

State Water Resources Control Board

FEB 17 2016

[via U.S. Mail and email]

City of Dana Point
Attn: Brad Fowler
Director of Public Works & Engineering
33282 Golden Lantern
Dana Point, CA 92629
bfowler@danapoint.org

Dear Mr. Fowler:

PETITION OF CITY OF DANA POINT, FOR REVIEW OF ORDER NO. R9-2015-0100, AN ORDER AMENDING ORDER NO. R9-2013-0001, NPDES NO. CAS0109266, 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 ISSUED BY SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD: ACKNOWLEDGMENT OF PETITION RECEIVED AND APPROVAL OF REQUEST TO BE HELD IN ABEYANCE
SWRCB/OCC FILE A-2456(e)

This will acknowledge receipt of the above petition on December 18, 2015. You have asked that the State Water Resources Control Board (State Water Board) hold the matter in abeyance. We are happy to do so in hopes that the matter may be worked out between you and the regional water quality control board. We will hold this petition in abeyance until December 18, 2017. Please pay careful attention to this date, because the State Water Board is not responsible for reminding petitioners that their abeyance periods are about to expire.

If the State Water Board does not receive prior to 5:00 p.m. on the last business day before December 18, 2017 either (1) a written request to further extend the abeyance period, or (2) a written request to remove the petition from abeyance and activate the petition, then this petition will be deemed withdrawn as of December 18, 2017. If the petition is deemed withdrawn, you will not be able to seek judicial review of the regional water quality control board's action or inaction. Requests to extend abeyance periods or to remove petitions from abeyance should be sent to waterqualitypetitions@waterboards.ca.gov or to the mailing address below. A copy of the request must be sent to the other parties to the petition, including the regional water quality control board.

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If you decide that you would like to remove this petition from abeyance and activate it at some time in the future, it is important that you carefully consult the State Water Board's regulations. (See Cal. Code Regs., tit. 23, § 2050.5.) If you request that this petition be removed from abeyance and activated, the petition will be dismissed on the 91st day following the State Water Board's receipt of your written request to remove the petition from abeyance unless:

- (1) the State Water Board has notified you, the regional water quality control board and interested persons that the regional water quality control board and interested persons have 30 days to respond to the petition;
- (2) the State Water Board has received a written request from you to place this petition back in abeyance; or
- (3) the State Water Board has notified you prior to the 91st day that the petition is dismissed.

If none of these events occurs prior to 5:00 p.m. on the last business day before the 91st day after the State Water Board receives your written request to remove the petition from abeyance, this petition will be automatically dismissed without further action by the State Water Board. Dismissal of a petition, whether done by operation of law or by a letter issued by the State Water Board, is a final agency action for purposes of seeking judicial review of the regional water quality control board's action or inaction.

If you have any questions regarding this letter, please contact me at (916) 341-5178.

**IN ALL FUTURE CORRESPONDENCE, PLEASE REFER TO
SWRCB/OCC FILE A-2456(E)**

Sincerely,



Philip G. Wyels
Assistant Chief Counsel

cc: See next page

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cc: **[via U.S. Mail and email]**

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