

**State of California  
Office of Administrative Law**

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

**Regulatory Action:**

**Title 23, California Code of Regulations**

**Adopt section: 3979.10**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11353**

**OAL Matter Number: 2018-0813-02**

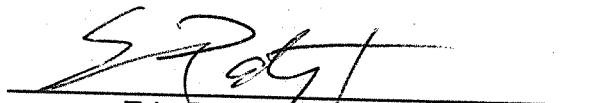
**OAL Matter Type: Regular (S)**

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This action under Government Code section 11353 amends the Water Quality Control Plan for the Santa Ana River Basin. On June 16, 2017, the California Regional Water Quality Control Board, Santa Ana Region, adopted Resolution No. R8-2017-0019 revising both the compliance schedule for the Fecal Coliform Total Maximum Daily Load and beneficial use definition for shellfish harvesting in Newport Bay, adding antidegradation targets for waters with non-contact water recreation beneficial use, and adding surface water bodies and designating beneficial uses for those waters. The State Water Resources Control Board approved the amendment under Resolution No. 2018-0007 on February 6, 2018.

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

**Date: September 24, 2018**

  
Eric Partington  
Senior Attorney

**For: Debra M. Cornez  
Director**

**Original: Eileen Sobeck, Executive  
Director**

**Copy: David Woelfel**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(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>2018-0813-02 S</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2018 AUG 13 P 2:16  
OFFICE OF ADMINISTRATIVE LAW

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

SEP 24 2018

4:10 pm

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY  
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 <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 Ana Regional Water Quality Control Board Basin Plan Amendment	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 3979.10
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 §11349.3, 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>Government Code section 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 (Govt 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 David Woelfel	TELEPHONE NUMBER (951) 782-7960	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) david.woelfel@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 8/8/18
TYPED NAME AND TITLE OF SIGNATORY Teresita J. Sablan, Attorney III, State Water Resources Control Board	

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ENDORSED APPROVED

SEP 24 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 8. Santa Ana Region**

The following section 3979.10 is to be added to Title 23 of the California Code of Regulations:

Section 3979.10 – “Basin Plan Amendments: Revision to the Compliance Schedule for the Fecal Coliform Total Maximum Daily Load for Shellfish Harvesting in Newport Bay, and other Revisions and Editorial Changes.”

The Santa Ana Regional Water Quality Control Board adopted on June 16, 2017 Resolution No. R8-2017-0019, amending the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan). The State Water Resources Control Board approved the amendments under Resolution No. 2018-0007 on February 6, 2018.

The amendments revise the compliance schedule for the Fecal Coliform Total Maximum Daily Load (TMDL) for shellfish harvesting (SHEL) in Newport Bay to extend the deadline to December 31, 2022 to implement measures to meet the SHEL objective; revise the SHEL beneficial use definition to make the definition consistent with the other coastal waterboards; add antidegradation targets for waters with non-contact water recreation (REC2) beneficial use; add surface water bodies to Tables 3-1 and 4-1 and designate beneficial uses for those and other waters; and make other editorial changes (create a new Chapter 6 with an introductory narrative in the Basin Plan to include all TMDLs, revise subsequent chapter numbering, and add footnotes in Chapters 4 and 5 to explain the different units that are used for expressing concentrations of fecal indicator bacteria).