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
Senior Attorney

For: Debra M. Cornez
Director

Original: Eileen Sobeck, Executive Director
Copy: Chris Beegan
**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

<table>
<thead>
<tr>
<th>1. SUBJECT OF NOTICE</th>
<th>TITLE(S)</th>
<th>FIRST SECTION AFFECTED</th>
<th>2. REQUESTED PUBLICATION DATE</th>
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<tr>
<th>3. NOTICE TYPE</th>
<th>4. AGENCY CONTACT PERSON</th>
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<tbody>
<tr>
<td>Regulatory Action</td>
<td>TELEPHONE NUMBER</td>
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<td>Other</td>
<td>FAX NUMBER (Optional)</td>
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<th>ACTION ON PROPOSED NOTICE</th>
<th>NOTICE REGISTER NUMBER</th>
<th>PUBLICATION DATE</th>
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<td>Approved as Submitted</td>
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<td>Approved as Modified</td>
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<td>Disapproved/ Withdrawn</td>
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**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)**

**SECTION(S) AFFECTED**
,List all section number(s) individually. Attach additional sheet if needed.

- **TITLE(S)**
- **ADOPT**
- **AMEND**
- **REPEAL**
- **3006**
- **23**

**3. TYPE OF FILING**
- Regular Rulemaking (Gov. Code §11346)
- Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11346.2, 11347.3)
- Emergency (Gov. Code, §11346.1(b))
- 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.

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

**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)
- U.S. EPA approval subsequent to OAL
- Fair Political Practices Commission
- State Fire Marshal

**7. CONTACT PERSON**
- Chris Beegan
  - TELEPHONE NUMBER
  - 916-341-5912
  - FAX NUMBER (Optional)
  - E-MAIL ADDRESS (Optional)

**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**

**ENDORSED - FILED**

In the office of the Secretary of State of the State of California

**NOV 14 2018**

**ENDORSED**

**APPROVED**


(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.