

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2018-0021

In the Matter of the Petition of
**ASOCIACION DE GENTE UNIDA POR EL AGUA AND
ENVIRONMENTAL LAW FOUNDATION**

For Review of Waste Discharge Requirements General Order No. R5-2013-0122
Issued by the
California Regional Water Quality Control Board,
Central Valley Region

SWRCB/OCC FILES A-2283(b)

BY THE BOARD:

On October 3, 2013, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Waste Discharge Requirements Order No. R5-2013-0122 (WDRs) to owners and operators of existing milk cow dairies. Asociacion de Gente Unida Por El Agua and Environmental Law Foundation timely filed a petition seeking review of the WDRs with the State Water State Water Resources Control Board (State Water Board). The petition was deemed complete and active on December 21, 2017.¹

State Water Board regulations generally require final disposition on petitions within 270 days of the date a petition is deemed complete.² If the State Water Board has not made a formal disposition within this time frame, the regulations deem the petition denied. The denial of a petition for review would ordinarily require a petitioner to file any judicial challenge within 30 days of the denial.³ When the State Water Board anticipates addressing a petition on the merits after the review period passes, it may indicate that it will review the matter on its own motion to avoid unnecessary or premature litigation.

The State Water Board anticipates issuing an order addressing some of the issues raised in the petition, but not by September 17, 2018. Therefore, the State Water Board has decided to review the WDRs on its own motion.⁴

¹ Cal. Code Regs., tit. 23, § 2050, subd. (d).

² Cal. Code Regs., tit. 23, § 2050.5, subd. (b).

³ Wat. Code, § 13330, subd. (b).

⁴ See Wat. Code, § 13320, subd. (a); Cal. Code Regs., tit. 23, § 2050.5, subd. (c).

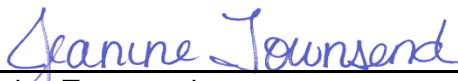
ORDER

IT IS HEREBY ORDERED that the State Water Board will review Waste Discharge Requirements Order No. R5-2013-0122 on its own motion.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 4, 2018.

AYE: Chair Felicia Marcus
Vice Chair Steven Moore
Board Member E. Joaquin Esquivel
NAY: None
ABSENT: Board Member Tam M. Doduc
Board Member Dorene D'Adamo
ABSTAIN: None



Jeanine Townsend
Clerk to the Board