CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863 FAX (831) 427-4877
www.coastal.ca.gov

Th5

CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

For the

January Meeting of the California Coastal Commission

MEMORANDUM Date: January 14, 2010

TO: Commissioners and Interested Parties

FROM: Charles Lester, Central Coast District Deputy Director

SUBJECT: ***Deputy Director's Report***

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the January 14, 2010 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

DE MINIMIS WAIVERS

1. 3-09-057-W Transportation Agency For Monterey County, Attn: Todd Muck; California State Parks, Attn: Ken Gray (Carmel Area, Monterey County)

TOTAL OF 1 ITEM

DETAIL OF ATTACHED MATERIALS

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

Applicant	*Project Description*	*Project Location*
3-09-057-W Transportation Agency For Monterey County, Attn: Todd Muck California State Parks, Attn:	Construction of a 0.5 mile (2,640 feet) bicycle trail consisting of a 12-foot wide paved path with a 2-foot shoulder on one side and a 4-foot shoulder on the opposite side; a pedestrian undercrossing/tunnel beneath Carmel Valley Road. Bicycle trail will connect to existing fire road/sewer utility easement that runs north through Hatton Canyon to bicycle lanes on Carmel Valley Road via two "splinter" bicycle trails, and to the Class III bicycle lane on Highway 1.	just north of Carmel Valley road (approximately 200 ft), south to the north side of Rio Road, aligned approximately 250 feet east of, and parallel to Highway 1, Carmel Area (Monterey County)

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PHONE: (831) 427-4863
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WEB: WWW.COASTAL.CA.GOV

NOTICE OF PROPOSED PERMIT WAIVER

Date: January 12, 2010

To: All Interested Parties

From: Dan Carl, Central Coast District Manager DC
Katie Morange, Coastal Planner KM

Subject: **Coastal Development Permit (CDP) Waiver 3-09-057-W**
Applicants: Transportation Agency for Monterey County, Attn: Todd Muck

Proposed Development
Construct a half-mile long Class I multi-use public recreational trail from just north of Carmel Valley Road (including a tunnel under Carmel Valley Road) to the north side of Rio Road, aligned approximately 250 feet east of, and parallel to, Highway 1 in the Carmel area of unincorporated Monterey County.

Executive Director's Waiver Determination
Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The trail would be located over an existing roadbed and fire road/utility corridor, in an alignment that the Commission has long envisioned and supported for a recreational trail such as this. (Note: the trail would be located within one segment of the area of the once proposed but since abandoned Hatton Canyon freeway.) The project would connect the existing Hatton Canyon trail (at the northern end of the project) to Rio Road on the southern end and provide enhanced pedestrian and bicycle connectivity and facilities along this route. Ultimately, future planned trail segments are expected to extend this recreational trail to the Carmel River and beyond. The project includes restoration of adjacent riparian and wetland habitats and construction measures to protect against erosion and sedimentation, potential impacts to special status species, and long-term protection of adjacent habitats from operation of the trail. In sum, the proposed project will enhance public access and recreational opportunities and protect sensitive habitats consistent with the Coastal Act.

Coastal Commission Review Procedure
This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, January 14, 2010 in Huntington Beach. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Katie Morange in the Central Coast District office.

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY

Arnold Schwarzenegger, *Governor*

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

January 13, 2010

To: Commissioners and Interested Parties

From: Charles Lester, Senior Deputy Director, Central Coast District

Re: Additional Information for Commission Meeting Thursday, January 14, 2010

Agenda Item	Applicant	Description	Page
Th7a, CAP-2-09 Part 1	City of Capitola	Correspondence	a-c
Th7b, CAP-2-09 Part 2	City of Capitola	Correspondence	d-e
Th7e, SLO-MAJ-1-05 Pt.2	DeVincenzo/Avila Valley Lodge) – Withdrawn		f-g
Th8a and Th8b A-3-SLO-09-055, A-3-SLO-09-069	Los Osos Wastewater Project	Ex parte Correspondence	1 20
Th9a, A-3-SCO-05-073-A1	Porter	Ex parte Correspondence	365 369

Th7a

Susan Craig

RECEIVED
JAN 12 2010
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

From: Goldstein, Jamie [jgoldstein@ci.capitola.ca.us]
Sent: Tuesday, January 12, 2010 4:29 PM
To: Susan Craig
Cc: Foster, David
Subject: FW: CCC letter

Hi Susan – I will follow up with a phone call.

This email provides background regarding the City's proposed LCP amendment to add the AHO to 600 Park Ave.

As required by state housing law, the City recently identified sites within the City necessary to meet the City's Regional Housing Needs Assessment allocation from the Association of Monterey Bay Governments. The City utilized an Affordable Housing Overlay (AHO) District to meet those requirements.

A very limited number of underutilized multi-residential sites within the City of Capitola met the criteria for housing sites in State Law. In total, six sites were reviewed by staff and considered by the Planning Commission and City Council. Two sites were ultimately selected for the AHO, with only one of site (600 Park Avenue) in the Coastal Zone.

