

BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of the City of Simi Valley, et al., for Review of Action and Failure to Act by Los Angeles Regional Water Quality Control Board.

SWRCB/OCC File A-1474

STIPULATION FOR ORDER ISSUING STAY, WITH CONDITIONS

RECITALS

1. On April 29, 2002, the Cities of Simi Valley and Thousand Oaks, the Camarillo Sanitary District, the Camrosa Water District, and Ventura County Water Works District No. 1 (Petitioners) pursuant to Water Code section 13320, filed with the State Water Resources Control Board (State Board) a petition for review of effluent limitations for chloride contained in orders adopted by the Los Angeles Regional Water Quality Control Board (Regional Board). The bases for review are fully articulated in the petition.

2. Petitioners also moved for a stay of the challenged effluent limitations pending the State Board's final disposition of the petition. In their motion for stay, Petitioners allege that there will be substantial harm to the Petitioners and the public interest if a stay is not granted, there will be a lack of substantial harm to the public interest if a stay is granted, and there are substantial questions of law or fact, and provide evidence and argument in support of their allegations.

3. The Regional Board and the Petitioners agree upon the need to further consider water quality standards for chloride and approaches to chloride regulation in the Calleguas Creek watershed. In this regard, petitioners have advocated the pursuit of a watershed planning effort

1 to support determinations of beneficial uses, water quality objectives, and development of total
2 maximum daily loads as necessary. The parties agree that any such process should move forward
3 expeditiously.

4 4. The Regional Board and the Petitioners, considering the history of chloride
5 regulation in the Calleguas Creek watershed, the incorporation of chloride effluent limitations
6 into the various Regional Board orders that are the subject of the petition, and the intent to
7 amicably resolve issues raised in the petition, have decided to stipulate to a stay order by the
8 State Board to provide additional time to address the issues underlying the petition,
9

10 STIPULATION

11 1. The parties stipulate that entry of a stay on the terms and conditions in Paragraph 2
12 below is appropriate and in the public interest. This stipulation shall not, however, constitute or
13 be construed as an admission on any issue of law or fact relevant to the final disposition of the
14 petition, including whether the State Board has jurisdiction over all or parts of the petition as filed
15 and whether the petition was timely filed. The parties acknowledge, however, the authority of
16 the State Board to issue an order of binding effect as provided below.
17

18 2. The parties stipulate to the entry of an Order by the State Board providing as
19 follows:

20 "A. Effective on the date they would otherwise have become effective, and subject to
21 Paragraphs B-F, the following final effluent limitations are stayed until dissolution of the stay, or
22 adoption of a dispositive order on, or dismissal of, Petition for Review SWRCB/OCC A-1474.
23 Any applicable chloride effluent limitation that was previously in effect pursuant to the Regional
24 Board's chloride resolutions shall remain in effect in place of the stayed final effluent limitation.
25 The stayed final effluent limitations are:
26
27
28

1 (i) Final effluent Limitations for chloride contained in Effluent Limitations B.1
2 of Order 96-043 (NPDES No. CA0055221) of the Los Angeles Regional Water Quality
3 Control Board;

4 (ii) Final effluent Limitations for chloride contained in Effluent
5 Limitations A.2.a. of Order 96-044 (NPDES No. CA0056294) of the Los Angeles Regional
6 Water Quality Control Board;

7 (iii) Final effluent Limitations for chloride contained in Effluent Limitations 2.a.
8 of Order 96-045 (NPDES No. CA0056359) of the Los Angeles Regional Water Quality
9 Control Board;

10 (iv) Final effluent Limitations for chloride contained in Effluent Limitations 2.a.
11 of Order 96-042 (NPDES No. CA0053597) of the Los Angeles Regional Water Quality
12 Control Board;

13 (v) Final effluent Limitations for chloride contained in footnote 4 accompanying
14 Effluent Limitations 2.a. of Order 00-049 (NPDES No. CA0063274) of the Los Angeles
15 Regional Water Quality Control Board;

16 (vi) Final effluent Limitations for chloride contained in footnote 4 accompanying
17 Effluent Limitations 2.a. Order 2000-09 (NPDES No. CA0059501) of the Los Angeles
18 Regional Water Quality Control Board.
19

20
21 The effect of this stay, in accordance with the intent of the parties, is that the interim chloride
22 effluent limitations of 190 mg/l will be in effect during the period the stay is in effect.
23

24 "B. The stay granted by this Order shall be dissolved, without further action by the State
25 Board, thirty (30) days after the Los Angeles Regional Water Quality Control Board provides
26 notice to the Petitioners and the State Board that Petitioners, or a group or entity including some
27 or all Petitioners, by the date that is 90 days after the date of entry of this Order, have not
28

1 submitted to the Regional Board staff for its review a workplan describing activities to be
2 conducted to re-evaluate water quality objectives for chloride in the Calleguas Creek watershed
3 and/or the beneficial uses currently associated with chloride objectives in the Calleguas Creek
4 watershed (Workplan). Petitioners shall be entitled to reinstate their motion for stay if such
5 notice is made to dissolve the stay.

