

**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. 2014-0917-02 S

Adopt sections: 3929.13

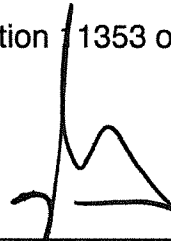
Amend sections:

Repeal sections:

At a hearing on January 30, 2014, the Central Coast Regional Water Quality Control Board adopted Resolution No. R3-2014-0009, adopted by State Water Resources Control Board Resolution 2014-0033 on July 2, 2014, amending the Water Quality Control Plan for the Central Coast Basin. This Basin Plan amendment adopts section 3929.13 establishing toxicity and pesticide Total daily Maximum Loads (TMDLs) and an implementation plan for the Santa Maria River watershed.

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

Date: 10/29/2014



Mark Storm
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Thomas Howard
Copy: Peter Meertens

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

11353

(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-		2014-0917-025	
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED FILED
IN THE OFFICE OF

2014 OCT 29 PM 2:16

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY
State Water Resource Control Board

AGENCY FILE NUMBER (if any)
2014-0033

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 Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE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)
TMDLs for toxicity and pesticides in the Santa Maria River watershed

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 3929.13
TITLE(S) 23 per agency request	AMEND
	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)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State §100 Changes Without Regulatory Effect 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

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify)

7. CONTACT PERSON: Peter Meertens
TELEPHONE NUMBER: (805) 549-3869
FAX NUMBER (Optional):
E-MAIL ADDRESS (Optional): peter.meertens@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: *Kenneth A. Harris Jr.*
DATE: 9/1/2014
TYPED NAME AND TITLE OF SIGNATORY: Kenneth A. Harris Jr., Executive Officer, Central Coast Water Board

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ENDORSED APPROVED

OCT 29 2014

Office of Administrative Law

REGULAR

11353
(See instructions on reverse)

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

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS Z-	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 2014-0917-025	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2014 SEP 17 PM 2: 28	
OFFICE OF ADMINISTRATIVE LAW			
NOTICE		REGULATIONS	

AGENCY WITH RULEMAKING AUTHORITY
State Water Resource Control Board

AGENCY FILE NUMBER (if any)
2014-0033

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1a. SUBJECT OF REGULATION(S) TMDLs for toxicity and pesticides in the Santa Maria River watershed	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 3929.13
	AMEND
TITLE(S) <i>23</i>	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)
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<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 Peter Meertens	TELEPHONE NUMBER (805) 549-3869	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) peter.meertens@waterboards.ca.gov
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SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Victoria A. Whitney</i>	DATE 9/15/14
TYPED NAME AND TITLE OF SIGNATORY Victoria A. Whitney, Deputy Director, Division of Water Quality, State Water Board	

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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 3929.13 is to be added to Title 23 of the California Code of Regulations:

Section 3929.13 – “Total Maximum Daily Loads for Toxicity and Pesticides in the Santa Maria River Watershed”

The Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) adopted Resolution No. R3-2014-0009 on January 30, 2014, amending the *Water Quality Control Plan for the Central Coast Region* (Basin Plan). The State Water Resources Control Board approved the amendment under Resolution No. 2014-0033 on July 2, 2014.

Resolution No. R3-2014-0009 establishes toxicity and pesticide Total Maximum Daily Loads (TMDLs) and an implementation plan for the Santa Maria River watershed. The TMDLs address impairments in the Santa Maria River Watershed (including Blosser Channel, Bradley Canyon Creek, Bradley Channel, Greene Valley Creek, Little Oso Flaco Creek, Main Street Canal, Orcutt Creek, Oso Flaco Creek, Oso Flaco Lake, and the Santa Maria River) due to unknown toxicity, sediment toxicity, and elevated levels of pesticides. The impairments are based on surface waters not meeting the Basin Plan narrative water quality objectives for toxicity and pesticides. The TMDL establishes numeric toxicity and pesticide targets.

Responsibility for achieving waste load allocations and load allocations falls upon several entities as described in Table 11 of the Basin Plan Amendment. An implicit margin of safety is utilized in the TMDL to account for uncertainties. The Water Board is relying on existing regulatory measures (i.e., the Agricultural Order and storm water permits) to ensure implementation actions are carried out by implementing parties, as well as utilizing a Management Agency Agreement and pesticide management plan between the California Department of Pesticide Regulation, the State Water Resources Control Board, and the Central Coast Water Board to address impairments.

Milestones are established for achieving the TMDLs and the Central Coast Water Board will track progress towards achieving the TMDLs through review of implementation actions and monitoring conducted by the implementing parties. Water Board staff will conduct triennial reviews of implementation actions and monitoring results. If existing efforts are not expected to achieve the TMDLs as scheduled (as determined by triennial reviews), the Executive Officer or the Water Board may require changes to existing monitoring, reporting, or implementation efforts pursuant to California Water Code Sections 13263, 13267 or 13383.