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MONTEREY COASTKEEPER,
12 SANTA BARBARA CHANNELKEEPER,
SAN LUIS OBISPO COASTKEEPER
13

14 **SUPERIOR COURT OF CALIFORNIA**

15 **COUNTY OF MONTEREY**

16 MONTEREY COASTKEEPER, a project of
17 The Otter Project; SANTA BARBARA
CHANNELKEEPER; and SAN LUIS
18 OBISPO COASTKEEPER, a program of
Environment in the Public Interest,

19
20 Petitioners,

21 v.

22 CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD, CENTRAL
23 COAST REGION,

24 Respondent.

Case No.

**VERIFIED PETITION FOR WRIT
OF MANDATE**

[Cal. Code Civ. Proc. § 1094.5 for
violation of Porter-Cologne Water
Quality Control Act]

25 Through this action, Petitioners MONTEREY COASTKEEPER, SANTA
26 BARBARA CHANNELKEEPER, and SAN LUIS OBISPO COASTKEEPER (collectively
27 “Petitioners”) challenge Order No. R3-2010-0040 (“Order”), issued by the California
28

1 Regional Water Quality Control Board, Central Coast Region (“Regional Board”) on July 8,
2 2010, granting a Conditional Waiver of Waste Discharge Requirements for Discharges of
3 Irrigated Lands (“Conditional Waiver”). The Order and Conditional Waiver are inconsistent
4 with the Water Quality Control Plan for the Central Coast Region (“Basin Plan”), are not in
5 the public interest, and are not supported by evidence in the record. As such, the Order and
6 Conditional Waiver are improper and unlawful under California Water Code Section 13269
7 and inappropriate in light of ongoing water quality degradation on the Central Coast. On
8 behalf of themselves, their members, and the general public, Petitioners hereby seek a writ of
9 mandate under California Code of Civil Procedure Section 1094.5 setting aside the Order and
10 Conditional Waiver and remanding this matter to the Regional Board. In support of this
11 petition, Petitioners allege as follows:

12 **INTRODUCTION**

13 1. This case challenges the Regional Board’s grant of a waiver of waste discharge
14 requirements for a vast number of toxic and harmful discharges from agricultural lands that
15 are degrading water quality and impairing beneficial uses throughout the Central Coast
16 region. That waiver, which is identical to one issued in 2004, was granted despite an
17 enormous record of information demonstrating that it does not include conditions necessary
18 to protect water quality and beneficial uses, to meet Basin Plan standards, or to comply with
19 state law. By allowing thousands of agricultural operations throughout the Central Coast
20 region to continue discharging highly contaminated wastewater and runoff to surface and
21 ground water without adequate monitoring or controls, the Regional Board is condoning,
22 authorizing and shielding from liability agricultural activities and practices that regularly
23 degrade water quality, destroy ecosystems, imperil fish and wildlife, and endanger public
24 health and welfare.

25 **PARTIES**

26 2. Petitioner-Plaintiff MONTEREY COASTKEEPER is a program of The Otter
27 Project, a California public benefit, non-profit corporation headquartered in Monterey. With
28 approximately 3,000 members, Monterey Coastkeeper is part of The Waterkeeper Alliance, a

1 national and international network of independent water “keepers” who champion clean
2 water and healthy waterways. The Monterey Coastkeeper service area includes all of
3 Monterey and Santa Cruz Counties, as well as portions of San Mateo, Santa Clara and San
4 Benito Counties. Monterey Coastkeeper was formed to tackle issues of water quality within
5 its service area, and it uses policy and legal advocacy to ensure that development, industrial,
6 agricultural, and urban activities do not impair the environmental needs of the community
7 that it serves. Since its inception, Monterey Coastkeeper has been active in championing
8 effective government regulations, good public policy and an active community role in
9 protecting freshwater and marine waters alike.

