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State Water Resources Control Board

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Edmund G. Brown Jr.
Governor

REVISED **RE-NOTICE OF PUBLIC HEARING** **New Comment Period**

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

On March 11, 2011, the State Water Resources Control Board (State Water Board) issued a Re-Notice of Public Hearing for the 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 ([March 11, 2011 Re-Notice](#)). The comment period for these documents has been extended until 12:00 noon on Friday, May 20, 2011. All other provisions of the March 11, 2011 Re-Notice remain in effect.

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, May 18, 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

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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.”

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 (NOP) 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 NOP ended March 15, 2010. On January 20, 2011, the State Water Board issued a Notice of a Public Hearing to be held on April 20, 2011, with a deadline for written comments of 12:00 noon on Monday, March 14, 2011. By this current notice the State Water Board is establishing a new written comment period. **Written comments are now due no later than 12:00 noon on Friday, May 20, 2011 rather than on Wednesday, May 4, 2011, as required in the March 11, 2011 Re-Notice.** The public hearing is now re-scheduled for Wednesday, May 18, 2011.

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.

Additional information on the public hearing can be found at the State Water Board's website at <http://www.waterboards.ca.gov>.

SUBMISSION OF WRITTEN COMMENTS

Interested persons are encouraged to submit their comments, evidence, and other material electronically. Comment letters can be submitted by email to commentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (916) 341-5620 with the subject “**Comment Letter – ASBS Special Protections.**” In order to be fully considered, written comments must be received by **12:00 noon on Friday, May 20, 2011**. Written comments may also be delivered by via-mail or hand-delivered to the following address:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

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

PROCEDURAL MATTERS

The public 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 public hearing. At the public 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 at the State Water Board's website. Questions regarding the public 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) or Dominic Gregorio at (916) 341-5582 (dgregorio@waterboards.ca.gov).

Date April 25, 2011



Jeanine Townsend
Clerk to the Board