



September 9, 2013

Karl Longley
Chair, Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Re: Revised Order for Dairy Operations

Dear Mr. Longley,

We represent environmental and environmental justice communities located in the Central Valley and throughout California, including Asociacion de Gente Unida por el Agua and the Environmental Law Foundation, the prevailing parties in *Asociacion de Gente Unida por el Agua v. Central Valley Regional Water Quality Control Bd*, (2012) 210 Cal.App. 4th 1255 (AGUA). We submit these comments on the Central Valley Regional Water Quality Control Board's reissuance of its Tentative Waste Discharge Requirements General Order for Existing Milk Dairies (Tentative Order). We appreciate the efforts made by Central Valley Regional Water Quality Control Board (Board) staff to comply with the writ issued by the California Court of Appeals in the above-mentioned case. However, we remain concerned that the Board, through this Tentative Order, is continuing to evade the urgent need to address widespread groundwater contamination attributable to Dairy operations, and comply with the Court's directive to implement and enforce the mandates of state anti-degradation policies.

It is the responsibility of the Board to protect both those communities currently affected by groundwater contamination and those that could or will be affected in the future. The Board

must do so through the adoption of effective and enforceable regulations on dischargers and discharges. It is therefore this Board's responsibility to reverse the historic neglect of this charge, a neglect whose impact has been felt so profoundly and so broadly throughout the state and region.

For example, the 2012 UC Davis nitrate report clearly identifies the impact of groundwater pollution by nitrates in the Tulare Lake Basin and Salinas Valley. There, nearly a quarter million residents were directly exposed to nitrate contamination through their tap water between 2006-2010. More than half of the residents of these regions receive their water from a community water system with at least one exceedance of the nitrate standard in their raw water supply in that same 5 year period. That number is estimated to grow to 80% by 2050 *if current practices continue*. One of the current practices that has caused the problem is unlined waste ponds in vulnerable groundwater areas; yet this practice will be unchanged by the Tentative Order. An enforceable program with appropriate triggers and limits is imperative to protect groundwater from further degradation and pollution from dairies.

Moreover, groundwater contamination by nitrates is an economic as well as a public health threat. Prohibiting continued contamination is a clear Board mandate. Early and effective implementation of best practices to eliminate contaminating discharges is critical.

The Porter Cologne Water Quality Control Act¹ and the State's Anti-degradation Policy² require that the Regional Board issue waste discharge requirements that protect the region's water quality for designated beneficial uses, as set out in the Basin Plans. The mandates are clear. They cannot be elided in order to shield or protect any industry from its deleterious effects on an entire region's water supply.

The Tentative Order allows degradation and even pollution to continue from dairy operations

¹ California Water Code §§ 13000 et seq.

² Resolution 68-16, Statement of Policy With Respect to Maintaining High Quality of Waters in California

in contravention of the Basin Plan, State Anti-degradation Policy, and the Porter Cologne Water Quality Control Act.³ Furthermore, the Tentative Order unlawfully delegates to the Executive Officer authority that is exclusively held by the Board. Last, it disproportionately impacts low-income communities of color, in violation of California's Civil Rights and Fair Housing Laws.

1. The Order, If Implemented, Would Violate The State Anti-Degradation Policy

The Tentative Order violates the State's Anti-degradation policy by allowing degradation of high quality waters without conducting the requisite analysis or requiring sufficient data to be collected to assess whether degradation is occurring or allowable.

The Anti-degradation Policy requires that:

High quality water be maintained until it has been demonstrated that any change in water quality will be consistent with the maximum benefit to the people of the state; will not unreasonably affect present or probable future beneficial uses of such water (which, for groundwater, is drinking water); and will not result in water quality that violates water quality objectives.

Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained. (State Water Resources Control Board Resolution No. 68-16 Statement of Policy With Respect to Maintaining High Quality of Waters in California. (Anti-degradation Policy or Resolution No. 68-16))

Thus, analysis of whether the Order violates the Anti-degradation Policy is a 4-Step process:

³ See California Water Code §§ 13240, 13241, and 13263, requiring that waste discharge requirements implement the relevant water quality control plans, including the Basin Plans, which in turn include the Anti-degradation Policy, as well as water quality objectives.

