

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF CHIEF COUNSEL
AUGUST 5, 2014**

ITEM 6

SUBJECT

CONSIDERTION OF A PROPOSED ORDER IN THE MATTER OF PETITIONS OF ASOCIACIÓN DE GENTE UNIDA POR EL AGUA (AGUA), FAIRMEAD COMMUNITY AND FRIENDS, AND PLANADA EN ACCIÓN; CALIFORNIA SPORTFISHING PROTECTION ALLIANCE AND CALIFORNIA WATER IMPACT NETWORK; AND, SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT ON BEHALF OF THE SAN JOAQUIN COUNTY AND DELTA WATER QUALITY COALITION, CALIFORNIA FARM BUREAU FEDERATION, SOUTHERN SAN JOAQUIN VALLEY WATER QUALITY COALITION, ARVIN-EDISON WATER STORAGE DISTRICT, WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT, AND SEMITROPIC WATER STORAGE DISTRICT (WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2012-0116 FOR GROWERS WITHIN THE EASTERN SAN JOAQUIN RIVER WATERSHED THAT ARE MEMBERS OF THE THIRD-PARTY GROUP)
SWRCB/OCC FILES A-2239(a)-(c)

DISCUSSION

On December 7, 2012, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Waste Discharge Requirements Order No. R5-2012-0116 (Permit) to all growers within the Eastern San Joaquin River Watershed that are members of a third-party group. Three timely petitions were filed 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 November 8, 2013.

State Water Board regulations require that it take final action on the petition by August 5, 2014. 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

July 7, 2014

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2014-

In the Matter of the Petitions of

ASOCIACIÓN DE GENTE UNIDA POR EL AGUA (AGUA), FAIRMEAD COMMUNITY AND FRIENDS, AND PLANADA EN ACCIÓN;

CALIFORNIA SPORTFISHING PROTECTION ALLIANCE AND CALIFORNIA WATER IMPACT NETWORK; AND,

SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT ON BEHALF OF THE SAN JOAQUIN COUNTY AND DELTA WATER QUALITY COALITION, CALIFORNIA FARM BUREAU FEDERATION, SOUTHERN SAN JOAQUIN VALLEY WATER QUALITY COALITION, ARVIN-EDISON WATER STORAGE DISTRICT, WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT, AND SEMITROPIC WATER STORAGE DISTRICT

For Review of Waste Discharge Requirements General Order No. R5-2012-0116

Issued by the

California Regional Water Quality Control Board,
Central Valley Region

SWRCB/OCC FILES A-2239(a)-(c)

BY THE BOARD:

On December 7, 2012, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Waste Discharge Requirements Order No. R5-2012-0116 (Permit) to all growers within the Eastern San Joaquin River Watershed that are members of a third-party group. Three timely petitions were filed 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 November 8, 2013.¹

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).

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July 7, 2014

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 August 5, 2014. 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. R5-2012-0116 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 August 5, 2014.

AYE:

NAY:

ABSENT:

ABSTAIN:

Jeanine Townsend
Clerk to the Board

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