

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
OCTOBER 16, 2012**

ITEM 11

SUBJECT

CONSIDERATION OF PROPOSED AMENDMENTS TO THE CALIFORNIA OCEAN PLAN RELATED TO MODEL MONITORING, VESSEL DISCHARGES, AND NON-SUBSTANTIVE CHANGES.

DISCUSSION

The California Ocean Plan (Ocean Plan) establishes water quality standards for California's ocean waters and provides the basis for regulation of wastes discharged into the state's near-coastal ocean waters. The Ocean Plan applies to point and nonpoint source discharges. Section 13170.2 of the California Water Code directs the State Water Resources Control Board (State Water Board) to formulate and adopt a water quality control plan for ocean waters of California. The current 2009 Ocean Plan is available from the State Water Board's Web site at: http://www.waterboards.ca.gov/water_issues/programs/ocean/index.shtml.

The State Water Board adopted the Ocean Plan Triennial Review Workplan for 2011-2013 by [Resolution 2011-0013](#) on March 15, 2011. The Workplan identifies numerous issues for which further action is needed. Issues 2 and 3, which were given very high priority, relate to the proposed model monitoring and control of commercial vessel discharges and invasive species amendments to the Ocean Plan. Issue 25, which was given high priority, relates to the proposed non-substantive administrative changes proposed to the California Ocean Plan. The Ocean Plan Triennial Review Workplan 2011-2013 is available from the State Water Board's Web site at: http://www.waterboards.ca.gov/water_issues/programs/ocean/index.shtml.

The State Water Board held a public hearing on November 1, 2011, and a public workshop on August 22, 2012, to receive public input and comments on the proposed amendment and Draft Substitute Environmental Documentation (SED). Public comments were received and addressed by staff. Revisions were made to the draft Staff Report and SED in response to State Water Board direction and public comments. Furthermore, measurement quality objectives (MQOs) for marine waters, for comparability to the Surface Water Ambient Monitoring Program (SWAMP), have been posted at: http://www.waterboards.ca.gov/water_issues/programs/ocean/index.shtml. These SWAMP MQOs for marine waters have been developed through a stakeholder process. The draft model monitoring amendments would require SWAMP comparability for discharge self-monitoring in ambient waters.

A Staff Report including draft SED and response to comments has been prepared by State Water Board staff for the following proposed amendments to the California Ocean Plan:

1. Model monitoring
2. Control of commercial vessel discharges and invasive species
3. Non-substantive administrative changes

The model monitoring amendment would amend Appendix III of the Ocean Plan to include a question-driven model approach, encouraging regional monitoring and providing consistency through a framework for point source, storm water and nonpoint source discharges to ocean waters throughout the state. The development of monitoring requirements is partly in response to Senate Bill 72 (2001), section 13383.5 of the California Water Code, which states that, with respect to storm water discharge monitoring requirements, the State Water Board “shall develop minimum monitoring requirements for each regulated municipality and minimum standard monitoring requirements for regulated industries.”

The vessel discharge amendment would amend the Ocean Plan, which is currently not applicable to vessel discharges, to create consistency with the state and federal laws and regulations. The amendment will make it easier for dischargers and regulators to interpret, implement and comply with the various laws and regulations.

The non-substantive changes amendment to the Ocean Plan will make updates related to location of Marine Protected Areas, outfall locations and make grammatical and editorial changes.

POLICY ISSUE

Should the State Water Board:

1. Adopt the proposed amendments for model monitoring, vessel discharges, and non-substantive changes amendments?
2. Approve the final SED?

FISCAL IMPACT

This resolution should have no net fiscal impact on the State Water Board.

REGIONAL BOARD IMPACT

The model monitoring amendment will provide the coastal Regional Water Quality Control Boards with a monitoring framework to be used when issuing permits to ocean dischargers.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve the proposed model monitoring, vessel discharges, and non-substantive changes amendments.
2. Approve the final SED.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update: Enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2012-

ADOPTION OF THE AMENDMENTS TO THE CALIFORNIA OCEAN PLAN RELATED TO MODEL MONITORING, VESSEL DISCHARGES, AND NON-SUBSTANTIVE CHANGES

WHEREAS:

1. The State Water Resources Control Board (State Water Board) adopted the California Ocean Plan (Ocean Plan) in 1972 and revised it in 1978, 1983, 1988, 1990, 1997, 2001, 2005 and 2009.
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. On August 1, 8, and 15, of 2006, the State Water Board conducted public scoping meetings in Santa Rosa, Los Angeles, and Monterey respectively to receive public comments for potential revisions to the Ocean Plan.
4. On June 26, 2007, the State Water Board held a public scoping meeting in San Francisco regarding potential Ocean Plan Amendments and solicited public comments on the scope and content of the environmental information that the State Water Board must consider.
5. On March 15, 2011, the State Water Board adopted the Ocean Plan Triennial Review Work Plan for 2011-2013 by [Resolution 2011-0013](#). The work plan identifies issues for which further action is needed, including model monitoring, vessel discharges, and non-substantive changes, which are addressed by the proposed amendments to the Ocean Plan.
6. On November 1, 2011, the State Water Board conducted a public hearing for the proposed amendments to the Ocean Plan. Public comments were received and reviewed, and staff developed edits based on these comments.
7. On August 22, 2012, the State Water Board conducted a public workshop, where the State Water Board solicited comments on staff edits to the proposed amendments to the Ocean Plan related to model monitoring, vessel discharges and non-substantive changes.
8. The State Water Board prepared and circulated a draft Substitute Environmental Document (SED) in accordance with the provisions of the California Environmental Quality Act and title 14, California Code of Regulations section 15251(g) and in compliance with State Water Board regulations governing certified regulatory programs. (See Cal. Code Regs., tit. 23, § 3777.) The SED consists of the draft SED dated August 24, 2011, and revised on July 27, 2012, and responses to comments on the draft SED and the proposed project. Together, these documents constitute the required environmental documentation under CEQA. (See Cal. Code Regs., tit. 14, §§ 15250, 15252; Cal. Code of Regs., tit. 23, § 3777.)

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9. The State Water Board has considered the SED, which analyzes the project, alternatives to the project and reasonably foreseeable methods of compliance with the proposed amendments and concludes that the project will not result in adverse environmental impacts.
10. These amendments to the Ocean Plan do not become effective until approved by the Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. After considering the entire record, including oral comments at the public hearing, adopts the [proposed amendments to the Ocean Plan regarding: model monitoring, vessel discharges and non-substantive administrative changes](#).
2. Approves the [final SED](#), which includes the [responses to comments](#), and directs the Executive Director or designee to transmit the Notice of Decision to the Secretary of Resources.
3. Authorizes the Executive Director or designee to submit the amended Ocean Plan to OAL for review and approval.
4. Directs the Executive Director or designee to make minor, non-substantive modifications to the language of the Policy, if during the OAL approval process, OAL determines that such changes are needed for clarity or consistency, and inform the State Water Board of any such changes.

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 Resources Control Board held on October 16, 2012.

Jeanine Townsend
Clerk to the Board