State of California  
Office of Administrative Law  

In re:  
State Water Resources Control Board  

Regulatory Action:  
Title 23, California Code of Regulations  

Adopt sections:  3013  
Amend sections:  
Repeal sections:  

NOTICE OF APPROVAL OF REGULATORY ACTION  

Government Code Section 11353  

OAL Matter Number: 2019-0717-02  

OAL Matter Type: Regular (S)  

This action by the State Water Resources Control Board adopts the State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State for inclusion in the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California.  

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

Date: August 28, 2019  

Kevin D. Hull  
Senior Attorney  

For: Kenneth J. Pogue  
Director  

Original:  Eileen Sobeck, Executive   
Director  

Copy: Elizabeth Payne
STATE OF CALIFORNIA
OFFICE OF THE SECRETARY OF STATE
NOTICE PUBLICATION/REGULATIONS SUBMISSION

STANDARD FORM 400
REV. 01-2013

REPUBLICAN REGULAR

REGULATORY ACTION NUMBER
2019-0717-02S

EMERGENCY NUMBER

NOTICE FILE NUMBER
Z-

For use by Office of Administrative Law (OAL) only

2019 JUL 17 9:43
OFFICE OF
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
State Water Resources Control Board

AGENCY FILE NUMBER (if any)
2019-0015

A. PUBLICATION OF NOTICE

1. SUBJECT OF NOTICE

2. REQUESTED PUBLICATION DATE

1a. SUBJECT OF REGULATION(S)

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

3. NOTICE TYPE

☐ Notice or Proposed Regulatory Action
☐ Other

☐ Notice of Proposed Regulatory Action
☐ Other

4. AGENCY CONTACT PERSON

TELEPHONE NUMBER

FAX NUMBER (Optional)

OAL USE ONLY

☐ Approved as Submitted
☐ Approved as Modified
☐ Disapproved/Withdrawn

☐ Approved as Submitted
☐ Approved as Modified
☐ Disapproved/Withdrawn

NOTICE REGISTER NUMBER

PUBLICATION DATE

B. SUBMISSION OF REGULATIONS

(Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)

State Wetland Definition, Procedures for Discharges of Dredge or Fill

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxic related)

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

TITLE(S)

ADOPT

AMEND

REPEAT

3. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code §11346)

☐ 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.

☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)

☐ Emergency (Gov. Code, §11346.1(b))

☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1(b))

☐ Emergency Readopt (Gov. Code, §11346.1(b))

☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)

☐ File & Print

☐ Print Only

☐ Other (Specify): Govt 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(b); Cal. Code Regs., title 1, §100)

☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4)

☐ Effective on filing with Secretary of State

☐ $100 Changes Without Regulatory Effect

☐ Effective other (Specify): 9 mo. upon approval Govt Code 11353(b)\n
8. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL, OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD, 390) (SAM §6660)

☐ Fair Political Practices Commission

☐ State Fire Marshall

☐ Other (Specify)

7. CONTACT PERSON

Beth Payne

TELEPHONE NUMBER
(916) 341-5579

FAX NUMBER (Optional)

E-MAIL ADDRESS (Optional)
elizabeth.payne@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

Karen Mogus , Deputy Director

DATE
7/15/2019

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

AUG 28, 2019
1:56 P.M.

ENDORSED APPROVED
AUG 28, 2019
Office of Administrative Law
Concise Summary of Regulator Provisions

TITLE 23. Waters
   Division 3. State Water Resources Control Board and Regional Water Quality Control Boards
   Chapter 23. Water Quality Control Plans

The following section § 3013 “Amendment to Water Quality Control Plans for Inland Surface Waters and Enclosed Bays and Estuaries and Ocean Waters of California Adopted by the State Water Resources Control Board on April 2, 2019” is to be added to Title 23 of the California Code of Regulations:

On April 2, 2019, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2019-0015, which adopted the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (referred to as the Procedures) for inclusion in the Water Quality Control Plan for Ocean Waters of California and the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California.

The Procedures establish:

(1) A wetland definition for all State and Regional Water Quality Control Board programs.

(2) A jurisdictional framework for determining if a feature that meets the wetland definition is a water of the state.

(3) Wetland delineation procedures.

(4) Procedures for the submittal, review and approval of applications for Water Quality Certifications and Waste Discharge Requirements for dredge or fill activities.