



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

Tam M. Doduc, Board Chair
1001 I Street • Sacramento, California 95814 • (916) 341-5615
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

NOTICE OF PUBLIC HEARING

EXCEPTION TO THE CALIFORNIA OCEAN PLAN BODEGA MARINE LABORATORY

Commencing at 9:30 a.m. on Monday, July 30, 2007
at
Joe Serna, Jr. /Cal/EPA Building
1001 I Street, Second Floor, Sierra Hearing Room
Sacramento, CA

SUBJECT OF HEARING

The State Water Resources Control Board (State Water Board) will hold a hearing to receive comments on a proposed exception to the California Ocean Plan (Ocean Plan) prohibition against waste discharge into the Bodega Area of Special Biological Significance (ASBS). The exception, if granted, will allow the University of California, Davis Bodega Marine Laboratory (UCD/BML) to continue its discharge into the Bodega ASBS. The State Water Board will not take any action at the hearing. Action by the State Water Board will be at a subsequent noticed meeting.

BACKGROUND

The State Water Board, under Resolution No. 74-28, designated certain ASBS in ocean waters. To date, thirty-four coastal and offshore island sites have been designated ASBS. Among the ASBS designated was the Bodega Marine Life Refuge ASBS. The name of this ASBS was changed by the State Water Board in April 2005 to the Bodega ASBS (Resolution 2005-0035).

Since 1983, the Ocean Plan has prohibited waste discharges to ASBS. Similar to previous versions of the Ocean Plan, the 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." The Ocean Plan further states, however, that "The State Board may, in compliance with the California Environmental Quality Act, subsequent to a public hearing, and with the concurrence of the Environmental Protection Agency, grant exceptions where the Board determines:

California Environmental Protection Agency

a. The exception will not compromise protection of ocean waters for beneficial uses, and b. The public interest will be served.”

UCD/BML is one of the major marine research institutions in the country. The research at UCD/BML benefits government agencies, industry, and the general public by solving problems, providing management guidance, and expanding the understanding of nearshore marine systems. UCD/BML’s flow-through seawater system provides a resource of national significance for marine scientists at UCD and for scientists from other institutions who visit to conduct research.

While UCD/BML does discharge waste seawater and storm water runoff into the ASBS, the quality of that discharge may be controlled through the application of specific controls and management practices. The proposed exception would allow UCD/BML to continue to discharge, provided that UCD/BML meets specific mitigating conditions. Staff believes that if the mitigating conditions (special protections) are approved, the exception will not compromise protection of ocean waters for beneficial uses, and the public interest will be served. Staff recommends approval of the conditional exception.

The State Water Board prepared and circulated a draft Mitigated Negative Declaration for the exception on May 25, 2007. The comment period for the proposed Negative Declaration ends July 31, 2007.

AVAILABILITY OF DOCUMENTS

The proposed Mitigated Negative Declaration and supporting Initial Study may be obtained via the Internet on the State Water Board Web site at <http://www.waterboards.ca.gov/plnspols/asbs.html>. You may also receive a copy by writing or calling: Constance S. Anderson, Division of Water Quality, State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100, (916) 341-5280, email: csanderson@waterboards.ca.gov.

SUBMISSION OF COMMENTS

The State Water Board will accept both written and oral comments on the proposed exception and environmental documentation. Interested persons are requested to submit written comments, technical reports, testimony, and other material concerning this issue to Song Her, Clerk to the Board, Executive Office, State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100 (Fax: 916-341-5620 or email: commentletters@waterboards.ca.gov). Please indicate in the subject line, “Comment Letter – Bodega Marine Laboratory.” Comments should be submitted no later than 12 p.m. on July 31, 2007 (the day after the hearing).

PARKING, ACCESSIBILITY, AND SECURITY

There is a parking garage across from the Joe Serna, Jr. Cal/EPA Building with entrances on 10th and 11th Streets between "I" and "J" Streets, and metered parking spaces are in the vicinity of the building. For a map, see our web site at <http://www.calepa.ca.gov/EPABldg/location.htm>. The facilities are accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Adrian Perez at (916) 341-5880 at least five working days prior to the public scoping meeting date. Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device. HEARING IMPAIRED RELAY SERVICE: TDD to voice 1-800-735-2929, Voice to TDD 1-800-735-2922.

All visitors are required to sign in and receive a badge prior to attending any meeting in the building. The Visitor and Environmental Services Center is located just inside and to the left of the Cal/EPA Building's public entrance. Valid picture identification may be required due to the security level. Please allow up to 15 minutes for receiving clearance, then to proceed to the Sierra Hearing Room.

May 29, 2007
Date



Song Her
Clerk to the Board