6 "C. The stay granted by this Order shall be dissolved, without any further action by the
7 State Board, if: (i) the Regional Board, within 90 days of receipt of the Workplan, finds, after a
8 publicly noticed hearing, that the Workplan does not provide an adequate approach to
9 determining appropriate water quality standards and implementation with respect to chloride in
10 the Calleguas Creek watershed; and (ii) the Regional Board so notifies the State Board. Upon
11 notification to the State Board of such finding by the Regional Board, Petitioners' petition and
12 motion for stay shall be reactivated. Under such circumstances, the dissolution of stay issued by
13 this Order shall be coincident with the State Board's ruling on Petitioners' motion for stay.
14 Petitioners shall be entitled to provide any new evidence or argument in support of the motion for
15 stay.

16
17
18 "D. In the event the Petitioners and the Regional Board resolve any issues arising under
19 Paragraphs B and C and the Regional Board provides written notice of resolution during the
20 thirty-day notice period provided in Paragraph B or prior to the State Boards' hearing on the
21 reactivated motion for stay, the stay issued by this Order shall remain in effect.

22 "E. Issuance of this Order shall be without prejudice to the position of any petitioner
23 that no effluent limitation for chloride would be in effect for such Petitioner even absent the stay.

24
25 "F. Issuance of this Order shall not be construed to limit the Regional Board's authority
26 to exercise its regulatory authority concerning the Calleguas Creek watershed or to re-issue
27 permits covered by this Order or the rights of Petitioners to contest such action; Provided, that
28

1 this provision is not intended to state a proposition that would not exist in the absence of this
2 provision, and the State Board acknowledges and supports the representations of the parties that:

3 The Regional Board and the Petitioners agree upon the need to further consider
4 water quality standards for chloride and approaches to chloride regulation in the
5 Calleguas Creek watershed. In this regard, petitioners have advocated the pursuit of
6 a watershed planning effort to support determinations of beneficial uses, water
7 quality objectives, and development of total maximum daily loads as necessary. The
8 parties agree that any such process should move forward expeditiously.

9 3. The parties stipulate that, subsequent to the issuance of an order identical in
10 substance to that provided in Paragraph 2 of this Stipulation, Petitioners' motion for stay shall be
11 dismissed without prejudice, subject to being reactivated as provided herein, and the Petition for
12 Review may be held in abeyance for three (3) years, subject to the right of Petitioners to
13 reactivate the petition.

14 SOMACH, SIMMONS & DUNN
15 A Professional Corporation

16 By Paul S. Simmons 8/14/02

17 Paul S. Simmons
18 Attorneys for the Cities of Simi Valley and
19 Thousand Oaks, Camarillo Sanitary District,
20 Camrosa Water District, and
21 Ventura County Water Works District No. 1

22 By Dennis D. Dickerson 8/13/02

23 Dennis Dickerson
24 Executive Officer
25 California Regional Water Quality
26 Control Board, Los Angeles Region

PROOF OF SERVICE

I am employed in the County of Sacramento; my business address is 813 Sixth Street, Third Floor, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

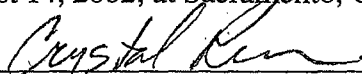
On August 14, 2002, I served the following document(s):

STIPULATION FOR ORDER ISSUING STAY, WITH CONDITIONS

X (by mail) on all parties in said action, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope, with postage fully paid thereon, in the designated area for outgoing mail, addressed as set forth below.

Michael Lauffer Office of Chief Counsel State Water Resources Control Board 1001 I Street Sacramento, CA 95814	Attorneys for Los Angeles Regional Water Quality Control Board
Los Angeles Regional Water Quality Control Board 320 W. Fourth Street, Suite 200 Los Angeles, CA 90013	
David H. Hirsch, Esq. City of Simi Valley City Attorney's Office 2929 Tapo Canyon Road Simi Valley, CA 93063-2199	Attorneys for CITY OF SIMI VALLEY
Mark G. Sellers, Esq. City Attorney City of Thousand Oaks 2100 Thousand Oaks Boulevard Thousand Oaks, CA 91362-2903	Attorneys for CITY OF THOUSAND OAKS
Stephen R. Onstot, Esq. Burke, Williams & Sorensen, LLP 611 W. Sixth Street, Suite 2500 Los Angeles, CA 90017-3102	Attorneys for CAMARILLO SANITARY DISTRICT
Michael F. Perrett, Esq. Hathaway, Perrett, Webster, Power & Chrisman 5450 Telegraph Road Ventura, CA 93006	Attorneys for CAMROSA WATER DISTRICT
Daniel J. Murphy, Esq. County Counsel's Office County of Ventura 800 S. Victoria Avenue Ventura, CA 93007	Attorneys for VENTURA COUNTY WATERWORKS DISTRICT NO. 1

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 14, 2002, at Sacramento, California.


Crystal Rivera