

State Water Resources Control Board

July 31, 2018

CERTIFIED MAIL AND EMAIL

Phoebe Seaton, Esq.
Leadership Counsel for Justice and
Accountability
2115 Kern Street, Suite 320
Fresno, CA 93721
pseaton@leadershipcounsel.org

Dear Ms. Seaton:

PETITION OF ASOCIACION DE GENTE UNIDA POR EL AGUA AND ENVIRONMENTAL LAW FOUNDATION (REISSUED WASTE DISCHARGE REQUIREMENTS GENERAL ORDER NO. R5-2013-0122 FOR EXISTING MILK COW DAIRIES), CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD: NOTICE OF ORDER INITIATING OWN MOTION REVIEW AND COMMENT PERIOD
SWRCB/OCC FILE A-2283(b)

Enclosed is a copy of the proposed order in the above-entitled matter. The State Water Resources Control Board (State Water Board) will consider this order at its meeting that will be held on Tuesday, September 4, commencing at 9:30 a.m. in the Coastal Hearing Room, Second Floor of the Cal/EPA Building, 1001 I Street, Sacramento, California. You will separately receive an agenda for this meeting.

At the meeting, interested persons will be allowed to comment orally on the draft order, subject to the following time limits: The petitioners, Asociacion de Gente Unida por el Agua and Environmental Law Foundation will each be allowed a total of five minutes for oral comment, with additional time for questions by the State Water Board members. Other interested persons will be allotted a lesser amount of time to address the State Water Board. At the meeting, the State Water Board may adopt the draft 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 draft order must be received by **August 30, 2018 at noon**. Please indicate in the subject line, comments to A-2283(b)—September 4 Board Meeting. Those 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

If there are any questions or comments, please contact Stacy E. Gillespie, Senior Staff Counsel, in the Office of Chief Counsel, at (916) 341-5190 or email Stacy.Gillespie@waterboards.ca.gov.

Sincerely,



Michael A.M. Lauffer
Chief Counsel

Enclosure

cc: See next page

cc: **[via U.S. Mail and email]**

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(continued)

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Listserve

DRAFT

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2018-XXXX

In the Matter of the Petition of
**ASOCIACION DE GENTE UNIDA POR EL AGUA AND
ENVIRONMENTAL LAW FOUNDATION**

For Review of Waste Discharge Requirements General Order No. R5-2013-0122
Issued by the
California Regional Water Quality Control Board,
Central Valley Region

SWRCB/OCC FILES A-2283(b)

BY THE BOARD:

On October 3, 2013, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Waste Discharge Requirements Order No. R5-2013-0122 (WDRs) to owners and operators of existing milk cow dairies. Asociacion de Gente Unida Por El Agua and Environmental Law Foundation timely filed a petition seeking review of the WDRs with the State Water State Water Resources Control Board (State Water Board). The petition was deemed complete and active on December 21, 2017.¹

State Water Board regulations generally require final disposition on petitions within 270 days of the date a petition is deemed complete.² If the State Water Board has not made a formal disposition within this time frame, the regulations deem the petition denied. The denial of a petition for review would ordinarily require a petitioner to file any judicial challenge within 30 days of the denial.³ When the State Water Board anticipates addressing a petition on the merits after the review period passes, it may indicate that it will review the matter on its own motion to avoid unnecessary or premature litigation.

¹ Cal. Code Regs., tit. 23, § 2050, subd. (d).

² Cal. Code Regs., tit. 23, § 2050.5, subd. (b).

³ Wat. Code, § 13330, subd. (b).

The State Water Board anticipates issuing an order addressing some of the issues raised in the petition, but not by September 17, 2018. Therefore, the State Water Board has decided to review the WDRs on its own motion.⁴

ORDER

IT IS HEREBY ORDERED that the State Water Board will review Waste Discharge Requirements Order No. R5-2013-0122 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 September 4, 2018.

AYE:

NO:

ABSENT:

ABSTAIN:

DRAFT

Jeanine Townsend
Clerk to the Board

⁴ See Wat. Code, § 13320, subd. (a); Cal. Code Regs., tit. 23, § 2050.5, subd. (c).