

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING/HEARING SESSION – DIVISION OF WATER QUALITY
JUNE 16, 2009**

ITEM 13

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO ADOPT NON-SUBSTANTIVE AMENDMENTS TO THE CALIFORNIA OCEAN PLAN (OCEAN PLAN).

DISCUSSION

On June 26, 2007, the State Water Resources Control Board (State Water Board) held a public scoping meeting to seek input on proposed amendments to the Ocean Plan. Public comments were received and reviewed prior to development of the proposed non-substantive amendments that are scheduled for consideration by the State Water Board at the June 16, 2009 adoption hearing.

POLICY ISSUE

Should the State Water Board take the following actions?

- Adopt proposed non-substantive Ocean Plan amendments to:
 1. Clarify that metals are expressed as total recoverable metals,
 2. Remove Section III (F)(1) on compliance schedules,
 3. Correct toxicity definitions and references in Appendix 1,
 4. Include maps of California's ocean waters, bays, and estuaries, and
 5. Update the list of exceptions in Appendix VII in order to include:
 - a. exceptions for discharges to Area(s) of Special Biological Significance which were approved after the adoption of the 2005 Ocean Plan,
 - b. the 1979 conditional exception for untreated wet weather discharges from the City and County of San Francisco's combined storm and wastewater collection system, and
 - c. the 1988 exceptions for total chlorine residual for nine coastal power plant discharges.
- Approve the draft Final Staff Report with Responses to Comments as the Final Staff Report; and
- Direct State Water Board staff to submit the amended Ocean Plan to the Office of Administrative Law (OAL) for final approval.

FISCAL IMPACT

State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL WATER BOARD IMPACT

There is no Regional Water Board fiscal impact.

STAFF RECOMMENDATION

That the State Water Board:

- Adopt the proposed non-substantive Ocean Plan amendments to:
 1. Clarify that metals are expressed as total recoverable metals;
 2. Remove Section III (F)(1) on compliance schedules;
 3. Correct toxicity definitions and references in Appendix 1;
 4. Include maps of California's ocean waters, bays, and estuaries; and
 5. Update the list of exceptions in Appendix VII in order to include:
 - a. exceptions for discharges to Area(s) of Special Biological Significance, which were approved after the adoption of the 2005 Ocean Plan;
 - b. the 1979 conditional exception for untreated wet weather discharges from the City and County of San Francisco's combined storm and wastewater collection system; and
 - c. the 1988 exceptions for total chlorine residual for nine coastal power plant discharges.
- Approve the draft Final Staff Report with Responses to Comments as the Final Staff Report; and
- Direct State Water Board staff to submit the amended Ocean Plan to OAL for final approval.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012 to "Comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes." In particular, approval of this item will assist in fulfilling Action 4.2.1. to "Convene a statewide stakeholder group by October 2008 to (a) assess statewide and regional needs for a statewide Basin Plan and Ocean Plan update..."

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

ADOPTION OF NON-SUBSTANTIVE AMENDMENTS TO THE CALIFORNIA OCEAN PLAN (OCEAN PLAN)

WHEREAS:

1. The Ocean Plan was adopted by the State Water Resources Control Board (State Water Board) in 1972 and amended 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 of the California Water Code.
3. On May 5, 2005, the State Water Board held a public hearing for the triennial review of the Ocean Plan to receive additional public comment for potential revisions of the Ocean Plan.
4. On June 26, 2007, the State Water Board held a scoping meeting regarding potential Ocean Plan amendments.
5. State Water Board staff is proposing non-substantive amendments to the Ocean Plan, and staff has prepared and circulated a draft Staff Report on April 3, 2009 that describes the proposed amendments, the basis for proposing the amendments, and legal requirements for reviewing and adopting those amendments.
6. The proposed amendments include adding maps of California's ocean waters and bays and estuaries, clarifying that metals are expressed as total recoverable metals, removing Section III (F)(1) on compliance schedules, correcting toxicity definitions and references in Appendix I, and updating the list of exceptions to the Ocean Plan in Appendix VII.
7. Staff has prepared a draft Final Staff Report which is the [Attachment](#) to this resolution. The draft Final Staff Report contains responses to the comments received prior to the close of the comment period on June 1, 2009. The specific proposed non-substantive amendments to the Ocean Plan are in [Appendix A](#) of the draft Final Staff Report.
8. Adoption of the proposed amendments is not subject to the California Environmental Quality Act, Public Resources Code §21000 et seq., because there is no possibility that adoption of the amendments may have a significant effect on the environment.
9. These amendments to the Ocean Plan do not become effective until approved by the Office of Administrative Law (OAL).

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the amendments to the Ocean Plan as shown in the Attachment.
2. Approves the draft Final Staff Report with Responses to Comments as the Final Staff Report as shown in the Attachment.
3. Authorizes State Water Board staff to submit the amended Ocean Plan to OAL for final approval.

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 June 16, 2009.

Jeanine Townsend
Clerk to the Board