

**State of California  
Office of Administrative Law**

**In re:**  
State Water Resources Control Board

**Regulatory Action:**

**Title 23, California Code of Regulations**

**Adopt sections:** 3979.16

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11353**

**OAL Matter Number: 2023-0614-03**

**OAL Matter Type: Regular (S)**

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This action under Government Code section 11353 amends the Water Quality Control Plan for the Santa Ana River Basin. On December 10, 2021, the California Regional Water Quality Control Board, Santa Ana Region, adopted Resolution No. R8-2021-0025 updating the Total Dissolved Solids and Nitrogen Management program (TDS/N Management Program). The State Water Resources Control Board approved the amendment under Resolution No. 2022-0014 on May 10, 2022.

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

**Date:** July 27, 2023



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Thanh Huynh  
Senior Attorney

**For:** Kenneth J. Pogue  
Director

**Original:** Eileen Sobeck, Executive  
Director

**Copy:** Keith Person

11353

# REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW  
**NOTICE PUBLICATION/REGULATION SUBMISSION**

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2023-0614-035	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board			AGENCY FILE NUMBER (if any) 2022-0014

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**JUL 27 2023**

3:15 pm

OFFICE OF ADMIN. LAW  
2023 JUN 14 PM 1:14

### 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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a SUBJECT OF REGULATION(S) Santa Ana Basin Plan Amend For Santa Ana River Basin	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.)	ACTION ON PROPOSED NOTICE
TITLE(S) CCR Title 23	ADOPT 3979.16 AMEND 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"/> 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 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'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 Keith Person	TELEPHONE NUMBER (951) 782-4997	FAX NUMBER (Optional) (951) 781-6288	E-MAIL ADDRESS (Optional) keith.person@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 6/13/2023
TYPED NAME AND TITLE OF SIGNATORY Jayne Joy, Executive Officer	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**JUL 27 2023**

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 8. Santa Ana Region

*The following Section 3979.16, entitled "Amendment to the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) to Revise and Update the Total Dissolved Solids and Nitrogen Management Program," is to be added:*

Santa Ana Regional Water Quality Control Board Resolution R8-2021-0025 amended the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan). The State Water Resources Control Board approved the amendment under Resolution 2022-0014 on May 10, 2022.

The amendment revises Chapter 5 of the Basin Plan to:

1. Update the description of the waste load allocation (WLA) model that provides the basis for the establishment of Total Dissolved Solids (TDS) and Total Inorganic Nitrogen (TIN) WLAs in the Santa Ana River Watershed.
2. Update Table 5-5 of the Basin Plan to establish updated WLAs applicable to wastewater treatment facilities in the Santa Ana River Watershed.
3. Provide direction to permit writers regarding how to assess compliance with TDS/TIN effluent limitations included in waste discharge requirements.
4. Clarify the use of the mineral increments described in the Basin Plan (Chapter 5, "Total Dissolved Solids and Nitrogen Management," Section III.B.2) when water quality based effluent limitations for salinity are imposed on a Publicly Owned Treatment Works.
5. Clarify that the permit process for salinity-related constituents should focus on TDS rather than individual salt ions.
6. Identify future planning priorities for implementation of the TDS/Nitrogen Management Program.
7. Update requirements for the groundwater and surface water monitoring programs.