10 3. Monterey Coastkeeper’s staff and members are particularly concerned with
11 pollution related to agricultural operations in the Santa Cruz and Monterey Bay watersheds,
12 which affect natural resources in, among others, the Pajaro River, the Salinas River, two
13 national wildlife refuges, and the Monterey Bay National Marine Sanctuary. The Bay, the
14 Salinas River National Refuge and nearby Elkhorn Slough are world-reknowned for their
15 wildlife viewing and recreational opportunities. When not properly managed, agricultural
16 runoff poses significant threats to water quality, ecological resources, and human populations
17 with Monterey Coastkeeper’s service area. Nutrients, pesticides, sediments and other
18 agricultural pollutants are among the most profound threats to both freshwater and marine
19 ecosystems in the northern part of the Central Coast region. For this reason, Monterey
20 Coastkeeper participated actively as a stakeholder in the public process that informed and
21 lead to adoption of the conditional waiver.

22 4. Monterey Coastkeeper and its staff and members regularly use and enjoy waters
23 within the area affected by the waiver for a variety of recreational, aesthetic, educational, and
24 scientific purposes, including, but not limited to, hiking, fishing, swimming, boating, wildlife
25 observation, scientific research, photography, nature study, and aesthetic appreciation.
26 Monterey Coastkeeper and its staff and members intend to do all of the foregoing on an
27 ongoing basis in the future and thereby do and will continue to derive recreational, aesthetic,
28 scientific, educational, conservational, economic, and other benefits from the waters affected

1 by the Regional Board's Order No. R3-2010-0040 and thus are aggrieved by the Regional
2 Board's decision to adopt it. These benefits and the recreational, aesthetic, scientific,
3 educational, conservational, and economic interests have been and, in the absence of relief
4 from the court, will continue to be adversely affected by implementation of the Order, and
5 Monterey Coastkeeper has no other adequate remedy at law to redress these injuries.

6 5. Petitioner SANTA BARBARA CHANNELKEEPER is a California public
7 benefit, non-profit corporation headquartered in Santa Barbara, California. Santa Barbara
8 Channelkeeper is a grassroots non-profit organization that works to protect and enhance the
9 quality of the waters of southern Santa Barbara County for the benefit of its 900 members, as
10 well as natural ecosystems and human communities. Santa Barbara Channelkeeper is
11 dedicated to the preservation, protection and defense of the environment, wildlife, and the
12 natural resources of the waters of southern Santa Barbara County and other area receiving
13 waters. To further these goals, Santa Barbara Channelkeeper works to ensure the
14 implementation and enforcement of the Porter-Cologne Water Quality Control Act, the
15 Central Coast Basin Plan and other relevant laws through a combination of policy advocacy,
16 water quality monitoring, and community education and engagement. Santa Barbara
17 Channelkeeper participated actively as a stakeholder in the public that informed and lead to
18 adoption of the conditional waiver.

19 6. Since 2002, Santa Barbara Channelkeeper has been monitoring water quality
20 throughout the Goleta Slough watershed and in other nearby streams in the Central Coast
21 Region. Immediately downstream of undeveloped National Forest lands, agricultural
22 facilities dominate the landscape surrounding streams in the Goleta area. Many of Santa
23 Barbara Channelkeeper's monitoring sites are directly downstream of these agricultural
24 influences, and at these sites, it has been determined that stream water quality is regularly
25 polluted with concentrations of nutrients, bacteria and suspended sediments that exceed
26 Basin Plan Water Quality Objectives. These results are verified by the Regional Board's
27 own data.

1 7. Santa Barbara Channelkeeper and its staff and members regularly use and enjoy
2 waters within the area affected by the waiver for a variety of recreational, aesthetic,
3 educational, and scientific purposes, including, but not limited to, hiking, fishing, swimming,
4 boating, wildlife observation, scientific research, photography, nature study, and aesthetic
5 appreciation. Santa Barbara Channelkeeper and its staff and members intend to do all of the
6 foregoing on an ongoing basis in the future and thereby do and will continue to derive
7 recreational, aesthetic, scientific, educational, conservational, economic, and other benefits
8 from the waters affected by the Regional Board's Order No. R3-2010-0040 and thus are
9 aggrieved by the Regional Board's decision to adopt it. These benefits and the recreational,
10 aesthetic, scientific, educational, conservational, and economic interests have been and, in
11 the absence of relief from the court, will continue to be adversely affected by implementation
12 of the Order, and Santa Barbara Channelkeeper has no other adequate remedy at law to
13 redress these injuries.

