

State Water Resources Control Board

September 18, 2013

VIA EMAIL ONLY

TO ALL PETITIONERS AND THEIR COUNSEL OF RECORD AND TO ALL INTERESTED PERSONS:

**IN RE PETITIONS CHALLENGING 2012 LOS ANGELES MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (ORDER NO. R4-2012-0175): EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD AND RESPONSES
SWRCB/OCC FILES A-2236(a) THROUGH (kk)**

The State Water Resources Control Board (State Water Board) has received a letter dated September 16, 2013, from the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) requesting an extension to September 27, 2013, of the deadline to file the administrative record and the response to the petitions in the above matter.

Procedural Background

The State Water Board informed interested persons by letter dated July 8, 2013, that the petitions in the above matter were complete, that the administrative record and responses to the petitions were due within thirty days, and further that the State Water Board was specifically inviting comments on the receiving water limitations language in Los Angeles Water Board Order No. R4-2012-0175 (Los Angeles MS4 Permit). On July 15, 2013, the State Water Board sent a second letter establishing new deadlines for the submission of comments on the receiving water limitations language (August 15, 2013), submission of responses to the petitions (September 20, 2013), and submission of the administrative record (September 20, 2013). On July 29, 2013, the State Water Board issued a third letter denying requests by several petitioners to allow submission of the petition responses 30 days following availability of the administrative record and addressing two additional issues. On September 13, 2013, the State Water Board issued a notice announcing an October 8, 2013, public workshop to hear oral comment on the receiving water limitations language. The letters and notice are available at: http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2236_la_ms4_order.shtml

Extension of Deadlines

Given the size of the administrative record in this matter and the legal and factual complexity of the issues raised in the petitions, the State Water Board will now grant a second extension to the Los Angeles Water Board to file the administrative record and grant a second extension to all parties and interested persons to file responses to the petitions.

The State Water Board will also now grant the requests to allow submission of the petition responses following availability of the administrative record, but by 14 days instead of 30 days. California Code of Regulations, title 23, section 2050.5, subdivision (a) memorializes the State

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Water Board's practice of requiring contemporaneous filing of the administrative record and the petition responses, without prejudice to the parties. As stated in the July 29, 2013, letter, the State Water Board does not agree with petitioners that the official compilation of the administrative record is necessary to complete a response to the filed petitions. However, because the State Water Board has scheduled a workshop to hear comment on the receiving water limitations language in the Los Angeles MS4 Permit on October 8, 2013, and because the State Water Board's consideration of other issues in the petition is expected to commence after the workshop, the State Water Board now has an opportunity to allow the petition responses to be submitted subsequent to filing of the administrative record.

The new deadlines are set as follows:

Submission of the administrative record by the Los Angeles Water Board: **Tuesday, October 1, 2013, at 12:00 noon.**

Submission of the responses to the petitions (for all parties and interested persons, including the Los Angeles Water Board): **Tuesday, October 15, 2013, at 12:00 noon.**

The State Water Board notes that the new deadlines do not extend the 270-day time period in which the State Water Board must review and act on the petitions under California Code of Regulations, title 23, section 2050.5, subdivision (b).

Issues Raised in the Receiving Water Limitations Language Comments and Workshop

All written comments regarding the receiving water limitations language in the Los Angeles MS4 Permit were due by August 15, 2013. Oral comments regarding the receiving water limitations language will be considered by the State Water Board at the upcoming October 8, 2013, public workshop. Interested persons may not use the responses on the remaining petition issues as an opportunity to raise new issues related to the receiving water limitations language.

If you have any questions regarding this letter, please contact me at (916) 322-3622 or at emel.wadhvani@waterboards.ca.gov.

Sincerely,



Emel G. Wadhvani
Senior Staff Counsel

Enclosures

cc: See next page

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Exhibit A – Petitioners and Their
Counsel of Record

[via email only]
Exhibit B – MS4 Dischargers List

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