

**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. 2012-0209-04 S

Adopt sections: 3939.43

Amend sections:

Repeal sections:

At a hearing on November 4, 2010, the Los Angeles Regional Water Quality Control Board adopted Resolution No. R10-010, an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan). This Basin Plan amendment adds section 3939.43 to title 23 of the California Code of Regulations, and this new section establishes a Total Maximum Daily Load (TMDL) for debris in Nearshore and Offshore Santa Monica Bay. The amendment illustrates separate TMDL implementation plans for point source and nonpoint source dischargers of trash. The amendment also establishes compliance deadlines for all responsible parties, and details how these deadlines may be extended if a party takes certain additional measures in furtherance of pertinent water quality goals.

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

Date: 3/15/2012



Eric Partington
Staff Counsel

For: DEBRA M. CORNEZ
Assistant Chief Counsel/
Acting Director

Original: Thomas Howard
Copy: Stefanie Hada

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2012-0209-045	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2012 FEB -3 PM 3:57 OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	

ENDORSED FILED IN THE OFFICE OF
 2012 MAR 15 PM 3:38

John Bowen
 DEPUTY SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY
 State Water Resources Control Board (SWRCB) AGENCY FILE NUMBER (if any)
2011-0064

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 Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE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) Santa Monica Bay Nearshore/Offshore Debris 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 3939.43
	AMEND
	REPEAL

TITLE(S) 23

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(n))	<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</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 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) <u>Upon Approval (Gov't Code 11353)</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 Stefanie Hada	TELEPHONE NUMBER (213) 576-6804	FAX NUMBER (Optional) (213) 576-6686	E-MAIL ADDRESS (Optional) shada@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>Samuel Unger</i>	DATE 1-31-2012
TYPED NAME AND TITLE OF SIGNATORY Samuel Unger, Executive Officer, Los Angeles Regional Water Quality Control Board	

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ENDORSED APPROVED
 MAR 15 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 4. Los Angeles Region

§ 3939.43. "A Total Maximum Daily Load for Debris in Nearshore and Offshore Santa Monica Bay.

On November 4, 2010, the Los Angeles Regional Water Quality Control Board (Regional Board) adopted Resolution No. R10-010, amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by establishing a Total Maximum Daily Load (TMDL) for debris in Nearshore and Offshore Santa Monica Bay. The TMDL establishes numeric targets and waste load allocations (WLAs) for point source discharges and load allocations (LAs) for nonpoint source discharges that are equal to "zero" trash and "zero" plastic pellets.

To comply with trash WLAs, responsible jurisdictions and agencies may install Executive Officer-certified full capture systems, or partial capture systems in conjunction with best management practices upon Executive Officer approval. Nonpoint source dischargers may achieve compliance with trash LAs by implementing a program of minimum frequency of assessment and collection in conjunction with best management practices. The TMDL establishes an eight-year implementation schedule for point source dischargers of trash and a five-year schedule for nonpoint source dischargers. Final compliance deadlines may be extended to eleven years for point source dischargers and eight years for nonpoint source dischargers if a city or county adopts local ordinances to ban plastic bags, smoking in public places, and single use expanded polystyrene food packaging within three years of the Regional Board adoption of the Debris TMDL.

The TMDL assigns a WLA of zero plastic pellets to industrial facilities regulated through storm water NPDES permits and includes a five-year implementation schedule to achieve the WLA. The TMDL does not assign a plastic pellet WLA to MS4 permittees. Instead, MS4 permittees with industrial facilities or activities related to plastic pellet manufacturing, handling, or transportation under their jurisdiction must monitor for plastic pellets, establish triggers for increased industrial facility inspections, and develop a plan for addressing possible plastic pellet spills.