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11 **For Petitioners**

12 *Environment California and California Sportfishing Protection Alliance*

13 **BEFORE THE STATE WATER RESOURCES CONTROL BOARD**

14 **In the Matter of Waste Discharge**
15 **Requirements for the Granite Rock Company,**
16 **Arthur R. Wilson Quarry; California**
17 **Regional Water Quality Control Board –**
Central Coast Order No. R3-2026-0018

PETITION FOR REVIEW AND
REQUEST FOR STAY

18 Pursuant to Section 13320 of California Water Code (“CWC”) and Section 2050 of Title 23 of the
19 California Code of Regulations (“CCR”), Environment California and the California Sportfishing Protection
20 Alliance (collectively, “Petitioners”) petition the State Water Resources Control Board (“State Board”) to
21 review and vacate the final decision of the California Regional Water Quality Control Board for the Central
22 Valley Region (“Regional Board”) in adopting Waste Discharge Requirements (NPDES No. CA0005274) for
23 the Granite Rock Company’s (“Granite Rock” or “Discharger”) Arthur R. Wilson Quarry (“Facility”) on
24 August 20, 2026. Order R3-2026-0018. The issues raised in this petition were raised in timely written and oral
comments.

1 **1. Name, Address, Telephone Number, and Email Address of Petitioners.**

2 Environment California, Inc.
3 3435 Wilshire Blvd., Suite 965
4 Los Angeles, CA 90010
5 (213) 251-3688
6 Attention: Laura Deehan
7 ldeehan@environmentcalifornia.org

8 California Sportfishing Protection Alliance
9 1609 Francisco St
10 Berkeley, CA 94703
11 (510) 421-2405
12 Attention: Chris Shutes
13 blancapaloma@msn.com

14 **2. The Specific Action or Inaction of the Regional Board Which the State Board is Requested to Review, and a Copy of Any Order or Resolution of the Regional Board Which is Referred to in the Petition.**

15 Petitioners seek review of Order R3-2026-0018 Waste Discharge Requirements (NPDES No.
16 CA0005274, or “the 2026 Permit”) for Granite Rock’s Facility. The Facility currently discharges under Order
17 R3-2017-0027. A copy of the 2026 Permit is attached as Attachment A.

18 **3. The Date on Which the Regional Board Acted.**

19 Order R3-2026-0018 was adopted on August 20, 2026.

20 **4. The Reasons the Action was Inappropriate or Improper.**

21 The Regional Board’s action in adopting the 2026 Permit was inappropriate or improper because it
22 modifies Central Coast Standard Provisions that have been used in NPDES permits issued by the Regional
23 Board for over forty years—including NPDES permits previously issued to Granite Rock—without providing a
24 reasoned basis for the change. This modification alters Granite Rock’s affirmative requirement under its
25 NPDES permit to conduct supplemental monitoring following certain apparent exceedances of its monthly
26 average pollutant discharge limitations.

27 More specifically:

- 28 A. The Regional Board modified the Standard Provisions to resolve a purported internal
29 inconsistency that did not exist;

1 B. Modification of the Standard Provisions runs counter to the evidence in the Administrative
2 Record; and

3 C. The Regional Board improperly relied on its past failure to enforce the Standard Provisions as
4 a basis for weakening them.

5 A full and complete statement of the reasons the action was inappropriate and improper is provided in
6 Petitioners' Statement of Points and Authorities below.

7 **5. The Manner in Which the Petitioner is Aggrieved.**

8 Petitioners are nonprofit environmental organizations whose missions include protecting California's
9 water quality and aquatic ecosystems. In carrying out their organizational purposes, Petitioners rely on
10 sufficient and accurate publicly available monitoring data concerning pollutant discharges to evaluate threats
11 to water quality, identify potential violations of applicable law, develop reports and educational materials,
12 inform advocacy and regulatory participation, and determine where to direct their organizational resources.
13 Petitioners therefore have a direct organizational interest in ensuring that Granite Rock's NPDES permit
14 includes adequate monitoring and reporting of pollutants. Protecting the water quality of the Pajaro River is of
15 particular importance to Petitioners because it provides habitat for sensitive aquatic and riparian species,
16 including species protected under the federal Endangered Species Act, such as the South-Central California
17 Coast steelhead, the California red-legged frog, and the Santa Cruz long-toed salamander.

