

**OFFICE OF ADMINISTRATIVE LAW**

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



**DEBRA M. CORNEZ**  
Assistant Chief Counsel/Acting Director

**MEMORANDUM**

TO: Nirmal Sandhar  
FROM: OAL Front Desk *VW*  
DATE: 3/27/2012  
RE: Return of Approved Rulemaking Materials  
OAL File No. 2012-0210-03S

OAL hereby returns this file your agency submitted for our review (OAL File No. 2012-0210-03S regarding Colorado River Basin Dissolved Oxygen TMDL).

If this is an approved file, it contains a copy of the regulation(s) stamped "ENDORSED APPROVED" by the Office of Administrative Law and "ENDORSED FILED" by the Secretary of State. The effective date of an approved file is specified on the Form 400 (see item B.5). (Please Note: The 30<sup>th</sup> 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, you are required by law to preserve 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

STATE (REV. 01-)

OAL FILE NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

Z-

2012-0210-035

For use by Office of Administrative Law (OAL) only

2012 FEB 10 PM 2:12

OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

ENDORSED FILED IN THE OFFICE OF

2012 MAR 21 PM 2:12

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY

State Water Resources Control Board (SWRCB)

AGENCY FILE NUMBER (if any)

2011-0061

### 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) Colorado River Basin Dissolved Oxygen TMDL	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 3969
	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 §511346.2-11347.3 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 §511349.3, 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) Gov't Code 11353	

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) Upon Approval (Gov't Code 11353)
--	--	---	--

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 Nirmal Sandhar	TELEPHONE NUMBER 916-341-5571	FAX NUMBER (Optional) 916-341-5550	E-MAIL ADDRESS (Optional) nsandhar@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>Victoria A. Whitney</i>	DATE 2/9/12
TYPED NAME AND TITLE OF SIGNATORY Victoria A. Whitney, Deputy Director, Division of Water Quality, SWRCB	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 21 2012

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 7, Colorado River Basin Region

#### § 3969, Establishment of a Total Maximum Daily Load and Implementation Plan for Dissolved Oxygen in the New River at the International Boundary, Imperial County, California.

Colorado River Basin Regional Water Quality Control Board (Regional Board) Resolution No. R7-2010-0011, adopted on May 20, 2010, by the Regional Board, modified the regulatory provisions of the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) by establishing a Total Maximum Daily Load (TMDL) and Implementation Plan for Dissolved Oxygen (DO) in the New River at the International Boundary (IB). The TMDL addresses DO impairment in the New River due to wastewater entering California at the IB with Mexico. The TMDL numeric target for DO is a minimum of 0.5 mg/L at any time and applies to the first 12-mile segment of the New River downstream from the IB. All publicly owned treatment works that discharge pollutants from point sources in the impaired New River have been issued NPDES permits, which prescribe TMDL allocations, as specified in the TMDL. The implementation plan consists of two phases. Phase 1 requests that U.S. Environmental Protection Agency (USEPA) and the U.S. Section of the International Boundary and Water Commission (USIBWC) report measures taken to ensure Mexico's compliance with the TMDL; continue to monitor water quality and DO in the New River at the IB; and submit monitoring and progress reports to the Regional Water Board staff according to the specified schedule. Phase 1 also requests that other cooperating agencies with interests in New River water quality sign a Memorandum of Understanding (MOU) to ensure coordination of IB projects. Phase 1 measures should be sufficient to achieve the New River DO water quality objectives (WQOs). Phase 1 will be implemented in the first 3 years after USEPA approves the TMDL. Phase 2 (the second 3 years after USEPA approval) will be implemented if Phase 1 does not result in attaining the DO WQO. Regional Water Board staff will track implementation and monitor water quality progress in both phases, and will propose modification of the TMDL to the Regional Water Board, if necessary, in phase 2.