

OFFICE OF ADMINISTRATIVE LAW

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DEBRA M. CORNEZ
Director

MEMORANDUM

TO: Larry Harlan
FROM: OAL Front Desk **LW**
DATE: 5/23/2014
RE: Return of Approved Rulemaking Materials
OAL File No. 2014-0410-01S

OAL hereby returns this file your agency submitted for our review (OAL File No. 2014-0410-01S regarding Lower Santa Maria R. and Tributaries to Oso Flaco Lake Nutrient TMDLs).

Enclosures If this is an approved file, it contains a copy of the regulation(s) stamped "ENDORSED APPROVED" by the Office of Administrative Law and "ENDORSED FILED" by the Secretary of State. The effective date of an approved regulation is specified on the Form 400 (see item B.5). **Beginning January 1, 2013**, unless an exemption applies, Government Code section 11343.4 states the effective date of an approved regulation is determined by the date the regulation is filed with the Secretary of State (see the date the Form 400 was stamped "ENDORSED FILED" by the Secretary of State) as follows:

- (1) **January 1** if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
- (2) **April 1** if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
- (3) **July 1** if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
- (4) **October 1** if the regulation or order of repeal is filed on June 1 to August 31, inclusive.

If an exemption applies concerning the effective date of the regulation approved in this file, then it will be specified on the Form 400. The Notice of Approval that OAL sends to the state agency will contain the effective date of the regulation. The history note that will appear at the end of the regulation section in the California Code of Regulations will also include the regulation's effective date. Additionally, the effective date of the regulation will be noted on OAL's Web site once OAL posts the Internet Web site link to the full text of the regulation that is received from the state agency. (Gov. Code, secs. 11343 and 11344.)

Please note this new requirement: Unless an exemption applies, Government Code section 11343 now requires:

1. **Section 11343(c)(1):** Within 15 days of OAL filing a state agency's regulation with the Secretary of State, the state agency is required to post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation posted on its Internet Web site for at least six months from the date the regulation is filed with the Secretary of State.
2. **Section 11343(c)(2):** Within five (5) days of posting its regulation on its Internet Web site, the state agency shall send to OAL the Internet Web site link of each regulation that the agency posts on its Internet Web site pursuant to section 11343(c)(1).

OAL has established an email address for state agencies to send the Internet Web site link to for each regulation the agency posts. Please send the Internet Web site link for each regulation posted to OAL at postedregslink@oal.ca.gov.

NOTE ABOUT EXEMPTIONS. Posting and linking requirements do not apply to emergency regulations; regulations adopted by FPPC or Conflict of Interest regulations approved by FPPC; and regulations not subject to OAL/APA review. However, an exempt agency may choose to comply with these requirements, and OAL will post the information accordingly.

DO NOT DISCARD OR DESTROY THIS FILE

Due to its legal significance, you are required by law to preserve this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that "...no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of." See also the State Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq.) regarding retention of your records.

If you decide not to keep the rulemaking records at your agency/office or at the State Records Center, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f).

Enclosures

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2014-0410-015	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED FILED
IN THE OFFICE OF

2014 MAY 22 PM 1:59


 DEBRA BOWEN
 SECRETARY OF STATE

 AGENCY WITH RULEMAKING AUTHORITY
 State Water Resources Control Board


 AGENCY FILE NUMBER (if any)
 2014-0009
A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Lower Santa Maria R. and Tributaries to Oso Flaco Lake Nutrient TMDLs	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 3929.12
	AMEND
TITLE(S) 23	REPEAL
3. TYPE OF FILING	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
	<input type="checkbox"/> File & Print
	<input checked="" type="checkbox"/> Other (Specify) <u>Gov't code 11353</u>
	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Print Only
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State
<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>Upon Approval (Gov't Code 11353)</u>
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission
<input type="checkbox"/> Other (Specify)	<input type="checkbox"/> State Fire Marshal
7. CONTACT PERSON Larry Harlan	TELEPHONE NUMBER (805) 594-6195
FAX NUMBER (Optional) (805) 543-0397	E-MAIL ADDRESS (Optional) larry.harlan@waterboards.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 4/9/14
TYPED NAME AND TITLE OF SIGNATORY Victoria A. Whitney, Deputy Director, Division of Water Quality, State Water Board	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 22 2014