18 Petitioner Environment California's mission is to protect the natural world. *See* Declaration of Laura
19 Deehan, Attachment D. As part of its work, Environment California advocates to protect California's rivers,
20 lakes, and streams to preserve the state's ecosystems, human health, and quality of life. Environment
21 California uses publicly available pollutant information to research, prepare, and distribute reports on
22 environmental issues, conduct public education, and inform its regulatory and legal advocacy. Its ability to
23 carry out these activities depends on access to monitoring data that are accurate and adequate to identify
24 pollution problems and assess their effects.

Petitioner California Sportfishing Protection Alliance's mission is to conserve, restore, and enhance

1 California's water quality, fisheries, and aquatic habitats. *See* Declaration of Chris Shutes, Attachment E. It
2 uses publicly available information in programs such as its Stop Stormwater Pollution campaign to investigate
3 potential sources of water pollution, evaluate compliance with applicable law, communicate its findings to the
4 public and regulators, and determine where further advocacy or enforcement efforts are warranted.

5 The Regional Board's decision to adopt the 2026 Permit, which modifies the Standard Provisions so
6 as to allow Granite Rock to conduct less sampling of its pollutant discharges, impairs Petitioners' ability to
7 carry out their organizational activities by reducing the amount of reliable data available regarding Granite
8 Rock's pollutant discharges. This diminishes Petitioners' ability to advance their missions through informed
9 public education, regulatory participation, and pollution-control advocacy.

10 **6. The Specific Action by the State or Regional Board Which Petitioner Requests.**

11 Petitioners request that the State Board:

- 12 A. Amend Order R3-2026-0018 to reinstate the original text of Sections I.G.14 and I.C.1 of the Central
13 Coast Standard Provisions without modification as Sections 8.7.14 and 8.3.1 of Order R3-2026-0018;
14 or
15 B. Vacate Order R3-2026-0018 and remand to the Regional Board with instructions to prepare and
16 circulate a new tentative order that is supported by the Administrative Record.

17 Petitioners also request that the State Board stay Order R3-2026-0018, Sections 8.7.14 and 8.3.1
18 pending resolution of this Petition.

19 **7. A Statement of Points and Authorities in Support of Legal Issues Raised in the Petition.**

20 The Regional Board's action in adopting the 2026 Permit was inappropriate or improper because it
21 modified Sections I.C.1 and I.G.14 of the Central Coast Water Board Standard Provisions ("Standard
22 Provisions") without providing a reasoned basis for the change.

23 For all pollutants subject to monthly average effluent limits, the 2026 Permit imposes a routine
24 monitoring frequency of one sample per week for two weeks, followed by once-monthly sampling thereafter.

Order R3-2026-0018, Table E-2. In addition to routine sampling, previous permits for the Facility included

Standard Provisions that required Granite Rock to conduct supplemental sampling under certain conditions. The 2026 Permit modifies the Standard Provisions to eliminate the supplemental monitoring requirement.

The Regional Board promulgated the Standard Provisions as a set of uniform requirements that “are a component of all NPDES facility permits.” Regional Water Quality Control Board, Staff Report for Regular Meeting of December 5-6, 2012, Executive Officer’s Report, at 4 (“December 5-6, 2012 Executive Officer’s Report”). They provide the following:

“Monthly Average” (or “Weekly Average,” as the case may be) is the arithmetic mean of daily concentrations or of daily mass emission rates over the specified 30-day (or 7-day) period.

$$\text{Average} = (X1 + X2 + \dots + Xn)/n$$

in which “n” is the number of days that samples were analyzed during the period and “X” is either the constituent concentration (mg/L) or mass emission rate (kg/day or lbs/day) for each sampled day. “n” should be four or greater.

Standard Provisions – Definitions I.G.14.

