

State Water Resources Control Board

November 4, 2016

VIA EMAIL ONLY

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

PETITIONS OF SAN DIEGO COASTKEEPER AND COASTAL ENVIRONMENTAL RIGHTS FOUNDATION; CITY OF RANCHO SANTA MARGARITA; CITY OF LAGUNA HILLS; COUNTY OF ORANGE & ORANGE COUNTY FLOOD CONTROL DISTRICT; CITY OF DANA POINT; CITY OF LAGUNA BEACH; CITY OF MISSION VIEJO; CITY OF LAGUNA NIGUEL; RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT ET AL; CITY OF SAN CLEMENTE; CITY OF SAN JUAN CAPISTRANO; AND CITY OF ALISO VIEJO [ORDER NO. R9-2015-0100, AN ORDER AMENDING ORDER NO. R9-2013-0001, NPDES NO. CAS0109266, 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] SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD: PROPOSED OWN MOTION ORDER
SWRCB/OCC FILE A-2456(a thru l)

Enclosed is a copy of a proposed own motion order regarding the above petitions. The petitions were deemed complete and consolidated for review on March 15, 2016. The State Water Resources Control Board (State Water Board) regulations generally require final disposition on petitions within 270 days of the date a petition is deemed complete.¹ If the State Water Board has not made a formal disposition within this time frame, the regulations deem the petition denied.² When the State Water Board anticipates completing review of a petition after the 270-day period passes, it may indicate that it will review the matter on its own motion.³

The State Water Board is currently actively reviewing petitions on the Watershed Management Programs under a municipal storm water permit issued by the Los Angeles Regional Water Quality Control Board and believes it is appropriate to complete review of that matter prior to addressing the challenges to the San Diego MS4 Order Amendment. Upon adoption of an order addressing that matter, the State Water Board will determine whether it is appropriate to issue an order addressing the issues raised in the above petitions. That determination or issuance of any order that may follow, however, will not occur by December 9, 2016. The State Water Board accordingly proposes to take up this matter on its own motion.

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

² *Id.*

³ Wat. Code, § 13320, subd. (a); Cal. Code Regs., tit. 23, § 2050.5, subd. (c).

The State Water Board will consider the proposed own motion order at its meeting on **Tuesday, December 6, 2016**, commencing at **9:00 a.m.** in the Coastal Hearing Room, second floor of the Cal/EPA Building, 1001 I Street, Sacramento, California. At the meeting, interested persons will be allowed to comment orally on the proposed order. Following comment, the State Water Board may adopt the proposed order as written or with revisions, it may decide not to adopt the order, or it may continue consideration until a later meeting.

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 proposed order and any other materials to be presented at the meeting, including power point and other visual displays, must be received by **12:00 noon, Monday, December 5, 2016**.

Please indicate in the subject line, "Comments to A-2456 – December 6 Board Item [Own Motion Order]." Written comments and presentations must be addressed to:

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
(tel) 916-341-5600
(fax) 916-341-5620
(email) commentletters@waterboards.ca.gov

If the State Water Board adopts the proposed own motion order, the petitioners may request that their petition be put into abeyance pending issuance of a State Water Board order on the merits.

If you have any questions regarding this letter, please contact Ryan Mallory-Jones, Attorney, in the Office of Chief Counsel, at (916) 341-5173 or at ryan.mallory-jones@waterboards.ca.gov.

Sincerely,

Michael A.M. Lauffer
Chief Counsel

Enclosure

cc: A-2456 (a thru l) Lyris List
A-2456 Distribution List (attached)

A-2456 (a thru l) Distribution List

A-2456(a)
San Diego Coastkeeper **[via email only]**
Attn: Matt O'Malley, Esq.
2825 Dewey Road, Suite 200
San Diego, CA 92106
matt@sdcoastkeeper.org

[via email only]
Coastal Environmental Rights Foundation
Attn: Marco A. Gonzalez
1140 South Coast Highway 101
Encinitas, CA 92024
marco@cerf.org

A-2456(b)
Jennifer M. Cervantez **[via email only]**
City Manager
City of Rancho Santa Margarita
22112 El Paseo
Rancho Santa Margarita, CA 92688
jcervantez@cityofrsm.org

