STATE OF
CENTRAL COAST
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By facsimile: (916) 341-5199

Philip G. Wyels
Assistant Chief Counsel
State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100
Sacramento, CA 95812

RE: Designated Party Status for March 23, 2006, Central Coast RWQCB Hearing

Dear Mr. Wyels:

On January 27, 2006, the Central Coast Regional Water Quality Control Board ("RWQCB") issued a series of documents to the resident citizens and property owners of Los Osos relative to a March 23, 2006, Hearing regarding Cease and Desist Orders ("CDO"s) that the RWQCB will consider adopting for those persons' properties in Los Osos. Among other documents, the RWQCB issued a Notice of Public Hearing that invited interested parties to request status as Designated Parties for purposes of the Hearing. This letter represents my official request to be considered a Designated Party for purposes of that Hearing.

Grounds for Status as Designated Party

The RWQCB's has undertaken a random, scattershot selection of individual property owners for prosecution and imposition of CDOs. Although I have not been randomly selected, the RWQCB has hinted that I may be selected in the near future. Because the science that the RWQCB is relying on in prosecuting the 50 selected properties will be the same that they rely on in prosecuting me, I have an interest in ensuring that my rights are not compromised by the results of this hearing. While I am not an attorney, I know that I can be stopped from arguing a matter that is already decided – even one decided by an administrative hearing. Because the scientific and environmental arguments that I would make at my hearing are most likely going to be made at this hearing, I have an interest in seeing that my arguments are fairly made and fairly received now and that my rights are not prejudiced by this process.

Also, I understand that there is a possibility that the results of this hearing will wind up being appealed to the State Water Resources Control Board and possibly to the State Court system. Because of the potential effect that the appeals would have on my rights (if the courts make factual determinations that affect me), I deserve the opportunity to make my arguments on the administrative record that will be judged on appeal by the State Board and the courts.

For these reasons, I request status as a Designated Party.

In addition, based on the timing and manner in which the Designated Parties are to provide comments and evidence for the Hearing, the RWQCB has given the appearance that the property owners are being deemed "guilty until proven innocent" and being asked to prove their innocence in order to avoid being subject to a CDS, its costs, and its potential punishments. This, obviously, runs counter to all legal principles espoused by our federal and State constitutions and casts grave doubt on the legality of this Hearing. Because the same standard will no doubt apply to me, I deserve the chance to take part in the Hearing.

Conclusion

The summary of comments provided herein shows that my interests may very well be prejudiced by my absence at this hearing. Further, the process by which the RWQCB has called this Hearing shows the RWQCB's intent to have we individual property owners arrive not as equals fully prepared to argue their cause but as confused and unsophisticated parties unable to rebut the RWQCB. I should receive Designated Party status to advocate on my own behalf and to make sure that the administrative record protects my interests.

Because I will need to act quickly in compiling evidence my comments and comments if Designated Party status is granted, I ask that you contact me **before noon on February 21, 2006**, and inform me of your decision. I should also let you know that if you do not approve me for Designated Party status, I will seek to be an "interested person" and will submit my comments on March 8, 2006. Please contact me by February 21, 2006, so that I will know which deadline I must meet.

I can be reached at:
Phone 805 528-7242 Address 1188 4th St.
Email windmilljt@sbcglobal.net

Sincerely,

Julie Tacker

Julie Tacker acting as a private citizen

cc: **By Facsimile: 805-543-0397**

Michael Thomas, Assistant Executive Officer, Central Coast RWQCB (Via Fax)
Lori T. Okun, Esq., Prosecution Staff (Via Fax)
Roger W. Briggs, Prosecution Staff (Via Fax)

Hard copy to include 9 copies for RWQCB Board Members