(1) Assess the baseline water quality to determine if it is high quality water and thus subject to the anti-degradation policy

(2) If so, determine whether baseline water quality will be maintained;

(3) If not, the Board must demonstrate that the change to water quality will:

(a) be consistent with the maximum benefit to the people of the state;

(b) not unreasonably affect present or probable future beneficial uses of such water; and

(c) not result in water quality less than the prescribed objectives.

(4) The Board must establish that activities subject to the Tentative Order that will or may degrade high quality water will be required to meet best practicable treatment or controls to assure that:

(a) pollution or nuisance will not occur and

(b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

This roadmap is lacking in the Tentative Order. As the Court of Appeal made clear, each of these steps must be supported by facts and findings, not mere conclusions or “circular” reasoning.

Insufficient Determination Of Baseline As High Quality Water

The Tentative Order fails to accurately assess the existence of high quality water and the particular quality of that water. As the Court of Appeal decision makes crystal clear, the baseline is not – as Regional Boards have mistakenly proposed for years – current, degraded conditions. Rather, the baseline for determining whether the water is high quality is “the best quality of the receiving water that has existed since 1968. . .” (210 Cal.App.4th at 1270 (internal quotations omitted)). Any assessment of water quality at the present time does not adequately determine or

establish the highest quality that has existed since 1968.

In spite of both the 2007 Order and the Tentative Order's failure to accurately determine baseline water quality, the Court of Appeals found that the basin was composed at least in part of high quality water and thus subject to the Anti-Degradation Policy.

This Tentative Order Will Not Protect Baseline Water Quality

Degradation and Pollution from Existing Ponds

Of the Tentative Order's shortcomings, the most striking is that the Board is continuing to countenance degradation and pollution from existing ponds, even those in vulnerable groundwater areas. The Tentative Order does not require that existing dairy ponds be lined despite the Board's own recognition that unlined ponds contribute to degradation and pollution. Moreover, the Appellate Court in *AGUA* explicitly discussed the fact that Title 27 standards are inadequate and historic practices, left unchanged, will continue to cause degradation and pollution to groundwater. (210 Cal.App.4th at 1273.) The Board's "iterative" process of perpetual study of a problem to which it knows the answer is simply insufficient.

The Tentative Order On Its Face Countenances Continued Degradation

Groundwater Limitations (F.1.) states that: "Discharge of waste at existing milk cow dairies shall not cause the underlying groundwater to exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance... Except in circumstances where a Discharger is making improvements to waste management practices that have been found not to be protective of the underlying groundwater under a time schedule that is as short as practicable." This limitation does not, on its face, comply with the Anti-degradation Policy which prohibits discharges into high quality waters that violate water quality objectives. The fact that the Tentative Order contains an unspecified time schedule does not cure this defect.

Moreover, any delay allowed through this order in implementing management practices

that will eliminate degradation absent necessary findings and conditions further violates anti-degradation policy.

It bears repeating that reliance on after the fact monitoring to discover that there has been degradation is not permitted – where, as here, the activity being regulated has caused demonstrable degradation in the past. There is no rational basis for believing that allowing the activity to continue without substantial change will not also result in further degradation. “To the extent that the Order allows historic practices to continue without change, degradation will continue.” (210 Cal.App.4th at 1273.) No amount of future monitoring can substitute for current reality.

The Order Fails To Demonstrate That The Authorized Change In Water Quality Will Be Consistent With The Maximum Benefit To The People Of The State

A determination that any degradation is consistent with maximum benefit to the people of the state is made on a case-by-case basis and is based on considerations of reasonableness under the circumstances. Factors to be considered include:

- (1) past, present, and probable beneficial uses of the water (specified in Basin Plans);
- (2) economic and social costs, tangible and intangible, of the proposed discharge compared to the benefits,
- (3) environmental aspects of the proposed discharge; and
- (4) the implementation of feasible alternative treatment or control methods.⁴

The Tentative Order fails to adequately engage in such analysis, much less demonstrate that any change in water quality will be consistent with the maximum benefit to the people of the state. Furthermore, the Board failed to demonstrate that the change in water quality would not unreasonably affect present or probable future beneficial uses of such water. Moreover, the Board failed to demonstrate that the result in water quality would be less than prescribed in state

⁴ See State Board Order No. WQ 86-17, at 22,

policies. In fact, Groundwater Prohibition F.1 explicitly allows degradation beyond water quality objectives for an unstated period of time. As such, the analysis is empty and cannot meet the requirements of the policy. (210 Cal.App.4th at 1278-1286 [“Step One” and “Step Two” of a true anti-degradation analysis].)

