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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

### EXCEPTION TO THE CALIFORNIA OCEAN PLAN WASTE DISCHARGE PROHIBITION FOR MONTEREY BAY AQUARIUM DISCHARGES INTO THE PACIFIC GROVE AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE, INCLUDING SPECIAL PROTECTIONS FOR BENEFICIAL USES AND THE ASSOCIATED MITIGATED NEGATIVE DECLARATION / INITIAL STUDY

**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 Exception and the related Proposed Mitigated Negative Declaration, Special Protections and Initial Study for Monterey Bay Aquarium Storm Water and Nonpoint Source Discharges into Pacific Grove Area of Special Biological Significance. 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. One of the designated ASBS was the Pacific Grove Marine Gardens Fish Refuge and Hopkins Marine Life Refuge ASBS, which was changed to the Pacific Grove ASBS by State Water Board [Resolution No. 2005-0035](#).

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 Monterey Bay Aquarium (MBA) to cease storm water and nonpoint source waste discharges into an ASBS or to request an exception under the Ocean Plan. In an application to the State Water Board dated August 31, 2006, MBA requested an individual exception to the Ocean Plan's prohibition on discharges into ASBS.

MBA is one of the major public aquarium and education institutions in the country. Its mission is to inspire conservation of the oceans. The near-shore habitats represented contain marine algae, fish and invertebrates that are dependent upon natural seawater for recruitment and a steady supply of nutrients that can only be found in natural seawater. The one-million-gallon Outer Bay exhibit is home to the largest community of open-ocean animals to be found in any aquarium. The Outer Bay also features the largest permanent collection of jellyfish species in the United States. Numerous live exhibits and MBA's live animal research programs all depend upon the seawater system.

Although MBA discharges waste seawater and storm water runoff adjacent to the ASBS, MBA may control the quality of that discharge through the application of specific controls and management practices. The proposed Exception with mitigating conditions (Special Protections), if approved, would allow MBA to continue to discharge to Monterey Bay adjacent to the ASBS. The mitigating conditions provide additional protections for beneficial uses that are not currently provided. State Water Board staff considers that the proposed Exception will not compromise protection of ocean waters for beneficial uses, and the public interest will be served.

## **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 the subject line: "**Comment Letter – Monterey Bay Aquarium.**"

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>

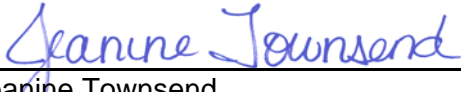
The Cal/EPA Building is accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Catherine Foreman at (916) 341-5881, at least five working days prior to the meeting. TDD users may contact the California Relay Service at 1-800-735-2929 or voice 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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Date January 20, 2011

  
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Jeanine Townsend  
Clerk to the Board