



**Terry Tamminen**  
*Secretary for  
Environmental  
Protection*

# State Water Resources Control Board

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**Arnold Schwarzenegger**  
*Governor*

## **NOTICE OF PUBLIC HEARING**

### **CALIFORNIA OCEAN PLAN – SCRIPPS EXCEPTION**

Wednesday, July 7, 2004 – 10:00 a.m.\*  
Sierra Hearing Room – Second Floor  
Joe Serna, Jr. Cal/EPA Headquarters Building  
1001 “I” Street, Sacramento, CA 95814

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Board) will hold a public hearing during its regularly scheduled July Board Workshop to receive comments on the proposed exception to the California Ocean Plan (Ocean Plan) for the discharge by the University of California, San Diego, Scripps Institution of Oceanography (UCSD/SIO) into the San Diego Marine Life Refuge Area of Special Biological Significance (ASBS). An audio broadcast of the meeting will be available via the Internet and can be accessed at <http://www.calepa.ca.gov/broadcast/>.

### **BACKGROUND**

On March 21, 1974, the State Board, in Resolution No. 74-28, designated 31 ASBS. (Subsequently, three additional ASBS were designated, for a total of 34.) Among those ASBS designated were the San Diego Marine Life Refuge ASBS and the San Diego-La Jolla Ecological Reserve ASBS. Since 1983, the Ocean Plan has prohibited waste discharges to ASBS. The 2001 Ocean Plan (Resolution No. 2000-108) 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 UCSD/SIO discharges into the San Diego Marine Life Refuge. The San Diego Regional Water Quality Control Board (Regional Board) first issued SIO a National Pollutant Discharge Elimination System permit in Order No. 74-47, on September 16, 1974, approximately six months after the refuge was designated an ASBS. The Ocean Plan in effect at that time prohibited discharges into an ASBS that could alter natural water quality. When the Regional Board issued the 1974 permit, it found that the SIO discharge would not alter natural water quality conditions. The permit was re-issued in 1979, 1984, and 1994. The most recent permit was issued in 1999 (Regional Board Order No. 99-83). This discharge has never been issued an exception by the State Board and, thus, does not comply with the Ocean Plan.

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\*This item may not be heard exactly at 10:00 a.m. due to other items on the agenda.



UCSD/SIO is a major marine scientific institution providing education to oceanography students, and opportunities and facilities for cutting edge oceanographic research, including research performed by or for government agencies. Much of the research and education performed at SIO utilizes and is dependent on the flow-through seawater system. In addition, SIO's Stephen Birch Aquarium (Aquarium) is an important venue for public education regarding marine biology and conservation. The Aquarium is also dependent on SIO's flow-through seawater system.

The State Board prepared and circulated a draft Negative Declaration for the exception on May 4, 2004. The terms and conditions for the exception were included in the draft Negative Declaration. The comment period for the proposed Negative Declaration ends June 7, 2004.

#### **AVAILABILITY OF DOCUMENTS**

The proposed Negative Declaration and supporting Initial Study may be obtained via the Internet on the State Board web site at <http://www.swrcb.ca.gov/plnspols/oplans/>. You may also receive a copy by writing or calling Dominic Gregorio, Division of Water Quality, State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100, (916) 341-5488, FAX (916) 341-5584, or email [gregd@dwq.swrcb.ca.gov](mailto:gregd@dwq.swrcb.ca.gov).

#### **SUBMISSION OF COMMENTS**

The State Board will accept both written and oral comments on the proposed exception. Interested persons are requested to submit written comments, technical reports, testimony, and other material concerning this issue to Dominic Gregorio, Division of Water Quality, State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100, FAX (916) 341-5584, or email [gregd@dwq.swrcb.ca.gov](mailto:gregd@dwq.swrcb.ca.gov) by **5:00 p.m. on June 25, 2004**.

#### **PARKING AND ACCESSIBILITY**

There is a parking garage across from the Joe Serna, Jr. Cal/EPA Building with entrances on 10<sup>th</sup> and 11<sup>th</sup> Streets between "I" and "J" Streets, and metered parking spaces in the vicinity of the building. For a map, see our web site at <http://www.calepa.ca.gov/EPABldg/location.htm>. The facilities are accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Adrian Perez at (916) 341-5880 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.

All visitors are required to sign in and receive a badge prior to attending any meeting in the building. The Visitor and Environmental Services Center is located just inside and to the left of the Cal/EPA Building's public entrance. Valid picture identification may be required due to the security level. Please allow 15 minutes to proceed to the Sierra Hearing Room.

  
Debbie Irvin  
Clerk to the Board

May 20, 2004