E. Maximous, P.E. **[via email only]**
City Engineer
City of Rancho Santa Margarita
22112 El Paseo
Rancho Santa Margarita, CA 92688
emaximous@cityofrsm.org

Gregory E. Simonian **[via email only]**
Woodruff, Spradlin & Smart
555 Anton Boulevard, Suite 1200
Costa Mesa, CA 92626-7670
gsimonian@wss-law.com

James H. Eggart **[via email only]**
Woodruff, Spradlin & Smart
555 Anton Boulevard, Suite 1200
Costa Mesa, CA 92626-7670
jeggart@wss-law.com

A-2456(c)
Bruce E. Channing **[via email only]**
City Manager
City of Laguna Hills
24035 El Toro Road
Laguna Hills, CA 92653
bchanning@ci.laguna-hills.ca.us

Kenneth H. Rosenfield **[via email only]**
Director of Public Services
City of Laguna Hills
24035 El Toro Road
Laguna Hills, CA 92653
krosenfield@ci.laguna-hills.ca.us

Gregory E. Simonian **[via email only]**
Woodruff, Spradlin & Smart
555 Anton Boulevard, Suite 1200
Costa Mesa, CA 92626-7670
gsimonian@wss-law.com

James H. Eggart **[via email only]**
Woodruff, Spradlin & Smart
555 Anton Boulevard, Suite 1200
Costa Mesa, CA 92626-7670
jeggart@wss-law.com

A-2456(d)
Mary Anne Skorpanich **[via email only]**
Deputy Director
Attn: Chris Crompton
OC Public Works
County of Orange
2301 N. Glassell Street
Orange, CA 92865
Maryanne.skorpanich@ocpw.ocgov.com
Chris.crompton.@ocpw.ocgov.com

(Continued)

Shane Silsby, Director **[via email only]**
OC Public Works
County of Orange/Orange County Flood
Control District
PO Box 4048
Santa Ana, CA 92702-4048
Shane.silsby@ocpw.ocgov.com

Ryan M. F. Baron **[via email only]**
Senior Deputy County Counsel
333 W. Santa Ana Blvd., Suite 407
Post Office Box 1379
Santa Ana, CA 92702-1379
Ryan.baron@coco.ocgov.com

A-2456(e)
City of Dana Point **[via email only]**
Attn: Brad Fowler
Director of Public Works & Engineering
33282 Golden Lantern
Dana Point, CA 92629
bfowler@danapoint.org

Jeremy Jungreis **[via email only]**
Patrick Munoz
Travis Van Ligten
611 Anton Blvd, 14th Floor
Costa Mesa, CA 92626
jjungreis@rutan.com
pmunoz@rutan.com
tvanligten@rutan.com

A-2456(f)
City of Laguna Beach **[via email only]**
David Shissler, Director of Water Quality
505 Forest Avenue
Laguna Beach, CA 92651
dshissler@lagunabeachcity.net

Jeremy N. Jungreis **[via email only]**
Philip D. Kohn
Travis Van Ligten
611 Anton Blvd, 14th Floor
Costa Mesa, CA 92626
jjungreis@rutan.com
pkohn@rutan.com
tvanligten@rutan.com

A-2456(g)
William P. Curley, III **[via email only]**
Lozano Smith LLP
515 S. Figueroa Street, Suite 750
Los Angeles, CA 90071
wcurley@lozanosmith.com

A-2456(h)
Rod Foster **[via email only]**
City Manager
30111 Crown Valley Parkway
Laguna Niguel, CA 92677
rfoster@cityoflagunaniguel.org

Nancy Palmer **[via email only]**
Environmental Programs Manager
City Landscape Architect
30111 Crown Valley Parkway
Laguna Niguel, CA 92677
npalmer@cityoflagunaniguel.org

Terry E. Dixon **[via email only]**
City Attorney
30111 Crown Valley Parkway
Laguna Niguel, CA 92677
tdixon@cityoflagunaniguel.org

A-2456(i)
Stuart E. McKibbin, P.E. **[via email only]**
David H. Garcia, P.E.
Riverside County Flood Control &
Water Conservation District
1995 Market Street
Riverside, CA 92501
smckibbi@rcflood.org
dhgarcia@rcflood.org

