

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 3939.52

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11353

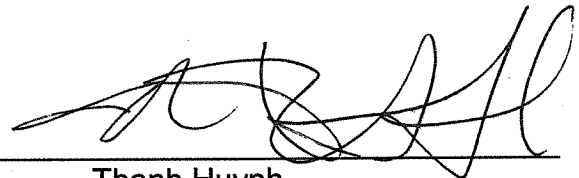
OAL Matter Number: 2017-0512-01

OAL Matter Type: Regular (S)

The State Water Resources Control Board (State Water Board) submitted this action for review under Government Code section 11353 to adopt section 3939.51 in Title 23 of the California Code of Regulation regarding amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The amendments incorporate a total maximum daily load (TMDL) for nutrients in the Santa Clara River Lakes (Elizabeth Lake, Munz Lake, and Lake Hughes). The Los Angeles Regional Water Quality Control Board adopted the Basin Plan on September 8, 2016 in Resolution No. R16-006. The State Water Board approved the Basin Plan on March 7, 2017 in Resolution No. 2017-0011.

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

Date: June 22, 2017



**Thanh Huynh
Senior Attorney**

**For: Debra M. Cornez
Director**

**Original: Thomas Howard
Copy: Stefanie Hada**

STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION, REGULATIONS SUBMISSION **REGULAR** (See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2017-0512-015	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

JUN 22 2017

1:48 PM

2017 MAY 12 P 12:38
 OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY STATE WATER RESOURCES CONTROL BOARD	AGENCY FILE NUMBER (if any) 2017-0011
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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) Santa Clara River Lakes Nutrients TMDL	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES(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 3939.51 3939.52 per agency request 6/22/17
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>Government 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, §11346.1(d); Gov. Code §11347.1)
request 6/22/17

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 (Govt 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 Stefanie Hada	TELEPHONE NUMBER (213) 576-6804	FAX NUMBER (Optional) (213) 576-6640	E-MAIL ADDRESS (Optional) stefanie.hada@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 <i>Renee A. Purdy</i>	DATE 5/3/17
TYPED NAME AND TITLE OF SIGNATORY Renee A. Purdy, Environmental Program Manager I	

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ENDORSED APPROVED
 JUN 22 2017
 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

§ 3939.52. A Total Maximum Daily Load for Nutrients in the Santa Clara River Lakes (Elizabeth Lake, Munz Lake, and Lake Hughes).

On September 8, 2016, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. R16-006, amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate a total maximum daily load (TMDL) for nutrients in the Santa Clara River Lakes (Elizabeth Lake, Munz Lake, and Lake Hughes). The State Water Resources Control Board (State Water Board) approved the amendment under Resolution No. 2017-0011 on March 7, 2017.

The TMDL sets numeric targets for dissolved oxygen and pH based on numeric water quality objectives provided in the Basin Plan. The TMDL also includes numeric targets for chlorophyll *a* and nutrients (total nitrogen and total phosphorus) as numeric interpretations of the water quality condition that will demonstrate attainment of the narrative water quality objective for biostimulatory substances in the Basin Plan. Internal loading from lake bed sediments comprises over 99% of the current nutrient loading to Elizabeth Lake and Lake Hughes. Other sources of nutrients to these lakes include sheet flow from the surrounding land, atmospheric deposition, onsite wastewater treatment systems (OWTS), and the Lake Hughes Community Wastewater Treatment Facility (WWTF).

Waste load allocations (WLAs) will be implemented through the Los Angeles County MS4 Permit; or for additional responsible entities in the future, MS4 permits under Phase II of the US EPA Stormwater Permitting Program. Load allocations (LAs) for internal loading will be implemented through a Memorandum of Agreement (MOA), a Clean Up and Abatement Order, or other regulatory order. The LAs for nonpoint source runoff will be implemented through WDRs, waivers of WDRs, or other regulatory mechanisms in accordance with the Nonpoint Source Implementation and Enforcement Policy. The LAs for OWTS will be implemented through WDRs or waivers of WDRs. The LAs for the Lake Hughes Community WWTF will be implemented through the facility's WDRs. Waste load allocations must be achieved within 15 years of the effective date of the TMDL. The LAs for OWTS and the Lake Hughes Community WWTF must be achieved as soon as possible, but no later than 12 years after the effective date of the TMDL. The LAs for internal loading and nonpoint source runoff must be achieved within 15 years of the effective date of the TMDL.