

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION--DIVISION OF WATER QUALITY
NOVEMBER 16, 2005

ITEM 5

SUBJECT

CONSIDERATION OF A RESOLUTION ADOPTING THE CALIFORNIA OCEAN PLAN (OCEAN PLAN) TRIENNIAL REVIEW AND WORKPLAN 2005-2008

DISCUSSION

Federal law [Section 303(c)(1) of the Clean Water Act] and State law [Section 13170.2(b) of the California Water Code] require that ocean water quality standards be reviewed at least once every three years. The purpose of the triennial review of the Ocean Plan is to guarantee the continued adequacy of water quality standards.

The State Water Resources Control Board (State Water Board) held a public scoping meeting regarding four potential Ocean Plan amendments on January 23, 2004. The scoping meeting was continued on February 3, 2004 at the State Water Board workshop at the request of the Board. The four potential Ocean Plan amendments were, in part, from the 1999-2002 triennial review process and included the following issues: (1) Choice of Indicator Organisms for Water-Contact Bacterial Standards; (2) Establishing a Fecal Coliform Standard for Shellfish Harvesting Areas; (3) Reclassifying "Areas of Special Biological Significance (ASBS)" to "State Water Quality Protection Areas (SWQPA)" and establishing implementation provisions for discharges into SWQPA; and (4) Adding "Reasonable Potential" language to the Ocean Plan. During these State Water Board workshops, the Board directed staff to conduct a new triennial review to determine if there are additional issues that should be reviewed for potential revision of the Ocean Plan.

A public hearing on May 24, 2004 initiated the 2005-2008 Ocean Plan triennial review process. The purpose of the public hearing was to solicit comment from the public regarding *any and all* issues relevant to the Ocean Plan. For example, comments were received on the four potential Ocean Plan amendments then being considered by State Water Board staff, unresolved issues from previous triennial reviews, and other issues to consider for future amendments of the Ocean Plan.

Based upon input received during the public review period, staff prepared a Workplan for State Water Board consideration and adoption. The Workplan defines the scope of the current review of the Ocean Plan. For each issue, a brief summary describes the rationale for the selection of the issue. State Water Board staff has recommended prioritized options for each issue and a budget identifying the resources necessary to complete the review and resolve the issue. Due to

fiscal constraints, only the higher priority issues approved for review will likely be addressed over the next three-year period, following State Water Board adoption of the Workplan. As issues are resolved, the Ocean Plan will be amended, as necessary, in accordance with State and federal laws and regulations.

The State Water Board adopted three of the four potential Ocean Plan amendments in January 2005 and April 2005. Water contact bacterial standards were added to the Ocean Plan by Resolution No. 2005-0013; reasonable potential language and ASBS name changes were added to the Ocean Plan by Resolution No. 2005-0035. These amendments were submitted to the Office of Administrative Law on August 29, 2005.

POLICY ISSUE

Should the State Water Board adopt the California Ocean Plan Triennial Review and Workplan 2005-2008 in accordance with the Staff Recommendation below?

FISCAL IMPACT

State Water Board staff work associated with or resulting from this action can be accomplished within budgeted resources.

REGIONAL WATER BOARD IMPACT

All coastal Regional Water Boards.

STAFF RECOMMENDATION

That the State Water Board:

1. Adopts the Ocean Plan Triennial Review and Workplan 2005-2008 and authorizes the Executive Director to transmit the Workplan to the U.S. Environmental Protection Agency, Region 9, in compliance with Section 303 (c) (1) of the Clean Water Act.
2. Directs staff to review each of the higher priority issues and makes recommendations to the State Water Board for any necessary changes to the Ocean Plan.
3. Affirms that the 2005 Ocean Plan, as it currently exists, remains effective until such time as it is changed by formal action of the State Water Board.
4. Affirms that issues associated with previous Ocean Plan triennial reviews are either resolved or incorporated into this 2005-2008 Triennial Review.

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2005-ADOPTING THE CALIFORNIA OCEAN PLAN (OCEAN PLAN)
TRIENNIAL REVIEW AND WORKPLAN 2005-2008

WHEREAS:

1. The State Water Resources Control Board (State Water Board) adopted the Ocean Plan in 1972 and revised it in 1978, 1983, 1988, 1990, 1997, 2001, and 2005.
2. The State Water Board is responsible for reviewing Ocean Plan water quality standards and for modifying and adopting standards in accordance with Section 303 (c) (1) of the Federal Clean Water Act and Section 13170.2 (b) of the California Water Code.
3. The State Water Board conducted a public hearing in Sacramento on May 24, 2004 to solicit comments regarding the review and revision of water quality standards contained in the Ocean Plan and has reviewed and considered carefully all comments and testimony received.
4. The State Water Board staff proposed a prioritized list of issues that will be reviewed within the next three years, contingent on the availability of resources.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the Ocean Plan Triennial Review and Workplan 2005-2008 ([Attachment](#)) and authorizes the Executive Director to transmit the Workplan to the U.S. Environmental Protection Agency, Region 9, in compliance with Section 303 (c) (1) of the Clean Water Act.
2. Directs staff to review each of the higher priority issues and makes recommendations to the State Water Board for any necessary changes to the Ocean Plan.
3. Affirms that the 2005 Ocean Plan, as it currently exists, remains effective until such time as it is changed by formal action of the State Water Board.
4. Affirms that issues associated with previous Ocean Plan triennial reviews are either resolved or incorporated into this 2005-2008 Triennial Review.

CERTIFICATION

The undersigned, Clerk to the 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 Board held on November 16, 2005.

Selica Potter
Acting Clerk to the Board