

**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

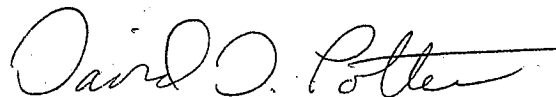
OAL File No. 2011-0505-01 S

Adopt section: 3929.6

This action approves the Central Coast Regional Board's plan to remove the shellfish harvesting beneficial use designation from the San Lorenzo River Estuary, prohibit the discharge of human and animal fecal waste on lands in the watershed, and establish the Total Maximum Daily Load for pathogens in the San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek and Lompico Creek.

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

Date: 6/8/2011



David D. Potter
Senior Staff Counsel

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

Original: Thomas Howard
Copy: Michael Buckman

REGULAR 11353

(See instructions on reverse)

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW
NOTICE/PUBLICATION/REGULATIONS SUBMISSION

For use by Secretary of State only

ENDORSED FILED
IN THE OFFICE OF

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2011-0505-01S	EMERGENCY NUMBER
-------------------------	---------------------------------	--	-------------------------

2011 JUN -8 PM 1:20

<p>For use by Office of Administrative Law (OAL) only</p> <p style="text-align: right;">2011 MAY -5 AM 10:51</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW</p> <p style="text-align: center;">NOTICE</p>	<p style="text-align: center;">REGULATIONS</p>
---	--

Debra Bowen
DEBRA BOWEN
 SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board (SWRCB)	AGENCY FILE NUMBER (If any) 2011-0010
--	---

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 ACTION ON PROPOSED NOTICE <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) CentralCoast San Lorenzo R. Wtrshd Basin Plan Amendment pathogen TMDLs	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 3929.6
	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)			
<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 Michael Buckman	TELEPHONE NUMBER 916-341-5479	FAX NUMBER (Optional) 916-341-5550	E-MAIL ADDRESS (Optional) mbuckman@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>Elizabeth L. Haven</i>	DATE 4/19/11
TYPED NAME AND TITLE OF SIGNATORY Elizabeth L. Haven, Assistant Deputy Director, Division of Water Quality, SWRCB	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 08 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 3. Central Coast Region

The following section 3929.6 is to be added to Title 23 of the California Code of Regulations:

Section 3929.6 – “San Lorenzo River Watershed Total Maximum Daily Loads and Implementation Plan for Fecal Coliform, Domestic Animal Waste Discharge Prohibition, Human Fecal Material Discharge Prohibition, and Shellfish Harvesting beneficial use removal from San Lorenzo River Estuary”

On May 8, 2009, the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) adopted Resolution No. R3-2009-0023, amending the Water Quality Control Plan for the Central Coast Region. The State Water Resources Control Board approved the amendment under Resolution No. 2011-0010, on March 1, 2011.

Regional Board Resolution No. R3-2009-0023, establishes Total Maximum Daily Loads (TMDLs) for fecal coliform in the San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek and Lompico Creek, adds the San Lorenzo River Watershed to the human fecal material discharge prohibition and the domestic animal waste discharge prohibition, and removes the shellfish beneficial use from the San Lorenzo River Estuary.

The Central Coast Water Board set wasteload and load allocations for subwatersheds, and numeric targets for receiving waters based on the Basin Plan water quality objectives for fecal coliform in waters supporting body contact recreation. Implementation of the TMDLs relies on compliance by non-point source dischargers with prohibitions against the discharge of domestic animal waste and human fecal material. Responsible parties will need to demonstrate compliance with the prohibitions through reporting to the Central Coast Water Board or its Executive Officer. Additionally, the Central Coast Water Board will rely upon existing National Pollutant Discharge Elimination System permits and Waste Discharge Requirements to ensure that implementing parties carry out implementation actions.

The Basin Plan amendment removes Shellfish Harvesting as a beneficial use in the San Lorenzo River Estuary. The Central Coast Water Board determined that this beneficial use designation was unsupported based on background water quality, habitat conditions and the absence of any shellfish harvesting currently or historically in the Estuary.

Central Coast Water Board staff plan to conduct triennial reviews of implementation actions, monitoring results, and evaluations submitted by responsible parties of their progress towards achieving their allocations. The compliance schedule for achieving the TMDLs and the numeric target for fecal coliform concentration is 13 years after the TMDLs are approved by the Office of Administrative Law.