14 8. Petitioner SAN LUIS OBISPO COASTKEEPER is a program of Environment in
15 the Public Interest, a California public benefit, non-profit corporation headquartered in Santa
16 Luis Obispo, California. On behalf of its 800 members, San Luis Obispo Coastkeeper has
17 consistently participated in water pollution, environmental impact and endangered species
18 permit process via comments on particular permits, or when necessary bringing enforcement
19 actions in northern Santa Barbara County and throughout San Luis Obispo County.

20 9. The Conditional Waiver allows agricultural discharges that result in water
21 temperatures exceeding levels that are desirable for salmonids in the Salinas, Santa Maria
22 and Santa Ynez rivers; nitrate concentrations that exceed the drinking water standard
23 especially at a number of sites in the Santa Maria River watershed; and marine protected
24 areas along the San Luis Obispo Coast and Morro Bay National Estuary are at risk of
25 pollution impacts from sediment and water discharges originating on agricultural lands.

26 10. San Luis Obispo Coastkeeper and its staff and members regularly use and enjoy
27 waters within the area affected by the waiver for a variety of recreational, aesthetic,
28 educational, and scientific purposes, including, but not limited to, hiking, fishing, swimming,

1 boating, wildlife observation, scientific research, photography, nature study, and aesthetic
2 appreciation. San Luis Obispo Coastkeeper and its staff and members intend to do all of the
3 foregoing on an ongoing basis in the future and thereby do and will continue to derive
4 recreational, aesthetic, scientific, educational, conservational, economic, and other benefits
5 from the waters affected by the Regional Board’s Order No. R3-2010-0040 and thus are
6 aggrieved by the Regional Board’s decision to adopt it. These benefits and the recreational,
7 aesthetic, scientific, educational, conservational, and economic interests have been and, in
8 the absence of relief from the court, will continue to be adversely affected by implementation
9 of the Order, and San Luis Obispo Coastkeeper has no other adequate remedy at law to
10 redress these injuries.

11 11. Respondent REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL
12 COAST REGION is the agency charged by the Porter-Cologne Water Quality Control Act
13 with the duty to protect and the authority to regulate water quality within its territory in
14 compliance with the duly adopted provisions of state law. The Regional Board issued Order
15 No. R3-2010-0040 and granted the Conditional Waiver that is the subject of this action.

16 **JURISDICTION AND VENUE**

17 12. This Court has jurisdiction over this matter pursuant to California Code of Civil
18 Procedure section 1094.5.

19 13. Venue is proper in this Court pursuant to California Code of Civil Procedure
20 section 393 because a significant part of the cause arose in the County of Santa Cruz.

21 **GENERAL ALLEGATIONS**

22 **Legal Background**

23 14. The Porter-Cologne Water Quality Control Act (“Porter-Cologne Act”), Cal.
24 Water Code section 13000 *et seq.*, governs the regulation of water quality in California. In
25 adopting the Porter-Cologne Act, the California Legislature declared that “the quality of all
26 the waters of the state shall be protected for use and enjoyment by the people of the state.”
27 Cal. Water Code § 13000(a).

1 15. Under the Porter-Cologne Act, any person proposing to discharge waste that
2 “could affect the quality of the waters of the state” must file a report of waste discharge. Cal.
3 Water Code § 13260.

4 16. No person may discharge waste without the issuance of a waste discharge
5 requirement from the regional water quality control board for the region in which the
6 discharge will occur. Cal. Water Code § 13264(a).

7 17. In issuing waste discharge requirements, a regional water quality control board
8 must prescribe requirements that implement any relevant water quality control (or basin)
9 plans that have been adopted, taking into consideration the beneficial uses to be protected,
10 the water quality objectives reasonably required for that purpose, other waste discharges, the
11 need to prevent nuisance, and the provisions of the region’s basin plan. A regional board
12 may prescribe waste discharge requirements even where no report of waste discharge has
13 been filed. Cal. Water Code § 13263.