If results of monitoring a pollutant appear to violate effluent limitations based on a weekly, monthly, 30-day, or six-month period, but compliance or non-compliance cannot be validated because sampling is too infrequent, the frequency of sampling shall be increased to validate the test within the next monitoring period. The increased frequency shall be maintained until the Executive Officer agrees the original monitoring frequency may be resumed.

For example...[i]f suspended solids are monitored weekly and results exceed the weekly average numerical limit in the permit, monitoring of suspended solids must be increased to at least four (4) samples every week (Central Coast Standard Provisions – Definitions I.G.14.).

Standard Provisions – General Monitoring Requirements I.C.1.

Thus, if a discharger has a monthly average effluent limit for a pollutant that is monitored fewer than four times per month and its sampling reveals an effluent violation, it must increase sampling for that pollutant to at least four times per month until the regulator determines that the increased sampling is no longer necessary. These requirements have been included in the Standard Provisions since 1985. *See* December 5-6, 2012 Executive Officer’s Report, Attachment 4 (showing redlines and strikethroughs from 1985 Standard Provisions). The 2026 Permit modifies these provisions:

“Monthly Average” (or “Weekly Average,” as the case may be) is the arithmetic mean of daily concentrations or of daily mass emission rates over the specified 30-day (or 7-day) period.

$$\text{Average} = (X1 + X2 + \dots + Xn)/n$$

in which “n” is the number of days that samples were analyzed during the period and “X” is either the constituent concentration (mg/L) or mass emission rate (kg/day or lbs/day) for each

1 sampled day. *If only a single sample is taken in a month (or week), the single sample shall be*
2 *used as the average value.*

3 Order R3-2026-0018, Section 8.7.14 (emphasis added to show change).

4 If results of monitoring a pollutant appear to violate effluent limitations based on a weekly,
5 monthly, 30-day, or six-month period, but compliance or non-compliance cannot be validated
6 because sampling is too infrequent, the frequency of sampling shall be increased to validate the
7 test within the next monitoring period. The increased frequency shall be maintained until the
Executive Officer agrees the original monitoring frequency may be resumed.

8 For example...[i]f suspended solids are monitored weekly and results exceed the weekly
9 average numerical limit in the permit, monitoring of suspended solids must be increased to at
least *weekly*.

10 *Id.*, Section 8.3.1 (emphasis added to show change). This also represents a change from the Facility's current
11 NPDES permit, Order R3-2017-0027, which retained the language found in the Standard Provisions.

12 **A. The Regional Board improperly modified the Standard Provisions to resolve an internal**
13 **inconsistency that did not exist.**

14 In explanation for this change, the Fact Sheet states, "Central Coast Standard Provisions 8.3.1 and
15 8.7.14 were updated from the previous order for clarity and consistency between the language in the standard
16 provisions and the language in the compliance determination section of the Order." Order R3-2026-0018, Fact
17 Sheet, Section 6.1.1. This explanation is insufficient. Presumably, "the compliance determination section"
18 refers to Section 7.4 of the Permit:

19 If the average of daily discharges over a calendar month exceeds the [Average Monthly
20 Effluent Limitation] for a given parameter, an alleged violation will be flagged and the
Discharger will be considered out of compliance for each day of that month for that
parameter....If only a single sample is taken during the calendar month and the analytical result
for that sample exceeds the [Average Monthly Effluent Limitation], the Discharger will be
considered out of compliance for that calendar month. For any one calendar month during
which no sample (daily discharge) is taken, no compliance determination can be made for that
calendar month.

21 Order R3-2026-0018, Section 7.4. Section 7.4 is not inconsistent with the Standard Provisions. Section 7.4 is
22 a procedural provision that explains how compliance is determined. The Standard Provisions, by contrast,
23 impose a substantive requirement to increase sampling frequency following a monthly average violation if
24 sampling occurs less than four times per month. The fact that Section 7.4 contemplates using as few as one
sample to "consider[] a discharger out of compliance" is not incompatible with Standard Provisions requiring

1 sampling to “increase” to “validate” compliance or noncompliance. Reading these provisions as a whole with
2 the Permit’s other terms, the requirements imposed on Granite Rock are clear: it must routinely sample
3 pollutant discharges as described in Table E-2. R3-2026-0018, Table E-2 (“Effluent Monitoring Requirements
4 at EFF-001”). For monthly average violations, non-compliance can be established based on one or more
5 monthly samples; however, if Granite Rock collects fewer than four samples in a month and the average of
6 the samples collected exceeds its monthly average limit, Granite Rock must increase its sampling frequency
7 to at least four samples per month for those pollutants.