The Order Fails To Demonstrate That Degradation Will Not Unreasonably Affect Present Or Probable Future Beneficial Uses Of Such Water.

One of the most objectionable features of the Tentative Order is that it either allows degradation of the water right up to the level that still (barely) meets the water quality objectives or simply allows water quality objectives to be violated, albeit for an unspecified time schedule. For the former, the Board sets that trigger level as the only enforceable compliance goal. In brief, it would permit the maximum amount of degradation of the baseline water quality down to the level where it just avoids an actionable exceedance. First, this position effectively allocates to the dairy industry the entire capacity of the groundwater degradation and assumes no other discharges will occur from any other industry or activity. Put another way, the Board is granting to a single industry the right to pollute the groundwater right up to the point of destruction – and in some cases beyond - the point at which all other users of that water have their right to clean water destroyed. That is a robust position. And an irresponsible one.⁵

To the extent that the Tentative Order sets the effective level of degradation at the point just below the level of exceedance, it also creates a standard that will ensure impacts to domestic water users. Public water systems charged with treating drinking water to meet drinking water standards do not use or treat water so that it is just a hair below the relevant standard. Rather they set a target well below that level to ensure that fluctuations in treatment or in the quality of

⁵ It is irresponsible for another reason. It is impossible for the Board to know when, at the hundreds of sites involved, the groundwater pollution is just shy of an exceedance, and then somehow magically stop the pollution from continuing. If an unlined pond is causing nitrate levels or rise, that will not stop just because the levels are about to exceed what is safe. Thus the “limit” the Tentative Order includes is an illusion.

the source water do not result in an exceedance of water quality standards. This proposed order in effect takes that margin of safety away from the water systems charged with protecting our citizens and providing them with safe drinking water and gives that margin to the dairies to squander.

Additionally, systems that rely on source water that is near a maximum contaminant level (“MCL”) must meet significantly increased monitoring burdens to ensure that levels do not exceed an MCL. For example, if a system relies on water that is over ½ the MCL for nitrate they are required to conduct much more frequent monitoring, which can mean significant costs to systems and consumers. The Tentative Order must set a goal for degradation far enough below water quality objectives to ensure that high quality waters do not exceed water quality objectives and beneficial uses, such as drinking water, are not impaired.

The Board Does Not Engage In An Adequate Analysis Of The Economic And Social Costs Nor The Environmental Aspects Of The Proposed Discharge

While the Tentative Order estimates the costs of some alternatives that would limit or eliminate discharge to groundwater, i.e. adequate lining of dairy ponds, it does no such analysis with respect to the cost incurred by individuals, water providers or the state for clean-up of contaminated water or treatment of contaminated water, or even the increased costs to water suppliers noted above as pollution levels rise but are still below any exceedances. Nor does the Tentative Order analyze the health impacts and related costs of large communities having to rely on (or replace) contaminated drinking water. Finally, the Tentative Order fails to consider the long term, environmental costs of allowing continued degradation of groundwater. This one-sided analysis does nothing to satisfy the Board’s responsibility to demonstrate that continued discharges to high quality waters are consistent with the maximum benefit for the people of the state.

The Tentative Order Fails To Assess Feasible Alternative Treatment Or Control Methods

Besides announcing the costs of adequately lining dairy ponds, the Tentative Order does not assess feasible alternatives to continued degradation, and in failing to do so, simply kicks the can further down the road.

The Order Fails To Ensure That Best Practicable Treatment Or Control (BPTC) Will Result From Discharges To High Quality Waters

The Court of Appeal made it clear that in addition to the analysis above – an analysis that would permit some degradation as long as there is a complete set of facts, findings and analysis and water quality objectives were not violated – the state anti-degradation policy has substantive requirements as well. In this “Step Two,” the Board must require “best practicable treatment or control” to ensure that “a pollution or nuisance will *not occur*” and the highest water quality . . . will be maintained.” (210 Cal.App.4th at 1282.)