14 18. Basin plans must contain water quality objectives that ensure the protection of
15 beneficial uses and the prevention of nuisance, including beneficial uses of state waters for
16 recreation, aesthetic enjoyment, and the preservation and enhancement of fish, wildlife, and
17 other aquatic resources or preserves. Cal. Water Code §§ 13241, 13050.

18 19. A regional board may waive the requirements for a report of waste discharge or a
19 waste discharge requirement if the regional board determines that the waiver is consistent
20 with any applicable state or regional basin plan and is in the public interest. Cal. Water Code
21 § 13269(a)(1).

22 20. Any such waiver must be conditional, and the conditions must include, but need
23 not be limited to, the performance of individual, group, or watershed-based monitoring.
24 Monitoring requirements in a conditional waiver shall be designed to support the
25 development and implementation of the waiver program, including, but not limited to,
26 verifying the adequacy and effectiveness of the waiver’s conditions. In establishing
27 monitoring requirements, a regional board must consider the volume, duration, frequency,
28 and constituents of the discharge; the extent and type of existing monitoring activities,

1 including, but not limited to, existing watershed-based, compliance, and effectiveness
2 monitoring efforts; the size of the project area; and other relevant factors. Cal. Water Code §
3 13269(a)(2).

4 21. A conditional waiver of waste discharge requirements may not exceed five years
5 in duration, but may be renewed. Prior to renewing any waiver, a regional board must
6 review the terms of the waiver policy at a public hearing and determine whether the
7 discharge for which the waiver was established should be subject to general or individual
8 waste discharge requirements.

9 **Procedural Background**

10 22. On July 4, 2004, the Central Coast Regional Board first adopted Conditional
11 Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands in Order No.
12 R3-2004-0117. In adopting this order, the Regional Board stated that the waiver “includes
13 conditions that are intended to reduce and prevent pollution and nuisance and protect the
14 beneficial uses of the waters of the state” and “contains more specific and more stringent
15 conditions for protection of water quality compared to existing regulatory programs.” Order
16 No. R3-2004-0117 at 3. When the 2004 waiver order was adopted, Regional Board staff
17 forecast that “at the end of the first [five-year] waiver cycle, the program [would] be
18 evaluated and revised as necessary as part of the waiver review process.” Regional Board
19 Staff Report for July 8, 2004, Item No. 3, at 17. For example, the order stated that in time
20 “increased reporting and monitoring may be required in order to ensure that water quality is
21 improving.” Order No. R3-2004-0117 at 3. The 2004 waiver expired in July 2009.

22 23. In December 2008, Regional Board staff convened an Agricultural Advisory
23 Panel (“AAP”), comprised of stakeholders from agricultural and environmental
24 organizations, including Petitioners. This AAP was tasked with discussing proposed updates
25 to the 2004 order, to be included in a revised conditional waiver that would meet the
26 requirements of Water Code section 13269(a)(1). In particular, staff indicated that “new
27 requirements” are “necessary to directly address and resolve the major water quality issues
28

1 associated with irrigated agriculture.” Dec. 12, 2008, Letter from Regional Board Staff to
2 AAP at 1.

3 24. In order to address these concerns, Regional Board staff indicated that the 2004
4 waiver order would be “revised to require growers and property owners to demonstrate
5 compliance with the following conditions per defined schedules”:

- 6 (1) Eliminate toxic discharges of agricultural pesticides to surface waters and
groundwater
- 7 (2) Reduce nutrient discharges to surface waters to meet nutrient standards
- 8 (3) Reduce nutrient discharges to groundwater to meet groundwater standards
- 9 (4) Minimize sediment discharges from agricultural lands
- 9 (5) Protect aquatic habitat (riparian areas and wetlands) and their buffer zones

10 Dec. 12, 2008, Letter from Regional Board Staff to AAP at 1. Staff indicated that while
11 some regulated entities have improved agricultural operations to benefit water quality, “other
12 growers are not making progress, and severe water quality problems continue.” *Id.* at p. 2.
13 For example, “the food safety issue has resulted in some growers removing riparian habitat
14 and buffer zones on and around irrigated agricultural fields, which is a direct violation of the
15 Basin Plan.” *Id.* at p. 3.