Aldo Licitra **[via email only]**
Associate Engineer/NPDES
City of Temecula
41000 Main Street
Temecula, CA 92590
Aldo.licitra@cityoftemecula.org

(Continued)

Matt Bennett [via email only]
Deputy City Engineer
City of Wildomar
23873 Clinton Keith Rd, Ste 201
Wildomar, CA 92595
mbennett@cityofwildomar.org

Steve Horn [via email only]
County of Riverside
408 Lemon Street, 4th Floor
Riverside, CA 92501
shorn@rceo.org

James Ozouf [via email only]
Associate Civil Engineer
City of Murrieta
1 Town Square
24601 Jefferson Avenue
Murrieta, CA 92562
jozouf@murrieta.org

Aaron C. Gettis, Esq. [via email only]
Deputy County Counsel
County of Riverside
3960 Orange Street, Suite 500
Riverside, CA 92501
agettis@co.riverside.ca.us

David W. Burhenn, Esq. [via email only]
Burhenn & Gest LLP
624 S. Grand Avenue, Suite 2200
Los Angeles, CA 90017
dburhenn@burhenngest.com

A-2456(j)
James Makshanoff [via email only]
City Manager
City of San Clemente
100 Avenida Presidio
San Clemente, CA 92672
CityManager@San-Clemente.org

Cameron William [via email only]
Director of Public Works
City of San Clemente
910 Calle Negocio
San Clemente, CA 92673
CameronW@San-Clemente.org

Shawn Hagerty [via email only]
J.G. Andre Monette
Rebecca Andrews
655 West Broadway, 15th Floor
San Diego, CA 92101
Shawn.Hagerty@bbklaw.com
Andre.Monette@bbklaw.com
Rebecca.Andrews@bbklaw.com

A-2456(k)
Ben Siegel [via email only]
Interim City Manager
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
BSiegel@sanjuancapistrano.org

Hossein Ajideh, PhD., P.E. [via email only]
Senior Civil Engineer
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
HAjidel@sanjuancapistrano.org

Shawn Hagerty [via email only]
J.G. Andre Monette
Rebecca Andrews
655 West Broadway, 15th Floor
San Diego, CA 92101
Shawn.Hagerty@bbklaw.com
Andre.Monette@bbklaw.com
Rebecca.Andrews@bbklaw.com

A-2456(l)
David Doyle [via email only]
City Manager
City of Aliso Viejo
12 Journey, Suite 100
Aliso Viejo, CA 92656-5335
DDoyle@cityofalisoviejo.com

Shaun Pelletier [via email only]
Director of Public Works
City of Aliso Viejo
12 Journey, Suite 100
Aliso Viejo, CA 92656-5335
SPelletier@cityofalisoviejo.com

(Continued)

Shawn Hagerty **[via email only]**
J.G. Andre Monette
Rebecca Andrews
655 West Broadway, 15th Floor
San Diego, CA 92101
Shawn.Hagerty@bbklaw.com
Andre.Monette@bbklaw.com
Rebecca.Andrews@bbklaw.com

Wayne Chiu **[via email only]**
Water Resources Control Engineer
San Diego Regional Water Quality
Control Board
2375 Northside Drive #100
San Diego, CA 92108
Wayne.Chiu@waterboards.ca.gov

David W. Gibson **[via email only]**
Executive Officer
San Diego Regional Water Quality
Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108
david.gibson@waterboards.ca.gov

James Smith **[via email only]**
Assistant Executive Officer
San Diego Regional Water Quality
Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108
james.smith@waterboards.ca.gov

Lori T. Okun, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
lori.okun@waterboards.ca.gov

Catherine George Hagan, Esq. **[via email only]**
Office of Chief Counsel, State Water Board
c/o San Diego Region, Regional Water Quality
Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108
catherine.hagan@waterboards.ca.gov

Adriana Nunez, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
adriana.nunez@waterboards.ca.gov

Ryan Mallory-Jones, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
Ryan.Mallory-Jones@waterboards.ca.gov

Philip G. Wyels, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
philip.wyels@waterboards.ca.gov

Mr. David W. Smith, Chief **[via email only]**
Permits Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
smith.davidw@epa.gov

Mr. Ken Greenberg, Chief **[via email only]**
Clean Water Act Compliance (NPDES)
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
greenberg.ken@epa.gov