

**State of California  
Office of Administrative Law**

In re:  
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 3919.20

Amend sections:

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11353

OAL Matter Number: 2020-0916-01

OAL Matter Type: Regular (S)

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On November 13, 2019, the San Francisco Bay Regional Water Quality Control Board adopted Resolution No. R2-2019-0030 to amend the Water Quality Control Plan for the San Francisco Bay Region to establish total maximum daily loads for bacteria in the Petaluma River Watershed (Basin Plan Amendment). The Basin Plan Amendment was approved by the State Water Resources Control Board under Resolution No. 2020-0018 on June 2, 2020.

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

Date: October 26, 2020



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Amy R. Gowan  
Attorney

For: Kenneth J. Pogue  
Director

Original: Eileen Sobeck, Executive  
Director

Copy: Farhad Ghodrati

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only in the office of the Secretary of State of the State of California

STD. 400 (REV. 10/2019)

11353 REGULAR 2020-0916-015

|                  |                    |                   |                  |
|------------------|--------------------|-------------------|------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATION NUMBER | EMERGENCY NUMBER |
| Z-               |                    | 2020-0916-015     |                  |

For use by Office of Administrative Law (OAL) only

2020 SEP 16 A 11:41

OFFICE OF ADMINISTRATIVE LAW

NOTICE REGULATIONS

OCT 23 2020 1:30 p.m.

|   |                             |
|---|-----------------------------|
| AGENCY WITH RULEMAKING AUTHORITY<br>State Water Resources Control Board | AGENCY FILE NUMBER (if any) |
|---|-----------------------------|

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<br><input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other  | 4. AGENCY CONTACT PERSON  | TELEPHONE NUMBER       | FAX NUMBER (Optional)         |
| OAL USE ONLY<br><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)<br>Total Maximum Daily Load for Bacteria in the Petaluma River Watershed | 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<br>3919.20 |
| TITLE(S)  | AMEND            |
| 23  | REPEAL           |

|   |   |   |   |
|---|---|---|---|
| 3. TYPE OF FILING   |   |   |   |
| <input checked="" 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) Gov. 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 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) OAL Approval (Gov. Code 11353(b)(5)) |

|  |  |   |
|--|--|---|
| 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 checked="" type="checkbox"/> Other (Specify) U.S. Environmental Protection Agency after OAL approval                    |  |   |

|                                      |                                    |                       |   |
|--------------------------------------|------------------------------------|-----------------------|---|
| 7. CONTACT PERSON<br>Farhad Ghodrati | TELEPHONE NUMBER<br>(510) 622-2331 | FAX NUMBER (Optional) | E-MAIL ADDRESS (Optional)<br>fghodrati@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<br>                                  | DATE<br>9/2/2020 |
| TYPED NAME AND TITLE OF SIGNATORY<br>Michael Montgomery Executive Officer |                  |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 26 2020

Office of Administrative Law

## **Concise Summary of Regulatory Provisions**

### **TITLE 23. Waters**

#### **Division 4. Regional Water Control Boards**

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

#### **Article 2. San Francisco Bay Region**

*The following section 3919.20 is to be added to Title 23 of the California Code of Regulations:*

#### **Section 3919.20. "Total Maximum Daily Load or Bacteria in the Petaluma River Watershed"**

On November 13, 2019, the San Francisco Bay Regional Water Quality Control Board adopted Resolution No. R2-2019-0030, amending the Water Quality Control Plan for the San Francisco Bay Region. This amendment establishes a total maximum daily load (TMDL) for bacteria in the Petaluma River and its tributaries (Petaluma River Watershed). The amendment includes new regulatory provisions, summarized below:

1. Numeric targets for fecal indicator bacteria in the Petaluma River Watershed to protect water contact recreation;
2. A TMDL for fecal indicator bacteria in the Petaluma River Watershed;
3. Allocations of the TMDL among controllable sources of bacteria, including a wastewater treatment plant, sanitary sewer collection systems, private sewer laterals, onsite wastewater treatment systems, vessel marinas, homeless encampments, confined animal facilities, grazing lands, domestic pet waste, and municipal and California Department of Transportation stormwater runoff; and
4. A program of implementation that includes actions to achieve the TMDL, a time schedule for actions, and a description of monitoring to be undertaken to determine compliance.