

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 74-27

AUTHORIZING CHANGES IN THE ADMINISTRATIVE
PROCEDURES MANUAL, CHAPTER XI MISCELLANEOUS, B
DESIGNATION OF AREAS OF SPECIAL BIOLOGICAL
SIGNIFICANCE

WHEREAS:

1. The Board has adopted Administrative Procedures for the guidance and direction of the staff and the regional water quality control boards.
2. The procedures provide a definition for Areas of Special Biological Significance and describe the applicability and impact of designating such areas.
3. The Board is considering the designation of Areas of Special Biological Significance and public hearings were held on December 21, 1973, and January 10, 1974, to receive comments on the proposal to designate such areas.
4. Comments were received which indicate the need to change the Administrative Procedures in order to clarify the definition of Areas of Special Biological Significance and the intent of the designation.

THEREFORE BE IT RESOLVED:

1. The Executive Officer is authorized to revise the Administrative Procedures, Chapter XI B to amend the definition of Areas of Special Biological Significance and the sections on Applicability and Impact.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 21, 1974.

Bill B. Dendy
Bill B. Dendy
Executive Officer

STATE WATER RESOURCES CONTROL BOARD MEETING
SACRAMENTO, CALIFORNIA
MARCH 21, 1974

ITEM: 5

SUBJECT: REVISION OF ADMINISTRATIVE PROCEDURES, CHAPTER XI
MISCELLANEOUS, B. DESIGNATION OF AREAS OF SPECIAL
BIOLOGICAL SIGNIFICANCE

DIS- The procedures for designation of Areas of Special
CUSSION: Biological Significance (ASBS) were developed to
comply with General Provision No. 3 of the "Water
Quality Control Plan for Control of Temperature in
the Coastal and Interstate Waters and Enclosed Bays
and Estuaries of California" (Temperature Control
Plan). The procedures have been utilized in the
preparation of a recommendation to the Board for ASBS.

The "Water Quality Control Plan for Ocean Waters of
California" (Ocean Plan) also provides for the designa-
tion of ASBS in Chapter VI, Paragraph H. However, the
Administrative Procedures were never revised to reflect
the intent of the Ocean Plan, which is to assure main-
tenance of natural water quality conditions in these
areas.

In the hearings on ASBS which were held in Sacramento
on December 21, 1973, and in Los Angeles on January 10,
1974, the testimony and letters from the public made it
evident that changes should also be made in the defini-
tion of ASBS and in the section on applicability.
These changes will clarify the limitations on the
authority of the Board regarding application of the
Ocean Plan to vessel wastes.

The proposed changes will be circulated to the regional
boards for comment prior to the Board meeting. If
significant comments are received, the item can be removed
from the agenda and presented at the next Workshop.

POLICY Should Chapter XI of the Administrative Procedures
ISSUE: for designating ASBS be revised?

STAFF Board adopt a resolution authorizing the Executive
RECOMMEN- Officer to amend the Administrative Manual Chapter
DATION: XI. B.

XI. MISCELLANEOUS

A. TENTATIVE SUBDIVISION MAPS AND APPLICATIONS FOR BUILDING PERMITS

1. In order to obtain information on potential waste discharges at the earliest possible date, the regional board shall require all appropriate cities and counties to notify the regional board of the filing of tentative subdivision maps or applications for building permits.
2. Notification shall be as per example given in Appendix H and will be direct with agency involved.

B. DESIGNATION OF AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE

1. Authorization

The Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California establishes the concept of "Areas of Special Biological Significance" for the waters of California and requires regional boards to recommend to the State Board areas suitable for this designation.

2. Definition

~~Areas of Special Biological Significance are those areas containing biological communities of such extraordinary, even though unquantifiable, value that no acceptable risk of change in their environments as a result of man's activities can be entertained.~~ designated by the State Water Resources Control Board in order to afford the maximum protection from possible damage caused by waste discharges controlled under the authority of the Temperature Plan¹ and the Ocean Plan² to species or biological communities of extraordinary even though unquantifiable value.

3. Applicability

Since most beneficial uses are to some degree mutually antagonistic, waste discharge requirements can at best provide relative protection for all beneficial uses. The concept of "special biological significance" recognizes that certain biological communities because of their value or fragility deserve very special protection ~~including~~ consisting of preservation and maintenance of conditions subject only to natural stresses, water quality conditions.

¹/ Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California, May 18, 1972.

²/ Water Quality Control Plan for Ocean Waters of California, July 6, 1972.

This concept should be considered a ~~very~~ special tool not to be used generally or extensively since waste discharge requirements will ordinarily provide adequate protection to the aquatic environment.

4. Impact

- a. Natural water ~~temperatures~~ quality conditions shall not be altered in areas designated as being of special biological significance.
- b. Maintenance of natural ~~temperatures~~ water quality conditions will generally necessitate the prohibition of discharge within areas of special biological significance.
- c. Where existing waste discharges occur to areas of special biological significance which could alter the natural water ~~temperature~~, quality conditions, such discharges shall be phased out as promptly as possible.
- d. No new discharge will be permitted where it could alter the natural ~~temperature~~ water quality conditions in the area of special biological significance.
- e. The list of Areas of Special Biological Significance will be used to identify for planning purposes, those areas where the regional water quality control boards will prohibit waste discharges from all sources controlled within the authority of the Temperature Plan and the Ocean Plan. The Ocean Plan is not applicable to vessel wastes, the control of dredging, or the disposal of dredging spoil.
- f. The staff should advise other agencies to whom the list of designated areas is to be provided that the basis for this action by the Board is limited to considerations related to protection of marine life from wastewater discharges.

XI. MISCELLANEOUS

From State Water Resources Control Board and
California Regional Water Quality Control
Boards Administrative Procedures, September 24,
1970, Section XI. Miscellaneous (Rev. 7-9/1/72)

B. DESIGNATION OF AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE

1. Authorization

The Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (Temperature Plan) and the Water Quality Control Plan for Ocean Waters of California (Ocean Plan) establish the concept of "areas of special biological significance" for the waters of California and require Regional Boards to recommend to the State Board areas suitable for this designation.

2. Definition

Areas of special biological significance are those areas designated by the State Water Resources Control Board as requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable.

3. Applicability

Since most beneficial uses are to some degree mutually antagonistic, waste discharge requirements can at best provide relative protection for all beneficial uses. The concept of "special biological significance" recognizes that certain biological communities because of their value or fragility deserve very special protection consisting of preservation and maintenance of natural water quality conditions to the extent practicable.

4. Implementation

- a. Discharge of elevated temperature wastes in a manner that would alter water quality conditions from those occurring naturally will be prohibited.
- b. Discharge of discrete, point source sewage or industrial process wastes in a manner that would alter water quality conditions from those occurring naturally will be prohibited.
- c. Discharge of waste from nonpoint sources, including but not limited to storm water runoff, silt and urban runoff, will be controlled to the extent practicable.

In control programs for waste from nonpoint sources, Regional Boards will give high priority to areas tributary to ASBS.

- d. The Ocean Plan, and hence the designation of areas of special biological significance, is not applicable to vessel wastes, the control of dredging, or the disposal of dredging spoil.
- e. The staff will advise other agencies to whom the list of designated areas is to be provided that the basis for this action by the Board is limited to considerations related to protection of marine life from waste discharges.