

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF CHIEF COUNSEL
SEPTEMBER 19, 2011**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED ORDER REGARDING THE PETITIONS OF SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT AND CALIFORNIA SPORTFISHING PROTECTION ALLIANCE FOR REVIEW OF WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2010-0114 [NPDES NO. CA0077682] FOR THE SACRAMENTO REGIONAL WASTEWATER TREATMENT PLANT, ISSUED BY THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (SWRCB/OCC FILES A-2144(A) AND A-2144(B)).

DISCUSSION

On December 9, 2010, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Waste Discharge Requirements Order No. R5-2010-0114 [NPDES No. CA0077682] (Permit) to the Sacramento Regional County Sanitation District (District) for its discharges from the Sacramento Regional Wastewater Treatment Plant. Both the District and the California Sportfishing Protection Alliance (CSPA) filed timely petitions seeking review of the Permit with the State Water Resources Control Board (State Water Board). These petitions were deemed complete and consolidated for review on March 28, 2011.

State Water Board regulations require that it take final action on the petition by December 23, 2011. The State Water Board anticipates adopting an order that addresses some of the issues raised in the petitions, but not by that date. Therefore, the draft order proposes that the State Water Board review the Permit on its own motion.

POLICY ISSUE

Should the State Water Board adopt the proposed order determining to review the Permit on its own motion?

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Adopt the draft order.

DRAFT

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2011-

In the Matter of the Petitions of

**SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT
AND
CALIFORNIA SPORTFISHING PROTECTION ALLIANCE**

For Review of Waste Discharge Requirements Order No. R5-2010-0114
[NPDES No. CA0077682]

Issued by the
California Regional Water Quality Control Board,
Central Valley Region

SWRCB/OCC FILES A-2144(a) and A-2144(b)

BY THE BOARD:

On December 9, 2010, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Waste Discharge Requirements Order No. R5-2010-0114 [NPDES No. CA0077682] (Permit) to the Sacramento Regional County Sanitation District (District) for its discharges from the Sacramento Regional Wastewater Treatment Plant. Both the District and the California Sportfishing Protection Alliance (CSPA) filed timely petitions seeking review of the Permit with the State Water Resources Control Board (State Water Board). These petitions were deemed complete and consolidated for review on March 28, 2011.¹

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

¹ Cal. Code Regs., tit. 23, § 2054.

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

³ Wat. Code, § 13330, subd. (b).

D R A F T

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 petitions, but not by December 23, 2011. Therefore, the State Water Board has decided to review the Permit on its own motion.⁴

ORDER

IT IS HEREBY ORDERED that the State Water Board will review Waste Discharge Requirements Order No. R5-2010-0114 [NPDES No. CA0077682] 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 19, 2011.

Jeanine Townsend
Clerk to the Board

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