16 25. Initially, the AAP was convened to meet for approximately five meetings
17 between December 2008 and April 2009. However, when the 2004 waiver order expired in
18 July 2009, the AAP was still engaged in substantive internal discussion, and Regional Board
19 staff opted to extend the stakeholder input process past July. On July 10, 2009, as
20 recommended by staff, the Regional Board adopted Order No. R3-2009-0050, which
21 renewed the 2004 waiver in its extant form for one additional year to allow the stakeholder
22 process to continue.

23 26. Ultimately, members of the AAP were unable to reach consensus with Regional
24 Board staff about the direction of a revised order, and the AAP dissolved at the conclusion of
25 its September 22, 2009, meeting. Regional Board staff then solicited public comment on the
26 2004 waiver and proposed revisions. Petitioners and others submitted a letter on December
27 2, 2009, which explained that the 2004 waiver is no longer adequate to protect water quality
28 and does not meet the requirements of Water Code Section 13269(a)(1).

1 27. After receiving input on the 2004 waiver and proposed revisions, Regional Board
2 staff released a new draft waiver order for public comment on February 1, 2010. This draft
3 waiver included components that were necessary for the waiver to be consistent with Water
4 Code Section 13269, including enumerated water quality standards, explicit and liberal
5 timelines for compliance, riparian setbacks and vegetated buffers, individual discharge
6 monitoring and protections for drinking water.

7 28. The Regional Board staff report accompanying the February 2010 draft order set
8 forth overwhelming evidence that the 2004 waiver was inconsistent with water quality plans
9 and standards and was not in the public interest. For example, the 2004 waiver was intended
10 to “regulate discharges from irrigated lands to ensure that such dischargers are not causing or
11 contributing to exceedances of any Regional, State, or Federal numeric or narrative water
12 quality standard.” Regional Board Staff Preliminary Draft Report, Feb. 1, 2010, at 8. Six
13 years after it was adopted, however, there is “no direct evidence that water quality is
14 improving due to the 2004 Conditional Waiver.” *Id.* at 7. In fact, many water segments
15 throughout the region are listed as impaired under Clean Water Act section 303(d), nearly all
16 beneficial uses are impacted by agricultural pollution, and these impairments remain “well
17 documented, severe, and widespread” despite the fact that a number of dischargers have
18 enrolled under the 2004 waiver order. *Id.* at 4. For this reason, Regional Board staff
19 concluded that “[i]mmediate and effective action is necessary to improve water quality
20 protection and resolve the widespread and serious impacts on people and aquatic life.” *Id.*

21 29. The Regional Board has determined that over 700 water bodies on the Central
22 Coast are impaired under section 303(d) of the Clean Water Act, 33 U.S.C. § 1313(d),
23 because they exceed toxicity, pesticide, sediment, turbidity, and temperature standards in the
24 Basin Plan. Data gathered by the Regional Board indicates that agriculture causes
25 “widespread and serious impacts on people and aquatic life” on a regular and ongoing basis.
26 Domestic and public water supplies have been significantly contaminated with nitrates and
27 other agricultural pollutants, in many cases at levels that far exceed applicable drinking water
28 standards. Similarly, toxic surface water discharges from irrigation ditches continue to

1 regularly violate water quality standards, despite claims of significant enrollment under the
2 2004 waiver. Additionally, trends in the use of riparian vegetation buffers to protect against
3 sedimentation, nutrient loading, and temperature increases are going in exactly the wrong
4 direction. Regional Board Staff Preliminary Draft Report, Feb. 1, 2010, at 16.

