

Jeanine Townsend, Clerk
California State Water Quality Control Board
Board Resolution # R41-004



I did not receive earlier notice of the proposed rules or rulemaking activity.

In reviewing Board Resolution # R41-004 it is clear that the Board's actual intent is to end small craft operation in Marina del Rey. The Resolution notes at paragraph 17 that the Board may not establish a TMDL, but may exercise discretion in assigning waste load allocations and load allocations, determining the program of implementation, and setting various milestones in achieving the water quality standards. In reviewing the recommendations of the Board it is clear that they are abusing their discretion.

The adoption of a standard which will prohibit use of boats with painted hulls is a violation of the Board's discretion because there is not a viable cost alternative to the current paint, assuming there is an alternative the marina does not facilities to paint all the boats to avoid penalties, and possible replacement paint has not proven reliable. In adopting the standard it is not clear that a significant amount of the copper in the water results from the degradation of hull paint. There are other sources including runoff water and existing sources.

The notion that the marina may be economically dredged without disruption of boating safety and enjoyment is preposterous. It seems likely that the mud in the marina was polluted from the oil drilling operations which existed for years rather from current use. The pollutants are sealed in the mud and dredging will disrupt and cause them to be redistributed when lifted, not removed.

The document acknowledges that the analysis was not exhaustive or every impact, but what seems clear from the tone and intent of this amendment to the TMDL is the removal of boating from Marina del Rey, and in fact to reduce the area to a wetland, as it existed prior to the drilling operations and subsequent development of the marina. This plan will obviously jeopardize the use by thousands of residents, but also revenue generated from the marina activities which supports many others in the county. The board's plan appears to divide and extinguish boating in southern California by finding reasons to end recreational boating one marina at a time.

Finally, the removal of the boats will include the loss of the harbor activities used by law enforcement, county life guards, other state and federal agencies, and the Coast Guard.

It is difficult to see this proposal as anything but a power grab, hidden behind a claim of public health. No group cares more about water quality and safety than the boating public which relies upon it. The increasing numbers of fish, seals, dolphins, and sea birds in Marina del Rey are proof positive of the quality of the water.

I urge you to delay implementation of this amendment until you are able to actually analyze the easily foreseeable consequences of the adoption of this regulation. In the alternative at least be honest about the intent of the Board to destroy boating in Santa Monica Bay.

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