



# CALIFORNIA ASSOCIATION of SANITATION AGENCIES

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April 29, 2014

*Sent via Electronic Mail to [tim.regan@waterboards.ca.gov](mailto:tim.regan@waterboards.ca.gov)*

Tim Regan, Esq.  
Office of Chief Counsel  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812

**Subject: Support for Proposed Regulatory Amendments to Rules Governing  
Petition Review by State Water Resources Control Board**

Dear Mr. Regan,

The California Association of Sanitation Agencies (CASA) is pleased to support the proposed amendments to Sections 2050, 2050.5, and 2051 of Chapter 6 of Division 3 of Title 23 of the California Code of Regulations (hereafter “amendments”). CASA represents more than 100 public wastewater agencies engaged in collecting, treating and recycling wastewater to ensure protection of public health and the environment. A number of of CASA’s members avail themselves of the petition regulations and would appreciate the added clarity and expedited timelines offered by the proposed amendments. CASA does not request a hearing on this matter.

We appreciate the efforts of State Water Board counsel in working with CASA and other interested stakeholders to address a gap in the existing petition regulations. As you are aware, existing State Water Resources Control Board (State Water Board) regulations provide that the Board has 270 days to act on the petition from the date it notifies the petitioner, the regional board, the discharger and other interested persons that they have 30 days to respond to the petition and directing the regional water board to prepare the administrative record (the “30 day letter”). (tit. 23, Cal. Code Regs §2050(a).). However, neither statute nor regulation establish a timeframe within which the State Water Board is required to commence its consideration of a petition for review, leaving many petitioners and dischargers in limbo. The proposed amendments address this issue by specifying that the State Water Board must respond to a complete petition within 90 days of receipt, or the petition will be deemed dismissed by operation of law. The proposed amendments also allow a petitioner to voluntarily place a petition in abeyance. These two provision, taken together, will ensure that those who want prompt resolution of the issues raised in their petitions will receive it, and those who are willing to wait for the State Water Board to take up the issue will have an avenue for doing so.



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We request that the State Water Board consider one change to the proposed amendments, related to the timeline for addressing the backlog of existing petitions. The provisions dealing with petitions filed before the proposed rulemaking goes into effect have exceedingly long deadlines, and we would appreciate if they could be shortened to the extent possible. For petitions received before January 1, 2011, the notification deadline is within 120 days of the effective date of the rule; for those received between January 1, 2011 and December 31, 2012, the notification deadline is within 240 days of the effective date; and for petitions received between January 1, 2013 and the day before the effective date, the notification deadline is within **one year** of the effective date. We understand that some additional time is necessary to address petitions that are currently outstanding or will soon be filed, but the intent of the regulatory change—providing more prompt initial review of pending petitions—would be better served by shortening these timeframes to the extent that feasible.

Thank you again for your efforts on this issue, and should you have any questions, please feel free to contact me at [alink@casaweb.org](mailto:alink@casaweb.org) or (916) 446-0388.

Sincerely,

Adam D. Link  
CASA, Director of Government Affairs