

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2012-0056**

**ADOPTING THE CALIFORNIA OCEAN PLAN AMENDMENT IMPLEMENTING STATE
WATER BOARD RESOLUTIONS 2010-0057 AND 2011-0013
REGARDING STATE WATER QUALITY PROTECTION AREAS AND
MARINE PROTECTED AREAS**

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 November 16, 2010, the State Water Board adopted [Resolution No. 2010-0057](#), Marine Protected Areas and State Water Quality Protection Areas. The Resolution directed State Water Board staff to propose amendments to the Ocean Plan to address designation of new State Water Quality Protection Areas and to clarify requirements for existing discharges relative to Marine Protected Areas.
4. On March 15, 2011, the State Water Board adopted the Triennial Review Workplan 2011-2013, in [Resolution No. 2011- 0013](#), which included under Issue 1 direction to staff to propose an amendment to the Ocean Plan addressing State Water Quality Protection Areas and Marine Protected Areas.
5. On July 8, 2011, the State Water Board held a scoping meeting regarding potential Ocean Plan Amendments to solicit input from public agencies and members of the public on the scope and content of the substitute environmental documentation to be prepared in support of the amendment.
6. On May 1, 2012, the State Water Board conducted a public hearing. Twenty-four written public comments were received and reviewed. Staff considered comments and input from Board Members and the public and drafted revisions to the proposed amendments and draft SED, which were circulated on February 28, 2012.
7. On August 22, 2012, the State Water Board conducted a public workshop to consider changes proposed by staff in response to comments received. A written comment period from July 31, 2012 through August 31, 2012, allowed for submission of comments on the changes from the earlier draft documents.

8. The Ocean Plan is clear that there shall not be degradation of marine communities or other exceedances of water quality objectives due to waste discharges. This is true for all near coastal ocean waters, regardless of whether a Marine Protected Area is present. If sound scientific information becomes available demonstrating that discharges are causing or contributing to the degradation of marine communities, or causing or contributing to the exceedance of narrative or numeric water quality objectives, then new or modified limitations or conditions may be placed in the NPDES permit to provide protections for marine life, both inside and outside of Marine Protected Areas.
9. 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 January 6, 2012, and updated on February 23 and July 25, 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.)
10. 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.
11. 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 State Water Quality Protection Areas and Marine Protected Areas amendment to the Ocean Plan.
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 amendment, if OAL determines during its approval process that such changes are needed, and inform the State Water Board of any such changes.

CERTIFICATION

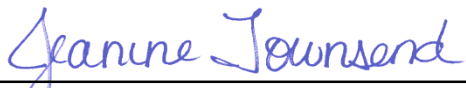
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 16, 2012.

AYE: Chairman Charles R. Hoppin
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc
 Board Member Steven Moore
 Board Member Felicia Marcus

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board