
Central Coast Regional Water Quality Control Board

January 7, 2015

The Honorable Thomas W. Wills
Judge of the Superior Court of California, County of Monterey
Monterey County Courthouse, Department 14, 2nd Floor
1200 Aguajito Road
Monterey, CA 93940

Dear Judge Wills:

CASE NO. M108858 – ORDER CERTIFYING QUESTIONS TO THE CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD (CENTRAL COAST WATER BOARD)

On December 8, 2014, Central Coast Water Board staff received your Order certifying questions pertinent to the litigation between Monterey Coastkeeper (Petitioner-Plaintiff) and Monterey County Water Resources Agency (Respondent-Defendant) in the County of Monterey, Superior Court. You asked:

- a) *Has the Board completed its investigation of whether Monterey County Water Resources Agency ("MCWRA") activities in and around the Reclamation Ditch and Blanco Drain watersheds render MCWRA a waste discharger which must file a report of waste discharge pursuant to California Water Code section 13260 or 13264?*
- b) *If so, what is the Board's determination?*
- c) *If not, when does the Board anticipate making such determination?*

Central Coast Water Board staff has determined that MCWRA is a waste discharger and must file a report of waste discharge pursuant to California Water Code section 13260 or 13264 for its activities in and around the Reclamation Ditch and Blanco Drain watersheds. We will provide additional information directly to MCWRA regarding timing and content of a report of waste discharge.

If you have questions regarding this letter, please contact Sheila Soderberg at 805/549-3592 (Sheila.soderberg@waterboards.ca.gov), Harvey Packard at 805/542-4639, or myself at 805/549-3140.

Sincerely,

Kenneth A. Harris Jr.
Executive Officer

cc:

Irven L. Grant, County of Monterey, granti@co.monterey.ca.us
Elizabeth Krafft, MCWRA, krafftea@co.monterey.ca.us
Deborah A. Sivas, Mills Legal Clinic at Stanford School of Law, dsivas@stanford.edu
Steve Shimek, Monterey Coastkeeper, exec@otterproject.org
Nicole E. Granquist, Downey Brand LLP, ngranquist@downeybrand.com
Steven P. Saxton, Downey Brand LLP, ssaxton@sowneybrand.com
Elizabeth B. Stallard, Downey Brand LLP, estallard@downeybrand.com
Melanie Harrison, Melanie.harrison@noaa.gov
Gary Petersen, City of Salinas, garyp@ci.salinas.ca.us
Brent Buche, MCWRA, bucheb@co.monterey.ca.us
Deirdre Whalen, Monterey Bay National Marine Sanctuary, deirdre.whelen@noaa.gov
Jamie Marincola, USEPA Region IX, Marincola.JamesPaul@epa.gov
Tamarin Austin, Office of Chief Counsel, Tamarin.Austin@waterboards.ca.gov
Michael Thomas, Central Coast Water Board, Michael.thomas@waterboards.ca.gov
Chris Rose, Central Coast Water Board, chris.rose@waterboards.ca.gov
Sheila Soderberg, Central Coast Water Board, Sheila.soderberg@waterboards.ca.gov

Charles J. McKee, County Counsel
Irven L. Grant, Deputy County Counsel
County of Monterey
168 W. Alisal Street, Third Floor
Salinas, CA 93901-2653

Steven P. Saxton, Esq.
Nicole E. Granquist, Attorney at Law
Elizabeth B. Stallard, Attorney at Law
Downey Brand LLP
621 Capitol Mall, 18th Floor
Sacramento, CA 95814-4731

p:\npdes\facilities\monterey\blanco drain\01-09-2015_supct_question_response.doc
(PLACE ID CW-706333 & CW-787499)