

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION– OFFICE OF CHIEF COUNSEL  
JULY 15, 2008**

**ITEM 4**

**SUBJECT**

IN THE MATTER OF PETITION OF CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2007-0113 [NPDES NO. CA0079243] FOR CITY OF LODI), CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD  
SWRCB/OCC FILE A-1886

**DISCUSSION**

On September 14, 2007, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Waste Discharge Requirements Order No. R5-2007-0113 to the City of Lodi for its White Slough Water Pollution Control Facility. 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 require that the State Water Board take final action on the petition by August 4, 2008. The State Water Board anticipates adopting an order that addresses some of the issues raised in the CALSPA petition, but not by the August 4, 2008 deadline. The draft order, therefore, proposes that the State Water Board review the Lodi order on its own motion.

**POLICY ISSUE**

Should the State Water Board adopt the proposed order determining to review the Lodi order on its own motion?

**FISCAL IMPACT**

None.

**REGIONAL BOARD IMPACT**

None.

**STAFF RECOMMENDATION**

Adopt the draft order.

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

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**CALIFORNIA SPORTFISHING PROTECTION ALLIANCE**

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Waste Discharge Requirements Order No. R5-2007-0113  
[NPDES No. CA0079243]Issued by the  
Central Valley Regional Water Quality Control Board,**SWRCB/OCC FILE A-1886**

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## BY THE BOARD:

On September 14, 2007, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Waste Discharge Requirements Order No. R5-2007-0113 to the City of Lodi for its White Slough Water Pollution Control Facility. 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 CALSPA petition was complete on November 8, 2007; consequently, the time limit for formal disposition is August 4, 2008.

If the State Water Board has not made a formal disposition of a petition within the 270-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 August 4, 2008. Therefore, the State Water Board has decided to review

# **D R A F T**

May 12, 2008

the Lodi 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. R5-2007-0113 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 July 15, 2008.

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Jeanine Townsend  
Clerk to the Board