By expressly allowing continued activities that have and will continue to degrade the water, the Board simply fails to require not just the “best practicable” controls but any controls at all. This is particularly egregious in light of the findings of its own experts that measures are available to control pollution. The inadequacy of this approach was thoroughly discredited and ruled unlawful by the Court of Appeal. (210 Cal.App.4th at 1282-1283.) The Tentative Order must not repeat the mistakes of the past.

Furthermore, as discussed below, the Board has failed to require best practicable treatment or control to ensure that a pollution or nuisance will not occur as mandated by Anti-Degradation policy and the writ issued by the Court of Appeals.

2. The Order Allows Unlawful Pollution And Nuisance To Groundwater

According to the Water Code, "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects ...: (A) The waters for beneficial

uses. (Water Code 13050(1)(1)). For all the reasons that the Order violates the state's anti-degradation policies, the Order, too, if implemented would result in Pollution as defined by the Water Code, by:

- a) Allowing discharges to exceed water quality objectives, such as is expressed in Groundwater Limitation F.1, fn. 7
- b) Allowing degradation up to the water quality objectives without the required findings that permit such degradation
- c) Failing to accurately establish a baseline to assess and analyze degradation or the impacts of discharge.
- d) Failing to establish adequate monitoring and reporting procedures to monitor degradation or potential impacts to beneficial uses.

"Nuisance" means anything which is (1) injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons. (Water Code 13050(m)).

The Tentative Order allows for discharges that are both injurious to health and interferes with the enjoyment of property for communities whose domestic water quality will be impacted by: allowing degradation of groundwater up to the water quality objective, by disregarding relevant public health goals in favor of often less protective water quality objectives, by failing to monitor for all constituents of concern, and allowing continued discharger contributions to exceed water quality objectives and nuisance for up to the next ten years.

Separate and apart from prohibitions in the State's anti-degradation policy, California law prohibits outright pollution and nuisance with respect to the state's groundwater. (Water Code Section 13050 *et seq.*) These prohibitions in state law are applicable to both high quality waters,

subject also to the anti-degradation policy, and other waters. Thus to the extent that this Order permits discharges that constitute nuisance or pollution, as discussed above, this Tentative Order violates California law with respect to its treatment of and failure to protect groundwater.

Moreover, as stated above, continued pollution from ponds is strictly prohibited as discharges to high quality waters are not allowed to violate water quality standards pursuant to the Anti-degradation Policy. (210 Cal.App.4th at 1260). Pond Specifications, No. 4 states that if monitoring data indicate that Groundwater Limitation F.1 is violated, dischargers are required to implement management practices/activities that will bring the facility into compliance on a timeline that is as short as practicable. This is inappropriate. Under the Antidegradation Policy, water quality standards are not to be violated for discharges into high quality waters. Page 9, ¶32 states: “This Order will assure that pollution or nuisance will not occur outside of the time schedule for improvements set by this Order.” The Board is not allowed to permit pollution or nuisance. (Water Code §13263.) The fact that there is an (undefined) time schedule does not change the law. Similarly, on Page 8, ¶29 states: Where immediate compliance with water quality objectives cannot be achieved, this Order specifies a timeline for the construction and/or modification of waste management practices. Water quality standards are not to be violated when discharging waste into high quality waters and a undefined timeline for compliance does nothing to ensure that.

Furthermore, the RMP has been in place for several years. The due dates of reports should be based on when the RMP started, not when this new permit takes effect. For example, (page 6) the summary report for individual and RMP monitoring is due 6 years after initiating sampling and the first annual representative monitoring report, respectively. The deadline should be six years from the date that the RMP begun.

Lastly, discharge of waste at existing milk cow dairies should not cause the underlying

groundwater to exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance for any period of time.

