



William P. Curley, III
Attorney at Law

E-mail: wcurley@lozanosmith.com

December 5, 2016

Via Email Only: Ryan. Mallory-Jones@waterboards.ca.gov

Ryan Mallory-Jones
State Water Resources Control Board
Office of Chief Counsel
1001 I Street, 22nd Floor
Sacramento, CA 95812-0100

Re: SWRCB/OCC File A-2456 (g) — **Request to Hold in Abeyance** the Petition of the City of Mission Viejo for Review of Action of the California Regional Water Quality Control Board, San Diego Region, in Adopting Order No. R9-2015-0100, an Order Amending Order No. R9-2013-0001, NPDES No. CAS0109266, as Amended by Order No. R9-2015-0001, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region

Dear Mr. Mallory-Jones,

This office represents the City of Mission Viejo ("Petitioner") with respect to the above-referenced petition number A-2456 (g) ("the Petition"), filed on December 18, 2015. Pursuant to section 2050.5(d) of the California Code of Regulations, Petitioner hereby requests that the Petition be held in abeyance effective as of the date of this letter, until such time as Petitioner requests that the Petition be removed from abeyance.

On March 15, 2016, the State Water Resources Control Board ("State Board") issued notice that the Petition was complete and was being consolidated with legally or factually related petitions under section 2054 of the California Code of Regulations. Under State Board regulations, the State Board is required to issue a final disposition on the Petition by December 9, 2016. Cal. Code Regs., tit 23, § 2050.5 (a).

On November 4, 2016, the State Board issued notice of its proposed own motion to review Order No. R9-2015-0100 of the San Diego Regional Water Quality Control Board, because the State Board would not complete review of the Petition within the 270 day time period prescribed by regulation. The notice of own motion indicates that the State Board "is currently reviewing petitions on Watershed Management Programs under an MS4 permit issued by the Los Angeles Regional Water Quality Control Board," and

Limited Liability Partnership

515 South Figueroa Street, Suite 750 Los Angeles, California 90071 Tel 213-929-1066 Fax 213-929-1077

Ryan Mallory-Jones
December 5, 2016
Page 2

that "once an order is adopted addressing the Watershed Management Programs, the State Water Board will determine whether issuing an order addressing issues raised in the petitions challenging the San Diego MS4 Order Amendment is appropriate."

In light of the fact that the State Board will not address the Petition by December 9, and the uncertainty as to whether any order adopted addressing the Watershed Management Programs at issue in the Los Angeles County permit will fully address on the merits all the issues raised in the Petition, in order to preserve its legal rights, Petitioner hereby requests that the Petition be held in abeyance effective immediately, and until Petitioner specifically requests that the Petition be removed from abeyance. Petitioner reserves the right to remove its Petition from abeyance at any time.

Please contact me should you have any questions and thank you for your attention to this matter.

Respectfully submitted,

LOZANO SMITH,

A handwritten signature in cursive script that reads "William P. Curley III".

William P. Curley
City Attorney