

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections:

Amend sections: 3939.36

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11353

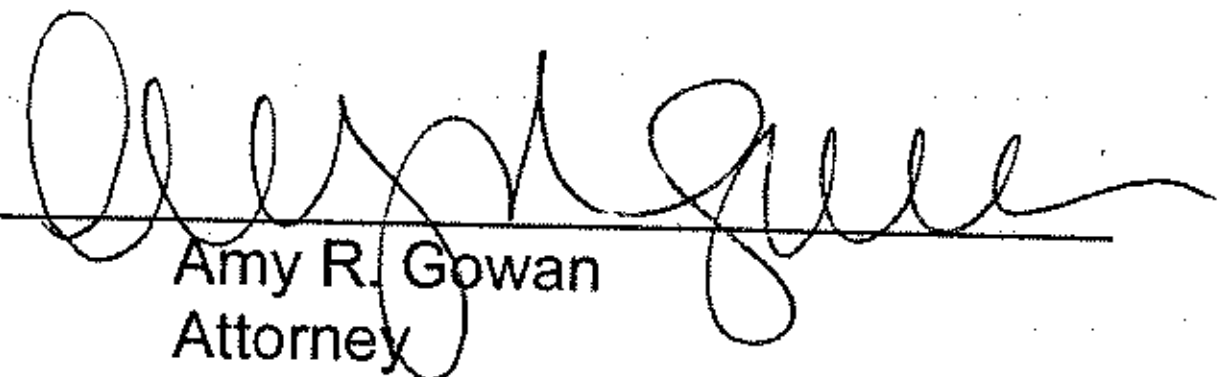
OAL Matter Number: 2020-0219-03

OAL Matter Type: Regular (S)

On June 14, 2018, the Los Angeles Regional Water Quality Control Board adopted Resolution No. R18-006, which amends the Water Quality Control Plan for the Los Angeles Region. The amendment revises the 2008 Malibu Creek TMDL program to align with the scope of the statewide Trash Amendments. On May 21, 2019, the State Water Resources Control Board approved this amendment under Resolution No. 2019-0017.

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

Date: April 2, 2020



Amy R. Gowan
Attorney

For: Kenneth J. Pogue
Director

Original: Eileen Sobeck, Executive
Director
Copy: Jun Zhu

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

11353
 (See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

| | | | |
|---|---------------------------------|---|--|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER 2020-029-035 | 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) 2019-0017 |

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

APR 02 2020

1:50 p.m.

2020 FEB 19 P 1:12

OFFICE OF ADMINISTRATIVE LAW

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | |
|---|--------------------------|------------------------|-------------------------------|
| 1. SUBJECT OF NOTICE Amendment to the Los Angeles Basin Plan | TITLE(S) 23 | 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 ACTION ON PROPOSED NOTICE <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) Reconsideration of the Malibu Creek Trash TMDL | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |
|--|--|

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 |
| | AMEND 3939.36 |
| TITLE(S) <i>23 per agency request</i> | 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 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)

| | | | |
|---|--|--|--|
| <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. 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

| | | | |
|---------|------------------------------------|-----------------------|---|
| Jun Zhu | TELEPHONE NUMBER (213) 576-6691 | FAX NUMBER (Optional) | E-MAIL ADDRESS (Optional) Jun.Zhu@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 <i>Renee Purdy</i> | DATE <i>4/30/20</i> |
| TYPED NAME AND TITLE OF SIGNATORY Renee Purdy, CEA | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

APR 02 2020

Office of Administrative Law

CONCISE SUMMARY OF REGULATORY PROVISIONS

TITLE 23. Waters

Division 4. Regional Water Quality Control Board

Chapter 1. Water Quality Control Plans, Policies, and Guidelines

Article 4. Los Angeles Region

§ 3939.36. Malibu Creek Watershed Trash TMDL.

Los Angeles Regional Water Quality Control Board (Regional Board) Resolution No. R4-2008-007, adopted on May 1, 2008, modified the regulatory provisions of the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by: (1) revising the Table of Contents, (2) adding introductory text for Chapter 7 (Total Maximum Daily Loads), and (3) establishing a Total Maximum Daily Load (TMDL) for Trash in the Malibu Creek Watershed.

In the Malibu Creek Watershed, Malibu Creek from Malibu Lagoon to Malibu Lake, Medea Creek Reaches 1 and 2, Lindero Creek Reaches 1 and 2, Lake Lindero, and Las Virgenes Creek have been listed under the federal Clean Water Act section 303(d) as not meeting standards due to excessive trash accumulated in water. The amendment establishes the numeric target with which wasteload allocations for point source discharges and load allocations for nonpoint source discharges are calculated. The proposed TMDL establishes an eight-year implementation schedule for point source dischargers. However, the water quality objective of zero trash, as defined in the TMDL, shall be attained in five years for nonpoint source dischargers. In addition to a brief description of the Malibu Creek Watershed and the existing conditions contributing to water quality problems, the Basin Plan amendment also includes numeric targets, source analysis, linkage analysis, wasteload allocations, load allocations, margin of safety, critical conditions, an implementation plan, and compliance schedules.

The Regional Board adopted Resolution No. R18-006 on June 14, 2018 revising the TMDL to align the implementation requirements in the existing TMDL with the scope of the "Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash" and "Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries," known as the statewide Trash Amendments. In accordance with the statewide Trash Amendments, MS4 permittees assigned WLAs in the Malibu Creek Trash TMDL are only required to address point source discharges of trash in priority land use areas in the MS4. The revised TMDL requires nonpoint source responsible entities to revise their trash monitoring and reporting plans to increase the frequencies and locations of trash collection events to address any trash potentially discharged from non-priority MS4 land use areas.

The revised TMDL also removes the waivers of Waste Discharge Requirements to regulate nonpoint sources of trash and replaces the requirement with language referencing the statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program.

The revised TMDL also separates requirements for the California Department of Transportation from requirements for other MS4 permittees, consistent with the statewide Trash Amendments.