CENTRAL COAST WATER BOARD
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1516 17th St.
Los Osos, CA 93402
June 19, 2006

Michael Thomas
Assistant Executive Officer
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Proposed Cease and Desist Orders-Revisions to Procedures Following the Replacement of Ms. Lori Okun as Counsel to Prosecution Staff

Dear Mr. Thomas,

My response to the five questions concerning the continuation of the Prosecution Case on April 28, 2006 is as follows.

Regarding the first question by the prosecution, "Must the prosecution's case, as presented orally on April 28, 2006, be stricken entirely or to some lesser degree?"

Yes. It must be stricken entirely due to the influence of Ms. Okun regarding the advising of the Board. It should and must be thrown out entirely and not continued at all. Obviously, Ms. Okun stepped down and recused herself due to her influence concerning the board's decision to issue proposed CDO's in the first place and also with her continued advising of the board. The issuance of proposed CDO's and subsequent hearing were ill advised, ill conceived, and entirely without merit. The people who live in the prohibition zone are innocent of any wrongdoing concerning the use of their septic tanks. The nitrate levels that are emitted from septic tanks are removed by the fine sand in Los Osos. If scientific evidence were used by the RWQCB to show that the levels of nitrates in the aquifers were a result of the septic systems in Los Osos, that evidence was witheld from the citizenry of Los Osos. But that evidence was not withheld because it does not exist. The RWQCB's actions regarding the issuance of proposed CDO's to the people of Los Osos have been presumptive and correlative, not scientifically proven. Show me the science or drop the entire case.

Regarding the second question, "If the prosecution is required to present its case again, should it have the opportunity to introduce additional written materials into the record before the Water Board?"

No. The level of arrogance in this question is as subtle as a slap in the face. Your case, as you call it, has been simmering for several years. You had years to accumulate data, months to prepare your case. It should be water tight, if you'll excuse the pun. It is not. It was not. It will not be watertight. Your board set the agenda in January of this year. You gave us defendants little time to prepare. You changed your prosecution case several times with new rules as our deadlines approached. You limited what we could use and how we had to prepare our defenses. And now you are seeking our approval for <u>your</u> prosecution to enter other arguments after your counsel has stepped down. If this were not so sad it would be laughable. My questions to you are, "Why do you even ask us these questions? Do you need our

permission?" You never asked us how to conduct your case before. But since you are asking, my answer is absolutely not.

Regarding your third question, "If the prosecution is allowed to supplement the written materials that it has introduced, should designated parties be entitled to submit additional written materials?"

This third question compounds the arrogance of the second question and implies a level of stupidity in us defendants. I find your question ridiculous and very offensive. For my answer, I'll use an old aphorism that you just may have heard. "What is good for the goose is good for the gander."

Regarding your fourth question, "If the prosecution case is stricken entirely or to some lesser degree, should the Los Osos Community Services District be permitted to start its case over?"

If the situation were reversed and the RWQCB was being prosecuted by the citizens of Los Osos and the prosecution team's case were stricken entirely or to some lesser degree, would the RWQCB want to start its case over? I believe you would answer in the positive. And so would I, and so do I.

Regarding your fifth question, and I'll paraphrase, " 'do I have any personal issues that I' would like the Water Board Chairman to consider setting the order of presentation of the individual Cease and Desist Orders?"

Yes. One personal issue I have that I would like the water board to consider is the extreme amount of taxpayer's money that the water board has wasted conducting these proposed CDO's and prosecution of Los Osos citizens. Another personal issue I have, even more pressing, that I would like the water board to consider is the unnecessary concomitant expense that I, my wife, and the 44 other recipients of these proposed CDO's have faced using our precious time and resources to defend ourselves. Consider these two issues I have raised, and then eliminate setting any order of presentation of the individual Cease and Desist Orders by stopping these proceedings. By stopping any further proceedings your board will save considerable time and money. By stopping any further proceedings you will also help the citizens of Los Osos stop wasting their time and money. By eliminating any further proceedings you will also help eliminate any further physical and emotional turmoil that we recipients have suffered as a direct result of these proposed CDO's and hearings. Considering that everyone has some personal issues, I revert to my answer of the first question: these CDO's should never have been issued, and this case should be stricken entirely and not be restarted.

Sincerely,

William R. Moylan

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