Office of Administrative Law

State of California
Office of Administrative Law

DWQ
RECEIVED
JUN 01 2014
DIVISION OF WATER QUALITY

In re:
State Water Resources Control Board

NOTICE OF APPROVAL OF REGULATORY
ACTION

Regulatory Action:

Government Code Section 11353

Title 23, California Code of Regulations

OAL File No. 2014-0410-01 S

Adopt sections: 3929.12

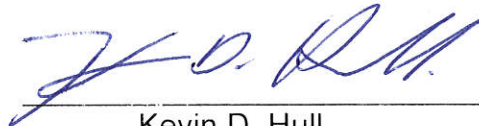
Amend sections:

Repeal sections:

This action by the State Water Resources Control Board (State Board) amends the Water Quality Control Plan for the Central Coastal Basin (Basin Plan) by adopting total maximum daily loads for nitrogen compounds and orthophosphate in the Lower Santa Maria River Watershed and tributaries to Oso Flaco Lake. This basin plan amendment was adopted by the Regional Water Quality Control Board, Central Coast Region (Regional Board), pursuant to Resolution R3-2013-0013 on May 30, 2013, and approved by the State Board on February 4, 2014, pursuant to Resolution 2014-0009.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: 5/22/2014



Kevin D. Hull
Attorney

For: DEBRA M. CORNEZ
Director

Original: Thomas Howard
Copy: Larry Harlan

CONCISE SUMMARY OF REGULATORY PROVISIONS

TITLE 23. Waters

Division 4. Regional Water Quality Control Boards

Chapter 1. Water Quality Control Plans, Policies, and Guidelines

Article 3. Central Coast Region

The following section 3929.12 is to be added to Title 23 of the California Code of Regulations:

Section 3929.12 – “Total Maximum Daily Loads for Nitrogen Compounds and Orthophosphate in Lower Santa Maria River Watershed and Tributaries to Oso Flaco Lake.”

On May 30, 2013, the Regional Water Quality Control Board, Central Coast Region (Water Board) adopted Resolution No. R3-2013-0013, amending the Water Quality Control Plan for the Central Coastal Basin (Basin Plan). Resolution No. R3-2013-0013 establishes the Lower Santa Maria River Watershed and Tributaries to Oso Flaco Lake Total Maximum Daily Loads (TMDLs) and Implementation Plan for nitrate, unionized ammonia and orthophosphate. The TMDLs address nutrient-related impairments of the lower Santa Maria Valley, which include the waterbodies Blosser Channel, Bradley Canyon Creek, Bradley Channel, Greene Valley Creek, Main Street Canal, North Main Street Channel, Orcutt Creek, Oso Flaco Creek, Little Oso Flaco Creek, Santa Maria River, and Santa Maria River Estuary.

Current nutrient and nutrient-related impairments in lower Santa Maria River Valley waters are impairing a range of current or potential designated beneficial uses including aquatic habitat (COLD, WARM, SPWN), drinking water supply (MUN), groundwater recharge (GWR), water contact recreation (REC-1), and agricultural supply (AGR). The TMDLs set numeric targets for nitrate, unionized ammonia, orthophosphate, dissolved oxygen, chlorophyll *a*, and microcystins consistent with Basin Plan narrative and numeric water quality objectives protective of the aforementioned beneficial uses.

Responsibility for achieving waste load allocations and load allocations falls upon several entities as described in the Resolution. An implicit margin of safety is utilized in the TMDL to account for uncertainties. The Water Board is relying on existing regulatory measures (i.e., the Agricultural Order and storm water permits) to ensure implementation actions are carried out by implementing parties. Interim and final implementation milestones of 12, 20 and 30 years are established for showing progress and achieving the TMDL. The Water Board will track progress towards achieving the TMDL through review of implementation actions and monitoring conducted by the implementing parties. Water Board staff will conduct triennial reviews of implementation actions and monitoring results. If existing efforts are not expected to achieve the TMDL as scheduled (as determined by triennial reviews), the Executive Officer or the Water Board may require changes to existing monitoring, reporting, or implementation efforts pursuant to California Water Code Sections 13263, 13267 or 13383.