

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2013-0056

In the Matter of Review of

Conditional Waiver of Waste Discharge Requirements Order No. R3-2012-0011
for

DISCHARGES FROM IRRIGATED LANDS

and Monitoring and Reporting Program Order Nos. R3-2012-0011-01,
R3-2012-0011-02, and R3-2012-0011-03,
and Resolution No. R3-2012-0012

Issued by the
California Regional Water Quality Control Board,
Central Coast Region

SWRCB/OCC FILES A-2209(a)-(e)

BY THE BOARD:

On March 15, 2012, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) issued Conditional Waiver of Waste Discharge Requirements [Order No. R3-2012-0011](#), the accompanying Monitoring and Reporting Program Order [Nos. R3-2012-0011-01](#), [R3-2012-0011-02](#), and [R3-2012-0011-03](#), and the accompanying Resolution No. R3-2012-0012 (collectively referred to hereinafter as the Agricultural Order) for discharges from irrigated agricultural lands in the Central Coast region. The State Water Resources Control Board (State Water Board) received timely petitions for review of the Agricultural Order from five groups of petitioners: (1) Monterey Coastkeeper, Santa Barbara Channelkeeper, San Luis Obispo Coastkeeper; (2) Ocean Mist Farms and RC Farms; (3) Grower-Shipper Association of Central California, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties, and Western Growers; (4) California Farm Bureau Federation, Monterey County Farm Bureau, San Benito County Farm Bureau, San Luis Obispo County Farm Bureau, San Mateo County Farm Bureau, Santa Barbara County Farm Bureau, Santa Clara County Farm Bureau, and Santa Cruz County Farm Bureau; and (5) Jensen Family Farms, Inc. and William Elliott. These petitions were deemed complete on September 17, 2012.

State Water Board regulations generally require final disposition on petitions within 270 days of the date a petition is deemed complete, but allow for a 60-day extension with agreement from petitioners.¹ In this case, the State Water Board obtained petitioners' agreement to a 60-day extension, which set the expiration of the time period for final disposition at August 13, 2013. If the State Water Board has not made a formal disposition within this time frame, the regulations deem the petition denied.² 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 motion⁴ to avoid unnecessary or premature litigation.

On June 6, 2013, the State Water Board circulated a proposed order resolving the petitions and invited written comment by July 16, 2013. On July 23, 2013, the State Water Board held a workshop to take oral comment on the proposed order. The State Water Board will adopt a final order following revisions to address comments received, but will not necessarily complete revisions in time to adopt the order by August 13, 2013. Therefore, the State Water Board has decided to review the Agricultural Order on its own motion. Consistent with its stated intent in Order WQ 2012-0012, which stayed certain provisions of the Agricultural Order, the State Water Board remains committed to adopting a final order resolving the petitions no later than October 1, 2013.

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¹ Cal. Code Regs., tit. 23, § 2050.5, subd. (b).

² *Id.*

³ Wat. Code, § 13330, subd. (b).

⁴ 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 the Agricultural Order on its own motion.

CERTIFICATION

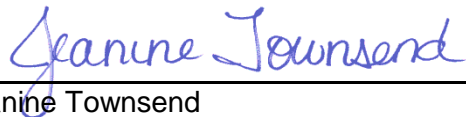
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 23, 2013.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: Board Member Tam M. Doduc

ABSTAIN: None



Jeanine Townsend
Clerk to the Board