



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board



Arnold Schwarzenegger  
Governor

Office of Chief Counsel  
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May 12, 2008

## CERTIFIED MAIL

Mr. Bill Jennings  
Executive Director  
California Sportfishing Protection Alliance  
3536 Rainier Avenue  
Stockton, CA 95204

Dear Mr. Jennings:

PETITION OF CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2007-0113 [NPDES NO. CA0079243] FOR CITY OF LODI), CENTRAL VALLEY WATER BOARD: BOARD MEETING NOTIFICATION – OWN MOTION REVIEW  
**SWRCB/OCC FILE A-1886**

Enclosed is a copy of a proposed order in the above-entitled matter. The draft order would initiate own motion review by the State Water Resources Control Board (State Water Board) of Waste Discharge Requirements Order No. R5-2007-0113 for the City of Lodi.

The State Water Board will consider the draft order at its meeting on *Tuesday, July 15, 2008*, commencing at *10:00 a.m.* in the Coastal Room on the second floor of the Cal/EPA Building, 1001 I Street, Sacramento, California. You will separately receive an agenda notice for this meeting.

At the meeting, interested persons will be allowed to comment orally on the draft order. The State Water Board may adopt the draft order as written or with revisions, decide not to adopt the order, or continue consideration to a later meeting.

Written comments on the draft order may also be submitted to the State Water Board. All written comments must be received no later than **12:00 p.m., June 11, 2008**. Written comments must be based solely on evidence in the administrative record for this matter. Please indicate in the subject line "Comments to A-1886 – July 15, 2008 Board Meeting." Written comments must be addressed to:

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

California Environmental Protection Agency

If there are any questions, please contact Sheila K. Vassey in the Office of Chief Counsel at (916) 341-5173 or by email at [svassey@waterboards.ca.gov](mailto:svassey@waterboards.ca.gov).

Sincerely,



Michael A.M. Lauffer  
Chief Counsel

Enclosure

cc: Mike Jackson, Esq.  
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Ms. Pamela C. Creedon **[via email only]**  
Executive Officer  
Central Valley Regional Water Quality  
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Rancho Cordova, CA 95670-6114

Mr. Kenneth D. Landau **[via email only]**  
Assistant Executive Officer  
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Rancho Cordova, CA 95670-6114

Ms. Gayleen Perreira **[via email only]**  
Water Resources Control Engineer  
Central Valley Regional Water Quality  
Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

Mr. Jack DelConte **[via email only]**  
Assistant Executive Officer  
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Control Board  
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Rancho Cordova, CA 95670-6114

Mr. Loren Harlow **[via email only]**  
Assistant Executive Officer  
Central Valley Regional Water Quality  
Control Board, Fresno Office  
1685 E Street  
Fresno, CA 93706-2020

Mr. James Pedri **[via email only]**  
Assistant Executive Officer  
Central Valley Regional Water Quality  
Control Board, Redding Office  
415 Knollcrest Drive  
Redding, CA 96002

Interested Persons

**DRAFT**

May 12, 2008

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**ORDER WQ 2008-**

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**CALIFORNIA SPORTFISHING PROTECTION ALLIANCE**

Waste Discharge Requirements Order No. R5-2007-0113  
[NPDES No. CA0079243]

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

**SWRCB/OCC FILE A-1886**

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BY THE BOARD:

On September 14, 2007, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Waste Discharge Requirements Order No. R5-2007-0113 to the City of Lodi for its White Slough Water Pollution Control Facility. California Sportfishing Protection Alliance (CALSPA) filed a timely petition for State Water Resources Control Board (State Water Board) review of the order.

State Water Board regulations generally require final action on a petition within 270 days of the date that the petition is deemed complete. (Cal. Code Regs., tit. 23, § 2050.5, subd. (a).) The CALSPA petition was complete on November 8, 2007; consequently, the time limit for formal disposition is August 4, 2008.

If the State Water Board has not made a formal disposition of a petition within the 270-period, the Board's regulations deem the petition denied. (Cal. Code Regs., tit. 23, § 2050.5, subd. (b).) The denial of a petition for review would ordinarily require a petitioner to file any judicial challenge within 30 days of the denial. (See Wat. Code, § 13330, subd. (b).) When the State Water Board anticipates addressing a petition on the merits after the period for review passes, it may indicate that it will review the matter on its motion to avoid unnecessary or premature litigation.

# DRAFT

May 12, 2008

The State Water Board anticipates issuing an order addressing some issues raised in the petition, but not by August 4, 2008. Therefore, the State Water Board has decided to review the Lodi order on its own motion. (See 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 Order No. R5-2007-0113 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 zFillInDateToBeAdopted.

AYE:

NO:

ABSENT:

ABSTAIN:

## DRAFT

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Jeanine Townsend  
Clerk to the Board