

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 CITY OF ALAMEDA; CITY OF UNION CITY; SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM AND SAN MATEO COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM; CITY OF ALBANY; CITY OF NEWARK; CITY OF HAYWARD; CITY OF SAN JOSE; CITY OF DUBLIN; CITY OF BERKELEY; CITY OF SAN LEANDRO; COUNTY OF ALAMEDA; SAN FRANCISCO BAYKEEPER; AND CITY OF OAKLAND; (WASTE DISCHARGE REQUIREMENTS ORDER NO. R2-2015-0049 [NPDES PERMIT CAS612008], MUNICIPAL REGIONAL STORMWATER NPDES PERMIT FOR MUNICIPALITIES WITHIN THE COUNTIES OF ALAMEDA, CONTRA COSTA, SANTA CLARA, AND SAN MATEO, THE CITIES OF FAIRFIELD, SUISUN CITY AND VALLEJO, AND VALLEJO SANITATION AND FLOOD CONTROL DISTRICT) SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD: PROPOSED OWN MOTION ORDER
SWRCB/OCC FILE A-2455(a thru m)

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 Francisco Bay MS4 Order. 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.

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

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).

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-2455 – 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
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P.O. Box 100
Sacramento, CA 95812-0100
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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-2455 (a thru m) Lyris List
A-2455 Distribution List (attached)

A-2455(a thru m) Distribution List

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