

# City of Newport Beach

## Coastal/Bay Water Quality Citizens Advisory Committee Minutes

---

**Date:** June 10, 2010

**Time:** 3:00 p.m.

**Location:** Fire Conference Room

### 1. Welcome/Self Introductions

**Committee Members present:**

Council Member Ed Selich

Dennis Baker

George Drayton

Tom Houston

Jim Miller

Randy Seton

Janet Rappaport

**Guests present:**

Ray Heimstra, Orange County Coastkeeper

Marlan Hoffman, California Professional Divers Association (CPDA)

Matt Peterson, CPDA

Monica Mazur, Newport Beach resident

Jack and Nancy Skinner, SPON

**Staff present:**

John Kappeler, Code and Water Quality Division Manager

Shannon Levin, Harbor Resources Supervisor

Shirley Oborny, Administrative Assistant

### 2. Approval of Previous Meeting's

The minutes from the April 8, 2010, meeting were approved.

### 3. Old Business

**(a) Bay and Ocean Bacteriological Test Results**

Monica Mazur reviewed the latest bacti reports.

### 4. New Business

**(a) Boat Cleaning Best Management Practices (BMPs)**

Mr. Hoffman provided a Powerpoint presentation (attached). He gave background information about the CPDA. He talked about a document co-authored in 1998 by the California Coastal Commission and the State Water Resources Control Board. It pertains to a voluntary non-point source pollution program. In that document they identified boating pollution. He said at this time boating is mostly unregulated; however, the copper in boat paint will be regulated in the future. He talked about the education program/BMPs for hull cleaning brought about by the CPDA. This includes up-to-date information about the copper TMDLs.

The areas of training are from San Diego to Dana Point, Orange County, Los Angeles, Santa Barbara and the San Francisco area.

Mr. Hoffman said they are involved in performance-based testing of non-copper boat paints. Ms. Skinner asked about a Swedish copper free paint product. Mr. Peterson said he has heard of many products being tested and used in low fouling conditions; however, they may not work the same in California's high fouling conditions. Mr. Hoffman said he's working with the emerging paint coating companies in the United States. The Swedish products aren't available here as far as he's aware of but if they were, they could be incorporated into the testing process.

Mr. Seton asked whether the copper companies have investments in the paint companies. Mr. Hoffman said they do; however, the paint manufacturers are aware that the paints are creating impaired water bodies. Mr. Seton asked about gel coats. Mr. Hoffman said that's not where the industry is headed.

Council Member Selich asked what enforcement mechanism was used in the Santa Barbara marina. Mr. Peterson said it's a small hull cleaning community and the port police are BMP certified.

Ms. Levin asked how many divers in the Newport Harbor are in the CPDA. Mr. Hoffman said there are none but he's providing a class tonight. The certification costs \$150 to \$250 and expires every two years.

Mr. Seton asked what the hurdles are for the Newport Harbor. Mr. Hoffman said there would need to be outreach to divers in the neighboring harbors such as Long Beach.

Mr. Peterson said he feels that the Clean Marina certified harbors would benefit from becoming involved in the CPDA BMP certification.

In response to Mr. Houston's question as to how many hull cleaners are in California, Mr. Hoffman said there are 600 to 800. He thinks the CPDA program is especially good because they've modeled their program after other certification programs and the State's requirements. Their BMP manuals are completely tailored to each region and, in response to Mr. Houston, they are updating the invasive species section (including caulerpa) and the oil discharge sites section for Newport Beach's manual.

Mr. Baker asked what the incentive would be for a diver to pay for certification. Mr. Peterson said those that have become involved with the professional association realize that this will help weed out the hull cleaners who don't have business licenses, insurance and who may not know anything about bottom paint. This also helps make hull cleaners aware about the issues facing them.

### **(b) Newport Bay Stormdrain Metals Study**

Mr. Heimstra provided a Powerpoint presentation (attached). He explained that the study was funded by Newport Beach through a Regional Board grant. Orange County Coastkeeper collected the samples, analyzed the data and produced the report. The goal was to determine the concentration of metals in stormdrains and see if they exceeded California Toxic Rule (CTR) criteria. The study showed very low loads of copper into

the bay. He talked about the interesting cadmium levels coming out of the Carnation drain. Mr. Baker suggested maybe there's some kind of grant funds available to find out what's going on there.

Mr. Houston asked how the CTRs were developed. Mr. Heimstra said in 2000, the USEPA asked California to set water quality criteria for metals and other priority pollutants. Because California failed to come up with the criteria, the USEPA used nationwide standards in the meantime. Developing local standards would be better but expensive.

### **(c) Sea Lions in Newport Harbor**

Ms. Levin gave an update and provided a Powerpoint presentation (attached). She said this year they've updated the ordinances relative to sea lions and changed some code notices. The mooring permittee or boat dock owners can be cited if not in compliance. In response to Mr. Drayton, she explained that ultra sound is not an approved method.

Continuing, she said they've contracted with South Mooring Company to conduct night time abatement where they use water cannons and herd the sea lions out of the harbor. Another company that can be hired to help folks seal their docks or boats is Seal Guard.

In addition, she said in the City's new agreement with the Harbor Patrol, they have agreed to spray the sea lions with their water cannon. They're helping with phone calls to permittees as well.

Ms. Levin said she's also distributing stickers to commercial businesses to hand out to visitors advising them not feeding the sea lions, etc.

Mr. Baker suggested Ms. Levin educate the paddling community with a phone number to report sea lions.

## **5. Public Comments on Non-Agenda Items**

No comments were made.

## **6. Topics for Future Agendas**

**(a) Update on the Integrated Watershed Planning Efforts**

**(b) Bacteriological Dry-Weather Runoff Gutter Study (Phase III)**

**(c) NBTV - Waterwise**

**(d) Adopt A Beach Program & Beach Clean-up**

**(e) OCTA Measure M**

**(f) Upper Newport Bay "Road Show"**

**(g) Coastal Dolphin Research Program**

**(h) Big Canyon Reservoir Tour**

**(i) Proposition 84 ASBS Grant**

Mr. Houston requested an update on the Regional General Permit.

## **7. Set Next Meeting Date**

The next meeting was set for July 8, 2010.

**8. Adjournment**

The meeting was adjourned at 4:56 p.m.