California Regional Water Quality Control Board
Central Coast Region

Alan C. Lloyd,Ph.D.
Agency Secretary

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Arnold Schwarzenegger
Governor

March 9, 2006

Mr. Gregory M. Murphy
Burke, Williams & Sorenson, LLC
444 South Flower Street - Suite 2400
Los Angeles, CA 90071-2953

Dear Mr. Murphy:

PUBLIC RECORDS ACT REQUEST CONCERNING "SELECTION" OF LOS OSOS RESIDENTS FOR PROSECUTION PURSUANT TO RESOLUTION 83-13

By letter dated March 1, 2006, you requested review of "writings pertaining to the Central Coast Regional Water Quality Control Board's selection of the Los Osos/Baywood Park property owners for prosecution pursuant to Resolution 83-13, as described in the Staff Report for Regular Meeting of March 23, 2006."

Only a "member of the public" can make a Public Records Act request. (Ca. Gov. Code §§ 6252(b), (c); 6259.) Attorneys acting on behalf of local governmental bodies are not members of the public under this definition. You are not a "member of the public" and cannot make a Public Records Act request. Your statement that you are acting in your capacity as a "natural person," and that Burke, Williams & Sorenson, LLC is acting in its capacity as a "firm," cannot avoid this result.

However, without waiving this or any other objection to the request, the Central Coast Regional Water Quality Control Board searched for any documents (including e-mails) that might respond to your request. We have located one non-exempt email and a question and answer document that reference the random number generation and application of the numbers to the list of property owners. I will forward the email electronically. The question and answer document is on our website at:
http://www.waterboards.ca.gov/centralcoast/los%20osos/documents/QuestionsAndAnswersReCDOs.pdf.

The discussion of the selection found in the Staff Report and question and answer document referenced above are the only documents in our possession that describe the process. The process was extremely simple, involving applying random numbers generated by a Microsoft Excel function to a list of property owners within the prohibition zone established by Resolution No. 83-13. After we obtained a list of property owners from the assessor's office, we used Excel to generate a group of random numbers equal to the number of property owners. The column of random numbers was inserted into the assessor's list, after which we sorted the list by the random numbers. We issued the cease and desist orders to the properties connected to the 50 lowest random numbers.

After we selected the first group of 50 properties, we deleted the random numbers. We will repeat the process described above when we select the next group of properties, but will exclude those properties that have already received orders.

Please call Harvey Packard at 805/542-4639 if you have any questions.

Sincerely,

/s/

Roger W. Briggs
Executive Officer

Attachment: March 1, 2006 letter from Gregory M. Murphy

cc:
Phil Wyels, State Water Board Office of Chief Counsel
John Richards, State Water Board Office of Chief Counsel
Michael Thomas, Regional Water Board

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File: Los Osos CSD Wastewater Project
Task: 126-01