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DIVISION OF WATER QUALITY

State of California  
Office of Administrative Law

DWQ  
MAR 13 2018

In re:  
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt section: 3909.6

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11353

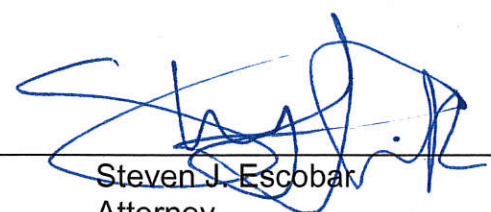
OAL Matter Number: 2018-0124-03S

OAL Matter Type: Regular (S)

On May 12, 2016, the North Coast Regional Water Quality Control Board adopted Resolution No. R1-2016-0017, which establishes a Total Maximum Daily Load and incorporates an action plan to address sediment impairments in the Upper Elk River Watershed. The State Water Resources Control Board approved the amendment of the Basin Plan in Resolution No. 2017-0046 on August 1, 2017.

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

Date: March 8, 2018

  
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Steven J. Escobar  
Attorney

Original: Eileen Sobeck, Executive  
Director

Copy: Lance Le

For: Debra M. Cornez  
Director

STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW  
**11353** **REGULAR**  
 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 <b>Z-</b>	REGULATORY ACTION NUMBER <b>2018-0124-03S</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

<p>2018 JAN 24 A 11:30</p> <p>OFFICE OF ADMINISTRATIVE LAW</p>	<p><b>ENDORSED - FILED</b>                  in the office of the Secretary of State of the State of California</p> <p><b>MAR 08 2018</b>                  1:41 PM</p>
NOTICE	REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board	AGENCY FILE NUMBER (if any) 2017-0046
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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)
<b>OAL USE ONLY</b> <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) North Coast Basin Plan Upper Elk River Sediment TMDL	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 3909.6
AMEND
TITLE(S) 23
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 §511349.3, 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. 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)

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. 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 Lance Le	TELEPHONE NUMBER (707) 576-6727	FAX NUMBER (Optional) (707) 523-0135	E-MAIL ADDRESS (Optional) Lance.Le@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 1/24/2018
TYPED NAME AND TITLE OF SIGNATORY Nathan Jacobsen, Senior Staff Counsel, North Coast Regional Water Quality Control Board	

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**ENDORSED APPROVED**

**MAR 08 2018**

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 1. North Coast Region

#### Section 3909.6. Action Plan for the Upper Elk River Sediment TMDL.

On May 12, 2016, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted Resolution No. R1-2016-0017 to establish a Total Maximum Daily Load (TMDL) and incorporate an action plan to address sediment impairments in the Upper Elk River Watershed. On August 1, 2017, the State Water Resources Control Board approved the amendment under Resolution No. 2017-0046. The TMDL Action Plan identifies a three-prong approach to addressing excessive sedimentation and elevated rates of flooding that constitute nuisance conditions under the Porter Cologne Water Quality Control Act. The three components of the program of implementation include: 1) control of sediment delivery via waste discharge requirements, waivers or other orders; 2) assessment of the sediment remediation and channel restoration options via the Elk River Recovery Assessment (e.g., hydrodynamic and sediment model); and 3) implementation of individual recovery projects through the Elk River Watershed Stewardship Program with support from a Health and Safety Workgroup, Science and Monitoring Workgroup, and Sediment Remediation Workgroup.