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DIVISION OF WATER QUALITY

**State of California  
Office of Administrative Law**

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In re:  
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections:  
Amend sections: 3006  
Repeal sections:

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11353

OAL Matter Number: 2018-1002-01

OAL Matter Type: Regular (S)

The State Water Resources Control Board proposed this action to amend the Water Quality Control Plan for Enclosed Bays and Estuaries of California to revise approaches for determining whether sediment quality objectives are met in protecting the aquatic life/benthic community and in protecting human consumption of specified fish from specified chemicals that may exist in sediment and fish tissues of enclosed bays and estuaries in California.

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

Date: November 14, 2018

*Richard L. Smith*

Richard L. Smith  
Senior Attorney

For: Debra M. Cornez  
Director

Original: Eileen Sobeck, Executive  
Director

Copy: Chris Beegan

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2018-1002-01S</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		For use by Secretary of State only	
NOTICE		REGULATIONS	

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

NOV 14 2018  
1:42pm

2018 OCT -2 P 1:31  
OFFICE OF  
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board	AGENCY FILE NUMBER (if any) Resolution No 2018-0028
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**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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE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) Water Quality Control Plan for Enclosed Bays and Estuaries	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)	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ACTION ON PROPOSED NOTICE
	<input type="checkbox"/> ADOPT
	<input type="checkbox"/> AMEND 3006
TITLE(S) 23	<input type="checkbox"/> 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>Government Code section 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 by OAL (Gov. 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) U. S. EPA approval subsequent to OAL

7. CONTACT PERSON Chris Beegan	TELEPHONE NUMBER 916-341-5912	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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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 9/19/18
TYPED NAME AND TITLE OF SIGNATORY Karen L. Mogus, Deputy Director, Division of Water Quality, State Water Board	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

NOV 14 2018

Office of Administrative Law

**§ 3006. Clear and Concise Summary of ~~Part 1~~the Sediment Quality Provisions of the Water Quality Control Plan for Enclosed Bays and Estuaries of California Adopted by the State Water Resources Control Board on September 16, 2008 and Amended on April 6, 2011 and on June 5, 2018.**

On September 16, 2008, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2008-0070 approving Part 1 of the Water Quality Control Plan for Enclosed Bays and Estuaries of California (Part 1). Part 1 was amended by the State Water Board on April 6, 2011 (Resolution No. 2011-0017). Part 1 was amended by the State Water Board on June 5, 2018 (Resolution No.2018-0028), which retitled Part 1 to "Sediment Quality Provisions."

- (a) As adopted on September 16, 2008, Part 1 includes two narrative sediment quality objectives and a program to implement the narrative objectives. The narrative objectives protect:
- Benthic communities for direct exposure to pollutants in sediment, and
  - Human health from contaminants in fish tissue that bioaccumulate from the sediment up the food web

Part 1 describes how to interpret the narrative objectives and how to assess whether the narrative objectives have been attained. The program of implementation addresses:

- Stressor identification studies
  - Monitoring ambient sediment quality
  - Use of the sediment quality objectives as receiving water limits in Waste Discharge Requirements/National Pollutant Discharge Elimination System Permits
  - Exceedance of receiving water limits
  - Applicability of the sediment quality objectives to dredging activities
  - Applicability of State Water Board Resolution No. 92-49 for cleanup actions and cleanup levels, and
  - Development of site-specific sediment management guidelines
- (b) The amendments to Part 1, as adopted on April 6, 2011, modify the regulatory provisions of the previous Part 1 to include the following:
- A narrative sediment quality objective that protects wildlife and resident finfish from both direct exposure to toxic pollutants in sediment and indirect exposure to pollutants in sediment that bioaccumulate up the food web
  - A requirement to utilize ecological risk assessment to implement this narrative
  - Additions to the glossary and supersession language to provide additional clarity
- (c) The amendments adopted on June 5, 2018 include the following:
- A revised approach implementing the aquatic life – benthic community protection sediment quality objective to assess multiple stations that encompass a site based upon magnitude of response and percent of area of impact, in order to evaluate the need to list waterbodies as impaired and evaluate compliance with receiving water limits
  - A revised approach implementing the sediment quality objective protecting human consumers from contaminants that bioaccumulate from sediment into tissue, applicable to organochlorine pesticides and polychlorinated biphenyls from sediment into sportfish
  - Additions to the glossary and supersession language to provide additional clarity