

**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. 2011-0418-02 S

Adopt sections: 3939.39

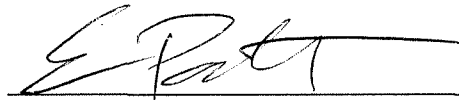
Amend sections:

Repeal sections:

At a hearing on October 1, 2009, the Los Angeles Regional Water Quality Control Board adopted Resolution No. R09-006, an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan). This Basin Plan amendment adds section 3939.39 to title 23 of the California Code of Regulations, and this new section establishes a Total Maximum Daily Load (TMDL) for organochlorine pesticides, polychlorinated biphenyls, and sediment toxicity for McGrath Lake. The amendment also identifies the parties responsible for implementing the new wasteload allocations, and includes reporting, monitoring, and TMDL implementation timelines.

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

Date: 5/31/2011



Eric Partington
Staff Counsel

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

Original: Thomas Howard
Copy: Nick Martorano

REGULAR

Clear Print

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

ENDORSED FILED
IN THE OFFICE OF
2011 MAY 31 PM 2:51

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2011-0418-025	

For use by Office of Administrative Law (OAL) only

2011 APR 18 AM 11:34

OFFICE OF ADMINISTRATIVE LAW
REGULATIONS

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY
State Water Resources Control Board (SWRCB)

AGENCY FILE NUMBER (if any)
2010-00XX

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S) 23	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)
McGrath Lake Toxicity TMDL

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 3939.39
	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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<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)

Effective 30th day after filing with Secretary of State
 Effective on filing with Secretary of State
 \$100 Changes Without Regulatory Effect
 Effective other (Specify) Upon Approval (Gov't Code 11353)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660)
 Fair Political Practices Commission
 State Fire Marshal
 Other (Specify)

7. CONTACT PERSON: Nick Martorano
 TELEPHONE NUMBER: 213-576-6694
 FAX NUMBER (Optional): 916-341-5550
 E-MAIL ADDRESS (Optional): nmartorano@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: *Elizabeth Haven*
 TYPED NAME AND TITLE OF SIGNATORY: Elizabeth Haven, Assistant Deputy Director, Division of Water Quality, SWRCB
 DATE: 4/14/11

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED
MAY 31 2011
Office of Administrative Law

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 4. Los Angeles Region

The following section 3939.39 is to be added to Title 23 of the California Code of Regulations:

§3939.39 - "A Total Maximum Daily Load for Polychlorinated Biphenyls, Organochlorine Pesticides, and Sediment Toxicity in McGrath Lake."

On October 1, 2009, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. R09-006, amending the Water Quality Control Plan for the Los Angeles Region by establishing a Total Maximum Daily Load (TMDL) for polychlorinated biphenyls, organochlorine pesticides (chlordane, dieldrin, DDT and derivatives), and sediment toxicity in McGrath Lake. The TMDL includes numeric targets for sediment based on Effects Range-Low sediment quality guidelines compiled by the National Oceanic and Atmospheric Administration and numeric targets for the water column based on California Toxics Rule criteria for protection of human health. The TMDL includes load allocations for discharges from the watershed to the lake and for internal sources from the lake sediments.

The load allocations for the discharges from the watershed to the lake will be implemented through the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands or other appropriate Los Angeles Water Board Orders. The load allocations for the lake sediments will be implemented through a Memorandum of Agreement (MOA) among the Los Angeles Water Board and cooperative parties. The TMDL requires cooperative parties to enter into an MOA with the Los Angeles Water Board within two years of the effective date of the TMDL and to submit a work plan for remediation within three years of the effective date of the TMDL. If an MOA is not established, or the cooperative parties do not comply with the terms of the MOA, or if the MOA otherwise does not result in attainment of load allocations, the TMDL requires the Executive Officer of the Los Angeles Water Board to identify and issue appropriate regulatory orders to responsible parties for contaminated lake sediment remediation. The TMDL requires responsible parties for the load allocations for the discharges from the watershed to submit a monitoring and reporting plan within six months of the effective date of the TMDL.

The TMDL requires the load allocations for the discharges from the watershed to the lake to be attained within ten years of the effective date of the TMDL. The TMDL requires the load allocations for the lake sediments to be attained within 14 years of the effective date of the TMDL.