5 30. The major water quality issues on the Central Coast are “toxicity, nitrates,
6 pesticides and sediment in agricultural runoff and/or leaching to groundwater.” Regional
7 Board Staff Preliminary Draft Report, Feb. 1, 2010 at 4. “Agricultural discharges (primarily
8 due to contaminated irrigation runoff and percolation to groundwater) are a major cause of
9 water quality impairment” for drinking water as well as aquatic organisms. *Id.* In some
10 cases, agricultural discharges are the sole or primary source of pollution in impaired water
11 bodies. Even in areas where agriculture is not the only source of pollution, it is a primary
12 contributor. *Id.* at 17. In the Central Coast region “thousands of people are drinking water
13 contaminated with unsafe levels of nitrate or are drinking replacement water to avoid
14 drinking contaminated water.” *Id.* at p. 4. Beyond health considerations, “[t]he cost to
15 society for treating [this] polluted drinking water is estimated to be in the hundreds of
16 millions of dollars.” *Id.*

17 31. In agricultural watersheds on the Central Coast, most of the surface waterbodies
18 are no longer “suitable for safe recreational fishing or to support aquatic life.” Regional
19 Board Staff Preliminary Draft Report, Feb. 1, 2010 at 15. Additionally, “large stretches of
20 rivers in the entire region’s major watersheds have been severely impaired or completely
21 destroyed by severe toxicity from pesticides.” *Id.* at p. 4. These “poor biological and
22 physical conditions” indicate the extent of degradation of the aquatic habitat. *Id.* at p. 15.

23 32. Accordingly, the Regional Board staff report concluded that the 2004 waiver
24 “lacks clarity and focus,” does not provide for adequate “compliance and verification
25 monitoring,” and allows “agricultural discharges [to] continue to severely impact water
26 quality in most receiving waters.” Regional Board Staff Preliminary Draft Report, Feb. 1,
27 2010, at 19. “[C]ontinuing to operate in a mode that causes constant or increasingly severe
28 receiving water problems is not a sustainable model” and will result in “increasingly

1 impaired habitat[] and reactive fixes.” *Id.* at 8. Regional Board Staff, therefore, strongly
2 recommended that the Regional Board “take action immediately to better regulate
3 agricultural discharges on the Central Coast.” *Id.*

4 33. Despite the evidence and staff’s recommendations, the Regional Board declined
5 to adopt the draft order and instead renewed the 2004 waiver for a second time, in the form
6 of Order No. R3-2010-0040, on July 8, 2010.

7 34. On August 6, 2010, Petitioners sought review of new Order No. R3-2010-0040
8 by the State Water Resources Control Board (“State Board”) pursuant to California Water
9 Code section 13320(a). The State Board has up to 270 days to make a decision on a petition
10 for review; if the State Board does not act within that time, the petition is deemed denied and
11 the petitioner may seek judicial review.

12 35. On March 29, 2011, before the State Board made a decision on the petition for
13 review, the Regional Board again renewed the 2004 order, for a third time, without
14 alteration, in the form of Order No. R3-2011-0208.

15 36. On April 1, 2011, the State Board declined to review Order No. R3-2010-0040.
16 Accordingly, Petitioners have fully exhausted their available administrative remedies with
17 respect to this Order and the Conditional Waiver.

18 37. The Regional Board’s repeated extension of the 2004 waiver, for periods of one
19 year or shorter, combined with the lengthy State Board review process necessary for
20 Petitioners to exhaust their administrative remedies, renders the Regional Board’s action
21 capable of repetition yet likely to evade review. Therefore, this Court may and should hear
22 Petitioners’ challenge to Order No. R3-2010-0040.

23 **CLAIM FOR RELIEF**

24 38. Petitioners reallege and incorporate by reference each and every allegation
25 contained in paragraphs 1 through 37 above as though fully set forth herein.

26 39. The Regional Board may grant a conditional waiver of waste discharge
27 requirements only if the waiver is consistent with the applicable Basin plan, is in the public
28 interest, and includes monitoring requirements to verify the adequacy and effectiveness of

1 the waiver's conditions.

