

State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

January 8, 2018

Dear Members of the Board,

The Porter Cologne Act passed in California legislation as solutions of water quality, conservation, control and utilization. What water issues troubled elected officials, industries and businesses in the 1960's? Fundamental observations, conditions, predictions and downright speculations contributed to this law. It was justified according to give and take actions by Californians for the benefit of Californians: protected for use and enjoyment by the people of the state. The Legislature declared regulations shall be reasonable, considering all demands made on our water quality and considering the total values involved, beneficial and detrimental economic and social, tangible and intangible. Development projects were growing in scope and size; however the law specifically cites factors of precipitation, topography, population, recreation, agriculture, industry and economics shall apply.

The law established a State Board and regional boards. They shall conform to and implement the policies of Chapter 1, (policy) at all times of the Act. Water quality objectives mean the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water. The first item listed for a water quality control plan is: (1) Beneficial uses to be protected. The intent of the Legislature is unequivocal: waste or contamination must create a hazard to the public health through poisoning or the spread of disease.

One key in the Legislative and administration process was science. Science began and drove concepts and words that eventually were passed by our Senate and Assembly. Science, after all, is knowledge, understood facts or principles. Knowledge is gained by systematic observations, experiment, and reasoning; knowledge is coordinated, arranged, and systematized. Its goal is the prosecution of truth thus known, both in the abstract and as an historical development.

What John Stuart Mill wrote 160 years ago holds true today: “Since all phenomena which have been sufficiently examined are found to take place with regularity, each having certain fixed conditions, positive and negative, on the occurrence of which it invariably happens, mankind has been able to ascertain the conditions of the occurrence of many phenomena. The progress of *science* mainly consists in ascertaining these conditions. Science is nothing but the finding of analogy, identity in the most remote parts of the subject.” There is no science involved with the enforcement of the current CVRWQCB in Rancho Cordova, California.

In science, you must not talk before you know. In art, you must not talk before you do. In literature, you must not talk before you think. In government all three apply to our public agencies, public employees, elected and appointed officials. Science persists with the knowledge of things, whether ideal or substantial. Art works the modification of substantial things by our substantial power. Literature brings to the mind the modification of ideal things by our ideal power. All are lacking with the Prosecution Team, the Administration Team, most of the Board members and the Executive Team.

The work of the true masters of Science is a perpetual striving after a better and closer knowledge of their environment from the planet on which their lot is cast and the universe in the vastness of which our planet is lost. CVRWQCB execution of the Porter Cologne act has become an illegal taker of life, liberty and the pursuit of happiness with no sense of support from Science, Art or Literature. It’s good and worthwhile intent turned into a sham, nothing more than a trick put upon the public. It has become evil that lacks any bearing on its expectations. The people should fear the destroying of long standing public and private benefits of our water. If the environment is sought to be defended or pressured for the safety and benefits of Californians, some advocates and some enforcers twist, ignore and lie. It is a sham and the goodness we know and expect will be lost for future generations. The actions I witnessed at the December 8, 2017, public CVRWQCB hearing will alarm Californians as I was alarmed.

Porter- Cologne Water Quality Control Act is the law. It preempts all other plans, such as the Valley Basin plan. Its importance in Californian’s behaviors patterns the

relationships between the Constitution of the United States of American and the Constitution of the State of California. Law has definitions: recognize shame answers, sham defenses, and sham pleas. The entire agenda item on December 8, 2017, was so clearly shameful, in fact, presenting no substantial issue. It is make believe to assert that natural waters traveling through the Alleghany aquifers, above and underground, produce harmful conditions to public health. An historical mantra holds true here in Sacramento: "We must have a case that we do not sham fallacies upon the people for current reason."

Fear of this material (natural elements for life) and native water precipitating high in the Sierra Nevada mountains is a pretense for highjacking industrial freedom and rights, justify employment for the prosecutors, fatten self-serving appetites, and is illegal, immoral and against both State and Federal Constitutions. "Truth, like gold, lies at the bottom."

In reference to the degree of specialization on display during this public meeting, the sciences may be arranged as follows:

(A) *Mathematics*, the study of relations of the parts of hypothetical constructions, involving no observation of facts, but only of the creations of our own minds, having two branches – (1) *pure mathematics*, where the suppositions are arbitrary and (2) *applied mathematics*, where the hypothesis as simplifications of real facts – and branching again into (a) *mathematical philosophy*, as the theory of probabilities, etc. (b) *mathematical physics*, as analytical mechanics, etc. and (c) *mathematical physics*, as political economy.

(B) *Philosophy*, the examination of and logical analysis of a general body of fact is a science in which reason and history precedes successful dealing with special elements of the universe – branching into (1) *logic* and (2) *metaphysics*.

(C) *Nomology*, the science of the most general laws or uniformities, having two main branches – (1) *psychology* and (2) *general physics*.

(D) *Chemistry*, the determination of physical constants and the study of the different kinds of matter in which these constants differ.

(E) *Biology*, the study of a peculiar class of substances, the protoplasm, and of the kinds of organisms into which they grow.

(F) *Sciences of organization of organisms*, embracing (1) *physiology*, the science of the working of the psychical structures of organs and (2) *sociology*, the science of psychical unions, especially modes of human society, including ethics, linguistics, politics, etc.

No science was on display by the Prosecution Team, the Advisory Team or other public employees. My wonderment is that the seven board members voted six to one in support of the staff with so little knowledge of what they were voting for. Science is nothing but the finding of analogy, identity in the most remote parts of the subject: water. "The work of the true man of Science is a perpetual striving after a better and closer knowledge of the planet on which his lot is cast, and of the universe in the vastness of which that planet is lost." –J.N. Lockyer. What science triggers the serious efforts across the spectrum of living in our Golden State? What is the duty of water?

Terms contain some qualification to denote that it must not be excessive are to be based in science. The buzz 'word' has become ppb. The word "reasonable" being considerably used in law is not used now in science: reasonable in care and diligence, reasonable in economic evaluations (cost/benefits), reasonable unavoidable. This board lacks an understanding of reason because the staff either fails to know or withholds important information (exculpatory evidence or statements which tend to clear Original Sixteen to One Mine, Inc. from alleged fault or guilt). The duty of water is found not to be a constant factor for all places but varies with the character of natural surroundings, climatic conditions, diversification of environments and various other conditions.

Kanaka Creek does not present a water quality problem for fish, plant life or aquatic insects. No one suffers a beneficial loss downstream from the ancient 21 portal. During the meeting the question, "What is the full definition of serious?" was brushed aside by staff. The proper action for the Board to take at this meeting was to table the topic and send it back to staff for review and clarification on the issues raised by Operator. The insistence that it could not take this action is weak

I am aggrieved by the action at the December 8, 2017 CVWQCB meeting.

I file this petition for review with the State Water Board.

I hereby attach to this petition by reference the three attachment filed by Original Sixteen to One Mine, Inc. as support for my request for the petition. I have suffered great financial losses due to the ongoing behavior if CVRWQCB in the Kanaka Creek watershed. I have suffered great mental strain and harassment.

Required Information:

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A copy of this request is given to the US Postal office in Alleghany today, addressed to the CVRWQCB in Rancho Cordova. Presenting new and accurate information and delivering true and scientific information regarding the issues under review by CVRWQCB in order to preserve, protect and enhance the regional environment both naturally and socially are not a choice but a right and a public responsibility.

Sincerely,

Michael M. Miller