8 Notably, the Regional Board did not discuss this purported inconsistency at the hearing on August 20,
9 2026.

10 **B. Modification of the Standard Provisions runs counter to the evidence in the**
11 **Administrative Record.**

12 As shown in the Administrative Record, the Facility has demonstrated persistent noncompliance with
13 its effluent limits and has a highly variable waste stream. Together, these factors present a substantial risk that
14 Granite Rock’s routine monitoring will fail to capture all of its effluent limit violations. Sections I.G.14 and
15 I.C.1 of the Standard Provisions previously addressed this problem.

16 Federal law mandates that NPDES permits must include monitoring requirements “to assure
17 compliance with permit limitations.” 40 C.F.R. § 122.44(i)(1). Monitoring requirements must include “type,
18 intervals, and frequency sufficient to yield data which are representative of the monitored activity.” 40 C.F.R.
19 § 122.48(b). EPA instructs permit drafters to consider a Facility’s history of compliance, discharge frequency,
20 and waste stream variability, among other factors, in determining monitoring requirements. EPA-833-K-10-
21 001, 8-1 (last updated June 2025). Those factors overwhelmingly favor retaining Standard Provisions I.G.14
22 and I.C.1.

23 In the past five years, Granite Rock’s Self-Monitoring Report data show that it has violated at least
24 one effluent limitation during every month in which it has sampled. *See* August 20, 2026 Staff Report at 2-3
(showing 45 effluent violations from December 1, 2017 to May 31, 2025). Most of these violations are for
monthly average limitations for total dissolved solids, molybdenum, iron, and aluminum. For some pollutants,

1 Granite Rock’s pollutant concentration has varied by a factor of up to sixteen from one sampling event to the
2 next.

3 Board Member Wolff noted that “typically, quarry operations are very dynamic,” and “can have a
4 significant amount of variability.” Regional Water Quality Control Board Central Coast Region August 20,
5 2026, Webcast Archive (transcript not available), at 1:53:05-1:53:58 (“Board Meeting Webcast”). However,
6 he illogically posited that high waste stream variability should be met with less frequent monitoring rather
7 than more frequent because additional monitoring could yield “outliers” and result in “confusion.” *Id.*; *See*
8 *also id.* at 2:01:19-2:02:35. Board Member Hoskins asked the Regional Board staff if there are any safeguards
9 in the Permit to ensure accuracy of the samples collected. *Id.* at 1:54:51-1:55:54. Regional Board staff
10 responded that they encourage dischargers to sample early in the month so that, if monitoring reveals an
11 exceedance, the discharger has time to conduct additional sampling to calculate an average. *Id.* at 2:00:04-
12 2:00:01. She noted that, as a result, “averaging is a benefit to the dischargers statistically.” *Id.*

13 Voluntary resampling is an inadequate and counterproductive substitute for an enforceable permit
14 condition imposing minimum post-exceedance sampling. It leaves discretion entirely to the discharger, who
15 may conduct supplemental sampling to disguise or flatten out an apparent violation, while declining to verify
16 compliance in any month that it believes supplemental samples would increase its reported average pollutant
17 concentration. And with infrequent, highly variable pollutant discharges, it is unclear on what basis a
18 discharger should determine whether a sample was anomalous, allowing the discharger to conduct additional
19 sampling only when it does not like the initial result.

