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VIA E-MAIL

Joe Karkoski, ILRP Program Manager
Katherine Hart, Board Chair
Regional Board Members
Central Valley Regional Water Board
11020 Sun Center Drive
Rancho Cordova, CA 95670-6114

Re: **AG WAIVER AGENDA ITEMS**

Dear Joe, Board Chair and Board Members:

On behalf of the Southern San Joaquin Valley Water Quality Coalition, we submit as attached brief written comments on Regional Board agenda items 6, 9 and 10, all related to the ag waiver. I attach them separately to make it more convenient to divide them to agenda item files.

Sincerely,

William J. Thomas
of BEST BEST & KRIEGER LLP

WJT:lmg

attachments

Agenda Item 10 – 2 Year Extension of Existing Waiver

We fully support the extension of the existing waiver so the Regional Board has the time to deliberate and promulgate the several new orders (8 -10 new general orders and waivers), which have been recently called for by the staff alternative and its associated Framework. This aggressive new regulatory approach will likely take even more than the 21 months anticipated in the documents.

The negative declaration which supported the existing waiver would be fully adequate to support the continuation of the present waiver. The only reason that it is believed that further CEQA review is needed is because the recently certified CEQA alleged some minor “impacts” only as compared to the other alternatives. Clearly, there are not “substantial new changes which involve new significant environmental impacts”. Therefore, further CEQA would not be necessary

Certainly, the mitigations measures and technical reports advanced in this renewal and the statement of overriding considerations more than adequately satisfy a 2-year extension of the waiver so that the Regional Board can effectively advance replacement regulatory waivers and general orders.

The Regional Board should not worry about the CEQA evaluation associated with this 2-year waiver extension. The CEQA problem the Regional Board actually faces is the recently certified CEQA involving the five alternatives, which the staff rejected in favor of their belatedly advanced staff alternative coupled with the unadopted Framework, neither of which were CEQA evaluated and will certainly be challenged.