

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt section: 3929.17

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11353

OAL Matter Number: 2019-0122-07

OAL Matter Type: Regular (S)

This action amends the Water Quality Control Plan for the Central Coastal Basin to establish total maximum daily loads for nitrogen and phosphorus compounds in the Franklin Creek watershed.

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

Date: March 4, 2019



**Nicole C. Carrillo
Attorney**

**For: Debra M. Cornez
Director**

**Original: Eileen Sobeck, Executive
Director**

Copy: Larry Harlan

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2019-0122-07S	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

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

MAR 04 2019

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OFFICE OF
 ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board	AGENCY FILE NUMBER (If any) 2018-0006
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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)
OAL USE ONLY <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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	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) TMDLs for nitrogen and phosphorus compounds Franklin Creek watershed	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 3929.17
	AMEND
TITLE(S) 23	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't code 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 (Gov't 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)

7. CONTACT PERSON Larry Harlan	TELEPHONE NUMBER (805) 594-6195	FAX NUMBER (Optional) (805) 543-0397	E-MAIL ADDRESS (Optional) larry.harlan@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 12-21-18
TYPED NAME AND TITLE OF SIGNATORY John M. Roberson, Executive Officer, Central Coast Water Board	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 04 2019

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 3. Central Coast Region

The following section 3929.17 is to be added to Title 23, Division 4., Chapter 1., Article 3. of the California Code of Regulations:

§ 3929.17 – Total Maximum Daily Loads for Nitrogen and Phosphorus Compounds in Streams of the Franklin Creek Watershed

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted Resolution No. R3-2018-0006 on March 23, 2018, amending the *Water Quality Control Plan for the Central Coastal Basin (Basin Plan)*. The State Water Resources Control Board approved the amendment under Resolution No. 2018-0049 on November 6, 2018. TMDLs are a requirement of the federal Clean Water Act. Waterbodies assigned TMDLs by this action include Franklin Creek and tributary surface waterbodies as identified in the Basin Plan amendment.

The Central Coast Water Board's goal for establishing TMDLs in the Franklin Creek watershed is to rectify water quality impairments related to nitrogen and phosphorus compounds. The impairments are based on surface waters not meeting the Basin Plan numeric water quality objective for drinking water supply and the narrative water quality objective for biostimulatory substances. Resolution No. R3-2018-0006 establishes total maximum daily loads (TMDLs), numeric targets, and an implementation plan for nitrogen and phosphorus compounds for streams in the Franklin Creek watershed.

Responsibility for achieving pollutant load reductions falls upon several entities as described in Attachment A to Resolution No. R3-2018-0006 (Basin Plan amendment). The Central Coast Water Board is relying on existing regulatory measures (i.e., the Agricultural Order and stormwater permits) to ensure implementation actions are carried out by implementing parties to address the impairments.

Milestones are established for achieving the TMDLs and the Central Coast Water Board will track progress towards achieving the TMDLs through review of implementation actions and monitoring conducted by the implementing parties. If existing efforts are not expected to achieve the TMDLs as scheduled, the Executive Officer or the Water Board may require changes to existing monitoring, reporting, or implementation efforts pursuant to California Water Code Sections 13263, 13267 or 13383.