20 **C. The Regional Board improperly relied on its past failure to enforce the Standard**
21 **Provisions as a basis for weakening them.**

22 In response to Petitioners’ written comments regarding the changes to the Standard Provisions in the
23 2026 Permit, Regional Board staff stated that the language was changed “to align with the Central Coast
24 Water Board’s current practice for calculating monthly average.” Regional Board Staff Report for Regular
Meeting of August 20-21, 2026, Consideration of Proposed Order R3-2026-0018 (“August 20, 2026 Staff
Report”), Attachment 2. The Water Board staff elaborated, “[s]pecifying that the number of days of samples

1 must be four or greater is too constraining and is not an accurate representation for how the Water Boards
2 calculate monthly average and assess compliance with monthly average effluent limitations.” *Id.* Regional
3 Board staff reiterated this at the August 20, 2026, board meeting:

4 [T]hat language has been in the Standard Provisions—that n should be four or greater—has
5 been in our permits for many, many years. [Be]cause it’s in the Standard Provisions. But as
6 we mentioned in the response to comments...that is not how we have ever implemented
that...So... this is maybe somewhat of an artifact..., and we are removing it as we’re moving
forward now.

7 Board Meeting Webcast, at 1:57:41-1:58:31 (cleaned up). The permit drafters, therefore, advocate removing
8 this substantive requirement from this and all future permits because they have historically failed to enforce it.
9 Such a justification is flawed in two ways.

10 First, a permitting authority’s failure to enforce an existing requirement does not establish that the
11 requirement is unnecessary, inappropriate, or unsupported. Lack of enforcement may reflect considerations
12 unrelated to the substantive need for the requirement. In the case of these provisions, non-enforcement
13 appears to be attributable to inattention, as indicated by a Regional Board staff member’s explanation that all
14 other permits issued by the Regional Board—including other permits issued this year—contain the Standard
15 Provisions because “it hadn’t come up as an issue.” Board Meeting Webcast, at 1:46:19.

16 *See* Order R3-2026-0014 & Order R3-2026-001 (other NPDES permits issued by the Regional Board this
17 year, both of which retain the Standard Provisions).

18 Second, if the Regional Board intends to modify the Standard Provisions for all dischargers, it is
19 inappropriate to do so on an ad hoc basis. The Standard Provisions were adopted by the Regional Board in
20 1985. December 5-6, 2012 Executive Officer’s Report, at 4. If the Regional Board intends to institute a
21 region-wide change to an adopted policy, it should issue public notice of the proposed change and afford the
22 public an opportunity to comment. *See, e.g.*, Resolution R3-2013-0052 (2013 amendments to the region-wide
23 Waste Discharge Requirements Standard Provisions through Board Resolution). Although the 2012
24 amendments to the Standard Provisions are listed on the Regional Board’s webpage for “Adopted Orders,
Permits, Resolutions, and Settlements,” Petitioners are unable to locate any order adopting those amendments

1 through the notice-and-comment process, suggesting a pattern of modifying these terms without notice-and-
2 comment. The 2012 amendments were, however, presented to the Regional Board at a public hearing. *See*
3 December 2012 Executive Officer's Report. The modifications the Regional Board now purports to
4 implement have never been publicly presented as a formal amendment to the Standard Provisions.

5 For these reasons, and the reasons stated in Petitioners' written and oral comments submitted to the
6 Board, Petitioners respectfully request that the State Board Amend Order R3-2026-0018 to reinstate the
7 original text of Sections I.G.14 and I.C.1 of Standard Provisions without modification as Sections 8.7.14 and
8 8.3.1 of Order R3-2026-0018. In the alternative, Petitioners request that the State Board vacate Order R3-
9 2026-0018 and remand to the Regional Board with instructions to prepare and circulate a new tentative order
10 that is supported by the Administrative Record.

11 **8. A Statement that the Petition has been Sent to the Appropriate Regional Board and to the**
12 **Discharger.**

13 A true and correct copy of this Petition was sent electronically and by First Class Mail to the Regional
14 Board and Granite Rock (through counsel) at the addresses below. Due to their size, attachments were sent
15 electronically only.

