

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections:

Amend sections: 3949.5

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

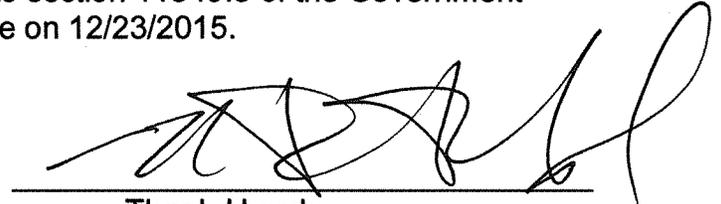
OAL Matter Number: 2015-1110-02

OAL Matter Type: Regular (S)

In this rulemaking, the State Water Resources Control Board approves the basin plan amendment adopted by the Central Valley Regional Water Quality Control Board which removes the Municipal and Domestic Supply (MUN) beneficial use in twelve constructed and/or modified water bodies in the Sacramento River Basin.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 12/23/2015.

Date: December 23, 2015



**Thanh Huynh
Senior Attorney**

**For: DEBRA M. CORNEZ
Director**

**Original: Thomas Howard
Copy: Anne Littlejohn**

REGULAR 11353
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 Z-	REGULATORY ACTION NUMBER 2015-1110-02S	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

DEC 23 2015
 3:39 PM

2015 NOV 10 P 12: 23
 OFFICE OF
 ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board	AGENCY FILE NUMBER (if any) 2015-0055
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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 <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 Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER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) Amendment to Remove MUN from 12 Water Bodies in Sacramento River Basin	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2008-0528-01 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
	AMEND 3949.5
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't Code §11353 (Basin Plan Amend)</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't Code §11353(b)(5))</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 Anne Littlejohn	TELEPHONE NUMBER 916-464-4840	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) anne.littlejohn@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 	DATE 11-2-2015
TYPED NAME AND TITLE OF SIGNATORY Pamela C. Creedon, Executive Officer, Regional Water Quality Control Board, Region 5	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 23 2015

Office of Administrative Law

Concise Summary of Regulatory Provisions

Amend section 3949.5 as follows:

Title 23. Waters

Division 4. Regional Water Quality Control Boards

Chapter 1. Water Quality Control Plans, Policies, and Guidelines

Article 5. Central Valley Region

Section 3949.5. ~~Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Determine that Certain Beneficial Uses Are Not Applicable and Establish Water Quality Objectives for Mercury in Sulphur Creek, Colusa County.~~

- (a) On March 16, 2007, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Resolution No. R5-2007-0021, amending the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) to modify beneficial uses of and establish water quality objectives for mercury in Sulphur Creek. The State Water Resources Control Board (State Water Board) approved the amendment under Resolution No. 2008-0015, on March 18, 2008.
- (b) On April 16, 2015, the Central Valley Water Board adopted Resolution No. R5-2015-0022, amending the Basin Plan to remove the Municipal and Domestic Supply (MUN) beneficial use in twelve constructed and/or modified water bodies in the Sacramento River Basin. The State Water Board approved the amendment under Resolution No. 2015-0055 on August 18, 2015.