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March 22, 2013

Wayne Chiu  
WRC Engineer D  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD  
2013 MAR 22 PM 4 07

Re: Public Hearing to Consider Adoption of Tentative Order R9-2013-0001  
NPDES No. CAS01092662

Dear Mr. Chui:

Best Best & Krieger serves as city attorney for the cities of Lake Forest, Aliso Viejo and Santee, California (the "Cities"). This letter provides the Cities' formal objection to the "Hearing Procedures and Order of Proceedings" dated March 15, 2013 ("Proposed Hearing Procedures"), and their request for a formal hearing according to procedures set forth in California Government Code section 11500 et seq. and State Water Resources Control Board regulations.

The San Diego Regional Water Quality Control Board ("Regional Board") is planning to use the Proposed Hearing Procedures at the April 10 and 11, 2013, hearing during which the Regional Board will consider adoption of Tentative Order No. R9-2013-0001, NPDES No. CAS01092662, Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region ("Tentative Order").

The Cities object to the Proposed Hearing Procedures on the grounds that they violate applicable provisions of the California Government Code, the California Code of Regulations and the Code of Federal Regulations. Specifically, under California Government Code section 11513(b), during the hearing on the Tentative Order, the cities are entitled to:

- call and examine witnesses;
- introduce exhibits;
- cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination;
- impeach any witness regardless of which party first called him or her to testify; and
- rebut the evidence presented by the Regional Board.



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Tomas Morales, Chairman  
San Diego Regional Water Quality Control Board  
March 22, 2013  
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The Cities hereby request the opportunity and sufficient time to conduct the introduction of evidence and cross-examination to which they are statutorily entitled. The Cities will need at least forty-five (45) minutes each to present evidence and cross-examine witnesses. The Cities additionally object to the order of proceedings set forth in the Proposed Hearing Procedures and request that their presentation of evidence follow the United States Environmental Protection Agency.

Lastly, the Cities object to the fact that they have yet to see the provisions of the Tentative Order as of today, twenty (20) days before the hearing. The Cities request that the Regional Board continue the proposed hearing dates a minimum of thirty (30) days to provide the Cities with an appropriate amount of time to review the Tentative Order and prepare for the hearing. If the Cities are given this additional time it is possible they will not need the forty-five (45) minutes for presentation of evidence and rebuttal requested herein.

Thank you for your attention to this matter. If you have any questions on the Cities position on the Tentative Order, and the matters discussed herein, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read 'SHAG', written over a horizontal line.

Shawn Hagerty  
of BEST BEST & KRIEGER LLP

SXH:djg

cc: David W. Gibson, Executive Officer  
Catherine Hagan, Esq., SWRCB Counsel