

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION - DIVISION OF WATER QUALITY  
APRIL 1, 2008**

**ITEM 6**

**SUBJECT**

INFORMATIONAL ITEM – STATUS ON AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS)

**DISCUSSION**

Since 1983, the California Ocean Plan (Ocean Plan) has prohibited all waste discharges to ASBS, from both point and nonpoint sources. Similar to previous versions, the current 2005 Ocean Plan states: "Waste shall not be discharged to areas designated as being of special biological significance. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas."

ASBS comprise one-third of the State's coastline. The concept of "special biological significance" recognizes that certain biological communities, because of their value or fragility, deserve special protection that consists of preservation and maintenance of natural water quality conditions. State law (the Public Resources Code and the California Water Code) recognizes ASBS and the prohibition of waste discharges, and the need to provide special protections for water quality. ASBS are State Water Quality Protection Areas and are, therefore, Marine Managed Areas under the Public Resources Code. Many of the ASBS are also co-located with Marine Protected Areas (MPAs). The 1999 Marine Life Protection Act (MLPA) mandated that the state design and manage MPAs to, among other things, protect marine life and habitats, and marine ecosystems. Protecting water quality in ASBS and MPAs fits as an integral part of that process.

In 2001, the State Water Resources Control Board (State Water Board) contracted with the Southern California Coastal Water Research Project (SCCWRP) to conduct a survey of all ASBS in California. In July 2003, SCCWRP issued its *Final Report: Discharges into State Water Quality Protection Areas* (SCCWRP 2003). Statewide, there were 1,658 direct discharges into ASBS. These discharges were found to include 31 wastewater discharge points, 391 municipal/industrial storm drains, 1,012 small storm drains (e.g., from individual properties), and 224 nonpoint sources.

Since the SCCWRP report was released, the State Water Board has made steady progress, on a very limited allocation of staff resources (1.5 Personnel Year), in enforcing the Ocean Plan's ASBS waste discharge prohibition. Approximately 35 responsible parties have been identified for the 1,658 direct discharges. Four parties have previously been issued exceptions and permits. Six parties were marine labs/aquariums. Twenty-seven parties are either storm water permittees or are nonpoint source dischargers. The primary means of protecting water quality in ASBS has been through Special Protections that are issued as conditions in Ocean Plan exceptions. The new exceptions generally fall into two categories. The first category of discharges consists of individual exceptions for marine laboratory discharges. Three individual exceptions have been issued to date for marine laboratories, specifically UC Scripps Institute of Oceanography, USC Wrigley Marine Science Center, and UC Bodega Marine Laboratory. In a parallel effort, staff is attempting to address the second category, storm water and nonpoint source discharges, with a general exception approach.

The State Water Board's effort to address storm water and nonpoint sources using the general exception process is well underway. In 2006, a draft set of terms and conditions for the general exception titled "Special Protections" was released for comment, and the State Water Board held three public scoping meetings for the general exception. Most dischargers have now applied for exceptions and have provided the necessary information for staff to proceed. Staff has processed applications and has been developing a new draft of the Special Protections.

Staff, in conjunction with SCCWRP, has also initiated stakeholder monitoring groups in northern and southern California in order to coordinate and collaborate on the regional monitoring in ASBS. This stakeholder process is essential in designing a consistent monitoring approach to address ASBS discharges and to identify reference conditions.

Finally, an ASBS Natural Water Quality committee has been established in accordance with State Water Board Resolution No. 2004-0052. While a focus of the committee is to define natural water quality in the San Diego-Scripps ASBS in La Jolla, the committee has also agreed that its work should provide scientific guidance for assessing impacts to water quality in any ASBS in the State.

**POLICY ISSUE**

*None at this time – Information Item*

**FISCAL IMPACT**

*None at this time– Information Item*

**REGIONAL WATER BOARD IMPACT**

*None at this time – Information Item*

**STAFF RECOMMENDATION**

*None at this time – Information Item*