

Senator  
State Capitol  
Room 1000  
Sacramento, California 94248-0001

Frank Ausilio  
P.O. Box 7072  
Los Osos, California 93412  
[fjaunion@aol.com](mailto:fjaunion@aol.com)  
805-528-5679

December 9, 2009

Dear Senator

I am a resident of Los Osos, a community that has significant seawater intrusion in its water basin due to overdrafting fresh water. I am writing to share information I have gathered regarding which state agency has authority to protect ground water basins from seawater intrusion, a non-point source pollutant that degrades potable water. What I have found is that there is no state agency with this authority. I am requesting your support for new legislation that will authorize a state agency to protect state water basins from seawater intrusion due to overdraft.

This is an issue of great importance for the whole state of California. If local water sources are used more efficiently, there will be less drain on already scarce state water sources. The Constitution of California (Article X, Section 2) states that the water resources of the state shall be put to beneficial use for the people of the state. I believe it is important that authority be given to a state agency to ensure that our fresh water aquifers are protected from seawater intrusion due to overdraft, thereby benefiting the people of the state. This issue is too important to leave to the discretion of counties and local communities which can choose to take little or no action at all.

Enclosed are a copy of an email letter I sent to Senator Abel Maldonado regarding this issue and a copy of his response to me.

Thank you for your interest and assistance,

*Frank Ausilio*

Frank Ausilio

**COPY**

Enc. 9/11/09 email from F. Ausilio to Senator Maldonado  
11/11/09 letter from Senator Maldonado to F. Ausilio

Cc: **Members of Senate Committee on Natural Resources and Water**  
**Members of Assembly Committee on Water, Parks, and Wildlife**

Subj: **Request for Information**  
 Date: 9/11/2009 1:05:11 P.M. Pacific Standard Time  
 From: [fjaunion@aol.com](mailto:fjaunion@aol.com)  
 To: [senator.maldonado@sen.ca.gov](mailto:senator.maldonado@sen.ca.gov)

9/11/09

Dear Senator Maldonado:

I am writing to ask you for assistance in identifying which state agency has authority to protect ground water basins from seawater intrusion, a non-point source pollutant that degrades potable water. Seawater intrusion has been occurring in the Los Osos Ground Water Basin since 1985. The Regional Water Quality Control Board (RWQCB) has been aware of this problem since 2004.

Following is a chronology of my recent activities regarding action on seawater intrusion in the Los Osos Water Basin:

12-05-08 I spoke during public comment at the RWQCB meeting, asking them to take action to halt seawater intrusion in Los Osos.

01-23-09 I made a written request of the RWQCB to take action to protect the quality of the water in the Los Osos Water Basin from further degradation due to seawater intrusion.

03-04-09 RWQCB responded in writing to my request, stating, in part, "...the Water Board does not have jurisdiction to directly address the issues of water balance and seawater intrusion within the watershed...."

06-03-09 I filed a written petition to the State Water Resources Control Board (SWRCB) due to the failure of the RWQCB to take action regarding seawater intrusion. I cited several sections of the Porter-Cologne Water Quality Control Act (13 000, 13169, 13225) and the CA Water Code (100, 275, 2100) as authorities for the legal issues.

06-12-09 SWRCB responded by denying my petition, stating, in part, "...the alleged failure to act does not concern an action described in Water Code section 13320...."

06-16-09 In an email to the SWRCB I asked if the SWRCB has "...authority to act when drinking water from an aquifer is being polluted by seawater intrusion due to overdraft, thereby degrading the water supply?"

06-18-09 I received an email response from Staff Counsel of the SWRCB stating that the SWRCB does not generally treat seawater intrusion as "pollution" and recommending that I go through the Regional Water Board to discuss the problem.

08-17-09 I attended a meeting with Roger Briggs, Executive Officer, and other staff of the RWQCB who indicated that Regional Water Boards do not have authority to control seawater intrusion under CA law because they do not have the authority to limit pumping of groundwater that is causing seawater intrusion. It was further stated that the intent of the legislature was to give the RWQCB this authority, but the actual law did not do so.

The RWQCB states that they do not have authority to deal with the issue of seawater intrusion degradation of the aquifer that provides most of the potable water to the citizens of Los Osos. The SWRCB states that they do not generally treat seawater intrusion as pollution. I would appreciate your assistance in identifying what CA agency does have this authority so that I may contact them regarding my concerns for protecting our water basin.

It is important that users of all water basins work to conserve, refrain from degrading, and effectively use the water they pump from their aquifers. The consequence of improving the efficiency of local water use would be less drain on state water, thereby making it more available for other uses such as agriculture. The benefit to California's economy would be far-reaching.

Thank you,  
 Frank Ausilio ([fjaunion@aol.com](mailto:fjaunion@aol.com))  
 P.O. Box 7072  
 Los Osos, CA 93412  
 805-528-5679

**COPY**

Cc: Roger Briggs, RWQCB

Wednesday, January 06, 2010 AOL: Fjaunion



## California State Senate

**ABEL MALDONADO**  
FIFTEENTH SENATE DISTRICT

November 11, 2009

Mr. Frank Ausilio  
P.O. Box 7072  
Los Osos, CA 93412

Dear Mr. Ausilio:

Thank you for contacting me regarding the seawater intrusion issues in the Los Osos Ground Water Basin. I can understand your concern.

**In regard to your request that the state agency which has oversight be identified, the Department of Water Resources (DWR) states that this issue falls under the jurisdiction of the County of San Luis Obispo. The DWR recommends that you contact Courtney Howard with the San Luis Obispo County Flood Control and Water Conservation District, County Government Center, Room 207, San Luis Obispo, CA, 93408, (805) 781-1016 for additional information.**

Again, thank you for contacting me. If I can be of assistance to you in the future on any matter relative to state government, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Maldonado".

**ABEL MALDONADO**  
Senator, 15<sup>th</sup> District

AM:jd

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