

September 27, 2016

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Health and Ecological Criteria Division  
Office of Water (Mail Code 3404T)  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue Northwest  
Washington, DC 20640

*Submitted Electronically to Docket ID Number: EPA-HQ-OW-2016-0332*

RE: Draft Aquatic Life Ambient Estuarine/Marine Water Quality Criteria  
for Copper – 2016

Bay Planning Coalition (BPC) is a non-profit, member organization that advocates for sustainable commerce, industry, recreation and the natural environment connected to the San Francisco Bay and its watershed. Our diverse membership includes those in the region's recreational boating and commercial shipyard community, including private business and a number of small marinas and boatyards. We have heard from several entities in the region's recreational boating community through our Marinas and Boatyards Committee, and agree with some of the concerns that have been brought forth with the EPA's proposed Draft Criteria, namely the use of incomplete data, unreasonable assumptions and inadequate studies in drafting the proposed criteria. In particular, we are concerned that the Draft Criteria will be most challenging for enclosed bays and harbors, where circulation with ocean water is limited.

We urge the EPA to consider all of the comments received on topics such as:

- Uncertainty resulting from a single abalone test used to derive the Draft Criteria
- Uncertainty associated with normalizing the laboratory-derived toxicity test results to an assumed and un-validated DOC value
- Uncertainty in calculation of the ACR value
- Confirmation that site specific objectives for copper derived through EPA guidance will still be upheld

Accordingly, BPC agrees with the following recommendations that have been submitted to the EPA to address these concerns:

- Additional data collection on abalone
- Consideration of different habitat types and regions
- Use of measured water chemistry data in models such as the Biotic Ligand Model

- Exclusion of freshwater species ACR data for chronic criterion derivation
- Confirmation that studies conducted using EPA guidance will still be supported by the EPA even if the results are inconsistent with the revised national copper criteria

We appreciate the EPA's efforts and look forward to a meaningful solution based on the best available science.

Sincerely,

A handwritten signature in blue ink, appearing to read "JAC" followed by a long horizontal flourish.

John A. Coleman  
Chief Executive Officer  
Bay Planning Coalition