

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

_____)	
In re:)	
)	Appeal No. NPDES 20-01
City and County of San Francisco)	
)	
NPDES Permit No. CA0037681)	
_____)	

**REGION 9 NOTICE OF ERRATA IN
REGION 9 RESPONSE TO MOTION FOR
PARTIAL RECONSIDERATION
OR, IN THE ALTERNATIVE,
MOTION FOR LEAVE TO AMEND PETITION FOR REVIEW**

TABLE OF ATTACHMENTS

Attachment #1	May 28, 2020 Letter from Marc Melnick, Deputy Attorney General, State California, to Tom Boer, Hunton Andrews Kurth LLP, Re: <i>City and County of San Francisco v. S.F. Bay Regional Water Quality Control Board</i> , Superior Court of California, County of Alameda, Case No. RG 19042575
---------------	---

NOTICE OF ERRATA

The U.S. Environmental Protection Agency (“EPA”), Region 9 and the California Regional Water Quality Control Board, San Francisco Bay Region (“RWQCB”) issued a consolidated National Pollutant Discharge Elimination System (“NPDES”) Permit for the City and County of San Francisco Oceanside Water Pollution Control Plant, Wastewater Collection System, and Westside Recycled Water Project, NPDES No. CA0037681 / Order No. R2-2019-0028 (“Oceanside Permit”), pursuant to 40 C.F.R. § 124.4. The Oceanside Permit, Order No. R2-2019-0028, was adopted by the RWQCB on September 11, 2019, and became effective on November 1, 2019 (“State Permit”). EPA Region 9 signed the Oceanside Permit, NPDES No. CA0037681, on December 10, 2019, and the uncontested provisions became effective on March 9, 2020 (“Federal Permit”). In October and December of 2019, the City and County of San Francisco (“San Francisco”) challenged the State Permit before the State Water Board and then in Superior Court. On January 13, 2020, San Francisco filed a Petition seeking Environmental Appeals Board (“EAB” or “Board”) review of three conditions in the Federal Permit. In addition to the filings noted below, there were numerous filings in this matter that are not relevant to this Notice of Errata.

On May 21, 2020, San Francisco filed a Motion For Partial Reconsideration Or, In The Alternative, Motion For Leave To Amend Petition For Review (“San Francisco’s Motion”). On June 8, 2020, Region 9 filed a corrected version of its Response Brief to San Francisco’s Motion (“Region 9’s Response”). On June 15, 2020, San Francisco filed a Reply in Support of San Francisco’s Motion (“San Francisco’s Reply”). On June 18, 2020, the Board issued an Order Denying Motion For Reconsideration And Granting Petitioner Leave To Supplement Petition For Review, With Limitations setting forth a briefing schedule for San Francisco to supplement

its petition. EPA is filing this Notice of Errata to correct an error in Region 9's Response prior to the briefing permitted by the Board's June 18, 2020 Order.

Region 9 requests that the Board delete the following phrase: "and has a consolidated administrative record" from page 3 of Region 9's Response. Although EPA and the RWQCB held a joint public meeting for the Oceanside Permit and consolidated the Fact Sheet and Response To Comments, we did not consolidate our administrative records as indicated on page 3 of Region 9's Response. As noted in San Francisco's Reply, California is in the process of compiling and producing the State's Administrative Record to San Francisco in the State proceedings. *See*, San Francisco's Reply at 11-12, and attached May 28, 2020 Letter to San Francisco from the California Attorney General's Office. EPA filed the Index of the Administrative Record for the Federal Permit with the EAB on February 28, 2020. EPA is filing this Notice of Errata to correct the record.

June 22, 2020

Respectfully submitted,

For EPA

/S/ Dustin Minor

Dustin Minor
Office of Regional Counsel (ORC-3)
75 Hawthorne Street
San Francisco, CA 94105
Telephone:(415) 972-3888
Email: Minor.Dustin@epa.gov

Marcela von Vacano
Office of Regional Counsel (ORC-2)
75 Hawthorne Street
San Francisco, CA 94105
Telephone:(415) 972-3905
Email: Vonvacono.Marcela@epa.gov

Of Counsel:

Peter Z. Ford
Office of General Counsel
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Telephone: (202) 564-5593
Email: Ford.Peter@epa.gov

STATEMENT OF COMPLIANCE WITH WORD LIMITATION

I hereby certify that this Notice of Errata is less than 7,000 words.

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the attached **Notice of Errata** to be served via email upon the persons listed below. The parties have agreed to accept service of filings by electronic mail only pursuant to 40 C.F.R. 124.19(i)(3)(ii), with no hard copy service by mail or similar means.

June 22, 2020

Respectfully submitted,

S/ Dustin Minor

Dustin Minor
Office of Regional Counsel (ORC-3)
75 Hawthorne Street
San Francisco, CA 94105
Telephone:(415) 972-3888
Email: Minor.Dustin@epa.gov

J. Tom Boer
Hunton Andrews Kurth LLP
50 California Street, Suite 1700
San Francisco, California 94111
Telephone: (415) 975-3700
Email: jtboer@hunton.com

Samuel L. Brown
Hunton Andrews Kurth LLP
50 California Street, Suite 1700
San Francisco, California 94111
Telephone: (415) 975-3714
Email: slbrown@hunton.com

John Roddy
Office of City Attorney Dennis Herrera
City and County of San Francisco
1 Dr. Carlton B Goodlett Pl.,

San Francisco, California 94102
Telephone: (415) 554-3986
Email: John.S.Roddy@sfcityatty.org

Estie Kus
Office of City Attorney Dennis Herrera
City and County of San Francisco
1 Dr. Carlton B Goodlett Pl.,
San Francisco, California 94102
Telephone: (415) 554-3924
Email: Estie.Kus@sfcityatty.org