

**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. 2011-0401-02 S

Adopt sections: 3909.1

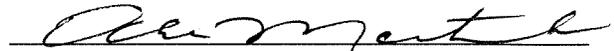
Amend sections:

Repeal sections:

To reconcile conflicts between existing regional and statewide point source discharge permits and the Basin Plan for the North Coast Region, this rulemaking action amends the Basin Plan. Specifically, the rulemaking adds a new Low Threat Action Plan which allows for certain point source discharges if they are planned, short term, from definable projects, and controlled to eliminate or reduce pollutants and minimize volume and discharge rates through Best Management Practices. The Plan will also allow exceptions, as specified, to the 1% of flow rule. In addition, the rulemaking makes revisions to the existing Action Plan for Storm Water Discharges so as to specify criteria for the exemption storm water and certain low-threat non-storm water flows from permitted storm water collection systems and will include criteria for exempting these discharges from basin plan point source prohibitions. Best Management Practices will be required to eliminate or reduce pollutants in storm and non-storm flows and to minimize volume and discharge of non-storm flows. Exception criteria would only apply to point source discharges that are of low threat and that are otherwise covered under Waste Discharge Requirements or National Pollutant Discharge Elimination System permits.

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

Date: 5/12/2011


Dale P. Mentink
Senior Staff Counsel

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

Original: Thomas Howard
Copy: Nirmal Sandhar

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
Z-		2011-0401-025	
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

FILED
IN THE OFFICE OF
SECRETARY OF STATE

2011 MAY 12 PM 2:18

John Bowen
JOHN BOWEN
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY

State Water Resources Control Board (SWRCB)

AGENCY FILE NUMBER (If any)

2011-0012

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) Low Threat Discharge Amendment	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 3909.1
	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"/> File & Print
	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Print Only
	<input checked="" type="checkbox"/> Other (Specify) Gov't Code 11353
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) 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	
<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 Nirmal Sandhar	TELEPHONE NUMBER 916-341-5571
FAX NUMBER (Optional) 916-341-5550	E-MAIL ADDRESS (Optional) nsandhar@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 <i>Victoria A. Whitney</i>	DATE April 1, 2011
TYPED NAME AND TITLE OF SIGNATORY Victoria A. Whitney, Deputy Director, Division of Water Quality, SWRCB	

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ENDORSED APPROVED

MAY 12 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 1. North Coast Region

§ 3909.1 Low Threat Action Plan and Revised Storm Water Action Plan

On July 23, 2009, the North Coast Regional Water Quality Control Board adopted Regional Board Resolution No. R1 2009-004 amending, *the Water Quality Control Plan for the North Coast Region* (Basin Plan). The amendment revised the Basin Plan by incorporating a "Low Threat Action Plan" and a revision of the "Storm Water Action Plan." These Action Plans will be incorporated into Chapter 4, "Strategic Planning and Implementation," of the Basin Plan. On March 15, 2011, the State Water Resources Control Board approved this amendment under Resolution No. 2011-0012.

The amendment includes a new "Action Plan for Low Threat Discharges" (Low Threat Action Plan), which will apply to certain point source categories of planned, short-term discharges from definable projects where the discharge is controlled to eliminate or reduce pollutants and minimize discharge volume and discharge rates through the implementation of best management practices (BMPs). The Low Threat Action Plan would also allow for exceptions to the one-percent prohibition for low threat discharges. The Low Threat Action Plan provides the framework for permitting these low threat discharges and granting exceptions to the point source prohibitions.

The amendment also includes revisions to the existing Action Plan for Storm Water Discharges (Storm Water Action Plan). The revisions to the Storm Water Action Plan apply to discharges of storm water and certain categories of low threat non-storm water flows that are incidental to urban activities from regulated storm water collection systems. The Storm Water Action Plan identifies the conditions that must be met in order to prevent or preclude these discharges from being subject to the point source and one-percent prohibitions.