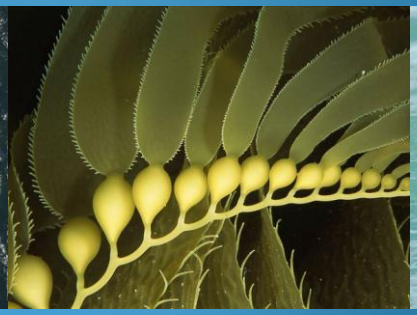
# Public Hearing
# Proposed Amendments to the California Ocean Plan

State Water Quality Protection Areas to Protect Marine Protected Areas

May 1, 2012

CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS



# Outline

- Summary
- Recent Public Process
- Description of Ocean Plan, Marine Managed Areas Improvement Act, MPAs, and SWQPAs
- Rationale for the Proposed Ocean Plan Amendment
- Description of the Proposed Ocean Plan Amendment
- General Response to Major Comments

# Summary

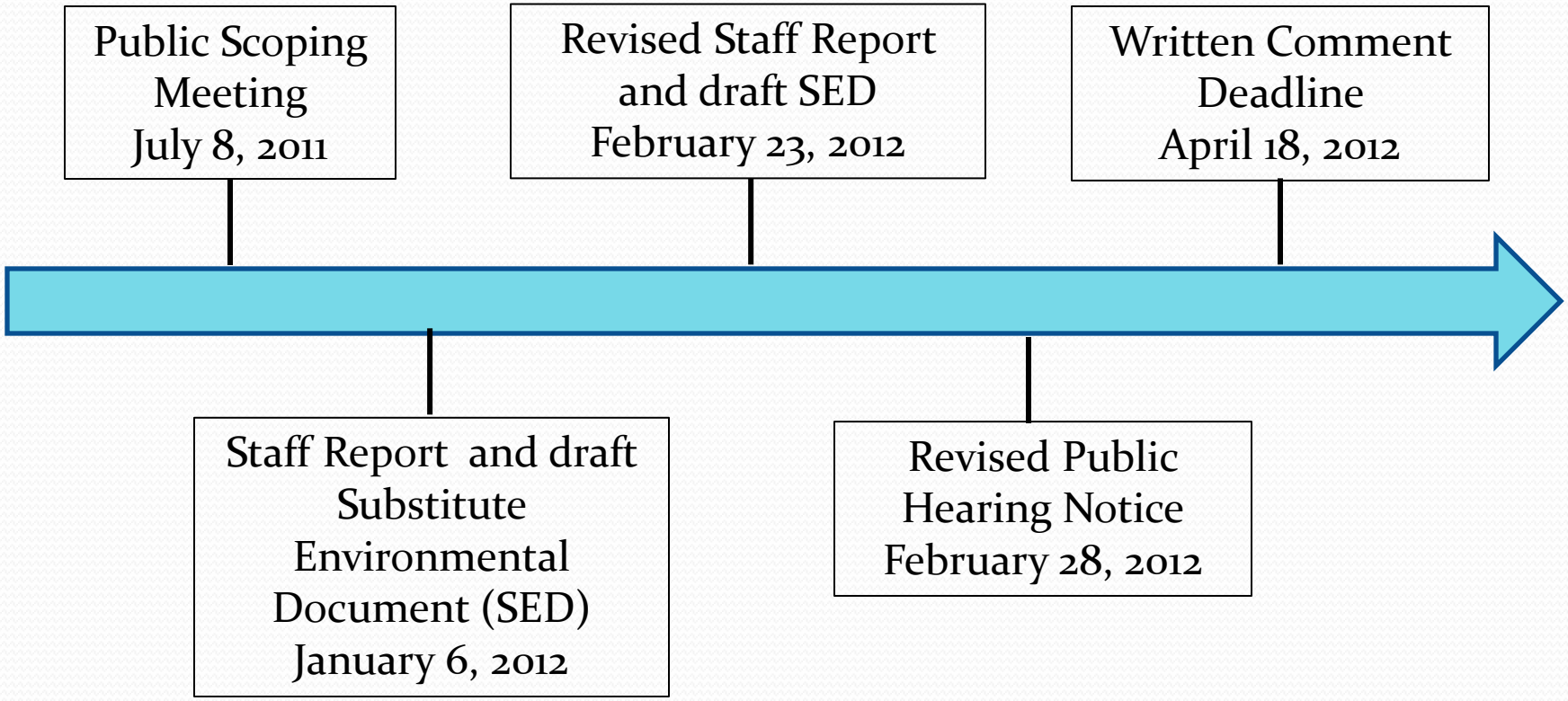
- Implementation of:
  - State Water Board Resolution 2010-0057.
  - State Water Board's California Ocean Plan Triennial Review Workplan 2011-2013 under Resolution 2011-0013.
- Establish framework for State Water Quality Protection Areas (SWQPA) upon designated Marine Protected Areas (MPA).

