

**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. 2014-0429-03 S

Adopt sections:

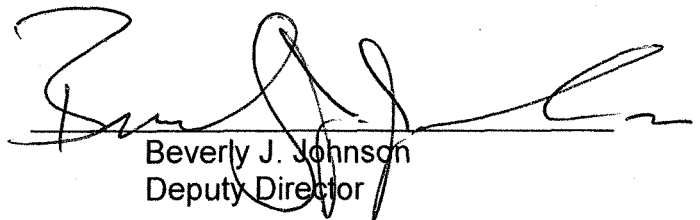
Amend sections: 3939.7, 3939.11

Repeal sections:

This action by the State Water Resources Control Board (State Board) amends sections 3939.7 and 3939.11 of Title 23 of the CCR, the Water Quality Control Plan for the Los Angeles Region to revise the total maximum daily load for nitrogen compounds and related effects in the Los Angeles River and its tributaries. This basin plan amendment was adopted by the Los Angeles Regional Water Quality Control Board by Resolution R12-010 on December 6, 2012, and approved by the State Board on June 6, 2013 by Resolution 2013-0016. This rulemaking is pursuant to Government Code section 11353.

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

Date: 6/9/2014



Beverly J. Johnson
Deputy Director

For: **DEBRA M. CORNEZ**
Director

Original: Thomas Howard
Copy: Shana Rapoport

REGULAR

11353

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

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS Z-	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 2014-0429-035	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2014 APR 29 PM 2:31	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board (SWRCB)			AGENCY FILE NUMBER (if any) 2013-0016

ENDORSED FILED
IN THE OFFICE OF

2014 JUN -9 PM 2:26

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

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 Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE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) LARWQCB, LA River Nitrogen Compounds & Related Effects TMDL Revision	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) per agency request		
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 3939.7, 3939.11 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 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'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 Shana Rapoport	TELEPHONE NUMBER (213) 576-6763	FAX NUMBER (Optional) (213) 576-6640	E-MAIL ADDRESS (Optional) srapoport@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 4/28/14
TYPED NAME AND TITLE OF SIGNATORY Victoria A. Whitney, Deputy Director, Division of Water Quality, State Water Board	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 09 2014

Office of Administrative Law

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-2013) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code §11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

CHANGES WITHOUT REGULATORY EFFECT

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

ABBREVIATIONS

Cal. Code Regs. - California Code of Regulations
Gov. Code - Government Code
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.

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

§ 3939.7 – “A Total Maximum Daily Load for Nitrogen Compounds and Related Effects in the Los Angeles River and its Tributaries.”

Los Angeles Regional Water Quality Control Board (Regional Board) Resolution No. 03-009, adopted on July 10, 2003 by the Regional Board, modified the regulatory provisions of the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by (1) revising the Table of Contents, (2) adding introductory text for Chapter 7 (Total Maximum Daily Loads), and (3) establishing a Total Maximum Daily Load (TMDL) for nitrogen compounds and related effects in the Los Angeles River and its tributaries. The TMDL specifies concentration-based targets for ammonia, nitrate, nitrite, and combined nitrate and nitrite, which must be fully attained five years after the effective date of the TMDL. The TMDL includes a margin of safety with both implicit and explicit components.

Numeric targets will primarily be achieved by limiting the amount of nitrogen compounds discharged from three major wastewater treatment plants (Donald C. Tillman Water Reclamation Plant, Los Angeles-Glendale Water Reclamation Plant, and Burbank Water Reclamation Plant). To provide these major permitted discharges time to meet wasteload allocations, higher interim limits will be allowed for ammonia and combined nitrite and nitrate for a period of 3.5 years from the effective date of the TMDL. Compliance with the separate nitrate and nitrite wasteload allocations is not required during this interim period. Minor permitted point source dischargers are also assigned wasteload allocations, which must be met immediately. Load allocations for nonpoint sources may be developed if it is determined that they are necessary after wasteload allocations have been implemented.

Workplans for monitoring nitrogen compounds and related effects must be submitted by MS4 (municipal separate storm sewer systems) permittees and major National Pollutant Discharge Elimination System permittees within one year after the effective date of the TMDL. A special studies workplan to evaluate site-specific objectives, seasonal allocations, and point of compliance must be submitted by the City of Los Angeles within one year after the effective date of the TMDL, and the results of the studies within two and a half years after the effective date of the TMDL. Three and a half years after the effective date of the TMDL, if monitoring and study results indicate it is appropriate, the Regional Board will consider adopting site specific objectives for ammonia, nitrate, and nitrite and revising the TMDL. Five years after the effective date of the TMDL, the Regional Board will consider whether the numeric targets and wasteload allocations specified in the TMDL are sufficient to protect the Los Angeles River and its tributaries from the nutrient effects of discharged nitrogen compounds or whether the TMDL must be revised.

The Regional Board adopted Resolution No. 03-016 on December 4, 2003, which modified regulatory provisions of the Basin Plan by revising interim ammonia effluent limits for the Donald C. Tillman and Los Angeles-Glendale Water Reclamation Plants (WRPs) contained within the TMDL for nitrogen compounds and related effects for the Los Angeles River. The thirty-day average and daily maximum interim limits for total ammonia as nitrogen for the Donald C. Tillman WRP were changed from 21.0 and 21.7 milligrams per liter (mg/L), respectively, to 20.5 and 24.7 mg/L. For the Los Angeles-Glendale WRP, the thirty-day average and daily maximum interim limits for total ammonia as nitrogen were changed from 16.5 and 19.4 mg/L, respectively, to 18.8 and 24.2 mg/L.

The Regional Board adopted Resolution No. 12-010 on December 6, 2012, which modified regulatory provisions of the Basin Plan by revising the TMDL for nitrogen compounds and related effects for the Los Angeles River. The TMDL was revised to adjust the numeric targets for the Burbank Western Channel and Reaches 3-5 of the Los Angeles River to reflect formulaic site-specific 30-day ammonia objectives previously adopted as a Basin Plan Amendment (23 CCR § 3939.1). Corresponding adjustments were made to the chronic ammonia waste load allocations (WLAs) for: (1) the Donald C. Tillman, Burbank, and Los-Angeles Glendale WRPs, (2) the minor point source WLAs for these reaches, and (3) the Whittier Narrows WRP that can discharge into either the San Gabriel River or can be routed through the Rio Hondo to the Los Angeles River. Confirmatory monitoring requirements were added to ensure the site-specific objectives remain protective of water quality.

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

§ 3939.11 - "Revising Interim Ammonia Effluent Limits Contained Within a Total Maximum Daily Load for Nitrogen Compounds and Related Effects in the Los Angeles River and Its Tributaries."

~~Los Angeles Regional Water Quality Control Board (Regional Board) adopted Resolution No. 03-016 on December 4, 2003, which modified regulatory provisions of the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by revising interim ammonia effluent limits for the D.C. Tillman and Los Angeles Glendale Water Reclamation Plants (WRPs) contained within the Total Maximum Daily Load (TMDL) for nitrogen compounds and related effects for the Los Angeles River. The thirty-day average and daily maximum interim limits for total ammonia as nitrogen for the Donald C. Tillman WRP were changed from 21.0 and 21.7 milligrams per liter (mg/L), respectively, to 20.5 and 24.7 mg/L. For the Los Angeles Glendale WRP, the thirty-day average and daily maximum interim limits for total ammonia as nitrogen were changed from 16.5 and 19.4 mg/L, respectively, to 18.8 and 24.2 mg/L.~~

See § 3939.7