

**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. 2010-0601-01 S

Adopt sections: 3929.3

Amend sections:

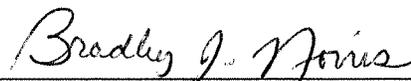
Repeal sections:

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In this State Water Resources Control Board (Board) water quality control plan filing subject to Government Code section 11353, the Board submits amendments to the Water Quality Control Plan for the Central Coast Region which were adopted by the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) in Resolution No. R3-2009-0008). In these amendments, the Central Coast Water Board addresses impairment of the Pajaro River Watershed due to fecal coliform concentrations exceeding water quality objectives. An amendment establishes Total Maximum Daily Loads (TMDLs) and an implementation plan for fecal coliform in the Pajaro River Watershed. The amendments also establish a Domestic Animal Waste Discharge Prohibition and a Human Fecal Material Discharge Prohibition for the Pajaro River Watershed.

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

Date: 7/12/2010



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Bradley J. Norris  
Senior Staff Counsel

For: SUSAN LAPSLEY  
Director

Original: Dorothy Rice  
Copy: Michael Buckman

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2010-0601-015</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED FILED  
IN THE OFFICE OF

2010 JUL 12 PM 4:19

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board (SWRCB)	AGENCY FILE NUMBER (If any) 2010-0015
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE Amendment to the Central Coast Region	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 Michael Buckman	TELEPHONE NUMBER 916-341-5479	FAX NUMBER (Optional) 916-341-5550
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) Pajaro River Watershed: BPA to establish TMDLs for fecal coliform, Animal & Human waste prohib	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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 3929.3
AMEND
TITLE(S) <b>23</b>
REPEAL

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)
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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"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____

7. CONTACT PERSON Michael Buckman	TELEPHONE NUMBER 916-341-5479	FAX NUMBER (Optional) 916-341-5550	E-MAIL ADDRESS (Optional) mbuckman@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>Elizabeth Haven</i>	DATE 5/24/10
TYPED NAME AND TITLE OF SIGNATORY Elizabeth Haven, Assistant Deputy Director, Division of Water Quality, SWRCB	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 12 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 3. Central Coast Region

The following section 3929.3 is to be added to Title 23 of the California Code of Regulations:

Section 3929.3 – “Pajaro River 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. R3-2009-0008, amending the Water Quality Control Plan for the Central Coast Region. The State Water Resources Control Board approved the amendment under Resolution No. 2010-0015, on April 20, 2010.

Resolution No. R3-2009-0008 establishes Total Maximum Daily Loads (TMDLs) and an Implementation Plan for Fecal Coliform in the Pajaro River Watershed. The TMDLs address impairment of the Pajaro River Watershed (including Pajaro River, San Benito River, Llagas Creek, Tequisquita Slough, San Juan Creek, Carnadero/Uvas Creek, Bird Creek, Pescadero Creek, Tres Pinos Creek, Furlong (Jones) Creek, Santa Ana Creek, and Pachecho Creek) due to fecal coliform concentrations exceeding water quality objectives. Resolution R3-2009-0008 also establishes a Domestic Animal Waste Discharge Prohibition and a Human Fecal Material Discharge Prohibition for the Pajaro River Watershed.

The amendment establishes a numeric target for fecal coliform concentrations equal to the Basin Plan water quality objectives for the protection of the water contact recreation beneficial use. Responsible parties with allocations and subject to requirements under the TMDLs are the following: (1) municipal separate storm sewer systems required to be covered by a National Pollutant Discharge Elimination System (NPDES) permit, (2) sanitary sewer collection and treatment systems (spills and leaks), (3) owners and operators of private sewer laterals connected to municipal sanitary sewer collection and treatment systems, and (4) owners and operators of lands containing domestic animals. The TMDLs will be implemented through NPDES permits, Waste Discharge Requirements and the Discharge Prohibitions.

Central Coast Water Board staff will conduct triennial reviews of implementation actions, monitoring results, and evaluations submitted by responsible parties of their progress towards achieving their allocations. Three-year reviews will continue until the water quality objectives are achieved. 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.