# Summary

Does <u>not</u> alter existing Ocean Plan prohibitions for currently designated Areas of Special Biological Significance (ASBS).

Does <u>not</u> designate new SWQPAs.

# Recent Public Process



# The California Ocean Plan

- The Water Code (commencing with Section 13160) requires formulation and adoption a water quality control plan for the ocean waters of the state.
- California's coastal ocean waters, not including enclosed bays and estuaries.
- Establishes water quality objectives.
- Includes Program of Implementation
- Applies to point and non-point source discharges.

# Marine Managed Areas Improvement Act

- Establish consistency among the state agencies.
- Marine Managed Areas (MMA) – named, discrete geographic marine or estuarine area along the California coast designated by law or administrative action, and intended to protect, conserve, or other wise manage a variety of resources and their uses.

# Marine Managed Areas Improvement Act

- MMAs organized into 6 categories:
  - State Marine Reserves (SMR)
  - State Marine Park (SMP)
  - State Marine Conservation Area (SMCA)
  - State Water Quality Protection Area (SWQPA)

# Marine Protected Areas

- Primarily intended to protect or conserve marine life and habitat.
- Regulatory agencies: Department of Fish and Game and Department of Parks and Recreation.
- Adopted 104 MPAs in the Central Coast, North Central Coast, and the South Coast.
- Under consideration for the North Coast and San Francisco Bay.

# State Water Quality Protection Areas

'A nonterrestrial marine or estuarine area designated to protect marine species or biological communities from *an undesirable alteration in natural water quality*, including, but not limited to, areas of special biological significance that have been designated by the State Water Resources Control Board…in a state water quality protection area, waste discharges shall be prohibited or limited by the imposition of special conditions in accordance with the Porter-Cologne Water Quality Control Act…' [Public Resources Code]

# Areas of Special Biological Significance

- Subset of SWQPAs.
- 34 designated ASBS established in the 1970s.
- Covers ~ 500 miles of the state's shorelines (32%).
- 23 ASBS overlap with 41 MPAs.
- Marine Life Protection Act Science Advisory Team (SAT) acknowledged marine water quality plays a role in success of MPAs.
- Ocean Plan does not have specific requirements for SWQPAs that are not ASBSs.

# SWRCB Resolution 2010-0057

## Adopted November 16, 2010

1. SWQPAs should not be established over existing wastewater outfalls or the zone of initial dilution (ZID) of such existing wastewater outfalls.
2. Where new SWQPAs are established in the vicinity of existing municipal wastewater outfalls, there shall be no new or modified limiting conditions or prohibitions for the SWQPAs relative to those wastewater outfalls.
3. Regulatory requirements for discharges from existing treated municipal wastewater outfalls shall be derived from the California Ocean Plan.

# SWRCB Resolution 2010-0057

## Adopted November 16, 2010

4. Assure that the designation of any new SWQPA would not include a condition to move existing wastewater outfalls, which represent an important public service and substantial infrastructure.
5. No new or modified limitations, substantive conditions, or prohibitions will be imposed upon existing municipal wastewater discharge outfalls based on the designation of MPAs other than State Marine Reserves.
6. No new wastewater outfalls may be established within SWQPAs.
7. Conditions to protect water quality in SWQPAs would be required to address storm water and nonpoint sources.

# Triennial Review 2011-2013

- Ocean water quality standards are reviewed at least once every three years [Section 303(c)(1) of Clean Water Act and Section 13170.2(b) of the California Water Code].
- March 15, 2011 Triennial Review Workplan 2011-2013 adopted.
- Very high priority issue.

