

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2008-0005

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

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.

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 July 15, 2008.

AYE: Chair Tam M. Doduc
Vice Chair Gary Wolff, P.E., Ph.D
Arthur G. Baggett, Jr.
Charles R. Hoppin
Frances Spivy-Weber

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board