

STATE OF CALIFORNIA  
OFFICE OF ADMINISTRATIVE LAW

In re:  
STATE WATER RESOURCES CONTROL BOARD

REGULATORY ACTION:

Title 23, California Code of Regulations

Adopt sections 3936

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11349.3

OAL File No. 02-0605-01 S

This action establishes no trash as the total maximum daily load of trash allowed to be discharged into the Ballona Creek and Wetland, and adopts a schedule for the progressive attainment of this standard over a period of ten years after two years of baseline monitoring.

OAL approves this regulatory action pursuant to section 11349.1 of the Government Code.

DATE: 07/18/02



BARBARA STEINHARDT-CARTER  
Senior Staff Counsel

for: DAVID B. JUDSON  
Deputy Director/Chief Counsel

Original : Celeste Cantu, Executive Director  
cc : Joanna Jensen

RECEIVED  
02 JUL 30 PM 4: 26  
CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD  
LOS ANGELES REGION

REGULAR

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 4-99)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>02-0605-015</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board			

ENDORSED FILED  
IN THE OFFICE OF

2002 JUL 18 PM 2:57

Bill Jones

BILL JONES  
SECRETARY OF STATE

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

1. SUBJECT OF NOTICE Water Quality Control Plan, Los Angeles Region		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) ( )		NOTICE REGISTER NUMBER		PUBLICATION DATE
<b>OAL USE ONLY</b>		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) TMDL for trash for the Ballona Creek and Wetland	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)

<b>SECTION(S) AFFECTED</b> (List all section number(s) individually)	ADOPT
	AMEND Publish new section 3936
TITLE(S) 23	REPEAL

**3. TYPE OF FILING**

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmission of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))	<input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h))	<input type="checkbox"/> Resubmission of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.				Adoption of Water Quality Control Plan Amendments: Summary Of Regulatory Provisions
<input type="checkbox"/> Print Only	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input checked="" type="checkbox"/> Other (specify)		

**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 45)

5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> Effective other (Specify) <b>Upon approval (Gov't Code Section 11353)</b>
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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 Joanna Jensen	TELEPHONE NUMBER (916) 341-5557	FAX NUMBER (Optional) (916) 341-5550	E-MAIL ADDRESS (Optional) jensj@swrcb.ca.gov
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**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 	DATE 5/9/02
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TYPED NAME AND TITLE OF SIGNATORY  
Stan Martinson, Chief of the Division of Water Quality

## CONCISE SUMMARY OF REGULATORY PROVISIONS

Article 4 – “Los Angeles Region”, Section 3936, “A Total Maximum Daily Load for Trash for the Ballona Creek and Wetland.”

Regional Board Resolution No. 01-014, adopted on September 19, 2001 by the Los Angeles Regional Water Quality Control Board, modified the Regulatory provisions of the Water Quality Plan for the Los Angeles Region (Basin Plan) by (1) revising the Table of Contents and the List of Figures, Tables, and Inserts, (2) adding text to Chapter 3 (Water Quality Objectives) to reference specific guidelines for the Ballona Creek and Wetland, and (3) adding text to Chapter 7 (Total Maximum Daily Loads Summaries) which establishes a Total Maximum Daily Load (TMDL) for Trash for the Ballona Creek and Wetland. This TMDL addresses the impairment of water quality due to trash being discharged to the creek via municipal storm drains; and will be implemented through the National Pollutant Discharge Elimination System storm-water permits.

The numeric target of zero trash in the river implicitly incorporates a margin of safety, based on a conservative interpretation of narrative water quality objectives. The TMDL establishes a schedule for progressively reducing the amount of trash discharged by ten percent per year, until the target is reached. California Department of Transportation and the Los Angeles County Department of Public Works and its municipal storm water committees are responsible for trash discharged from the storm drains to the Ballona Creek and Wetland, and have been assigned default waste load allocations. The permittees are required to submit a plan for baseline monitoring to refine the waste load allocations within 30 days of the Regional Board’s request as authorized by Section 13267 of the California Water Code. After a period of baseline monitoring, the implementation phase of the TMDL is scheduled to begin on October 1, 2003. Compliance with the TMDL numeric target must be demonstrated no later than September 30, 2015.