# Draft SED

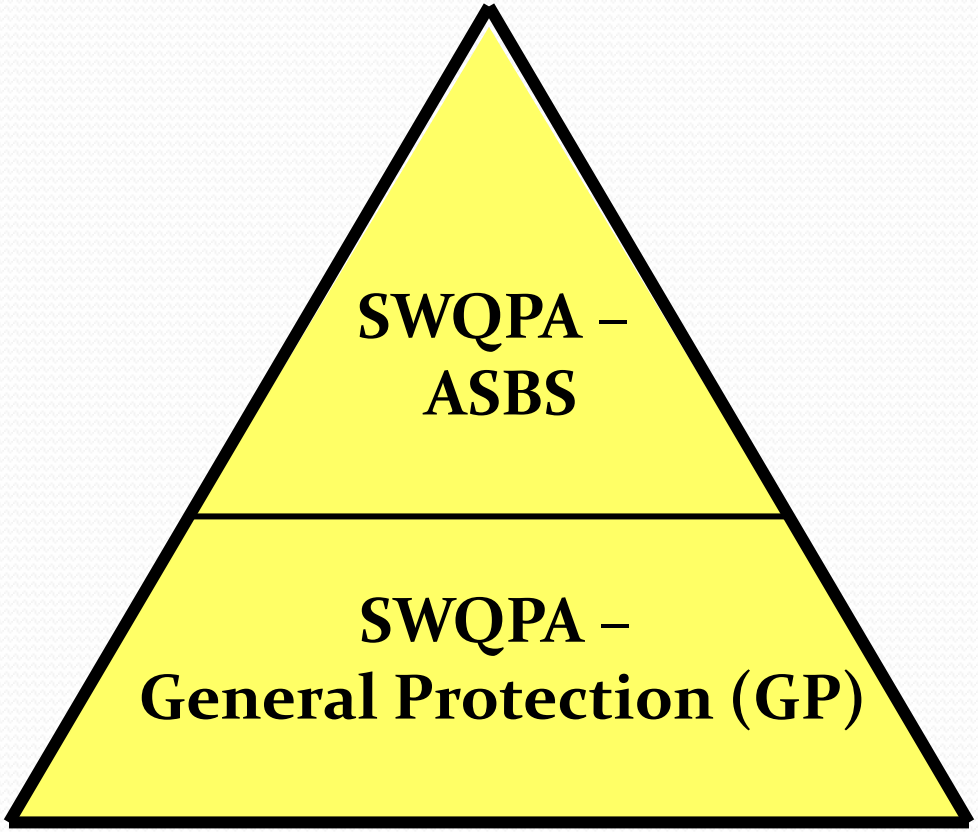
Key policy issues identified and considered in development of amendments.

1. No Action
2. Protecting MPAs
3. SWQPAs Classification
4. SWQPAs Designation
5. Existing Discharges
6. New Discharges

# No Action Alternative

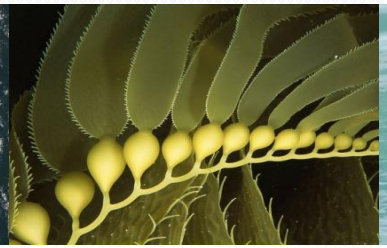
- Maintains existing 2009 California Ocean Plan.
- Only one avenue for protecting MPAs.
- Not recommended.
  1. May not be feasible for State Marine Parks and State Marine Conservation Areas.
  2. Lack of consistent statewide framework.

# Proposed Two-Tiered System for State Water Quality Protection Areas



# State Water Quality Protection Areas – General Protection

- Intermediate level of water quality protection.
- "Designated by the State Water Board to maintain natural water quality in order to protect or conserve marine life and habitat within State Marine Parks and State Marine Conservation Areas".
- Siting and designation of SWQPA – GP requires the same existing process in Appendix IV of the Ocean Plan as for ASBS.



# Ocean Plan Changes

Existing Point Sources Wastewater Discharges

- ‘Not be designated over existing permitted point source wastewater discharges or encroach upon the zone of initial dilution associated with an existing discharge.’
- ‘Not include conditions to move existing point source wastewater outfalls.’
- ‘No new intakes in SWQPAs-GP’.

# Ocean Plan Changes

Wet Weather Storm Water and Non-Storm Water from Storm Drains and Nonpoint Sources Discharges

- 'Existing waste discharges are allowed, but shall not cause an undesirable alteration in natural ocean water quality'. Not exceeding Table 1 in the Ocean Plan
- 'The discharge of trash is prohibited.'
- 'Non-storm water (dry weather) flows are effectively prohibited as required by the applicable permit. Where capacity and infrastructure exists, all dry weather flows shall be diverted to municipal sanitary sewer systems.'

