

**State of California  
Office of Administrative Law**

**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. 2011-0210-01 S**

**Adopt sections: 3949.7**

**Amend sections:**

**Repeal sections:**

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This filing is a Basin Plan Amendment submitted to OAL by the State Water Resources Control Board and subject to OAL review under Government Code section 11353. On August 13, 2009, the Central Valley Regional Water Quality Control Board adopted Resolution No. R5-2009-0069, amending the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins. This resolution was approved by the State Water Resources Control Board on December 14, 2010, under State Board Resolution No. 2010-0063. This amendment corrects an error in the beneficial uses of Marsh Creek and the Marsh Creek Reservoir that was introduced during the drafting of the third edition of the Basin Plan, and an error in the water quality objectives for boron that was introduced during the drafting of the fourth edition of the Basin Plan. The amendment also integrates the following into the Basin Plan: the State Water Board's Water Quality Enforcement Policy, the Nonpoint Source Implementation and Enforcement Policy, and the Compliance Schedule Policy. Finally, the amendment updates the references in the Basin Plan to the State Water Board's Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, revises the waiver portion of the Basin Plan to be consistent with the current Water Code, and makes other non-substantive editorial and grammatical updates.

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

Date: 3/17/2011



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Eric Partington  
Staff Counsel

For: DEBRA M. CORNEZ  
Assistant Chief Counsel/  
Acting Director

Original: Thomas Howard  
Copy: Peter Martin

**REGULAR**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2011-0210-015	
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED FILED  
IN THE OFFICE OF

2011 MAR 17 PM 12:36

*Jenna Bowen*  
JENNA B. BOWEN  
SECRETARY OF STATE

2011 FEB 10 AM 9:53  
OFFICE OF  
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board	AGENCY FILE NUMBER (if any) 2010-00XX
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**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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Non-regulatory amendment to San Joaquin-Sacramento River Basins	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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 3949.7
	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"/> Emergency Readopt (Gov. Code, § 11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§ 11349.3, 11349.4)		<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)	<input checked="" type="checkbox"/> Other (Specify) <u>Gov't Code 11353</u>	

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 30th day after filing with Secretary of State	<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>
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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"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Peter Martin Jr.	TELEPHONE NUMBER (916) 341-5557	FAX NUMBER (Optional) (916) 341-5550	E-MAIL ADDRESS (Optional) pmartin@waterboards.ca.gov
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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 <i>Elizabeth L. Haven</i>	DATE 2-8-2011
TYPED NAME AND TITLE OF SIGNATORY Elizabeth L. Haven, Assistant Deputy Director, Division of Water Quality, SWRCB	

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ENDORSED APPROVED  
MAR 17 2011  
Office of Administrative Law

CONCISE SUMMARY OF REGULATORY PROVISIONS  
RESOLUTION NO. R5-2009-0069  
NON-REGULATORY CORRECTIONS AND UPDATES OF LANGUAGE

TITLE 23. Waters

Division 4. Regional Water Quality Control Boards

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

Article 5. Central Valley Region

§3949.7 Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins Correcting Editing Errors and Updating Language.

On August 13, 2009, the Central Valley Regional Water Quality Control Board adopted Resolution No. R5-2009-0069, amending the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins. This resolution was approved by the State Water Resources Control Board on December 14, 2010, under State Board Resolution No. 2010-0063.

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