

## State Water Resources Control Board

July 2, 2013

All Parties and Interested Persons:

PETITIONS OF (A) MONTEREY COASTKEEPER, SANTA BARBARA CHANNELKEEPER, SAN LUIS OBISPO COASTKEEPER; (B) CALIFORNIA FARM BUREAU FEDERATION, MONTEREY COUNTY FARM BUREAU, SAN BENITO COUNTY FARM BUREAU, SAN LUIS OBISPO COUNTY FARM BUREAU, SAN MATEO COUNTY FARM BUREAU, SANTA BARBARA COUNTY FARM BUREAU, SANTA CLARA COUNTY FARM BUREAU, SANTA CRUZ COUNTY FARM BUREAU; (C) OCEAN MIST FARMS AND RC FARMS; (D) GROWER-SHIPPER ASSOCIATION OF CENTRAL CALIFORNIA, GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES, AND WESTERN GROWERS; AND (E) JENSEN FAMILY FARMS, INC. AND WILLIAM ELLIOTT (CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS ORDER NO. R3-2012-0011 FOR DISCHARGES FROM IRRIGATED LANDS, MONITORING AND REPORTING PROGRAM ORDER NOS. R3-2012-0011-01, R3-2012-0011-02, AND R3-2012-0011-03, AND RESOLUTION NO. R3-2012-0012), CENTRAL COAST WATER BOARD: PROPOSED OWN MOTION ORDER **SWRCB/OCC FILES A-2209(a) - (e)**

Enclosed is a copy of a proposed own motion order regarding the above petitions. The petitions were deemed complete on September 17, 2012. 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, but allow for a 60-day extension with agreement from petitioners.<sup>1</sup> In this case, the State Water Board obtained petitioners' agreement to a 60-day extension, which set the expiration of the time period for final disposition at August 13, 2013. If the State Water Board has not made a formal disposition within this time frame, the regulations deem the petition denied.<sup>2</sup> When the State Water Board anticipates addressing a petition on the merits after the review period passes, it may indicate that it will review the matter on its own motion.<sup>3</sup>

On June 6, 2013, the State Water Board circulated a proposed order resolving the petitions, set a deadline of July 16, 2013 to receive written comments on the proposed order, and scheduled a July 23, 2013, workshop to receive oral comments. The State Water Board intends to act promptly to adopt a final order resolving the petitions, but anticipates that it will not necessarily be able to do so by August 13, 2013. The State Water Board accordingly proposes to take up this matter on its own motion.

<sup>1</sup> Cal. Code Regs., tit. 23, § 2050.5, subd. (b).

<sup>2</sup> *Id.*

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

July 2, 2013

The State Water Board will consider the proposed own motion order at its meeting on **Tuesday, July 23, 2013**, 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, Tuesday, July 16, 2013**.

Please indicate in the subject line, "Comments to A-2209(a)-(e) – July 23 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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If you have any questions regarding this letter, please contact Emel G. Wadhvani, Senior Staff Counsel, in the Office of Chief Counsel, at (916) 322-3622 or at [ewadhvani@waterboards.ca.gov](mailto:ewadhvani@waterboards.ca.gov).

Sincerely,



Michael A.M. Lauffer  
Chief Counsel

Enclosure

cc: See next page

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# DRAFT

July 2, 2013

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**ORDER WQ 2013-**

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In the Matter of Review of

Conditional Waiver of Waste Discharge Requirements Order No. R3-2012-0011  
for

**DISCHARGES FROM IRRIGATED LANDS**

and Monitoring and Reporting Program Order Nos. R3-2012-0011-01,  
R3-2012-0011-02, and R3-2012-0011-03,  
and Resolution No. R3-2012-0012

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

***SWRCB/OCC FILES A-2209(a)-(e)***

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BY THE BOARD:

On March 15, 2012, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) issued Conditional Waiver of Waste Discharge Requirements Order No. R3-2012-0011, the accompanying Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03, and the accompanying Resolution No. R3-2012-0012 (collectively referred to hereinafter as the Agricultural Order) for discharges from irrigated agricultural lands in the Central Coast region. The State Water Resources Control Board (State Water Board) received timely petitions for review of the Agricultural Order from five groups of petitioners: (1) Monterey Coastkeeper, Santa Barbara Channelkeeper, San Luis Obispo Coastkeeper; (2) Ocean Mist Farms and RC Farms; (3) Grower-Shipper Association of Central California, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties, and Western Growers; (4) California Farm Bureau Federation, Monterey County Farm Bureau, San Benito County Farm Bureau, San Luis Obispo County Farm Bureau, San Mateo County Farm Bureau, Santa Barbara County Farm Bureau, Santa Clara County Farm Bureau, and Santa Cruz County Farm Bureau; and (5) Jensen Family Farms, Inc. and William Elliott. These petitions were deemed complete on September 17, 2012.

State Water Board regulations generally require final disposition on petitions within 270 days of the date a petition is deemed complete, but allow for a 60-day extension with agreement from petitioners.<sup>1</sup> In this case, the State Water Board obtained petitioners' agreement to a 60-day extension, which set the expiration of the time period for final disposition at August 13, 2013. If the State Water Board has not made a formal disposition within this time frame, the regulations deem the petition denied.<sup>2</sup> The denial of a petition for review would ordinarily require a petitioner to file any judicial challenge within 30 days of the denial.<sup>3</sup> When the State Water Board anticipates addressing a petition on the merits after the review period passes, it may indicate that it will review the matter on its own motion<sup>4</sup> to avoid unnecessary or premature litigation.

On June 6, 2013, the State Water Board circulated a proposed order resolving the petitions and invited written comment by July 16, 2013. On July 23, 2013, the State Water Board held a workshop to take oral comment on the proposed order. The State Water Board will adopt a final order following revisions to address comments received, but will not necessarily complete revisions in time to adopt the order by August 13, 2013. Therefore, the State Water Board has decided to review the Agricultural Order on its own motion.

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<sup>1</sup> Cal. Code Regs., tit. 23, § 2050.5, subd. (b).

<sup>2</sup> *Id.*

<sup>3</sup> Wat. Code, § 13330, subd. (b).

<sup>4</sup> Wat. Code, § 13320, subd. (a); Cal. Code Regs., tit. 23, § 2050.5, subd. (c).

# DRAFT

July 2, 2013

## ORDER

IT IS HEREBY ORDERED that the State Water Board will review the Agricultural Order 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 July 23, 2013.

AYE:

NO:

ABSENT:

ABSTAIN:

DRAFT

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Jeanine Townsend  
Clerk to the Board