



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

October 10, 2017

VIA CERTIFIED MAIL AND EMAIL

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Dear Mses. Firestone, Spaletta, and Aguilar and Mr. Jennings:

OWN MOTION REVIEW OF WASTE DISCHARGE REQUIREMENTS GENERAL ORDER NO. R5-2012-0116 FOR GROWERS WITHIN THE EASTERN SAN JOAQUIN RIVER WATERSHED THAT ARE MEMBERS OF THE THIRD-PARTY GROUP, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD: NOTICE OF AVAILABILITY OF SECOND STAFF-PROPOSED ORDER FOR PUBLIC COMMENT, NOTICE OF PUBLIC WORKSHOP, AND NOTICE OF ADOPTON MEETING
SWRCB/OCC FILES A-2239(a)-(c)

On February 8, 2016, the State Water Resources Control Board (State Water Board) released a staff-proposed order in the above matter. The State Water Board subsequently held two Board workshops, on May 4, 2016, in Sacramento, and on May 17, 2016, in Fresno. The written comment period closed on June 1, 2016.

The State Water Board staff is hereby releasing a second staff-proposed order. The second staff-proposed order makes significant revisions to the first staff-proposed order, as indicated in underline/strike-through format.

The State Water Board will hold a public workshop on the second staff-proposed order on **Wednesday, December 6, 2017, commencing at 9:30 a.m.** in the Coastal Hearing Room, Second Floor of the Cal/EPA Building, 1001 I Street, Sacramento, California. The purpose of this workshop is to solicit oral comments from petitioners and interested persons

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

regarding the second staff-proposed order. The State Water Board will take no final action on the second staff-proposed order at the workshop.

The State Water Board is also soliciting written comments on the second staff-proposed order. Written comments must be received by **12:00 noon, on Friday, December 15, 2017**. Please indicate in the subject line, "Comments to A-2239(a)-(c)." Electronic submission of written comments is encouraged. Written comments must be addressed to:

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor (95814]
P.O. Box 100
Sacramento, CA 95812-0100
(tel) 916-341-5600
(fax) 916-341-5620
(email) commentletters@waterboards.ca.gov

After consideration of comments received at the workshop and through the written comment period, the State Water Board expects to take final action on the order on **Tuesday, January 23, 2018, commencing at 9:30 am** in the Coastal Hearing Room, Second Floor of the Cal/EPA Building, 1001 I Street, Sacramento, California.

The petitions raise a set of complex and challenging issues that are considered in the second staff-proposed order. The State Water Board invites comment on both the policy direction expressed in the second staff-proposed order and the proposed revisions to Central Valley Regional Water Quality Control Board (Central Valley Water Board) Order No. R5-2012-0116 (Eastern San Joaquin Agricultural General WDRs), attached to the second staff-proposed order as Appendix A.

Comments on the second staff-proposed order shall be limited to the revisions to the first staff-proposed order, as indicated by underline/strike-through in the second staff-proposed order. Comments on the second staff-proposed revised Eastern San Joaquin Agricultural General WDRs shall be limited to the revisions to the Eastern San Joaquin Agricultural General WDRs adopted by the Central Valley Water Board, as indicated by underline/strike-through in Appendix A. (For ease of reading, the second staff-proposed Appendix A does not indicate the revisions to the first staff-proposed Appendix A.) The State Water Board will review the comments it receives carefully and may make revisions to the second staff-proposed order prior to considering adoption.

PROCEDURAL MATTERS AT THE WORKSHOP

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.

To ensure a productive and efficient public workshop in which all participants have an opportunity to participate, oral statements will be time-limited. Parties and interested persons are encouraged to prepare panel presentations. Petitioners and interested persons proposing panels must contact Senior Staff Counsel Emel Wadhvani by e-mail at

Emel.Wadhvani@waterboards.ca.gov by 12:00 noon on Thursday, November 30, 2017, with the proposed panel and requested amount of time for presentation. Non-panel presentations are expected to be limited to five minutes per speaker.

The State Water Board will circulate an order of proceedings prior to the workshop with final determinations on panels and allotted speaking time based on the number of panels and speakers expected. Any materials to be presented at the workshop, including power point presentations and other visual displays must be submitted to Ms. Jeanine Townsend at the address above by 12:00 noon on Tuesday, December 5, 2017.

EXCEPTION TO PROHIBITION ON EX PARTE COMMUNICATIONS

The prohibition against ex parte communications¹ does not apply to general waste discharge requirements until a specified date just prior to the State Water Board's scheduled adoption of the general WDRs.² That date is currently set at January 9, 2018. Prior to January 9, 2018, interested persons may communicate with State Water Board members regarding the draft order, provided that any oral or written communications between interested persons and board members are disclosed by the interested person within seven days of the communication. More information and sample disclosure forms are available at:

http://www.waterboards.ca.gov/laws_regulations/docs/swrcb_godf_fillin.pdf. There is no disclosure requirement for communications at a noticed board workshop or meeting or submitted as a comment letter in compliance with a public notice.

Additional information regarding this matter, including instructions to join an email distribution list to receive correspondence from the State Water Board regarding this matter, is available at

http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2239_sanjoaquin_ag.s.html.

If you have any questions regarding this letter, please contact Ms. Wadhvani in the Office of Chief Counsel, at (916) 322-3622 or at Emel.Wadhvani@waterboards.ca.gov.

Sincerely,



Michael A.M. Lauffer
Chief Counsel

Enclosure

cc: See next page

¹ Gov. Code, §11430.10 et seq.

² Wat. Code, §13287.

cc: **[via mail only]**
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Petitioners
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