

County of Orange and the Orange County Flood Control District (“County”) hereby submit this Request for Official Notice in support of the County’s Response to Petitions for Review (“Petition”) regarding the State Water Resources Control Board’s (“State Board”) review of Order No. R9-2015-0100, adopted by the California Regional Water Quality Control Board, San Diego Region (“Regional Board”), on November 18, 2015, which is 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 (“Permit”).

County requests that the State Board take official notice of the following documents pursuant to 23 C.C.R. § 648.2 and Evidence Code § 452(c). Evidence Code § 452(c) allows the State Board to take notice of “[o]fficial acts of the legislative, executive, and judicial departments of the United States and of any state of the United States.” “Official acts” under Evidence Code § 452(c) include “records, reports and orders of administrative agencies.”¹

Pursuant to 23 C.C.R. § 648.2, the Petitioners respectfully request that the State Board take notice of the following documents:

1. A copy of a letter from David Gibson, Executive Officer, Regional Board, to the Penasquitos WMA Permittees, dated February 12, 2016 regarding acceptance of the waters quality improvement plan. This letter is an example of the San Diego County Permittees not applying for the Alternative Compliance Option.

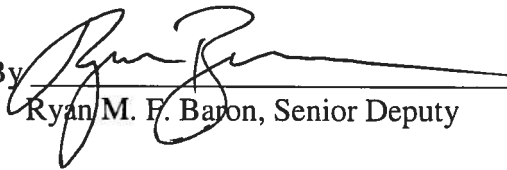
This letter is not offered to demonstrate the adequacy of the WQIPs submitted by the San Diego County Permittees or the merits of any positions for or against WQIP approval by the Regional Board, as those matters are potentially separate proceedings outside the scope of the

¹ *Rodin v. Spiegel* (2001) 87 Cal.App.4th 513, 518.

Petition.

A true and correct copy of this document, which was obtained from the San Diego County Permittees, is attached as Exhibit A.

Respectfully submitted,
LEON J. PAGE
COUNTY COUNSEL

By 
Ryan M. F. Baron, Senior Deputy



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

February 12, 2016

Via Email Only

Mr. Clem Brown
Program Manager
City of San Diego
Transportation and Storm Water Department
9370 Chesapeake Drive
Suite 100, MS 1900
San Diego, California 92123

In reply refer to / attn:
CW-794843:CArias

**Subject: San Diego Water Board Notice of Acceptance
Peñasquitos Watershed Management Area Water Quality Improvement Plan**

Mr. Brown:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) received the revised final Peñasquitos Watershed Management Area (WMA) Water Quality Improvement Plan (Plan) on September 29, 2015. The revised final Peñasquitos WMA Plan was jointly submitted by the City of San Diego, City of Poway, City of Del Mar, and the County of San Diego (collectively Peñasquitos WMA Copermittees) after considering written comments submitted by the public and San Diego Water Board staff on the draft final Plan. Submittal of the Peñasquitos WMA Plan, as revised in response to comments, is required by Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100, 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* (Order).

Provisions B and D of the Order describe the required elements that must be included in the Peñasquitos WMA Plan. After reviewing the revised final Peñasquitos WMA Plan and the comments received during the Plan revision process, the San Diego Water Board finds that the Plan is in compliance with Provisions B and D of the Order.

Based on these findings, the San Diego Water Board accepts the revised final Peñasquitos WMA Plan dated September 29, 2015 as meeting the requirements of Provisions B and D of the Order. As such, the Peñasquitos WMA Copermittees should continue implementation of the strategies described therein according to the specified schedules. The Peñasquitos WMA Copermittees are now authorized to allow exemptions to the Hydromodification Management BMP Requirements that have been identified pursuant to Provision E.3.c.(2)(d)(iii) of the Order, and implement the Alternative Compliance Program for Priority Development Projects provided under provision E.3.c.(3) of the Order, within the Peñasquitos WMA.

The accepted Peñasquitos WMA Plan, dated September 29, 2015 will continue to be available for public review on the San Diego Water Board website. Any person aggrieved by this San

HENRY ABARBANEL, PH.D, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

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Mr. Clem Brown
City of San Diego

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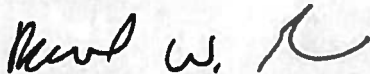
February 12, 2016

Diego Water Board action to accept the Pefasquitos WMA Plan may petition the State Water Resources Control Board to review the action in accordance with Water Code section 13320 and California Code of Regulations (CCR), title 23, section 2050, et seq. The State Water Resources Control Board must receive the petition by 5:00 p.m. within 30 days after the date of this action except if the thirtieth day falls on a Saturday, Sunday or holiday, the petition must be received no later than 5:00 p.m. on the first business day following. Copies of laws and regulations applicable to petitions are available at http://www.waterboards.ca.gov/public_notices/petitions/water_quality and are available upon request.

Please submit any written correspondence in response to this letter to SanDiego@waterboards.ca.gov. Electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: PIN: CW-794843:CArias.

Should you have any questions or comments on this matter, please contact Christina Arias by phone at (619) 521-3361 or by e-mail at Christina.Arias@waterboards.ca.gov.

Respectfully,



David W. Gibson
Executive Officer
San Diego Regional Water Quality Control Board

DWG;js:dtb:law:ca

cc (via email): Mikhail Ogawa, City of Del Mar
Steve Strapac, City of Poway
Jo Ann Weber, County of San Diego

Tech Staff Info & Use	
Order No.	R9-2013-0001
NPDES No.	CAS0109266
PIN ID	794843
Regulatory Measure ID	387355