



State Water Resources Control Board

Executive Office

Charles R. Hoppin, Chairman

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Linda S. Adams
*Acting Secretary for
Environmental Protection*

Edmund G. Brown Jr.
Governor

TO: Deborah M. Cornez, Assistant Chief Counsel, Acting Director
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

FROM: Elizabeth L. Haven, Assistant Deputy Director
DIVISION OF WATER QUALITY

DATE: JUN 24 2011

SUBJECT: SUBMITTAL OF REGULATORY PROVISIONS OF AN AMENDMENT
TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL
COAST REGION

On March 20, 2009, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted Resolution No. R3-2009-0009 amending the Water Quality Control Plan for the Central Coast Region (Basin Plan). The amendment revised the Basin Plan to: (1) add the Corralitos Creek Watershed (including its subwatershed, Salsipuedes Creek Watershed, referred to as the Corralitos/Salsipuedes Creek Watershed) as a named area subject to the Domestic Animal Waste Discharge Prohibition and the Human Fecal Material Discharge Prohibition; and (2) establish Total Maximum Daily Loads for fecal coliform in the Corralitos/Salsipuedes Creek Watershed. On April 19, 2011, the State Water Resources Control Board (State Water Board) approved the amendment under Resolution No. 2011-0019.

Pursuant to Government Code section 11353, the regulatory provisions of the amendment are being submitted to the Office of Administrative Law (OAL) for approval. As required by that section, this submittal includes:

- Seven copies of OAL Form 400 with the Clear and Concise Summary of Regulatory Provisions attached;
- A summary of the necessity for the regulatory provisions, which will be found in the Central Coast Water Board's staff report;

California Environmental Protection Agency

- A certification by the Chief Counsel of the State Water Board that the action was taken in compliance with all applicable procedural requirements of the Porter-Cologne Water Quality Control Act, Water Code section 13000 et seq.; and
- The Administrative Record for the Central Coast Water Board and State Water Board proceedings on this matter.

The Central Coast Water Board's authority to adopt amendments to its Basin Plan is contained in Water Code section 13240. In adopting the amendments, the Central Coast Water Board was implementing Water Code sections 13240 through 13243.

We recommend that the regulatory summary be added to Title 23, Division 4, Chapter 1, titled "Water Quality Control Plans, Policies and Guidelines," Article 3, titled "Central Coast Region," as new section 3929.7 "Corralitos and Salsipuedes Creek Watershed Total Maximum Daily Loads and Implementation Plan for Fecal Coliform, Domestic Animal Waste Discharge Prohibition, and Human Fecal Material Discharge Prohibition."

If you have any questions regarding this submittal, you may contact me at (916) 341-5457 (lhaven@waterboards.ca.gov). You may also contact Michael Buckman of the Planning, Standards, and Implementation Unit at (916) 341-5479 (mbuckman@waterboards.ca.gov), who is the lead staff on this matter.

Attachments (4)

cc: (without attachments)

Roger W. Briggs
Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(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	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

AGENCY WITH RULEMAKING AUTHORITY
 State Water Resources Control Board (SWRCB)

 AGENCY FILE NUMBER (if any)
 2011-0019
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	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) CentralCoast Corralitos R. Wtrshd Basin Plan Amendment pathogen 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 3929.7	
TITLE(S) 23		AMEND	
3. TYPE OF FILING		REPEAL	
<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 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) <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"/> Other (Specify)		<input type="checkbox"/> State Fire Marshal	
7. CONTACT PERSON Michael Buckman		TELEPHONE NUMBER 916-341-5479	FAX NUMBER (Optional) 916-341-5550
		E-MAIL ADDRESS (Optional) mbuckman@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>Elizabeth L Haven</i>	DATE 6/24/11
TYPED NAME AND TITLE OF SIGNATORY Elizabeth L. Haven, Assistant Deputy Director, Division of Water Quality, SWRCB	

For use by Office of Administrative Law (OAL) only

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-09) (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 readoption, 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 3. Central Coast Region

The following section 3929.7 is to be added to Title 23 of the California Code of Regulations:

Section 3929.7 – “Corralitos and Salsipuedes Creek Watershed Total Maximum Daily Loads and Implementation Plan for Fecal Coliform, Domestic Animal Waste Discharge Prohibition, and Human Fecal Material Discharge Prohibition”

On March 20, 2009, the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) adopted Resolution No. R3-2009-0009, amending the Water Quality Control Plan for the Central Coast Region. The State Water Resources Control Board approved the amendment under Resolution No. 2011-0019, on April 19, 2011.

Regional Board Resolution No. R3-2009-0009, establishes Total Maximum Daily Loads (TMDLs) for fecal coliform in the Corralitos and Salsipuedes Creeks and adds the Corralitos and Salsipuedes Creek Watershed to the human fecal material discharge prohibition and the domestic animal waste discharge prohibition.

The Central Coast Water Board set wasteload and load allocations for the watershed, and numeric targets for receiving waters based on the Basin Plan water quality objectives for fecal coliform in waters supporting body contact recreation. Implementation of the TMDLs relies on compliance by non-point source dischargers with prohibitions against the discharge of domestic animal waste and human fecal material. Responsible parties will need to demonstrate compliance with the prohibitions through reporting to the Central Coast Water Board or its Executive Officer. Additionally, the Central Coast Water Board will rely upon existing National Pollutant Discharge Elimination System permits and Waste Discharge Requirements to ensure that implementing parties carry out implementation actions.

Central Coast Water Board staff plan to conduct triennial reviews of implementation actions, monitoring results, and evaluations submitted by responsible parties of their progress towards achieving their allocations. The compliance schedule for achieving the TMDLs and the numeric target for fecal coliform concentration is 13 years after the TMDLs are approved by the Office of Administrative Law.

STATE WATER RESOURCES CONTROL BOARD

ACTION TAKEN: Adopting amendments to the Water Quality Control Plan for the Central Coast Region.

DOCUMENT NUMBER: Central Coast Regional Water Quality Control Board Resolution No. R3-2009-0009.

I certify that adoption of the amendment to the Water Quality Control Plan for the Central Coast Region was carried out in compliance with all applicable procedural requirements of Division 7 (commencing with Section 13000) of the Water Code.

Date: 7/6/11



Michael A.M. Lauffer
Chief Counsel