



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

July 7, 2014

CERTIFIED MAIL AND EMAIL

Laurel Firestone, Esq.
Community Water Center
519 12th Street
Sacramento, CA 95815
laurel.firestone@communitywatercenter.org

Jennifer L. Spaletta, Esq.
Spaletta Law PC
P.O. Box 2660
Lodi, CA 95241
jennifer@spalettalaw.com

Mr. Bill Jennings
California Sportfishing Protection Alliance
3536 Rainier Avenue
Stockton, CA 95204
deltakeep@me.com

Dear Mses Firestone and Spaletta, and Mr. Jennings:

PETITIONS OF [A-2239(a)] ASOCIACIÓN DE GENTE UNIDA POR EL AGUA (AGUA), FAIRMEAD COMMUNITY AND FRIENDS, AND PLANADA EN ACCIÓN; [A-2239(b)] CALIFORNIA SPORTFISHING PROTECTION ALLIANCE AND CALIFORNIA WATER IMPACT NETWORK; AND, [A-2239(c)] SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT ON BEHALF OF THE SAN JOAQUIN COUNTY AND DELTA WATER QUALITY COALITION, CALIFORNIA FARM BUREAU FEDERATION, SOUTHERN SAN JOAQUIN VALLEY WATER QUALITY COALITION, ARVIN-EDISON WATER STORAGE DISTRICT, WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT, AND SEMITROPIC WATER STORAGE DISTRICT (WASTE DISCHARGE REQUIREMENTS GENERAL ORDER NO. R5-2012-0116 FOR GROWERS WITHIN THE EASTERN SAN JOAQUIN RIVER WATERSHED THAT ARE MEMBERS OF THE THIRD-PARTY GROUP), CENTRAL VALLEY WATER BOARD: CONSOLIDATION OF COMPLETE PETITIONS (30-DAY RESPONSE)
SWRCB/OCC FILES A-2239(a), A-2239(b), and A-2239(c)

Enclosed is a copy of the proposed order in the above-entitled matter. The State Water Resources Control Board (State Water Board) will consider this order at its meeting that will be held on *Tuesday, August 5* commencing at 9:00 a.m. in the Coastal Hearing Room, Second Floor of the Cal/EPA Building, 1001 I Street, Sacramento, California. You will separately receive an agenda for this meeting.

At the meeting, interested persons will be allowed to comment orally on the draft order, subject to the following time limits. The petitioners, AUGA, et al.; California Sportfishing Protection Alliance, et al.; and San Joaquin County Resources Conservation District et al. will each be allowed a total of five minutes for oral comment, with additional time for questions by the State

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

Water Board members. Other interested persons will be allotted a lesser amount of time to address the State Water Board. At the meeting, the State Water Board may adopt the draft 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 draft order must be received by **August 1, 2014 at noon**. Please indicate in the subject line, comments to A-2239—August 5 Board Meeting. Those comments must be addressed to:

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

If there are any questions or comments, please contact James Herink, Senior Staff Counsel, in the Office of Chief Counsel, at (916) 341-5150 or email jherink@waterboards.ca.gov.

Sincerely,

Handwritten signature of Michael A.M. Lauffer in cursive, followed by the word "for" written in a similar cursive style.

Michael A.M. Lauffer
Chief Counsel

Enclosure

Sincerely,

cc: Continued next page

cc: **[via U.S. Mail and email]**
Phoebe Seaton, Esq.
California Rural Legal Assistance, Inc.
2115 Kern Street, Suite 370
Fresno, CA 93721
pseaton@leadershipcounsel.org

[via U.S. Mail only]
Ms. Susana De Anda, Coordinator
Asociación de Gente Unida por el Agua
311 W. Murray Avenue
Visalia, CA 93291

[via U.S. Mail only]
Fairmead Community and Friends
1225 Gill Avenue
Madera, CA 93637

[via U.S. Mail only]
Mr. Silverio Damian
Planada en Accion
462 Gwinn Street
P.O. Box 618
Planada, CA 95365

[via U.S. Mail and email]
Mike Jackson, Esq.
Law Office of Mike Jackson
P.O. Box 207
429 W. Main Street
Quincy, CA 95971
mjatty@sbcglobal.net

[via U.S. Mail and email]
Ms. Carolee Krieger, President
California Water Impact Network
808 Romero Canyon Road
Santa Barbara, CA 93108
caroleekrieger7@gmail.com

[via U.S. Mail and email]
Therese A. Dunham, Esq.
Somach Simmons & Dunn
500 Capitol Mall, Suite 1000
Sacramento, CA 95814
tdunham@somachlaw.com

[via U.S. Mail only]
Mr. Perry Klassen, Executive Director
East San Joaquin
Water Quality Coalition
1201 L Street
Modesto, CA 95354

[via U.S. Mail and email]
Michael R. Lozeau, Esq.
Lozeau Drury LLP
420 12th Street, Suite 250
Oakland, CA 94607
michael@lozeaudrury.com

[via U.S. Mail and email]
Ernest A. Conant, Esq.
Law Offices of Young Wooldridge, LLP
1800 30th Street, Fourth Floor
Bakersfield, CA 93301
econant@youngwooldridge.com

