Copper in the Bay

Copper threshold for the TMDL regulation is 3.1 micrograms per liter ($\mu\text{g/L}$) dissolved copper. The last bay-wide sampling effort was conducted in the summer of 2019 and found only 5 out of the 47 the sample locations detected dissolved copper concentrations above 4.0 $\mu\text{g/L}$ resulting in a bay-wide average concentration of 2.6 $\mu\text{g/L}$.

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. 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. The new low leach rate copper AFPs were designed to bring harbors like Newport into compliance. DPR is currently leading a multi-year study to examine the effectiveness of current lower leach rate copper paints. The City has partnered with DPR and expanded the study to include all areas of the harbor. Two more sampling events are planned in 2022 and 2023.

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 a legal copper-based paints. If the copper concentrations in the State approved paints create an environmental concern, then Regional Board needs to work with DPR to develop paint formulations that provide 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. The City is requesting the Regional Board consider the following:

- Do not adopt the revised TMDL at this time
- Allow for DPR study to be completed and allow time for the effectiveness of current reduction measures to be realized
- Require the draft TMDL be peer-reviewed

What can you do?

- Bring forward your thoughts or concerns regarding the Regional Board's proposed new TMDL regarding copper based antifouling paints in formal comments before August 30, 2021.

For further information, please review:

- [City's website](#)
- [Regional Board website](#)
- [DPRs website](#)