

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections:

Amend sections: 3939.23

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11353

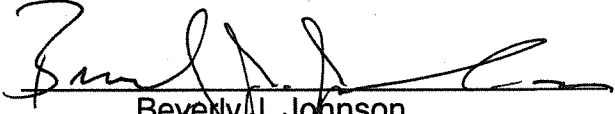
OAL Matter Number: 2017-0411-02

OAL Matter Type: Regular (S)

The State Water Resources Control Board (State Water Board) submitted this action for review under Government Code section 11353 to section 3919.23 in title 23 of the California Code of Regulations regarding amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The Basin Plan amendment was adopted by the Los Angeles Regional Water Quality Control Board on October 13, 2016 in Resolution No. R16-007. The State Water Board approved the Basin Plan amendment on February 22, 2017 in Resolution No. 2017-0007. The Basin Plan amendment revises the Total Maximum Daily Load (TMDL) for metals and Selenium in Calleguas Creek, its Tributaries, and Mugu Lagoon.

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

Date: May 18, 2017


Beverly J. Johnson
Deputy Director

For: Debra M. Cornez
Director

Original: Thomas Howard
Copy: Thanhloan Nguyen

11353

REGULAR

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2017-0411-025	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAY 18 2017

1:46 PM

2017 APR 11 A 8:08

OFFICE OF
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
STATE WATER QUALITY CONTROL BOARD

AGENCY FILE NUMBER (if any)
2017-0007

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

1. SUBJECT OF NOTICE Amendment to the Los Angeles Basin Plan		TITLE(S) 23	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> 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		NOTICE-REGISTER NUMBER		PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Regional Water Quality Control Board R4 Calleguas Creek TMDL Revision	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 06-1222-01 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
	AMEND 3939.23
	REPEAL
TITLE(S) 23	

3. TYPE OF FILING

- Regular Rulemaking (Gov. Code §11346)
- Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)
- Emergency (Gov. Code, §11346.1(b))
- 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.
- Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- Emergency Readopt (Gov. Code, §11346.1(h))
- File & Print
- Other (Specify) **Government Code 11353 per agency request**
- Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- 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)

- Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- Effective on filing with Secretary of State
- \$100 Changes Without Regulatory Effect
- Effective other (Specify) **Upon Approval Government 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 THANHLOAN NGUYEN	TELEPHONE NUMBER (213) 576-6689	FAX NUMBER (Optional) (213) 576-6640	E-MAIL ADDRESS (Optional) Thanhloan.Nguyen@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 3-28-17
TYPED NAME AND TITLE OF SIGNATORY Samuel Unger, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 18 2017

Office of Administrative Law

DRAFT 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

§ 3939.23, "A Total Maximum Daily Load for Metals and Selenium in Calleguas Creek, Its Tributaries, and Mugu Lagoon".

- (a) Los Angeles Regional Water Quality Control Board (Regional Board) Resolution No. R4-2006-012, adopted on June 8, 2006 by the Regional Board modified the regulatory provisions of the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by (1) revising the Table of Contents, (2) adding introductory text for Chapter 7 (Total Maximum Daily Loads), and (3) establishing a Total Maximum Daily Load (TMDL) for Metals and Selenium in Calleguas Creek, its Tributaries, and Mugu Lagoon.

Three of fourteen reaches in the Calleguas Creek Watershed (CCW), including Revolon Slough, Lower Calleguas Creek – Reach 2, and Mugu Lagoon have been listed under the federal Clean Water Act section 303(d) as not meeting standards due to elevated concentrations of metals and selenium in water. Technical studies indicate Mugu Lagoon is a sink for metals, which endanger aquatic organisms and impair the existing habitat. Aquatic organisms also accumulate metals which cause human health concerns. The beneficial uses most affected by metals and selenium loadings into Calleguas Creek, its tributaries, and Mugu Lagoon include habitats which support wildlife (WILD) and rare, threatened or endangered species (RARE), as well as habitats which support estuarine (EST) and wetland (WET) ecosystems.

The amendment establishes four types of numeric targets with which load allocations and waste load allocations were calculated. The types of numeric targets are water quality targets for copper, nickel, zinc, mercury and selenium; fish tissue targets for mercury; bird egg targets for mercury and selenium; and sediment quality guidelines for copper, nickel and zinc for 303(d) listed reaches. In addition, the Basin Plan amendment specifies final wasteload allocations (WLAs) for point source discharges and load allocations (LAs) for nonpoint source discharges of metals and selenium. The proposed TMDL establishes a 10-year implementation schedule for POTWs and other NPDES permittees, and a 15-year implementation schedule for agricultural and permitted storm-water dischargers to reduce the loading of metals and selenium to Calleguas Creek. The TMDL also authorizes the use of BMPs, to the extent authorized by law, for various dischargers including agricultural and storm water dischargers. The implementation plan includes a combination of water quality monitoring, hot-spot waste removal, waste collection and sediment control. The proposed TMDL also consists of a monitoring program to assess compliance with waste load allocations. The monitoring program also stipulates the collection of additional data to evaluate the uncertainties and assumptions made in development of the TMDL, and to consider potential management scenarios.

The Basin Plan amendment includes a brief description of the Calleguas Creek Watershed and the existing conditions contributing to water quality problems. Calleguas Creek Metals and Selenium TMDL numeric targets, source analysis, linkage analysis, WLAs, LAs, margin of safety, future growth, critical conditions, implementation plan, and compliance schedule are also discussed in the Basin Plan amendment.

- (b) On October 13, 2016, the Los Angeles Regional Water Quality Control Board adopted Resolution R16-007, amending the Basin Plan to revise the Total Maximum Daily Load for Metals and Selenium in Calleguas Creek, its Tributaries, and Mugu Lagoon.

The Basin Plan amendment, adopted by Resolution No. R16-007, revises the TMDL adopted by Resolution No. R4-2006-012 to incorporate the Water Effect Ratios (WERs) adopted and approved under the Basin Plan amendment, Resolution No. 2006-022, into the Calleguas Creek Metals and Selenium TMDL, and revises the wasteload allocations (WLAs) for the Hill Canyon and Camarillo wastewater treatment plants based on recent data showing improved water quality.