

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Regulatory Action:

Government Code Section 11353

Title 23, California Code of Regulations

OAL File No. 2015-0403-01 S

Adopt sections:

Amend sections: 2916

Repeal sections:

At a hearing on February 3, 2015, the State Water Resources Control Board adopted Resolution No. 2015-0005, amending the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List. This amendment, which is summarized in section 2916 of title 23 of the California Code of Regulations, updates the process by which the 303(d) List is compiled, streamlines the public participation and review processes, and includes new information regarding the use of sediment quality objectives.

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

Date: 5/15/2015



Eric Partington
Attorney

For: DEBRA M. CORNEZ
Director

Original: Thomas Howard
Copy: Nick Martorano

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS Z-	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 2015-0403-015	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

2015 APR -3 A 10: 09
OFFICE OF
ADMINISTRATIVE LAW

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

MAY 15 2015

1:15 PM

AGENCY WITH RULEMAKING AUTHORITY
State Water Resources Control Board

AGENCY FILE NUMBER (if any)

2015-0005

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 ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE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) Water Quality Control Policy for developing CWA sect. 303(d) List	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
	AMEND
	2916
TITLE(S) 23	REPEAL

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.	☐ Emergency Readopt (Gov. Code, §11346.1(h))	☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	☐ File & Print	☐ Print Only
☐ Emergency (Gov. Code, §11346.1(b))		☒ Other (Specify) Gov't 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(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)
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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 Nicholas Martorano	TELEPHONE NUMBER (916) 341-5290	FAX NUMBER (Optional) (916) 341-5550	E-MAIL ADDRESS (Optional) nicholas.martorano@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 <i>Victoria Whitney</i>	DATE 3/17/15
TYPED NAME AND TITLE OF SIGNATORY Victoria Whitney, Deputy Director, Division of Water Quality, SWRCB	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 15 2015

Office of Administrative Law

Concise Summary of Regulatory Provisions

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 22. State Policy for Water Quality Control

23 CCR § 2916

§ 2916. Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List.

On September 30, 2004, the State Water Resources Control Board (SWRCB State Water Board) adopted Resolution No. 2004-0063 adopting the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List(Policy) in accordance with California Water Code section 13191.3(a).

The Policy describes the process by which SWRCB State Water Board and the Regional Water Quality Control Boards (RWQCBs Regional Water Board) will comply with the listing requirements of section 303(d) of the federal Clean Water Act. The objective of the Policy is to establish a standardized approach for developing California's section 303(d) list in order to achieve the overall goal of achieving water quality standards and maintaining beneficial uses in all of California's surface waters. Total Maximum Daily Loads (TMDLs) will be developed as needed for the waters identified under the provisions of the Policy.

The Policy outlines a weight of evidence approach that provides the decision rules for different kinds of data; an approach for analyzing data statistically; and requirements for data quality, data quantity, and administration of the listing process. Decision rules for listing and delisting are provided for: chemical-specific water quality standards; bacterial water quality standards; health advisories; bioaccumulation of chemicals in aquatic life tissues; nuisance such as trash, odor, and foam; nutrients; water and sediment toxicity; adverse biological response; and degradation of aquatic life populations and communities. The Policy also requires that situation-specific weight of evidence listing or delisting factors be used if available information indicates water quality standards are not attained or attained and the other decision rules do not support listing or delisting. The Policy requires schedules for TMDL development.

The Policy also provides direction related to:

1. The definition of readily available data and information.
2. Administration of the listing process including data solicitation and fact sheet preparation.
3. Interpretation of narrative water quality objectives using numeric evaluation guidelines.
4. Data quality assessments.