BY THE BOARD:

On May 8, 2013, the San Diego Regional Water Quality Control Board (San Diego Water Board) adopted Waste Discharge Requirements Order No. R9-2013-0001 (San Diego MS4 Order) regulating MS4 discharges within the watersheds of the San Diego region. The MS4 Order was amended on November 18, 2015, by Order No. R9-2015-0100 (San Diego MS4 Order Amendment). The seventeen petitioners listed above timely filed a total of twelve petitions seeking review of the San Diego MS4 Order Amendment with the State Water Resources Control Board (State Water Board). These petitions were deemed complete and consolidated for review on March 15, 2016.¹

State Water Board regulations generally require final disposition on petitions within 270 days of the date a petition is deemed complete (i.e., by December 9, 2016 in this case).² The State Water Board, however, needs additional time to review the large number of issues raised in the petition.

² Cal. Code Regs., tit. 23, § 2050.5, subd. (a).
Furthermore, 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 that it is appropriate to complete review of that matter prior to addressing the challenges to the San Diego MS4 Order Amendment.

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 to avoid unnecessary or premature litigation. Once an order is adopted addressing the Watershed Management Programs, the State Water Board will determine whether issuing an order addressing issues raised in the petitions challenging the San Diego MS4 Order Amendment is appropriate. That determination or issuance of any order that may follow, however, will not occur by December 9, 2016. Therefore, the State Water Board has decided to adopt this order for review of the San Diego MS4 Order Amendment on its own motion.³

ORDER

IT IS HEREBY ORDERED that the State Water Board will review Order R9-2015-0100, an order amending Order R9-2013-0001, on its own motion.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 6, 2016.

AYE:

NO:

ABSENT:

ABSTAIN:

³ See Wat. Code, § 13320, subd. (a); Cal. Code Regs., tit. 23, § 2050.5, subd. (c).