

December 2, 2016

**Via U.S. Mail and Electronic Mail**

Ryan Mallory-Jones  
State Water Resources Control Board  
Office of Chief Counsel  
1001 I Street, 22nd Floor  
Sacramento, CA 95812-0100  
[Ryan.Mallory-Jones@waterboards.ca.gov](mailto:Ryan.Mallory-Jones@waterboards.ca.gov)

Re: SWRCB/OCC File A-2456 (e),(f) – **Request to Hold in Abeyance** the Petitions of Cities of Dana Point and Laguna Beach for Review of Action of the California Regional Water Quality Control Board, San Diego Region, in Adopting Order No. R9-2015-0100, an Order Amending Order No. R9-2013-0001, NPDES No. CAS0109266, as Amended by Order No. R9-2015-0001, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region

Dear Mr. Mallory-Jones:

This office represents the Cities of Dana Point and Laguna Beach (“Petitioners”) with respect to the above-referenced petition numbers A-2456 (e), and A-2456 (f) (“the Petitions”), filed on December 18, 2015. Pursuant to section 2050.5(d) of the California Code of Regulations, Petitioners hereby request that the Petition be held in abeyance effective as of the date of this letter, until such time as Petitioners request that the Petition be removed from abeyance.

On March 15, 2016, the State Water Resources Control Board (“State Board”) issued notice that the Petition was complete and was being consolidated with legally or factually related petitions under section 2054 of the California Code of Regulations. Under State Board regulations, the State Board is required to issue a final disposition on the Petition by December 9, 2016. Cal. Code Regs., tit 23, § 2050.5 (a).

On November 4, 2016, the State Board issued notice of its proposed own motion to review Order No. R9-2015-0100 of the San Diego Regional Water Quality Control Board, because the State Board would not complete review of the Petition within the 270 day time period prescribed by regulation. The notice of own motion indicated that the State Board “is currently reviewing petitions on Watershed Management Programs under an MS4 permit issued by the Los Angeles Regional Water Quality Control Board,” and that “once an order is adopted

Ryan Mallory-Jones  
December 2, 2016  
Page 2

addressing the Watershed Management Programs, the State Water Board will determine whether issuing an order addressing issues raised in the petitions challenging the San Diego MS4 Order Amendment is appropriate.”

In light of the fact that the State Board will not address the Petitions by December 9, and the uncertainty as to whether any order adopted addressing the Watershed Management Programs at issue in the Los Angeles County permit will fully address on the merits all the issues raised in the Petitions, and in order to preserve their legal rights, Petitioners hereby request that their Petitions be held in abeyance effective immediately. Petitioners further request that their Petitions remain in an abeyance status until Petitioners specifically request that the Petitions be removed from abeyance.

Please contact me should you have any questions, and thank you for your attention to this matter.

Very truly yours,

RUTAN & TUCKER, LLP



Jeremy N. Jungreis

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