# Ocean Plan Changes

New Discharges

- No new point source wastewater outfalls.
- No new seawater intakes.
- No increase in nonpoint sources or permitted storm drains.

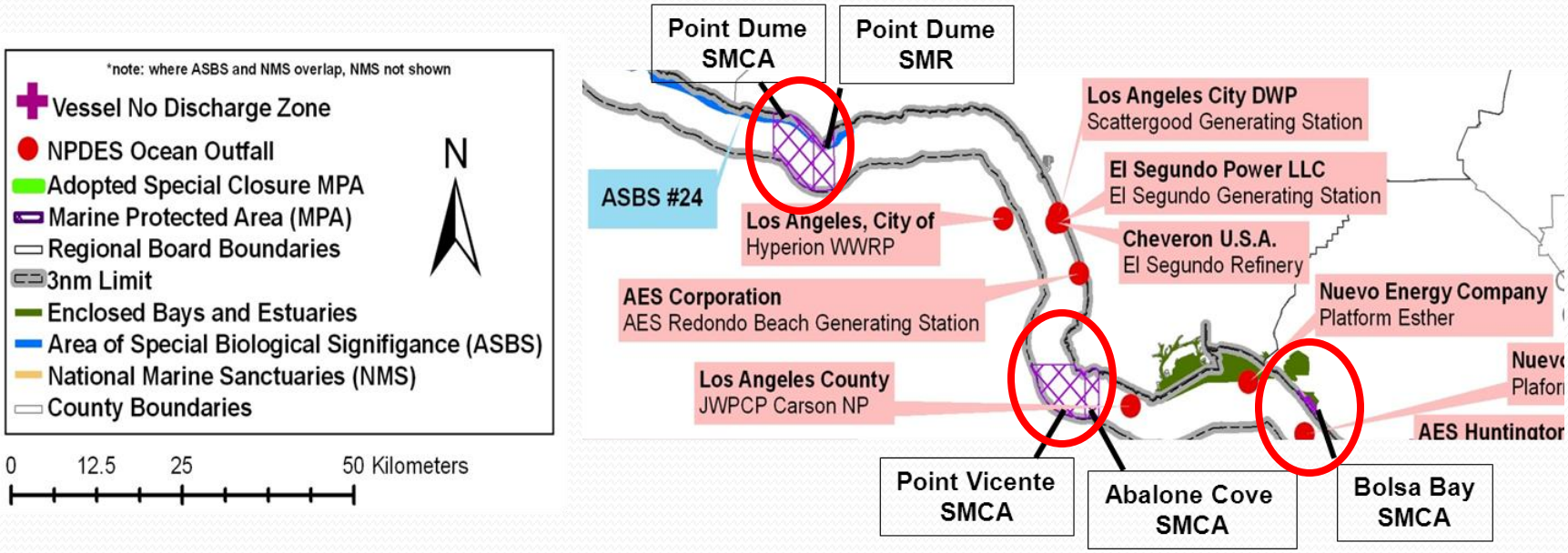
# Ocean Plan Changes

Impaired Tributaries to MPAs, SWQPA – ASBS, and SWQPAs – GP

- ‘All water bodies draining to MPAs and SWQPAs that appear on the State’s CWA Section 303(d) list shall be given a high priority to have a TMDL developed and implemented.’

# Pictorial Example: State Water Quality Protection Areas – General Protection

**INSERT OF COASTAL MAP OF REGIONS 4, 8, & 9 AND SOUTHERN CHANNEL ISLANDS**



# Major Comments Received

- Framework for SWQPA-GPs more stringent that current regulations for ASBSs.
- SWQPA-GPs can be designated in enclosed bays and estuaries.
- Proposed amendment currently designates SWQPA-GPs.
- E.5(c)(3): "Non-storm water (dry weather) flows are effectively prohibited as required by the applicable permit. Where capacity and infrastructure exists, all dry weather flows shall be diverted to municipal sanitary sewer systems".

# Next Steps

Respond to all comments.

Release draft changes.

Make changes to Draft SED.

Board Adoption Hearing
**Late Summer 2012**

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