

**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: 3939.19

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11353

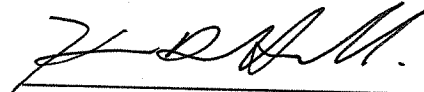
OAL Matter Number: 2016-0526-02

OAL Matter Type: Regular (S)

This action by the State Water Resources Control Board (State Board) amends the Water Quality Control Plan - Los Angeles (Basin Plan) to adopt site-specific objectives for lead and copper in the Los Angeles River Watershed and to revise the total maximum daily loads for metals in the Los Angeles River and tributaries. These amendments were adopted by the Regional Water Quality Control Board on April 9, 2015 pursuant to Resolution No. R15-004 and approved by the State Board on November 17, 2015 pursuant to Resolution 2015-0069.

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

Date: July 11, 2016



Kevin D. Hull
Senior Attorney

For: Debra M. Cornez
Director

Original: Thomas Howard
Copy: Jenny Newman

NOTICE PUBLICATION/REGULATION SUBMISSION (See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2016-0526-025	

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<p>NOTICE</p>	<p>REGULATIONS</p> <p style="text-align: center;">2016 MAY 26 P 4: 16</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW</p>
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ENDORSED - FILED
In the office of the Secretary of State of the State of California

JUL 11 2016

1:41 PM

AGENCY WITH RULEMAKING AUTHORITY

State Water Resource Control Board

AGENCY FILE NUMBER (if any)

2015-0069

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 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) Site-specific objectives and the Los Angeles River Metals TMDL	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)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3939.19
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. 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 January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<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. 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 Jenny Newman	TELEPHONE NUMBER (213) 576-6691	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jnewman@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 	DATE 5-11-16
TYPED NAME AND TITLE OF SIGNATORY Renee A. Purdy, Environmental Program Manager I, Los Angeles Water Board	

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ENDORSED APPROVED

JUL 11 2016

Office of Administrative Law

23 CCR § 3939.19

§ 3939.19. Site-Specific Objectives for Copper and Lead and A_a Total Maximum Daily Load for Metals in the Los Angeles River and its Tributaries.

On September 6, 2007, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. R2007-014, amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan). This Basin Plan amendment establishes a Total Maximum Daily Load (TMDL) to reduce metals in the Los Angeles River and its Tributaries for dry weather (maximum daily flow in the River less than 500 cubic feet per second) and wet weather (maximum daily flow in the River equal to or greater than 500 cubic feet per second). The TMDL: (1) sets dry- and wet-weather numeric targets to achieve California Toxics Rule (CTR) numeric water quality criteria for metals; (2) establishes a dry-weather loading capacity for a single critical flow to meet the dry-weather numeric target; (3) establishes a wet-weather loading capacity that varies with flow in order to meet wet-weather numeric targets; and (4) allocates the dry- and wet-weather loading capacities among point and nonpoint sources of metals, with the majority of the dry-weather allocation to the three largest publicly owned treatment works (POTWs) and the majority of the wet-weather allocation to storm water sources.

The TMDL identifies the National Pollutant Discharge Elimination System (NPDES) permits for three POTWs, the Los Angeles County and Long Beach municipal storm water NPDES permits, the Caltrans storm water NPDES permit, the general industrial and construction storm water NPDES permits, "other NPDES permits" for low-volume, intermittent, non-stormwater discharges, and the authority vested in the Executive Officer by Water Code section 13267 as the principal regulatory mechanisms to implement the TMDL. The TMDL requires the three POTWs to achieve dry- and wet-weather wasteload allocations at the time of permit issuance, renewal, or re-opener, or by January 11, 2016 if advanced treatment is required to reduce metals loads.

The TMDL requires the general industrial and construction storm water permittees to achieve dry-weather wasteload allocations at the time of permit issuance, renewal, or re-opener; it requires the general industrial and construction storm water permittees to achieve wet-weather wasteload allocations by January 11, 2016 and January 11, 2015, respectively. The TMDL requires the municipal and Caltrans storm water permittees to achieve waste load allocations in prescribed percentages of the watershed, achieving dry-weather allocations in the entire watershed by January 11, 2024 and wet-weather allocations in the entire watershed by January 11, 2028.

The TMDL identifies five jurisdictional groups to coordinate implementation of the municipal storm water allocations and provides that by April 11, 2007, each jurisdictional group must submit a coordinated monitoring plan and by July 11, 2010, each jurisdictional group must submit an implementation plan. The TMDL allows for special studies, such as site-specific toxic effects and natural source studies, which are due by January 11, 2010. The TMDL specifies that by January 11, 2011, the Los Angeles Water Board shall reconsider the wasteload allocations and implementation schedule based on the results of special studies.

On May 6th, 2010, the Los Angeles Water Board adopted Resolution No. R10-003, amending the Basin Plan to revise the TMDL for metals in the Los Angeles River and its tributaries. The

revision adjusts the copper numeric targets and loading capacity for Reaches 1-4 of the Los Angeles River and the Burbank Western Channel, as well as the copper waste load allocations for the Donald C. Tillman, Los Angeles-Glendale, and Burbank POTWs.

On April 9, 2015, the Los Angeles Water Board adopted Resolution No. R15-004, amending the Basin Plan to adopt site-specific objectives for lead and copper in the Los Angeles River watershed and to revise the TMDL for metals in the Los Angeles River and tributaries. The revisions update the numeric targets, loading capacity, and load and waste load allocations for Reaches 1-4 of the Los Angeles River and Compton Creek, Rio Hondo, Arroyo Seco, Verdugo Wash, Burbank Western Channel, and Tujunga Wash based on site-specific objectives calculated using water effect ratios for copper and a criteria recalculation for lead.