

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR (See instructions on reverse) **11353**

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS Z-	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 2014-0603025	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2014 JUN -3 PM 2:30	
NOTICE		REGULATIONS	

ENDORSED FILED IN THE OFFICE OF

2014 JUL 14 PM 1:36

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY STATE WATER RESOURCES CONTROL BOARD	AGENCY FILE NUMBER (if any) 2014-0001
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Amendment of San Diego Basin Plan		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 Charles Cheng	TELEPHONE NUMBER 619-521-3359	FAX NUMBER (Optional) 619-516-1994
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 Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER	PUBLICATION DATE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) Total Maximum Daily Load for Sediment in Los Peñasquitos Lagoon	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 Publish new section 3991
	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 §§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"/> Resubmission of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmission of disapproved or withdrawn emergency filing (Gov.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</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>Approval by OAL per 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 Charles Cheng	TELEPHONE NUMBER 619-521-3359	FAX NUMBER (Optional) 619-516-1994	E-MAIL ADDRESS (Optional) Charles.Cheng@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>Victoria A. Whitney</i>	DATE 6/2/2014
TYPED NAME AND TITLE OF SIGNATORY VICTORIA A. WHITNEY, DEPUTY DIRECTOR	

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ENDORSED APPROVED

JUL 14 2014

Office of Administrative Law

CONCISE SUMMARY OF REGULATORY PROVISIONS

California Code of Regulations

Title 23. Waters

Division 4. Regional Water Quality Control Boards

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

Article 9. San Diego Region

§ 3991. An Amendment to the Water Quality Control Plan for the San Diego Basin to Incorporate the Total Maximum Daily Load for Sediment in Los Peñasquitos Lagoon, San Diego.

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted Resolution No. R9-2012-0033 on June 13, 2012, an amendment to the Water Quality Control Plan for the San Diego Basin (Basin Plan) that incorporates a Total Maximum Daily Load (TMDL) for Sediment in Los Peñasquitos Lagoon. The State Water Resources Control Board approved this amendment under Resolution No. 2014-0001 on January 21, 2014.

The purpose of the TMDL is to restore and protect the beneficial uses of the Los Peñasquitos Lagoon. The watershed numeric target for the TMDL was set equal to natural sediment loadings, and the lagoon numeric target was set equal to 80 percent of the total saltmarsh acreage present in 1973 prior to intensive urban development. When the sediment TMDL is achieved, the Lagoon will once again meet the applicable water quality standard for sediment.

The TMDL establishes an Implementation Plan that requires responsible parties to jointly reduce the current sediment loading by 67 percent, and to restore tidal and non-tidal saltmarsh toward 346 acres with a 20-year compliance schedule. The TMDL will be implemented primarily through National Pollution Discharge Elimination System (NPDES) permits for the Phase I and Caltrans municipal separate storm sewer systems (MS4s), and through statewide storm water general NPDES permits for Phase II MS4s, industrial, and construction sites. Other discharges identified as significant sources of long-term sediment loadings into the watershed will also be required to implement the TMDL through appropriate regulatory mechanisms issued by the San Diego Water Board.

Regulated parties must ensure that their facilities prevent erosion and sediment discharges through the implementation of control measures (e.g., site planning, sediment and erosion controls) and monitoring and reporting requirements. Certain dischargers that have potential for long-term sediment loadings into the Los Peñasquitos Lagoon watershed must also participate in efforts to monitor and measure the progress of watershed sediment load reductions and improvements in saltmarsh habitat acreage.