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**State Water Resources Control Board**

**NOTICE OF ADOPTION HEARING  
NOTICE OF OPPORTUNITY TO COMMENT**

**EXCEPTION TO THE CALIFORNIA OCEAN PLAN WASTE DISCHARGE PROHIBITION FOR  
HUMBOLDT STATE UNIVERSITY TELONICHER MARINE LABORATORY DISCHARGES  
INTO THE TRINIDAD HEAD 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 solicit public comments regarding the proposed Exception and the related Proposed Mitigated Negative Declaration, Special Protections and Initial Study for Humboldt State University Telonicher Marine Laboratory Waste Sea Water and Storm Water Discharges into Trinidad Head Area of Special Biological Significance. The State Water Board may take action to adopt the proposed exception to the Ocean Plan following the hearing, which will be held at the following time and location:

**October 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 its [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 Kelp Beds at Trinidad Head ASBS, which was changed to the Trinidad Head 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."

The Humboldt State University Telonicher Marine Laboratory (TML) is a unit of Humboldt State University supporting education and research for the departments of Oceanography, Fisheries Biology, and Biology (Marine Biology option). The laboratory also performs an important public outreach function, including guided tours and summer programs led by a marine naturalist, and self-guided tours of the laboratory's exhibits (public display aquaria and touch tanks). The Laboratory was operational and has been at its present location since 1965.

On October 18, 2004, the State Water Board notified the Humboldt State University (HSU) Telonicher Marine Laboratory (TML) to cease waste discharges into the ASBS or to request an exception under the Ocean Plan. On December 21, 2005, the TML responded with a request for an exception to the California Ocean. Subsequently, the State Water Board provided general instructions for exception application packages via its Web site ([www.waterboards.ca.gov/water\\_issues/programs/ocean/asbs.shtml](http://www.waterboards.ca.gov/water_issues/programs/ocean/asbs.shtml)). On December 9, 2005, the State Water Board sent a letter to the TML providing specific instructions and deadlines for submission of the application packages.

The State Water Board then received an application for an individual exception to the Ocean Plan prohibition against waste discharges to ASBS from the responsible party dated August 28, 2006.

A central mission of the TML is to provide support for the research activities of undergraduate and graduate students with interests in the marine sciences. Research projects are conducted at TML because the laboratory has a sea water system and aquarium facilities that allow the students to maintain living plants and animals for observation and experimentation. This independent research is a critical component of their training, and required for their degree completion. Several faculty members working at TML conduct research projects that are in part or entirely supported by the facilities of TML. Often these projects are in direct support of other state or federal agency missions related to the marine environment and its resources. For example, faculty-sponsored research has been conducted for Redwood National Park, the National Marine Fisheries Service, Resources Legacy Fund, and the Office of Atmospheric, Research, National Oceanic and Atmospheric Administration.

Although TML discharges waste seawater and storm water runoff into the ASBS, TML may control the water quality associated with that discharge through the application of specific controls and management practices. The proposed exception would allow TML to continue to discharge, provided that TML meets specific mitigating conditions. This would provide additional protections that are not currently in place for beneficial uses. 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.

#### **AVAILABILITY OF DOCUMENTS**

The document above can be obtained using the contact information below or from the State Water Board website at [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 COMMENTS**

The State Water Board will accept both written and oral comments on the proposed Exception. Interested persons must submit their written comments, technical reports, testimony, and other material concerning this issue no later than **12:00 noon on October 10, 2011** to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100, Sacramento, CA 95812-2000 (by mail)  
1001 I Street, 24<sup>th</sup> Floor, Sacramento, CA 95814 (by hand delivery)

Comment letters may be submitted by email to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) (if less than 15 megabytes in total size) or by fax at (916) 341-5620. For email submittals, please indicate in the subject line: **"Comment Letter – Telonicher Marine Laboratory."**

Comments may also be hand delivered. Couriers delivering comment letters must check in with lobby security personnel on the first floor of the Cal/EPA Building at the above address. Questions on comment submittal may be directed to Ms. Townsend, at (916) 341-5600.

### **PROCEDURAL MATTERS**

At the public hearing, the State Water Board and its staff may ask clarifying questions. 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 public hearing 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).

Questions concerning the hearing may also be directed to Ms. Constance Anderson at (916) 341-5280 or email to [csanderson@waterboards.ca.gov](mailto:csanderson@waterboards.ca.gov)

### **PARKING AND ACCESSIBILITY**

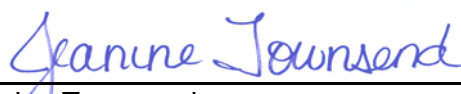
There is a parking garage across from the building with entrances on 10th and 11th Streets between "I" and "J" Streets, and metered parking spaces are in the vicinity of the building.

For a map, see our Web site: <http://www.calepa.ca.gov/EPAbldg/location.htm>.

Please note: All visitors to the Joe Serna Jr./Cal-EPA Headquarters Building are required to sign in and receive a badge at the Visitor Services Center located inside the main entrance. Valid picture identification may be required due to the security level. Please allow up to 15 minutes for receiving clearance before proceeding to the Coastal Hearing Room on the 2<sup>nd</sup> floor.

The Joe Serna Jr./Cal-EPA Headquarters Building is accessible to persons with disabilities. Individuals who require special accommodations are requested to contact (916) 341-5880, at least five working days prior to the public meeting date. Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device. HEARING IMPAIRED RELAY SERVICE: TDD to voice 1 800-735-2929; voice to TDD 1 800-735-2922

August 25, 2011  
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Date

  
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Jeanine Townsend  
Clerk to the Board