2 40. In adopting the Order No. R3-2010-0040 and granting the Conditional Waiver of
3 Waste Discharge Requirements for Discharges of Irrigated Lands, the Regional Board failed
4 to proceed in the manner required by California Water Code section 13269, including by
5 authorizing agricultural discharges that:

6 a. violate and are inconsistent with water quality standards and objectives
7 contained in the Central Coast Basin Plan;

8 b. are contrary to the public interest; and

9 c. without requiring adequate monitoring and other conditions necessary to
10 protect beneficial uses and verify the adequacy and effectiveness of the waiver's conditions.

11 41. Additionally, Order No. R3-2010-0040 and the Conditional Waiver are not
12 supported by adequate findings, and the findings that the Regional Board did make are not
13 supported by the evidence.

14 42. Accordingly, the Regional Board's adoption of Order No. No. R3-2010-0040
15 granting the Conditional Waiver constitutes a prejudicial abuse of discretion actionable under
16 California Code of Procedure section 1094.5 and for which Petitioners have no other
17 adequate remedy at law.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Petitioners pray for entry of judgment as follows:

20 1. For a peremptory writ of mandate (a) declaring that the Regional Board's grant of
21 the Conditional Waiver of Waste Discharge Requirements for Discharges of Irrigated Lands
22 is unlawful under the Porter-Cologne Water Quality Control Act; (b) vacating and setting
23 aside Regional Board Order No. R3-2010-0040; and (c) directing the Regional Board to take
24 specific actions as may be necessary to bring its determinations, findings or decisions into
25 compliance with the law;

26 2. For such preliminary or permanent injunctive relief as may be necessary to protect
27 the public interest and effectuate the requirements of the Porter-Cologne Act;

28 3. For an award to Petitioners of their fees and costs of suit (including reasonable

1 attorney, witness, and consultant fees) as authorized by California Code of Civil Procedure
2 section 1021.5 or any other applicable rule or law; and

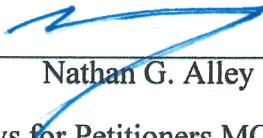
3 4. For any such other equitable or legal relief as the Court deems appropriate.

4 Dated: April 29, 2011

ENVIRONMENTAL LAW CLINIC
Mills Legal Clinic at Stanford Law School

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7 By: 
8 Deborah A. Sivas

9 ENVIRONMENTAL DEFENSE CENTER

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11 By: 
12 Nathan G. Alley

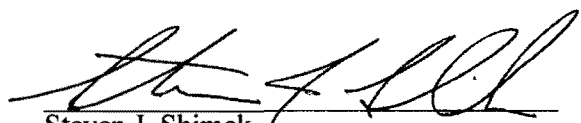
13 Attorneys for Petitioners MONTEREY
14 COASTKEEPER, SANTA BARBARA
15 CHANNELKEEPER, and SAN LUIS OBISPO
16 COASTKEEPER

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VERIFICATION

I am a representative of Petitioner MONTEREY COASTKEEPER and am authorized to execute this verification on its behalf. I have read the foregoing Petition for Writ of Mandate and am familiar with its contents. I am informed and believe and on that basis allege that the matters stated in the Petition are true to the best of my knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: April 29, 2011

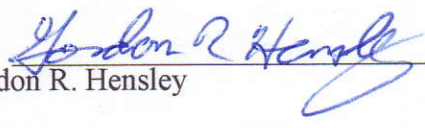

Steven J. Shimek

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VERIFICATION

I am a representative of Petitioner SAN LUIS OBISPO COASTKEEPER and am authorized to execute this verification on its behalf. I have read the foregoing Petition for Writ of Mandate and am familiar with its contents. I am informed and believe and on that basis allege that the matters stated in the Petition are true to the best of my knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: April 29, 2011



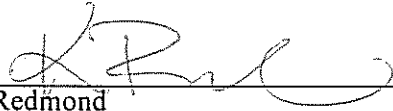
Gordon R. Hensley

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VERIFICATION

I am a representative of Petitioner SANTA BARBARA CHANNELKEEPER and am authorized to execute this verification on its behalf. I have read the foregoing Petition for Writ of Mandate and am familiar with its contents. I am informed and believe and on that basis allege that the matters stated in the Petition are true to the best of my knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: April 29, 2011


Kira Redmond