The Order Fails To Require Sufficient Monitoring And Reporting

As before, the Tentative Order substitutes monitoring for analysis, even when the effects of an activity are well known. The Court of Appeal could not have been more clear about this – while monitoring *might* in the right circumstances substitute for an analysis now with existing data and experience, monitoring has to be robust and designed to reveal the problems quickly. . (210 Cal.App.4th at 1274 - 1278.) Yet just as before, the monitoring program is wholly inadequate. The Tentative Order does not require groundwater monitoring to be conducted from monitoring wells but, rather, continues allows monitoring to be conducted from supply wells. This issue was explicitly discussed and rejected by the Appellate Court in *AGUA*. (210 Cal.App.4th at 1275.) “The evidence shows that monitoring from a supply well is ineffective to accomplish the timely detection of a change in groundwater quality.” (*Id.*, at 1260.) Both individual Dischargers and members of RMP should be required to monitor from monitoring wells, rather than supply wells. (See Groundwater Monitoring, Revised Monitoring and Reporting Program, p. MRP-6.)

Additionally, monitoring is only required of two constituents, nitrates and total dissolved solids, rather than the complete list of significant wastes generated by dairies. This failure was also noted by the Appellate Court as grounds for the monitoring program to be inadequate. (210 Cal.App.4th at 1275.)

Furthermore, it is unclear whether the dairies are required to conduct up and downgradient monitoring. As was discussed in the *AGUA* decision, both up and downgradient monitoring is required to discern whether degradation is occurring.

Finally, it is unclear how the Representative Monitoring Program will ensure that

monitoring is in fact adequately representative to ensure that all discharges from all participating dairies are adequately captured and assessed.

The above comments notwithstanding, monitoring, even if accurate and comprehensive, may not substitute for current obligations to protect groundwater from present and future degradation and pollution.

3. The Long Timeline For Implementation Ensures That More Communities Will Be Impacted By Groundwater Contamination

The continued delay in implementing basic groundwater protections, such as pond liners, has harmed hundreds of thousands of Central Valley residents. This order does little to remedy that inequity, with delays of at least a decade before dischargers must demonstrate that their actions are improving water quality.

Under this timeline, the earliest results from trend monitoring won't be seen before 2019. It is clear that, if the order is adopted as currently written, enforcement based on actual impacts to water quality will not be possible for at least a decade, and communities will continue to suffer and pay for water quality degradation for the foreseeable future. This scenario is what the Anti-degradation Policy was adopted to stop. Practices known to cause groundwater degradation should not be allowed to continue to degrade water quality conditions.

Inappropriate Delegation Of Authority To Executive Officer

The Tentative Order continues to inappropriately delegate discretion to the Executive Officer. Should groundwater monitoring show discharges have caused an exceedance of the groundwater limitations, the EO may issue an order to the owner/operator of the monitored dairy to identify and implement management practices that are protective of the groundwater quality

on a schedule that is as short as practicable.⁶ This discretion and permissive action contravenes the law as made explicit in the Anti-degradation Policy and as announced by the Court. Further, the Tentative Order states that if, in the opinion of the EO, the discharger fails to comply with the provisions of this Tentative Order, the EO *may* refer this matter to the attorney general for judicial enforcement or may issue a complaint for administrative civil penalty or may take other enforcement actions.

4. Obligations Under the Human Right to Water Act

The Tentative Order fails to comply with the recently codified Human Right to Water. Beginning on January 1, 2013, AB 685 (codified at Water Code section 106.3) directs the Board to consider the human right to water “when revising, adopting, or establishing policies, regulations, and grant criteria.” The duty to consider is an on-going obligation of the Board, which is not possible to discharge through a single administrative action. To fulfill the legislative directive “to consider,” the Board should undertake a range of activities based on legal precedent regarding similar statutes.⁷ First, when considering a range of policies or regulations, the Board should give preference and adopt policies that advance the human right to water. Second, the Board should refrain from adopting policies or regulations that run contrary to securing equal access to safe drinking water. Finally, the Board should note in its record of decision the consequences that its actions have on access to safe drinking water in California.

The intent of the legislation is to ensure that all Californians have access to affordable,

⁶ It need hardly be noted that waiting until the exceedance has occurred to take any action is *precisely* what an anti-degradation analysis is designed to avoid. A prudent regulator does not wait for the horses to escape before ordering the design and installation of a barn order “as soon as practicable.”

