

# EXHIBIT "I"

1 WILLIAM J. THOMAS, Bar No. 67798  
william.thomas@bbklaw.com  
2 WENDY Y. WANG, Bar No. 228923  
wendy.wang@bbklaw.com  
3 BEST BEST & KRIEGER LLP  
500 Capitol Mall, Suite 1700  
4 Sacramento, California 95814  
Telephone: (916) 325-4000  
5 Telecopier: (916) 325-4010  
Attorneys for Petitioners  
6 Ocean Mist Farms and RC Farms

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9 BEFORE THE STATE WATER RESOURCES CONTROL BOARD

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11 OCEAN MIST FARMS AND RC FARMS

SWRCB/OCC File No. \_\_\_\_\_

12 vs.

13 CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD,  
14 CENTRAL COAST REGION

DECLARATION OF WILLIAM THOMAS IN  
SUPPORT OF REQUEST TO STAY AND  
PETITION FOR REVIEW CALIFORNIA  
REGIONAL WATER QUALITY CONTROL  
BOARD, CENTRAL COAST REGION,  
ORDER NOS. R3-2012-0011, R3-2012-0011-  
01, R3-2012-0011-02, AND R3-2012-0011-03,  
AND RESOLUTION NO. R3-2012-0012

LAW OFFICES OF  
BEST BEST & KRIEGER LLP  
500 CAPITOL MALL, SUITE 1700  
SACRAMENTO, CALIFORNIA 95814

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**DECLARATION OF WILLIAM J. THOMAS**

I, William J. Thomas, declare as follows:

1. I am an attorney duly licensed to appear before all courts in the State of California. I am a counsel of Best Best & Krieger LLP and attorney for Petitioners Ocean Mist Farms and RC Farms. I have personal knowledge of the facts stated herein and, if called upon to do so, I could and would competently testify to these facts.

2. The Petitioners seek the State Water Resources Control Board's ("State Board's") review of California Regional Water Quality Control Board, Central Coast Region's ("Regional Board") actions and inactions related to: (a) its adoption of Order No. R3-2012-0011 (the "2012 Ag Waiver"); (b) its adoption of Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03 ("Monitoring and Reporting Program"); (c) its certification of a "Final Subsequent Environmental Impact Report" ("Final SEIR") in its Resolution No. R3-2012-0012, purporting to conduct analysis required by the California Environmental Quality Act ("CEQA") for regulating discharges from irrigated lands, for which a Notice of Determination was allegedly filed; and (d) its failure to properly conduct an environmental impact analysis of the 2012 Ag Waiver as required by the CEQA.

3. The 2012 Ag Waiver requires applicable dischargers to take certain actions either immediately or by October 1, 2012, which is less than six months or 168 days from April 16, 2012. Since the State Board has at least 270 days to render a decision on the Petition, the 2012 Ag Waiver requires applicable dischargers to take immediate actions during the period the Petition is subject to review. (See Cal. Code Regs., tit. 23, § 2050.5(b).)

4. The Petition raises substantial questions of facts and law, including (a) whether the Regional Board exceed its authorities and violated applicable laws in enacting the 2012 Ag Waiver; (b) whether the Regional Board complied with CEQA requirements; and (c) whether the Regional Board's staff failed to properly examine the impact of the 2012 Ag Waiver pursuant to CEQA. Staying the 2012 Ag Waiver and Resolution No. R3-2012-0012 will allow the State Board to resolve these substantial questions of facts and laws prior to implantation of the new regulations.

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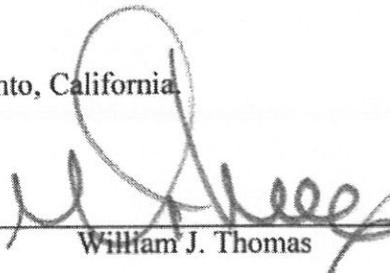
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5. I am not aware of any interested persons or public interest that will be substantially harmed if a stay is granted.

6. The Petitioners' ability to prepare the Request for Stay and the Petition has been prejudicially impeded by the Regional Board's slow response time in providing the necessary documents. The California Water Code provides that the regulated parties have only 30 days to appeal actions by the Regional Boards. Although the Regional Board adopted the 2012 Ag Waiver, the Monitoring and Reporting Program, and Resolution No. R3-2012-0012 on March 15, 2012, mandating the appeal be filed by April 16, 2012, the Regional Board however did not provide my office with the 2012 Ag Waiver and the Monitoring and Reporting Program until March 26, 2012, and Resolution No. R3-2012-0012 until April 10, 2012. Moreover, the Regional Board has not produced a Notice of Determination ("NOD") that bears the stamp of the Office of Planning and Research, indicating that the NOD has been filed. Furthermore, despite repeated requests for expedited transcripts for the Regional Board hearing conducted on March 14 and 15, 2012, the Regional Board did not provide the draft March 14, 2012 hearing transcript until April 11, 2012 and the final transcript until April 13, 2012. My office received the March 15, 2012 hearing transcript on April 3, 2012. Consequently, the 30 day statutory period for our clients to exercise their due process appeal rights has effectively been cut to only a few days.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed this 16th day of April, 2012, at Sacramento, California.

  
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William J. Thomas