

**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. 2013-0422-02 S

Adopt sections: 3939.45

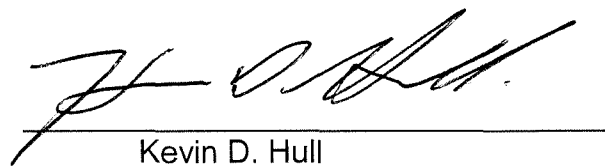
Amend sections:

Repeal sections:

This Government Code section 11353 rulemaking by the State Water Resources Control Board (Board) amends the Water Quality Control Plan for the Los Angeles Region as adopted by the Los Angeles Regional Water Resources Control Board (Regional Board) on December 6, 2012, pursuant to Resolution No. R12-011 and approved by the Board on February 19, 2013, pursuant to Resolution No. 2013-0005. These basin plan amendments establish a Total Maximum Daily Load (TMDL) for algae, nutrients, and eutrophic conditions in the Ventura River including the river's estuary and tributaries. The TMDL established in this action allows for an implementation schedule of six to twelve years depending on the source.

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

Date: 6/4/2013



Kevin D. Hull
Attorney

For: DEBRA M. CORNEZ
Director

Original: Thomas Howard
Copy: Jenny Newman

STD. 400 (REV. 01-2013)

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| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER 2013-0422-025 | EMERGENCY NUMBER |
|------------------|---------------------------------|--|------------------|

For use by Office of Administrative Law (OAL) only

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| NOTICE | REGULATIONS |
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2013 APR 22 AM 11:12
OFFICE OF ADMINISTRATIVE LAW

ENDORSED FILED
OFFICE OF
2013 JUN -4 PM 1:59

Donna Bowen
DONNA BOWEN
SECRETARY OF STATE

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|---|--|
| AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board | AGENCY FILE NUMBER (If any) 2013-0005 |
|---|--|

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

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|--|--|--|------------------------|-------------------------------|-----------------------|
| 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)

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| 1a. SUBJECT OF REGULATION(S) TMDL for Algae, Nutrients, and Eutrophic Conditions in the Ventura Rvr | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |
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| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT 3939.45 |
| | AMEND |
| | REPEAL |
| TITLE(S) 23 | |

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|---|---|---|---|
| 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</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)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State §100 Changes Without Regulatory Effect 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

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify)

| | | | |
|-----------------------------------|----------------------------------|-----------------------|---|
| 7. CONTACT PERSON Jenny Newman | TELEPHONE NUMBER 213-576-6691 | FAX NUMBER (Optional) | E-MAIL ADDRESS (Optional) jnewman@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.

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|---|-----------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Victoria A. Whitney</i> | DATE 4/19/13 |
| TYPED NAME AND TITLE OF SIGNATORY Victoria A. Whitney, Deputy Director, Division of Water Quality, State Water Board | |

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ENDORSED APPROVED

JUN 04 2013

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.XX - "A Total Maximum Daily Load for Algae, Nutrients, and Eutrophic Conditions in the Ventura River including the Estuary and its Tributaries".

On December 6, 2012, the Los Angeles Regional Water Quality Control Board adopted Resolution No. R12-011, amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by establishing a Total Maximum Daily Load (TMDL) for Algae, Nutrients, and Eutrophic Conditions in the Ventura River including the Estuary and its Tributaries. The TMDL includes numeric targets for dissolved oxygen and pH equal to their numeric water quality objectives in the Basin Plan. The TMDL also includes numeric targets for algal and phytoplankton biomass and percent cover as numeric interpretations of the water quality condition that will demonstrate attainment of the narrative water quality objective for biostimulatory substances in the Basin Plan. The method to develop these numeric targets is based on the California Nutrient Numeric Endpoints (NNE) approach, developed by U.S. EPA Region 9 and the State and Regional Water Quality Control Boards. The TMDL includes waste load allocations (WLAs) and load allocations (LAs) for discharges from the Ojai Valley Waste Water Treatment Plant (WWTP), the Ventura County Municipal Separate Storm Sewer (MS4), the Caltrans MS4, agriculture sources, horse/intensive livestock activities, grazing activities, general industrial and construction stormwater permittees, onsite wastewater treatment systems, and other National Pollution Discharge Elimination System (NPDES) permittees in the Ventura River watershed in order to attain numeric targets.

The regulatory mechanisms used to implement the WLAs include the Ojai Valley WWTP NPDES permit, the Ventura County MS4 permit, the Caltrans MS4 permit, the general industrial storm water permits, the general construction storm water permits, and other NPDES permits. The regulatory mechanisms used to implement the LAs include Basin Plan discharge prohibitions, waste discharge requirements (WDRs), and waivers of WDRs or other regulatory mechanisms in accordance with the State Nonpoint Source Implementation and Enforcement Policy (NPS Policy). The TMDL allows for an implementation schedule of up to 6-12 years to meet the WLAs and LAs, depending on the source. Discharge monitoring to demonstrate compliance with WLAs and LAs shall be included in the regulatory mechanisms for each source, and ambient monitoring to assess watershed-wide waterbody conditions shall be conducted either individually or cooperatively among all dischargers.