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December 5, 2016

VIA EMAIL ONLY

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

Re: SWRCB/OCC File A-2456 (A thru I) – Request to Hold in Abeyance Petitions for Review by Cities of Aliso Viejo, San Clemente and San Juan Capistrano

Dear Mr. Mallory-Jones:

This firm represents the Cities of Aliso Viejo, San Clemente and San Juan Capistrano (“Petitioners”) regarding Petitions for Review A-2456(j), (k) and (l) regarding review of San Diego Regional Water Quality Control Board Order No. R9-2015-0100, an Order Amending Order No. R9-2013-0001, 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 (“Petitions”). Petitioners request that the Petitions be held in abeyance effective the date of this letter, December 5, 2016.

On March 15, 2016, the State Water Resources Control Board deemed the Petitions complete and consolidated them with certain other petitions that were factually and legally related. On November 4, 2016, the State Board issued notice of its proposed own motion to review Order No. R9-2015-0100 because the State Board could not complete review of the Petitioners within the 270 day time period prescribed by 23 C.C.R § 2050.5(a). The deadline to act on the Petitions per the State Board’s regulation is December 9, 2016. The notice indicated that the State Board is reviewing the petitions for review on the watershed management programs under the MS4 permit issued by the Los Angeles Regional Water Quality Control Board. Upon the adoption of an order on the issues raised in the Los Angeles petitions, the State Board would determine whether to adopt an order addressing the issues raised in the Cities’ Petitions.



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Ryan Mallory-Jones
December 5, 2016
Page 2

It is the Cities' desire that the State Board resolve the issues contained in the Petitions as soon as possible. In light of the December 9, 2016 deadline, however, the Cities request that the Petitions be put in abeyance in order to preserve their legal rights should the State Board not take up the review of the Petitions by that date.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ryan Baron', written over a horizontal line.

Ryan M. F. Baron
for BEST BEST & KRIEGER LLP

cc: Moy Yahya, City of Aliso Viejo
Cynthia Mallett, City of San Clemente
Hossein Ajideh, City of San Juan Capistrano