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. 2008-0903-01 S
Amend sections: 3939.20	

This regulatory action amends the TMDL for Ballona Creek in the Los Angeles region to reduce metals (specifically lead, zinc, copper and selenium) for both dry weather and wet weather situations.

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

Date: 10/6/2008

George Shaw

Staff Counsel

For:

SUSAN LAPSLEY Director

Original: Dorothy Rice Copy: Michael Buckman

OFFICE OF ADMINISTRATIVE LAW

300 Capitol Mall, Suite 1250 Sacramento, CA 95814 (916) 323-6225 FAX (916) 323-6826

SUSAN LAPSLEY Director



MEMORANDUM

TO:	Michael Buckman
FROM:	OAL Front Desk
DATE:	10/9/2008
RE:	RETURN OF Approved RULEMAKING MATERIALS
	OAL File No. 2008-0903-01S

OAL hereby returns this file your agency submitted for our review (OAL File No. 2008-0903-01S regarding Total Maximum Daily Load for Metals for Ballona Creek).

If this is an approved file, it contains a copy of the regulation(s) stamped "ENDORSED FILED" by the Secretary of State. The effective date of an approved file is specified on the Form 400 (see item B.5). Note: The 30th Day after filing with the Secretary of State is calculated from the date the Form 400 was stamped "ENDORSED FILED" by the Secretary of State.

DO NOT DISCARD OR DESTROY THIS FILE

Due to its legal significance, please retain this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that "....no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of." See also the Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq.) regarding retention of your records.

If you decide not to keep the rulemaking records at your agency/office or at the State Records Center, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f).

Enclosures

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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

§ 3939.20, "Total Maximum Daily Load for Metals for Ballona Creek"

On July 7, 2005 September 6, 2007, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. R05-007 R2007-015, amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan). This Basin Plan amendment establishes a Total Maximum Daily Load (TMDL) to reduce metals (copper, lead, selenium, and zinc) in Ballona Creek for dry weather (maximum daily flow in the creek less than 40 cubic feet per second) and wet weather (maximum daily flow in the creek equal to or greater than 40 cubic feet per second). The TMDL: (1) sets dry- and wet-weather numeric targets to achieve the California Toxics Rule (CTR) numeric water quality criteria for metals; (2) establishes a dry-weather loading capacity for a single critical flow to meet dry-weather numeric targets; (3) establishes a wet-weather loading capacity that varies with flow in order to meet the wet-weather numeric targets; and (4) allocates the dry- and wet-weather loading capacity allocated to storm water sources.

The principle regulatory mechanisms to implement the TMDL are: (1) The TMDL identifies the Los Angeles County municipal storm water National Pollutant Discharge Elimination System (NPDES) permit, (2) the Caltrans storm water NPDES permit, (3) the general industrial and construction storm water NPDES permits, and (4) "other NPDES permits" for low-volume, intermittent, non-stormwater discharges, and (5) the authority vested in the Executive Officer by Water Code section 13267. as the principal regulatory mechanisms to implement the TMDL. The TMDL requires the general industrial and construction storm water permittees to achieve dry-weather wasteload allocations at the time of permit issuance, renewal, or re-opener; it requires the general industrial and construction storm water permittees to achieve wet-weather wasteload allocations within 10 years and 9 years of the effective date of the TMDL, respectively, The TMDL requires the municipal and Caltrans storm water permittees to achieve wasteload-allocations-in-prescribed-percentages-of-the-watershed, achieving-dryweather allocations in the entire watershed within 10 years and wet-weather allocations in the entire watershed within 15 years. The TMDL requires the municipal and Caltrans storm water permittees to submit a coordinated monitoring plan within one year of the effective date of the TMDL and an implementation plan within 4 1/2 years of the effective date of the TMDL. The TMDL allows for special studies, such as source assessment and metals partitioning studies, which are due within four years of the effective date of the TMDL. The TMDL specifies that within five years of its effective

date, the Los Angeles Water Board shall reconsider the wasteload allocations and implementation schedule based on the results of special studies.

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