

## State Water Resources Control Board

November 4, 2016

### VIA EMAIL ONLY

### TO ALL PETITIONERS AND THEIR COUNSEL OF RECORD AND TO ALL INTERESTED PERSONS:

PETITIONS OF SAN DIEGO COASTKEEPER AND COASTAL ENVIRONMENTAL RIGHTS FOUNDATION; CITY OF RANCHO SANTA MARGARITA; CITY OF LAGUNA HILLS; COUNTY OF ORANGE & ORANGE COUNTY FLOOD CONTROL DISTRICT; CITY OF DANA POINT; CITY OF LAGUNA BEACH; CITY OF MISSION VIEJO; CITY OF LAGUNA NIGUEL; RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT ET AL; CITY OF SAN CLEMENTE; CITY OF SAN JUAN CAPISTRANO; AND CITY OF ALISO VIEJO [ORDER NO. R9-2015-0100, AN ORDER AMENDING ORDER NO. R9-2013-0001, NPDES NO. CAS0109266, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) DRAINING THE WATERSHEDS WITHIN THE SAN DIEGO REGION] SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD: PROPOSED OWN MOTION ORDER  
**SWRCB/OCC FILE A-2456(a thru l)**

Enclosed is a copy of a proposed own motion order regarding the above petitions. The petitions were deemed complete and consolidated for review on March 15, 2016. The State Water Resources Control Board (State Water Board) regulations generally require final disposition on petitions within 270 days of the date a petition is deemed complete.<sup>1</sup> If the State Water Board has not made a formal disposition within this time frame, the regulations deem the petition denied.<sup>2</sup> When the State Water Board anticipates completing review of a petition after the 270-day period passes, it may indicate that it will review the matter on its own motion.<sup>3</sup>

The State Water Board is currently actively reviewing petitions on the Watershed Management Programs under a municipal storm water permit issued by the Los Angeles Regional Water Quality Control Board and believes it is appropriate to complete review of that matter prior to addressing the challenges to Order No. R9-2015-0100. Upon adoption of an order addressing that matter, the State Water Board will determine whether it is appropriate to issue an order addressing the issues raised in the above petitions. That determination or issuance of any order that may follow, however, will not occur by December 9, 2016. The State Water Board accordingly proposes to take up this matter on its own motion.

<sup>1</sup> Cal. Code Regs., tit. 23, § 2050.5, subd. (b).

<sup>2</sup> *Id.*

<sup>3</sup> Wat. Code, § 13320, subd. (a); Cal. Code Regs., tit. 23, § 2050.5, subd. (c).

The State Water Board will consider the proposed own motion order at its meeting on **Tuesday, December 6, 2016**, commencing at **9:00 a.m.** in the Coastal Hearing Room, second floor of the Cal/EPA Building, 1001 I Street, Sacramento, California. At the meeting, interested persons will be allowed to comment orally on the proposed order. Following comment, the State Water Board may adopt the proposed order as written or with revisions, it may decide not to adopt the order, or it may continue consideration until a later meeting.

All comments shall be based solely upon evidence contained in the record or upon legal argument. Supplemental evidence will not be permitted except under the limited circumstances described in California Code of Regulations, title 23, section 2050.6. Written comments on the proposed order and any other materials to be presented at the meeting, including power point and other visual displays, must be received by **12:00 noon, Monday, December 5, 2016**.

Please indicate in the subject line, "Comments to A-2456 – December 6 Board Item [Own Motion Order]." Written comments and presentations must be addressed to:

Ms. Jeanine Townsend  
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If the State Water Board adopts the proposed own motion order, the petitioners may request that their petition be put into abeyance pending issuance of a State Water Board order on the merits.

If you have any questions regarding this letter, please contact Ryan Mallory-Jones, Attorney, in the Office of Chief Counsel, at (916) 341-5173 or at [Ryan.Mallory-Jones@waterboards.ca.gov](mailto:Ryan.Mallory-Jones@waterboards.ca.gov).

Sincerely,



Michael A.M. Lauffer  
Chief Counsel

Enclosure

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A-2456 (a thru l) Distribution List

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