

From: lyris@swrcb18.waterboards.ca.gov
To: [Chiu, Wayne@Waterboards](mailto:Chiu_Wayne@Waterboards)
Subject: San Diego Water Board Counsel Memorandum Regarding Designated Party Status during the April 10 and 11, 2013 Public Hearing on Tentative Order R9-2013-0001
Date: Wednesday, March 27, 2013 5:40:45 PM
Attachments: [032713memo.pdf](#)

 This is a message from the California Regional Water Quality Control Board, San Diego Region (9).

Regional MS4 Copermittees and Interested Stakeholders,

Please see the attached San Diego Water Board Counsel Memorandum dated March 27, 2013, regarding requests for designated party status during the April 10 and 11, 2013 Public Hearing on Tentative Order R9-2013-0001, NPDES No. CAS0109266, *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges of Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region.*

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 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
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GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

TO: Parties and Interested Persons, Tentative Order No. R9-2013-0001,
Via Lyris List

FROM: 
Catherine George Hagan, Senior Staff Counsel

DATE: March 27, 2013

SUBJECT: Requests for Designated Party Status

The San Diego Water Board received numerous requests for alternate procedures and objections to the March 15, 2013, "Hearing Procedures and Order of Proceedings." The San Diego Water Board is currently considering the requests, including the requests for additional time to make presentations at the upcoming hearing.

Participants in this proceeding are identified as either "designated parties" or "interested persons." It is not necessary to be designated as a party in order to participate in the hearing for this proceeding. Both interested persons and designated parties will have the opportunity to present oral comments, to make arguments about the appropriateness, wisdom or utility of all or portions of the Tentative Order, and to comment on revisions to the Tentative Order. Both interested persons and designated parties may be asked to respond to clarifying questions from the San Diego Water Board, staff, or others, at the discretion of the San Diego Water Board. However, interested persons may not present evidence and are not subject to cross-examination. An interested person may request more time to speak than is typically allotted to interested persons and such requests may be granted at the Chair's discretion.

San Diego County, Riverside County and Orange County Copermittees are already designated as parties in this proceeding under the applicable State Water Resources Control Board's regulations set forth in California Code of Regulations, title 23, article 2, section 648, et seq. (See Cal. Code Regs., *tit.* 23, § 648.1(a).) The San Diego Water Board has discretion to determine who, in addition to the Copermittees, should be designated as a party for purposes of this proceeding. Factors the San Diego Water Board considers when deciding whom to designate include a person's history of involvement in the proceeding, how a person (or an entity's members) may be affected by the outcome of the proceeding, and/or to what extent a person's interests are different from or are not adequately represented by the interests of other designated parties.¹ Determinations are based on the extent to

¹ The San Diego Water Board staff is not a party to the proceeding. This is a proceeding to consider adoption of a permit, which does not involve investigative, prosecutorial or advocacy functions. Staff's proposals, recommendations and participation in this proceeding are for the purpose of advising and assisting the San Diego Water Board in considering the Tentative Order.

which participation as a designated party will further the development of the issues before the San Diego Water Board.

In light of the requests for additional procedures received on March 22, 2013, persons (other than the Copermitttees) who wish to be designated as a party to the proceeding for the purposes of presenting evidence and participating in cross-examination must inform the Board, in writing, of their request and the reasons supporting their request not later than **10 a.m. on April 2, 2013**. Requests must be received by 10:00 a.m. and may be submitted electronically to Wayne Chiu, wchiu@waterboards.ca.gov and to Catherine George Hagan, Catherine.hagan@waterboards.ca.gov.

The San Diego Water Board will resolve the March 22, 2013, objections and requests for alternate procedures, as well as any requests for designated party status, promptly after receipt of designated party status requests.