

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2008-0009

In the Matter of the Petition of
**ENVIRONMENTAL LAW FOUNDATION
AND
CALIFORNIA SPORTFISHING PROTECTION ALLIANCE**

For Review of Waste Discharge Requirements Order No. R5-2007-0036 and
Time Schedule Order No. R5-2007-0037
[NPDES No. CA0079154] for the
City of Tracy Wastewater Treatment Plant,
San Joaquin County
Issued by the
California Regional Water Quality Control Board,
Central Valley Region

SWRCB/OCC FILE A-1846(a) and A-1846(b)

BY THE BOARD:

On May 4, 2007, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Waste Discharge Requirements Order No. R5-2007-0036 and Time Schedule Order No. R5-2007-0037 [NPDES No. CA0079154] for the City of Tracy Wastewater Treatment Plant. Environmental Law Foundation and California Sportfishing Protection Alliance (CALSPA) filed a timely petition for State Water Resources Control Board (State Water Board) review of the order.

State Water Board regulations generally require final action on a petition within 270 days of the date that the petition is deemed complete. (Cal. Code Regs., tit. 23, § 2050.5, subd. (a).) The petitions were complete on February 21, 2008; consequently, the time limit for formal disposition is November 17, 2008.

If the State Water Board has not made a formal disposition of a petition within the 270-day period, the Board's regulations deem the petition denied. (Cal. Code. Regs., tit. 23, § 2050.5, subd. (b).) The denial of a petition for review would ordinarily require a petitioner to file any judicial challenge within 30 days of the denial. (See Wat. Code, § 13330, subd. (b).) When the State Water Board anticipates addressing a petition on the merits after the period for review passes, it may indicate that it will review the matter on its motion to avoid unnecessary or premature litigation.

The State Water Board anticipates issuing an order addressing some issues raised in the petition, but not by November 17, 2008. Therefore, the State Water Board has decided to review the Tracy order on its own motion. (See Wat. Code § 13320, subd. (a); Cal. Code Regs., tit. 23, § 2050.5, subd. (c).)

ORDER

IT IS HEREBY ORDERED that the State Water Board will review Order No. R5-2007-0036 and Time Schedule Order No. R5-2007-0037 [NPDES No. CA0079154] on its own motion.

CERTIFICATION

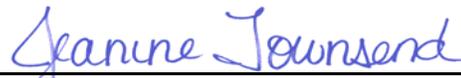
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 4, 2008.

AYE: Chair Tam M. Doduc
Vice Chair Gary Wolff, P.E., Ph.D
Arthur G. Baggett, Jr.
Frances Spivy-Weber

NAY: None

ABSENT: Charles R. Hoppin

ABSTAIN: None



Jeanine Townsend
Clerk to the Board