

**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. 2012-0215-06 S

Adopt sections: 3939.44

Amend sections:

Repeal sections:

On May 5, 2011, the Los Angeles Regional Water Quality Control Board (Regional Board) adopted Resolution No. R11-008, amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by establishing a TMDL (total maximum daily load) for Toxic Pollutants in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters. The State Water Resources Control Board approved the amendment of the Basin Plan in Resolution No. 2012-0008 on February 7, 2012.

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

Date: 3/21/2012



Debra M. Cornez
Assistant Chief Counsel/Acting Director

Original: Thomas Howard
Copy: Thanhloan Nguyen

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 04-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2012-0215-06S	EMERGENCY NUMBER
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ENDORSED FILED
IN THE OFFICE OF

2012 MAR 21 PM 2:13

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

2012 FEB 15 PM 1:44
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board (SWRCB)	AGENCY FILE NUMBER (If any) 2012-0008
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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 Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE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) Dominguez Channel and Greater LA/LB Harbor Waters Toxic Pollutant TMDL	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.)
TITLE(S) 23
ADOPT 3939.44
AMEND
REPEAL

3. TYPE OF FILING
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <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 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>

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>

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 Thanhloan Nguyen	TELEPHONE NUMBER (213) 576-6689	FAX NUMBER (Optional) (213) 576-6686	E-MAIL ADDRESS (Optional) tnguyen@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>Samuel Unger</i>	DATE Feb. 14, 2012
TYPED NAME AND TITLE OF SIGNATORY Samuel Unger, Executive Officer, Los Angeles Regional Water Quality Control Board	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 21 2012

Office of Administrative Law

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-09) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code §11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

CHANGES WITHOUT REGULATORY EFFECT

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

ABBREVIATIONS

Cal. Code Regs. - California Code of Regulations
Gov. Code - Government Code
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.

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

§ 3939.44 - "A Total Maximum Daily Load for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters".

On May 5, 2011, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. R11-008, amending the Water Quality Control Plan for the Los Angeles Region by establishing a TMDL for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters. The TMDL includes numeric targets for the water column based on California Toxics Rule criteria for protection of human health; sediment targets based on the narrative standards of the Basin Plan, the Enclosed Bays and Estuaries Plan, Sediment Quality Objectives Part 1, and sediment quality guidelines compiled by the National Oceanic and Atmospheric Administration; and fish tissue targets based on Office of Environmental Health Hazard Assessment (OEHHA) Fish Contaminant Goals. Final load allocations (LAs) are assigned to direct atmospheric deposition and bed sediments. Final waste load allocations (WLAs) are assigned to stormwater discharges from municipal separate storm sewer systems, California Department of Transportation (Caltrans) facilities, and construction and industrial facilities, and other NPDES permitted discharges in both wet and dry weather. Dominguez Channel freshwater allocations are set for wet weather only because exceedances of water quality standards have only been documented in wet weather.

TMDL implementation will be carried out by assigned responsible parties for (1) Dominguez Channel, Torrance Lateral, and Dominguez Channel Estuary; (2) Greater Los Angeles and Long Beach Harbor waters (including Consolidated Slip); and (3) Los Angeles River and San Gabriel River as listed in detail in the Basin Plan, Table 7-40.1. Responsible parties can implement a variety of implementation strategies to meet the required WLAs and LAs by reducing sediment transport from the upstream and nearshore watersheds to Dominguez Channel and Greater Los Angeles and Long Beach Harbor waters, and implementing targeted actions addressing internal reservoirs of contaminants. Dischargers and responsible parties may implement structural and or non-structural BMPs and work collaboratively to achieve the numeric targets and allocations.

The TMDL requires responsible parties for the assigned WLAs and LAs to submit: monitoring plans (MP) and Implementation Plans (IP) and Contaminated Sediment Management Plans (CSMP) within twenty months (MP) and two years (IP and CSMP) after the effective date of the TMDL. Responsible agencies shall submit progress reports to provide updates on the status of implementation actions performed under the TMDL three years after the effective date of the TMDL and annually thereafter. The Los Angeles Water Board will reconsider targets, WLAs, and LAs six years after the effective date of the TMDL based on new policies, data or special studies. The implementation schedule for achieving applicable WLAs and LAs is 20 years after the effective date of the TMDL.