

**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. 2012-0127-01 S

Adopt sections: 3939.42

Amend sections:

Repeal sections:

The State Water Resources Control Board (Board) proposed to adopt section 3939.42 of title 23 of the California Code of Regulations which would provide a summary of the amendment to the Water Quality Control Plan for the Los Angeles Region adopted on September 9, 2009 by the Los Angeles Regional Water Quality Control Board in Resolution No. R10-008. This amendment established a total maximum daily load (TMDL) for Pesticides and Polychlorinated Biphenyls (PCBs) in Machado Lake.

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

Date: 2/29/2012

CRAIG TARPENNING

Craig S. Tarpenning
Senior Staff Counsel

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

Original: Thomas Howard
Copy: Nick Martorano

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

11353 (See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
Z-		2012-0127-018	

For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
--------	-------------

2012 JAN 27 AM 9:48
OFFICE OF ADMINISTRATIVE LAW

ENDORSED FILED IN THE OFFICE OF

2012 FEB 29 PM 2:26

Jenna Bowen
DESP. BOWEN
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY
State Water Resources Control Board (SWRCB)

AGENCY FILE NUMBER (if any)
2011-0065

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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE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) TMDL for Pesticides and Polychlorinated Biphenyls in Machado Lake	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 3939.42
AMEND
REPEAL
TITLE(S) 23

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> <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> 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)
<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 Nick Martorano	TELEPHONE NUMBER 213-576-6694	FAX NUMBER (Optional) 916-341-5550	E-MAIL ADDRESS (Optional) nmartorano@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 1/24/12
TYPED NAME AND TITLE OF SIGNATORY Victoria A. Whitney, Deputy Director, Division of Water Quality, SWRCB	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED
FEB 29 2012
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 4. Los Angeles Region

The following section 3939.42 is to be added in title 23 of the California Code of Regulations:

§ 3939.42 - "A Total Maximum Daily Load for Pesticides and Polychlorinated Biphenyls in Machado Lake."

On September 2, 2010, the Los Angeles Regional Water Quality Control Board adopted Resolution No. R10-008, amending the Water Quality Control Plan for the Los Angeles Region by establishing a Total Maximum Daily Load (TMDL) for Pesticides and Polychlorinated Biphenyls (PCBs) in Machado Lake. The TMDL includes numeric targets for sediment based on the freshwater Threshold Effect Concentration sediment quality guidelines compiled by the National Oceanic and Atmospheric Administration, for the water column based on California Toxics Rule criteria for protection of human health, and for fish tissue based on the Fish Contaminant Goals issued by the Office of Environmental Health Hazard Assessment. The TMDL waste load allocations for point source discharges and load allocations for nonpoint source discharges are established to attain the TMDL numeric targets. The TMDL waste load allocations are for discharges from the watershed to Machado Lake and load allocations are for internal sources of pesticides and PCBs from the lake sediments.

The regulatory mechanisms used to implement the TMDL waste load allocations include the Los Angeles County municipal separate storm sewer system (MS4) permit, the Caltrans stormwater permit, the general industrial stormwater National Pollutant Discharge Elimination System (NPDES) permit, the general construction stormwater NPDES permit, and other non-stormwater NPDES permits. Nonpoint sources may be regulated through a Memorandum of Agreement (MOA) between the responsible parties and the Regional Board Executive Officer. The MOA shall comply with the Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options ("Policy"), including part II section 2 c ii and related provisions. The implementation of the MOA must result in attainment of the TMDL load allocations. If the MOA does not result in the attainment of the TMDL load allocations, the MOA will be rescinded and the load allocations shall be implemented through a cleanup and abatement order.

The TMDL requires dischargers to attain the waste load and load allocations by September 30, 2019. The TMDL requires responsible parties for the waste load allocations to submit a monitoring and reporting plan within six months of the effective date of the TMDL. The TMDL requires responsible parties for the load allocations to enter into an MOA with the Regional Board within one year of the effective date of the TMDL and to submit a Lake Water Quality Management Plan within one and one half years of the effective date of the TMDL.