[via U.S. Mail and email]
Mr. David Orth
Steering Committee Chairman
Southern San Joaquin Valley
Water Quality Coalition
4886 E. Jensen Avenue
Fresno, CA 93725
dorth@kcrd.org

(continued)

cc: (Continued)

[via U.S. Mail and email]

Nancy M. McDonough, Esq.
Kari E. Fisher, Esq.
California Farm Bureau Federation
2300 River Plaza Drive
Sacramento, CA 95833
kfisher@cbbf.com
photz@cbbf.com
nmcdonough@cbbf.com

[via U.S. Mail and email]

William J. Thomas, Esq.
Wendy Y. Wang, Esq.
Best Best & Krieger LLP
500 Capitol Mall, Suite 1700
Sacramento, CA 95814
william.thomas@bbklaw.com
wendy.wang@bbklaw.com

Mr. Robert Crandall **[via email only]**
Assistant Executive Officer
Central Valley Regional Water Quality
Control Board, Redding Office
415 Knollcrest Drive
Redding, CA 96002
rcrandall@waterboards.ca.gov

Mr. Kenneth D. Landau **[via email only]**
Assistant Executive Officer
Central Valley Regional Water Quality
Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114
klandau@waterboards.ca.gov

[via U.S. Mail and email]

Mr. John Brodie, Watershed Coordinator
San Joaquin County Resource
Conservation District on behalf
of the San Joaquin County and
Delta Water Quality Coalition
3422 W. Hammer Lane, Suite A
Stockton, CA 95219
rvranglr@yahoo.com

Ms. Pamela C. Creedon **[via email only]**
Executive Officer
Central Valley Regional Water Quality
Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114
pcreedon@waterboards.ca.gov

Mr. Clay Rodgers **[via email only]**
Assistant Executive Officer
Central Valley Regional Water Quality
Control Board, Fresno Office
1685 E Street
Fresno, CA 93706-2020
crodgers@waterboards.ca.gov

Alex P. Mayer, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
amayer@waterboards.ca.gov

Patrick E. Pulupa, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
ppulupa@waterboards.ca.gov

Mr. Adam Laputz **[via email only]**
Senior Water Resources Control Engineer
Central Valley Regional Water Quality
Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114
awlaputz@waterboards.ca.gov

(continued)

cc: (Continued)

Lori T. Okun, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
lokun@waterboards.ca.gov

Philip G. Wyels, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
pwuels@waterboards.ca.gov

David P. Coupe, Esq. **[via email only]**
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
dcoupe@waterboards.ca.gov

Lyriss List

DRAFT

July 7, 2014

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2014-

In the Matter of the Petitions of

ASOCIACIÓN DE GENTE UNIDA POR EL AGUA (AGUA), FAIRMEAD COMMUNITY AND FRIENDS, AND PLANADA EN ACCIÓN;

CALIFORNIA SPORTFISHING PROTECTION ALLIANCE AND CALIFORNIA WATER IMPACT NETWORK; AND,

SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT ON BEHALF OF THE SAN JOAQUIN COUNTY AND DELTA WATER QUALITY COALITION, CALIFORNIA FARM BUREAU FEDERATION, SOUTHERN SAN JOAQUIN VALLEY WATER QUALITY COALITION, ARVIN-EDISON WATER STORAGE DISTRICT, WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT, AND SEMITROPIC WATER STORAGE DISTRICT

For Review of Waste Discharge Requirements General Order No. R5-2012-0116

Issued by the

California Regional Water Quality Control Board,
Central Valley Region

SWRCB/OCC FILES A-2239(a)-(c)

BY THE BOARD:

On December 7, 2012, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Waste Discharge Requirements Order No. R5-2012-0116 (Permit) to all growers within the Eastern San Joaquin River Watershed that are members of a third-party group. Three timely petitions were filed seeking review of the Permit with the State Water Resources Control Board (State Water Board). These petitions were deemed complete and consolidated for review on November 8, 2013.¹

State Water Board regulations generally require final disposition on petitions within 270 days of the date a petition is deemed complete.² If the State Water Board has not made a formal disposition within this time frame, the regulations deem the petition denied. The denial of a petition for review would ordinarily require a petitioner to file any judicial challenge within 30 days of the denial.³ When the State Water Board anticipates addressing a petition on

¹ Cal. Code Regs., tit. 23, § 2054.

² Cal. Code Regs., tit. 23, § 2050.5, subd. (a).

³ Wat. Code, § 13330, subd. (b).

DRAFT

July 7, 2014

the merits after the review period passes, it may indicate that it will review the matter on its own motion to avoid unnecessary or premature litigation.

The State Water Board anticipates issuing an order addressing some of the issues raised in the petitions, but not by August 5, 2014. Therefore, the State Water Board has decided to review the Permit on its own motion.⁴

ORDER

IT IS HEREBY ORDERED that the State Water Board will review Waste Discharge Requirements Order No. R5-2012-0116 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 August 5, 2014.

AYE:

NO:

ABSENT:

ABSTAIN:

DRAFT

Jeanine Townsend
Clerk to the Board

⁴ See Wat. Code, § 13320, subd. (a); Cal. Code Regs., tit. 23, § 2050.5, subd. (c).