⁷ See generally *City of Burbank v. State Water Res. Control Bd.*, 35 Cal. 4th 613, 625 (2005) (explaining that taking into consideration means “to take into account various factors,” including those specified in legislation). See also *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983); *City of Arcadia v. State Water Res. Control Bd.*, 191 Cal. App. 4th 156, 177 (2010); *City of Davis v. Coleman*, 521 F.2d 661, 679, 682 (1975); *San Joaquin River Exch. Contractors Water Auth. v. State Water Res. Control Bd.*, 183 Cal. App. 4th 1110, 1120 (2010).

acceptable and safe water and sanitation in sufficient amounts to protect their health and dignity. In accordance with domestic law and human rights principles, access for human consumption should be prioritized over other water uses—including water for agriculture and industry—and should be non-discriminatory. Special attention must be given to those who do not have access to safe water.

A human rights approach to water challenges also requires that individuals and communities have meaningful opportunity to participate in decision-making affecting their access to safe and affordable water. Communities most in need of clean drinking water should be a focus of the process as well as the outcome of short-term and long-term planning regarding state water resources. Interested persons should have the opportunity to participate in administrative decisions through submission of written input or oral testimony. The Board should adopt an inclusive and transparent approach to decision-making by fostering participation by communities that historically have been impacted by source water contamination. The Board should also publically disclose efforts to consider the human right to water policy as well as the impact of these efforts on its final action.

5. Violation of Civil Rights and Anti-Discrimination Laws

The Tentative Order, if implemented, would disproportionately impact low income communities and communities of color by failing to protect groundwater from continued degradation. The Order would allow further groundwater degradation, particularly nitrate contamination, which is the number one cause of drinking water well closure in the State. Already Latino and low-income communities are more likely to have contaminated drinking water in the Central Valley region, and this is most often due to high levels of nitrate in the groundwater.⁸ Specifically in the San Joaquin Valley, small communities with high

⁸ Environmental Justice Coalition for Water, *Thirsty for Justice: A People's Blueprint for California Water* (2005)

concentrations of Latinos are disproportionately impacted by nitrate contamination from agricultural waste, meaning Latino communities are more likely to have higher levels of nitrates in their drinking water.⁹ Additionally, Latino and low-income communities are less likely to have health care and access to treatment or substitute water sources, and are more likely to be exposed to cumulative deleterious environmental impacts through other media (such as air).

It is also important for the Board to understand that continued degradation and exceedances of groundwater objectives will cause less water availability for domestic and municipal use, resulting in fewer will-serve letters and therefore the inability to develop housing in the region.

By disparately impacting low income communities of color, the Board's failure to enact adequate groundwater protections violates our state's commitment to equality and freedom from discrimination as laid out in California Government Code Section 11135. The Section states that no person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency.

The California Government Code Section 65008 renders null and void any action undertaken by a local governmental agency that denies to any individual or group of individual the enjoyment of their residence, landownership or tenancy. The Board's decision, if it fails to protect the drinking water for California's most vulnerable communities through adoption of this Order may be null and void.

Therefore, this Tentative Order would unquestionably and blatantly affect with

⁹ Carolina Balasz, et.al., *Social Disparities in Nitrate Contaminated Drinking Water in California's San Joaquin Valley*, Environmental Health Perspectives June 2011.

disproportionate impact low-income communities and communities of color, which would violate California Government Code Section 11135, and undermine the policies at the heart of other state and federal civil rights laws.

Conclusion

We appreciate the opportunity to review the Tentative Order and provide input. As you can see, we continue to have significant concerns about this order, and much work remains to be done to bring it into compliance with the law and clear commands of the Court of Appeal. We trust that the final order will remedy these defects so that we can fully support this order, and not have to repeat the past.

Sincerely,



Phoebe Sarah Seaton
Leadership Counsel for Justice
and Accountability



Lynne Saxton
Saxton & Associates



James Wheaton
Environmental Law Foundation



Laurel Firestone
Co-Executive Director and
Attorney at Law
Community Water Center



Jennifer Clary, Water Policy
Analyst
Clean Water Action



Amparo Cid
California Rural Legal
Assistance Foundation