

**State of California  
Office of Administrative Law**

**In re:**  
**State Water Resources Control Board**

**Regulatory Action:**

**Title 23, California Code of Regulations**

**Adopt sections:** 3939.51

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11353**

**OAL Matter Number: 2017-0411-01**

**OAL Matter Type: Regular (S)**

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This action by the State Water Resources Control Board (SWRCB) amends the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate an implementation plan for the Malibu Creek Nutrients Total Daily Maximum Load (TMDL) and the Malibu Creek and Lagoon TMDL for sedimentation and nutrients to address benthic community impairments. The Regional Water Quality Control Board approved these amendments on December 8, 2016, pursuant to Resolution No. R16-009, which the SWRCB approved on February 22, 2017, pursuant to Resolution 2017-0008.

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

**Date:** May 16, 2017



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**Mark Storm  
Senior Attorney**

**For:** Debra M. Cornez  
Director

**Original:** Thomas Howard

**Copy:** Jessica Pearson

11353

# REGULAR

## 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	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2017-0411-015</b>	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

**MAY 16 2017**

**1:40 PM**

AGENCY WITH RULEMAKING AUTHORITY  
State Water Resources Control Board

AGENCY FILE NUMBER (if any)  
2017-0008

### 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		NOTICE REGISTER NUMBER
ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		PUBLICATION DATE		

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Implementation Plan for Malibu Creek Nutrient and Sedimentation TMDLs		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 3939.51	
		AMEND	
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 Section 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>
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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 Jessica Pearson	TELEPHONE NUMBER (213) 576-6786	FAX NUMBER (Optional) (213) 576-6686	E-MAIL ADDRESS (Optional) jpearson@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 3/28/17
TYPED NAME AND TITLE OF SIGNATORY Renee A. Purdy, Environmental Program Manager I	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**MAY 16 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

§ 3939.51 - "Implementation Plan for the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to address Benthic Community Impairments."

On December 8, 2016, the Los Angeles Regional Water Quality Control Board adopted Resolution No. R16-009, amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by establishing an Implementation Plan for two TMDLs previously established by U.S. EPA. U.S. EPA established the Malibu Creek Watershed TMDL for Nutrients on March 21, 2003 (2003 TMDL) and the Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to Address Benthic Community Impairments on July 2, 2013 (2013 TMDL). The 2003 TMDL applies to the whole watershed, while the 2013 TMDL applies to the eastern portion of the watershed below Malibou Lake as well as four lakes: Malibou Lake, Sherwood Lake, Westlake Lake, and Lindero Lake.

The Implementation Plan describes the regulatory tools, implementation alternatives, implementation schedule, and associated monitoring requirements to achieve the load allocations (LAs) and waste load allocations (WLAs) assigned by the two U.S. EPA-established TMDLs. It does not alter any of the technical elements of the two U.S. EPA-established TMDLs. The Implementation Plan specifies that the WLAs will be incorporated into the Los Angeles County and Ventura County MS4 Permits, the California Department of Transportation Statewide Storm Water Permit, and the Tapia Water Reclamation Facility NPDES Permit. The LAs will be incorporated into WDRs or conditional waivers of WDRs consistent with the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. The Implementation Plan establishes timeframes for achieving the nutrient WLAs and LAs ranging from immediately to 13.5 years depending on the source. The sedimentation WLAs and LAs must be achieved by 2025 if an individual compliance approach is chosen and within 15 years if a watershed-wide compliance approach is chosen. The monitoring program consists of two components: (1) TMDL effectiveness monitoring to assess implementation progress and attainment of numeric targets, and (2) compliance monitoring to determine compliance with the WLAs and LAs.