16 Regional Board

17 e: ryan.lodge@waterboards.ca.gov
18 e: central.coast@waterboards.ca.gov

19 Ryan E. Lodge
20 Executive Officer
21 Central Coast Regional Water Quality Control Board
22 895 Aerovista Place, Suite 101
23 San Luis Obispo, CA 93401

24 Granite Rock

e: sconstanides@nixonpeabody.com
e: gohara@nixonpeabody.com

Nixon Peabody LLP
One Embarcadero Center, 32nd Floor
San Francisco, CA 94111
Attention: Stratton Constantinides

1 **9. A Statement that the Substantive Issues or Objections Raised in the Petition were Raised Before**
2 **the Regional Board.**

3 Petitioners presented the substantive issues addressed in this Petition to the Regional Board by
4 comment letter submitted to the Regional Board on July 24, 2026, and in live oral testimony at the Regional
5 Board's public hearing on August 20, 2026.

6 Petitioners also submitted a comment letter on August 17, 2026, regarding changes to the Draft
7 Permit made on August 10, 2026, and the Regional Board staff's responses to public comments. Petitioners
8 submitted the August 17, 2026, comments to the Regional Board before final action while the public hearing
9 process remained open, however, Petitioners' August 17, 2026, letter was not accepted into the
10 Administrative Record because it was received after the July 26, 2026, written comment deadline. Petitioners
11 do not rely on the August 17, 2026, letter to preserve the issues raised in this Petition; those issues were
12 independently presented to the Regional Board orally at the public hearing. Petitioners request that the August
13 17, 2026, letter be accepted as additional evidence pursuant to CWC § 13320 and CCR tit. 23 § 2050.6 to the
14 extent necessary for full consideration of the issues presented in this Petition. The August 17, 2026, letter is
15 attached as Attachment B.

16 Petitioners were not provided an adequate opportunity to comment on the testimony and deliberations
17 at the August 20, 2026, public hearing.

18 **10. Statement in Support of Petitioners' Request for Stay.**

19 The State Board should partially stay the 2026 Permit pending the State Board's review of this
20 Petition, pursuant to CCR Tit. 23§ 2053. Specifically, the State Board should stay Section 8.7.14 and Section
21 8.3.1 of the 2026 Permit. Absent a partial stay, the 2026 Permit will become effective on November 1, 2026,
22 replacing Granite Rock's current NPDES permit, Order R3-2017-0027. The requested stay should be granted
23 because (1) the attached declarations of Laura Deehan (on behalf of Petitioner Environment California) and
24 Chris Shutes (on behalf of Petitioner California Sportfishing Protection Alliance), the attached Complaint
 filed by Petitioners in Federal District Court, and the other information presented in this Petition show that
 substantial harm to the Petitioners and the public interest would otherwise result during the time the Petition

1 is subject to review; (2) the information in this Petition shows that a stay will not cause harm to Granite Rock
2 or the public; and (3) substantial questions of fact and law are at issue with respect to the Order.

3 **A. A partial stay would prevent substantial harm.**

4 A partial stay would prevent substantial harm to Petitioners and the public interest because the 2026
5 Permit reduces the accuracy and the sufficiency of Granite Rock's effluent data. Under the 2026 Permit,
6 Granite Rock would no longer be required to conduct supplemental sampling following a violation of its
7 monthly average limitations. Granite Rock has violated at least one monthly average effluent limit every
8 month in which it has sampled its discharge during the past five years. *See* Granite Rock eSMR Data
9 December 2021-April 2026, attached hereto as Attachment C. Based on this history, it is very likely that
10 Granite Rock will continue to violate its monthly average discharge limits during the 2026-2027 wet season,
11 which lasts from November 1 through April 30. Therefore, absent a partial stay, Granite Rock will monitor its
12 effluent less frequently than it has previously been required to, and the amount of information available to
13 regulators and the public regarding the pollutants it discharges will be decreased.

