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## State Water Resources Control Board

### NOTICE OF ADOPTION MEETING

#### GENERAL EXCEPTION TO THE CALIFORNIA OCEAN PLAN WASTE DISCHARGE PROHIBITION FOR SELECTED DISCHARGES INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE, INCLUDING SPECIAL PROTECTIONS FOR BENEFICIAL USES AND THE ASSOCIATED PROGRAM ENVIRONMENTAL IMPACT REPORT

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (State Water Board) will consider adoption of a General Exception that includes Special Protections for Selected Storm Water and Nonpoint Source Discharges into Areas of Special Biological Significance, as well as a Program Environmental Impact Report for the regulatory action above. The location and time of the meeting are provided below.

**Tuesday, March 6, 2012 – 9:00 a.m.**  
**Joe Serna Jr.-Cal/EPA Headquarters Building**  
**Coastal Hearing Room**  
**1001 I Street, Second Floor**  
**Sacramento, CA 95814**

#### BACKGROUND

The State Water Board, under [Resolutions No. 74-28](#), [74-32](#), and [75-61](#), designated Areas of Special Biological Significance (ASBS) in the adoption of water quality control plans for the control of wastes discharged to ocean waters. To date, 34 coastal and offshore island sites have been designated ASBS. Since 1983, the California Ocean Plan (Ocean Plan) has prohibited waste discharges to ASBS.

Similar to previous versions of the Ocean Plan, the 2009 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: a. The exception will not compromise protection of ocean waters for beneficial uses, and, b. The public interest will be served.”

On October 18, 2004, the State Water Board notified responsible parties to cease storm water and nonpoint source waste discharges into ASBS or to request an exception under the Ocean Plan. The State Water Board has received 27 applications from nonpoint source dischargers and National Pollutant Discharge Elimination System (NPDES) permitted storm water dischargers for an exception to the Ocean Plan prohibition against waste discharges to ASBS.

Special conditions have been proposed in the General Exception to limit point source storm water and nonpoint source discharges, providing Special Protections for marine aquatic life and natural water quality in ASBS. The requirements in the proposed Special Protections may be summarized generally to eliminate dry weather runoff, ensure that wet weather runoff does not alter natural water quality in the ASBS, and that adequate monitoring be conducted to determine if natural water quality and the marine life beneficial use is protected. At its October 18, 2011 meeting the State Water Board considered the General Exception/Special Protections for adoption. At that time the State Water Board decided not to adopt but instead directed staff to complete its response to comments and to make any minor changes based on consideration of the comments, and to bring the Special Protections back to the Board for adoption in early 2012. In response, staff has revised its draft Special Protections to include minor additions and clarifications based on comments received in the public process. These revised Special Protections are being released now, in advance of the adoption meeting, with changes from the previous draft indicated in strikeout and underline text.

### AVAILABILITY OF DOCUMENTS

The revised Special Protections (Attachment B to the General Exception), and the Environmental Impact Report, can be obtained using the contact information below or from the State Water Board website at [http://www.waterboards.ca.gov/water\\_issues/programs/ocean/asbs.shtml](http://www.waterboards.ca.gov/water_issues/programs/ocean/asbs.shtml). Additional information on the meeting in Sacramento can be found at the State Water Board's website at [http://www.waterboards.ca.gov/board\\_info/calendar/index.shtml#mar12](http://www.waterboards.ca.gov/board_info/calendar/index.shtml#mar12).

### SUBMISSION OF COMMENTS

**Written comments must be limited to only changes from the previously circulated Special Protections.** Staff will only respond to those comments addressing changes from the previous draft Special Protections. Interested persons must submit their written comments, technical reports, testimony, and other material concerning this issue no later than **12:00 noon on February 21, 2012** to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Comment letters may be submitted electronically, in pdf text format (if less than 15 megabytes in total size), to the Clerk to the Board via email at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620. For email submittals, please indicate in the subject line: **“Comment Letter – ASBS Special Protections.”** Comment letters may also be hand delivered. Couriers delivering comment letters must check in with lobby security personnel on the first floor of the Cal/EPA Building at the above address. Questions on comment submittal may be directed to Ms. Townsend, at (916) 341-5600.

**PROCEDURAL MATTERS**

At this meeting, there will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. At the meeting, participants will be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient public meeting in which all participants have an opportunity to participate, oral presentations may be time-limited. For other presentation recommendations, go to:

[http://www.waterboards.ca.gov/board\\_info/meetings/board\\_presentations.shtml](http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml).

Questions concerning the meeting may also be directed to Ms. Constance Anderson at (916) 341-5280 or email to [csanderson@waterboards.ca.gov](mailto:csanderson@waterboards.ca.gov).

**PARKING AND ACCESSIBILITY**


There is a parking garage across from the 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: <http://www.calepa.ca.gov/EPABldg/location.htm>.

Please note: All visitors to the Joe Serna Jr.-Cal/EPA Headquarters Building are required to sign in and receive a badge at the Visitor Services Center located inside the main entrance. Valid picture identification may be required due to the security level. Please allow up to 15 minutes for receiving clearance before proceeding to the Coastal Hearing Room on the 2nd floor.

The Joe Serna Jr.-Cal/EPA Headquarters Building is accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Michele Villados Foreman at (916) 341-5881, at least five working days prior to the 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.

February 9, 2012  
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Date

  
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Jeanine Townsend  
Clerk to the Board