

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 3939.60, 3939.61

Amend sections:

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11353

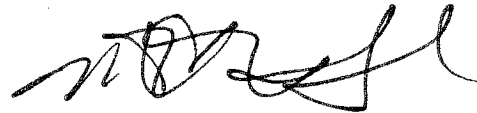
OAL Matter Number: 2023-0804-03

OAL Matter Type: Regular (S)

This action under Government Code section 11353 amends the Water Quality Control Plan for Los Angeles Basin Plan. On March 10, 2022, the California Regional Water Quality Control Board, Los Angeles Region, adopted Resolution No. R22-002 to incorporate a total maximum daily load for indicator bacteria in Los Cerritos Channel and Estuary, Alamito Bay, and Colorado Lagoon, and to suspend the recreational beneficial uses in Los Cerritos Channel during unsafe wet weather conditions. The State Water Resources Control Board approved the amendment under Resolution No. 2022-0053 on December 6, 2022.

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

Date: September 19, 2023



Thanh Huynh
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Eileen Sobeck, Executive
Director

Copy: Elisha Wakefield

1353

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2023-0804-03S	

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW
2023 AUG 4 PM 4:16

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

SEP 19 2023

1:32 PM

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board	AGENCY FILE NUMBER (if any) 2022-0053
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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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Los Cerritos Channel Watershed Indicator Bacteria TMDL	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
and Suspension of the Recreational Beneficial Uses in Los Cerritos Channel	
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 3939.60, 3939.61
TITLE(S) 23	AMEND 3939.59, 3939.60
	REPEAL

per agency request 9/19/23 (TH)

3. TYPE OF FILING	<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input checked="" type="checkbox"/> Other (Specify) <u>Gov. Code Section 11353</u>	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only
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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>
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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"/> Other (Specify)	<input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal
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7. CONTACT PERSON Elisha Wakefield	TELEPHONE NUMBER (213) 576-6785	FAX NUMBER (Optional) (213) 576-6660	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 <i>Jenny Newman</i>	DATE 06/28/2023
TYPED NAME AND TITLE OF SIGNATORY Jenny Newman, Assistant Executive Officer	

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ENDORSED APPROVED

SEP 19 2023

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 4. Los Angeles Region

§ 3939.60. Basin Plan Amendment to Incorporate a Total Maximum Daily Load for Indicator Bacteria in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon

On March 10, 2022, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. R22-002, amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate a total maximum daily load (TMDL) for indicator bacteria in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon. The State Water Resources Control Board (State Water Board) approved the amendment under Resolution No. 2022-0053 on December 6, 2022.

The TMDL sets numeric targets for indicator bacteria based on numeric water quality objectives provided in the Basin Plan and Statewide Bacteria Provisions. The TMDL assigns waste load allocations (WLAs) to municipal separate storm sewer system (MS4) discharges and other non-MS4 National Pollutant Discharge Elimination System (NPDES) discharges, and load allocations (LAs) to nonpoint source discharges to attain water quality objectives for bacteria. The water quality objectives are set to protect public health based on the water contact recreation (REC-1) beneficial uses of these waterbodies and will also result in the protection of the non-contact water recreation (REC-2) beneficial use.

There are two types of numeric targets: geometric mean limits calculated over the period of six weeks and a corresponding statistical threshold value (STV) calculated over the period of a calendar month. The applicable STV shall not be exceeded in more than 10 percent of the samples collected in a calendar month, calculated in a static manner. Exceedances of the objectives are frequent during all seasons and conditions and recreational uses of the Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon take place during all seasons and conditions, therefore the TMDL allocations are applied equally during all time periods and conditions. No exceedance days of the geometric mean targets are allowed at any time. However, if it is not possible to calculate a geometric mean due to lack of sufficient data, then attainment of the numeric targets shall be determined based on the STV.

The TMDL requires the MS4 dischargers to achieve the final WLAs within 15 years. Other non-MS4 point source dischargers (such as other individual NPDES permittees and general NPDES permittees, including industrial stormwater permittees and construction stormwater permittees) must achieve WLAs upon the effective date of the TMDL. Nonpoint source dischargers, such as owners and/or operators of sanitary sewer collection systems, onsite wastewater treatment systems (septic systems) and marine sanitation devices are to achieve LAs from the effective date of the TMDL. Owners and/or operators of irrigated agricultural land, golf courses and any other nonpoint sources are to achieve LAs within 3 years.

Compliance with the MS4 WLAs is assessed through compliance with MS4 permits. The MS4 WLAs will be implemented by permittees through their Watershed Management Programs,

which must be approved by the Los Angeles Water Board. Compliance with the WLAs assigned to non-MS4 point source dischargers is assessed through NPDES permits, with WQBELs in their NPDES permits at the time of permit issuance, modification, or renewal.

Compliance with the LAs is assessed through compliance with the Conditional Waiver for Irrigated Agricultural Lands (Order No. R4-2021-0045-A02 or other successor order) or other appropriate mechanisms consistent with the LAs and the State Water Board's Nonpoint Source Implementation and Enforcement Policy. The LAs for OWTS will be regulated by WDRs or waivers of WDRs consistent with the State Water Board's OWTS Policy. LAs for golf courses will be implemented through WDRs or waivers of WDRs consistent with the State Water Board's Nonpoint Source Implementation and Enforcement Policy. The Nonpoint Source Implementation and Enforcement Policy specifies that the regional water boards have the authority to regulate nonpoint source discharges through WDRs, waivers, and prohibitions.

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 4. Los Angeles Region

§ 3939.61. Basin Plan Amendment to Suspend the Recreational Beneficial Uses in Los Cerritos Channel during Unsafe Wet Weather Conditions

On March 10, 2022, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. R22-002, amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to suspend the recreational beneficial uses in Los Cerritos Channel during unsafe wet weather conditions. The State Water Resources Control Board (State Water Board) approved the amendment under Resolution No. 2022-0053 on December 6, 2022.

In Chapter 2 of the Water Quality Control Plan, Table 2-1a “Recreational Beneficial Uses of Inland Surface Waters” is revised as follows:

1. Change “Los Cerritos Channel” to “Los Cerritos Channel (above Atherton St.) under LOS CERRITOS CHANNEL WATERSHED.
2. Add a “Yav” to the High Flow Suspension column for Los Cerritos Channel (above Atherton St.).
3. Add “Los Cerritos Channel (Anaheim Rd. to Atherton St.)” under LOS CERRITOS CHANNEL WATERSHED, “180701060702” in WBD No. Column, “p” in REC1 Column, and “I” in REC2 Column.