14 As shown by the Regional Board's discussion at the August 20, 2026, public hearing and by Granite
15 Rock's eSMR data, Granite Rock is known to have highly variable pollutant discharge concentrations. One to
16 two samples per month—which is all that the 2026 Permit would require—is insufficient to reliably inform
17 Granite Rock, the Regional Board, Petitioners, and the public of the full extent of Granite Rock's pollutant
18 discharges into the Pajaro River. The declarations of Laura Deehan and Chris Shutes, which are included as
19 Attachments D & E, along with the Complaint Petitioners filed in Federal District Court, which is included as
20 Attachment F, show that Petitioners' activities in pursuit of their organizational missions would be
21 substantially harmed if accurate and adequate discharge monitoring data are not collected and made publicly
22 available.

23 **B. A partial stay would not cause harm.**

24 Sections 8.7.14 and 8.3.1 are severable from the remainder of Granite Rock's NPDES permit. An
order to stay Sections 8.7.14 and 8.3.1, therefore, would have no effect on the remainder of the 2026 NPDES

1 permit. The corresponding NPDES terms from Granite Rock’s 2017 permit, which has been continued since
2 November 30, 2022, would remain in force. CCR Tit. 23 § 2235.4 (continuation of expired permits); *see also*
3 40 C.F.R. § 124.16(c)(2) (where conditions of a new permit are stayed by the federal Environmental
4 Appellate Board, the facility must “comply with the conditions of the existing permit which correspond to the
5 stayed conditions”). The requested stay would simply preserve the status quo with respect to Granite Rock’s
6 post-exceedance supplemental monitoring requirements, causing no harm to Granite Rock, much less to any
7 other party or the public.

8 Moreover, if Granite Rock were to actually comply with the effluent limitations required by its
9 NPDES permit, the supplemental monitoring requirements of Sections 8.7.14 and 8.3.1 would not even be
10 triggered. To the extent that supplemental monitoring causes any burden to Granite Rock, it can avoid such
11 burden by complying with its effluent limits.

12 **C. Substantial questions of fact and law exist.**

13 The information presented in the Statement of Points and Authorities in this Petition and Petitioners’
14 written and oral comments on the 2026 Permit explain why the Regional Board’s adoption of Sections 8.7.14
15 and 8.3.1 of the 2026 Permit are contrary to law and are unsupported by the relevant factual record of Granite
16 Rock’s discharge and compliance history. Moreover, the Regional Board seemed to recognize that the new
17 2026 Permit terms it adopted may be insufficient to assure compliance with relevant law and to safeguard
18 water quality. Just before voting on adoption of the 2026 Permit, Board Member Hoskins asked the Executive
19 Officer to prepare a report in mid-2027 “so that we as a board can have an update of what is being done” to
20 resolve Granite Rock’s compliance issues and “to get an understanding of where we are...on some of these
21 issues that were raised,” including concerns regarding “the single [monthly] sample.” Board Meeting
22 Webcast, at 2:03:24-2:04:41. However, this update is not included as an explicit condition of Granite Rock’s
23 permit, nor did the Regional Board indicate any intention to modify Granite Rock’s NPDES permit following
24 the Executive Officer’s update, if and when it finds that Granite Rock continues to violate its NPDES permit
or Granite Rock’s sampling frequency is insufficient to accurately reflect the quality of its pollutant

1 discharges.

2 For these reasons, within 60 days, the State Board should partially stay the 2026 Permit pending the
3 State Board's review of this Petition. Specifically, the State Board should issue an order staying Sections
4 8.7.14 and 8.3.1 of the 2026 Permit and continuing in force the corresponding terms of Granite Rock's current
5 permit, Order R3-2017-0027.

6
7
8 Respectfully submitted,

9 Dated: September 21, 2026

10 By:



11 Abigail G. Pelton

12 NATIONAL ENVIRONMENTAL LAW CENTER

13 Attachments:

- 14 A. Order R3-2026-0018
 - 15 B. Petitioners' August 17, 2026, Comment Letter
 - 16 C. Granite Rock eSMR data December 2021-April 2026
 - 17 D. Declaration of Laura Deehan
 - 18 E. Declaration of Chris Shutes
 - 19 F. Complaint, *Environment California et al.v. Granite Rock Company*, No. 5:26-cv-3182 (SVK)
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