



**Linda S. Adams**  
*Acting Secretary for  
Environmental Protection*

# State Water Resources Control Board

## Division of Water Quality

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**Edmund G. Brown Jr.**  
*Governor*

## NOTICE OF PUBLIC HEARING

### 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 hold a public hearing to receive public comments on a proposed General Exception that includes Special Protections for Selected Storm Water and Nonpoint Source Discharges into Areas of Special Biological Significance, as well as a Draft Program Environmental Impact Report for the regulatory action above. A quorum of the State Water Board may be present; however, no Board action will be taken. The location and time of the public hearing are provided below.

**Wednesday, April 20, 2011 – 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 [Resolution No. 74-28](#), designated certain 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."

*California Environmental Protection Agency*

A 2003 survey of ASBS documented 1,658 outfalls, primarily storm water and nonpoint sources, discharging to ASBS. On October 18, 2004, the State Water Board notified applicants 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.

Stringent terms, prohibitions, and special conditions have been proposed by State Water Board staff that comprise the limitations on point source storm water and nonpoint source discharges, providing Special Protections for marine aquatic life and natural water quality in ASBS. At a future meeting, these Special Protections will be proposed for adoption by the State Water Board in an Ocean Plan Exception. 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.

The proposed Special Protections have been drafted to fulfill the state mandate and address the requirements identified in the Ocean Plan. The State Water Board prepared and circulated a Notice of Preparation of a Statewide Program Environmental Impact Report for the General Exception to the California Ocean Plan Waste Discharge Prohibition, for Selected Discharges into ASBS, including Special Protections for Beneficial Uses on February 9, 2010. The comment period for the proposed General Exception ended March 15, 2010.

#### **DOCUMENT AVAILABILITY**

The proposed General Exception and supporting documents are available on 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 hearing in Sacramento can be found at the State Water Board's website at <http://www.waterboards.ca.gov>.

#### **SUBMISSION OF WRITTEN COMMENTS**

The State Water Board will accept both written and oral comments on the proposed Exception and the content of the supporting documents. Written comments must be received by **12:00 noon on March 14, 2011 and addressed 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 to the Clerk to the Board via email at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) (if less than 15 megabytes in total size) or by fax at (916) 341-5620. Please indicate in the subject line: **“Comment Letter – ASBS Special Protections.”**

Couriers delivering comment letters must check in with lobby security personnel, who can contact Jeanine Townsend at (916) 341-5600.

### **PROCEDURAL MATTERS**

The hearing will be informal. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions. Participants are encouraged to submit written comments prior to the hearing. At the hearing, participants will be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient process 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) at the State Water Board's Web site. Questions regarding the hearing may also be directed to Constance Anderson, Division of Water Quality, at (916) 341-5280.

### **PARKING AND ACCESSIBILITY**

For directions to the Joe Serna Jr. /Cal-EPA Building and public parking information, please refer to the map on the Cal/EPA's Web site at <http://www.calepa.ca.gov/EPAbldg/location.htm>


The Cal/EPA Building is accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Catherine Foreman at (916) 341-5881, at least five working days prior to the meeting. TDD users may contact the California Relay Service at 1- 800-735-2929 or voice line at 1-800-735-2922. A broadcast of the meeting will be available via the internet and can be accessed at: <http://www.calepa.ca.gov/broadcast/>.

All visitors to the Joe Serna Jr. /Cal-EPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance. Valid picture identification may be required. Please allow up to 15 minutes for receiving clearance.

### **ADDITIONAL INFORMATION**

Please direct questions about this notice to Constance Anderson at (916) 341-5280 ([csanderson@waterboards.ca.gov](mailto:csanderson@waterboards.ca.gov)) or Dominic Gregorio at (916) 341-5582 ([dgregorio@waterboards.ca.gov](mailto:dgregorio@waterboards.ca.gov)).

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January 20, 2011  
Date

  
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Jeanine Townsend  
Clerk to the Board