

**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. 2009-1215-02 S

Adopt sections:
Amend sections: 3939.10
Repeal sections:

This rulemaking action establishes an alternative Total Maximum Daily Load implementation plan, known as the Alternative Water Resources Management Plan, for chloride for the Upper Santa Clara River for Los Angeles and Ventura Counties. The rulemaking establishes conditional site-specific objectives for chloride, waste load allocations for water reclamation treatment, and waste load allocations for sulfate and total dissolved solids.

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

Date: 1/26/2010



Dale P. Mentink
Senior Staff Counsel

For: SUSAN LAPSLEY
Director

Original: Dorothy Rice
Copy: Nick Martorano

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2009-1215-02 S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2009 DEC 15 PM 12:02	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board		AGENCY FILE NUMBER (if any) 2009-0077	

ENDORSED FILED
IN THE OFFICE OF

2010 JAN 26 PM 1:24

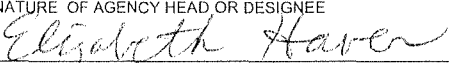

 DEBRA BOWEN
 SECRETARY OF STATE
A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

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 Nick Martorano		TELEPHONE NUMBER (916) 341-5980	FAX NUMBER (Optional) (916) 341-5550
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 Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE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) Upper Santa Clara River Chloride TMDL revision and Chloride SSOs		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	
		AMEND 3939.10	
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"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> File & Print	
		<input checked="" type="checkbox"/> Other (Specify) Gov. Code 11353	
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) Upon Approval (Gov. Code 11353)	
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"/> Other (Specify)		<input type="checkbox"/> State Fire Marshal	
7. CONTACT PERSON Nick Martorano		TELEPHONE NUMBER (916) 341-5980	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 	DATE 11/24/09
TYPED NAME AND TITLE OF SIGNATORY Elizabeth Haven, Assistant Deputy Director, Division of Water Quality, SWRCB	

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ENDORSED APPROVED

JAN 26 2010

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

§ 3939.10, "Total Maximum Daily Load for Chloride in the Upper Santa Clara River."

The Los Angeles Regional Water Quality Control Board (Regional Board) adopted under Resolution Nos. 02-018 in October 2002, 03-008 on July 10, 2003, 04-004 on May 6, 2004, and revised under Resolution No. 06-016 on August 3, 2006 a Total Maximum Daily Load (TMDL) for Chloride in the Upper Santa Clara River. The TMDL specifies concentration-based targets for chloride, which must be fully attained 11 years after the effective date of the TMDL. ~~The reduction in the final compliance date resulted from the Regional Board re-evaluation of the implementation schedule 12 months after the effective date of the TMDL as was scheduled. This re-evaluation will also occur 6 years after the effective date of the TMDL if necessary.~~ The TMDL allocated interim wasteloads for chloride to the County Sanitation Districts of Los Angeles County's (Districts') Saugus and Valencia Water Reclamation Plants. It requires the Districts to conduct special studies to evaluate the appropriate threshold for the protection of sensitive agricultural supply use and Endangered Species Protection, determine the interaction between surface water and groundwater as it may affect the loading of chloride and its linkage to surface water quality, determine Site-Specific Objectives for Chloride for Sensitive Agriculture, develop an Anti-Degradation Analysis for Revision of Chloride Objective by Site-Specific Objectives, and develop a pre-planning report on conceptual compliance measures to meet different hypothetical final wasteload allocations. The August 6, 2006 revisions to the implementation plan for the TMDL also added tasks to begin the planning process to construct appropriate treatment facilities to meet the TMDL. Subsequent TMDL tasks, such as development of site-specific objectives (SSOs), development of the antidegradation analysis, development of a pre-planning report on conceptual measures to meet different hypothetical final waste load allocations, and preparation and consideration of a Basin Plan Amendment to revise the chloride objective by the Regional Board, remain in place in this amendment.

On December 11, 2008 the Regional Board adopted Resolution No. 08-012, which modified the regulatory provisions of the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by: (1) adopting SSOs for chloride in the upper Santa Clara River (USCR), and (2) revising the USCR chloride TMDL to include waste load allocations for the Santa Clarita Valley Sanitation District of Los Angeles County (SCVSD) Saugus and Valencia Water Reclamation Plants for chloride and interim waste load allocations for sulfate and total dissolved solids (TDS).

The chloride SSOs are based on the results of special studies and an antidegradation analysis, as required by the original TMDL. The revised USCR chloride TMDL sets numeric targets, conditional waste load allocations, and an implementation plan based

on the chloride SSOs. The SSOs and revised TMDL allow for implementation of an alternative water resources management (AWRM) program.

The TMDL provides a ten-year schedule and interim waste load allocations for chloride, as well as interim waste load allocations for sulfate and TDS, to attain compliance with the conditional SSOs and waste load allocations for chloride that support the AWRM program. The conditional SSOs and waste load allocations apply and supersede the regional water quality objectives only when chloride load reductions and/or chloride export projects are operated. The implementation and monitoring plan includes surface water and groundwater monitoring for chloride, TDS, and sulfate.