

State Water Resources Control Board

June 6, 2013

All Parties and Interested Persons:

PETITIONS OF (A) MONTEREY COASTKEEPER, SANTA BARBARA CHANNELKEEPER, SAN LUIS OBISPO COASTKEEPER; (B) 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, SANTA CRUZ COUNTY FARM BUREAU; (C) OCEAN MIST FARMS AND RC FARMS; (D) GROWER-SHIPPER ASSOCIATION OF CENTRAL CALIFORNIA, GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES, AND WESTERN GROWERS; AND (E) JENSEN FAMILY FARMS, INC. AND WILLIAM ELLIOTT (CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS ORDER NO. R3-2012-0011 FOR DISCHARGES FROM IRRIGATED LANDS, 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), CENTRAL COAST WATER BOARD: BOARD WORKSHOP NOTIFICATION
SWRCB/OCC FILES A-2209 (a) - (e)

Enclosed is a copy of the proposed order in the above-entitled matter. The State Water Resources Control Board (State Water Board) will hold a workshop on this proposed order on **Tuesday, July 23, 2013**, commencing at **9:00 a.m.** in the Coastal Hearing Room, second floor of the Cal/EPA Building, 1001 I Street, Sacramento, California.

The purpose of this workshop is to solicit comments from parties and interested persons regarding the proposed order. The State Water Board will take no final action on the proposed order at this workshop. After consideration of comments received prior to or at this workshop, the State Water Board will schedule the matter for final action at a subsequent State Water Board meeting.

Consolidation of Petitions

The State Water Board has proposed to consolidate the five petitions above to be heard and considered together as allowed by California Code of Regulations, title 23, section 2054. Any party objecting to consolidation of the petitions must notify the State Water Board and explain how the party would be prejudiced by the consolidation no later than the written comment deadline provided below.

Potential for Own Motion Review

California Code of Regulations, title 23, section 2050.5 requires the State Water Board to act on a petition within 270 days from the date the petitions are deemed complete, but also allows for a 60-day extension with agreement from the petitioners. As memorialized in our letter dated

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE OFFICER

May 30, 2013, petitioners have agreed to a 60-day extension. The State Water Board will endeavor to take final action on the petitions by August 13, 2013, which is the 330th day from the date that the petitions were deemed complete.

In an abundance of caution and to ensure it can fully consider comments, however, the State Water Board will separately circulate a proposed order to take the matter up on its own motion. The own motion order would allow the board to maintain jurisdiction so it can issue a final order on the matter, in the event it cannot take final action by the 330th day. The proposed order concerning own motion review will be sent under separate cover. The State Water Board anticipates that the proposed own motion order would be considered as an action item on the July 23, 2013 board agenda.

Board Workshop Procedural Issues

At the workshop, interested persons will be allowed to comment orally on the proposed order, subject to the following time limits. The petitioners Monterey Coastkeeper, Santa Barbara Channelkeeper, San Luis Obispo Coastkeeper (collectively, Keepers) will be allowed 30 minutes for oral comment. The agricultural petitioners groups Ocean Mist Farms and RC Farms (collectively, Ocean Mist); Grower-Shipper Association of Central California, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties, and Western Growers (collectively, Grower-Shipper); 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 (collectively, Farm Bureau); and Jensen Family Farms, Inc., and William Elliott (collectively, Jensen), will each be allowed 15 minutes for oral comments. Ocean Mist, Grower-Shipper, Farm Bureau, and Jensen are encouraged to coordinate their presentations and may choose to consolidate their comments. The Central Coast Regional Water Quality Control Board will be allowed 30 minutes for oral comment. Additional time will be allowed in each case for questions by the State Water Board members.

Written Comment Procedural Issues

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 and any other materials to be presented at the workshop, including power point and other visual displays, must be received by **12:00 noon, Tuesday, July 16, 2013**.

Please indicate in the subject line, "Comments to A-2209(a)-(e) – July 23 Board Workshop."
Written comments and presentations must be addressed to:

Ms. Jeanine Townsend
Clerk to the Board
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1001 I Street, 24th Floor [95814]
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If you have any questions regarding this letter, please contact Emel G. Wadhvani, Senior Staff Counsel, in the Office of Chief Counsel, at (916) 322-3622 or at ewadhvani@waterboards.ca.gov.

Sincerely,



Michael A.M. Lauffer
Chief Counsel

Enclosure

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