Six public hearings on the AHO District, and the proposed 600 Park Avenue site, were conducted before the Planning Commission and the City Council in 2009. All of the concerns identified in the homeowner petition dated January 7, 2010 were considered in these public hearings.

In fact, six provisions in the proposed Affordable Housing Overlay Ordinance were added by City Council to address some of the concerns raised in the petition. Specifically, City Council added the following requirements:

- The AHO requires a Development Agreement between the City and the Developer. This provides additional control to ensure that local impacts are properly addressed.
- Setbacks from the property lines adjacent to R-1 zoned property shall be a minimum of 20 feet for the first floor and 50 feet for second floors.
- Existing vegetation on perimeter shall be preserved to maintain a buffer to existing surrounding structures. Existing significant trees are to remain wherever feasible.
- Building height shall not exceed two-stories or 27 feet from existing grade or finish grade, whichever is more restrictive.
- R-1 parking standards shall apply with a minimum two spaces per units.
- Sidewalks shall be installed along all street frontages.

Finally, the City's adopted CIP includes installation of new sidewalks on Park Ave between the Village and the 600 Park site.

Given the State requirements to meet the Regional Housing Needs Allocation requirements, and given the limited number of underutilized multi-residentially zoned properties available, the Capitola City Council identified 600 Park Avenue as an appropriate site for inclusion under the Affordable Housing Overlay.

Should you have any questions, please feel free to contact me.

Jamie Goldstein
City of Capitola
Community Development Director
(831) 475-7300 office
(831) 475-8879 fax

Th7a

RECEIVED
JAN 07 2010
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

1/5/10

To: Members of the California Coastal Commission
Re: Public Hearing 1/14/10; Item Th7a

We, the undersigned homeowners bordering and near the 600 Park Avenue site, are opposed to the amendment before the Commission.

Areas of concern are:

1) Negative impact on the existing single-family residential area by an increase in multi-unit, higher density population
2) Lack of sidewalks
3) Lack of adequate parking
4) Distance from major conveniences
5) Increased water demand
6) Increased traffic
7) Loss of privacy
8) An actual decrease in the affordable housing over existing units now available

We urge the Commission to deny this item.

	Name	Address	Phone
1.	[illegible]	101 Wesley st	831-476-3948
2.	[illegible]	101 Wesley St	831 588-3948
3.	[illegible]	105 Wesley St	831-479-4701
4.	[illegible]	109 WESLEY ST.	831-234-2968
5.	[illegible] Wilson	109 Wesley St	831-239-2968
6.	[illegible]	113 Wesley St.	831-475-6825
7.	[illegible] Margulies	125 Wesley St	831 475-7117
8.	[illegible]	129 wesley st.	831-465-0699
9.	Patti Bond	129 Wesley St	831-345-7321
10.	[illegible]	133 Wesley St	831-477-0339
11.	Shara Dunn	133 Wesley St	831 4770339
12.	Maureen Collins	137 Wesley St	949-887-4963

C

Th7b 1/5/10

To: Members of the California Coastal Commission
Re: Public Hearing 1/14/10; Item Th7b

We, the undersigned residence of Capitola, urge the Commission to approve the item to allow for better use of existing commercial districts with regards to affordable housing.

	Name	Address	Phone
1.	[illegible]	101 Wesley st	831-476-3949
2.	[illegible]	101 Wesley St	831-588-5[illegible]
3.	[illegible]	105 Wesley ST	831-479-4701
4.	[illegible]	109 WESLEY ST	831-234-2968
5.	a wilson	109 Wesley St	831-234-2968 831.475-6825
6.	[illegible]	113 Wesley St.	
7.	Mary Margulies	125 Wesley St	831 475-7117
8.	[illegible]	129 Wesley St	831-345-7321
9.	Paul Gyorey	133 Wesley St	831-477-0339
10.	[illegible]	133 Wesley St	8314770339
11.	Maureen Collins	137 Wesley St	949-887-4963
12.	John T. Collins	137 Wesley St	831 475-1906
13.	[illegible]	710 ORCHID AVE	831 475-7060
14.	[illegible]	710 Orchid Ave	831-359-3572
15.	Mary Chuck	149 Wesley St	831-476-1346
16.	Gene Warren	514 Park Ave	831-475-0781
17.			
18.			

d

PAGER 1/5/10

13. John T. Collins 137 Wesley St 831 475-1506
14. Robert E. Mitchell 710 ORCHID Ave 831-475-7060
15. Robb B. Mitt 710-Orchid Ave- 831-354-3972
16. Mary Christensen 149 Wesley St- 831-476-1346
17. Mark Drummond 146 Wesley ST. 831-402-0744
18. Amy K. McKenna 121 wesley ST 831-479-8440
19. Gene Warren 514 Bertrice. 475-0781
20. Terre Thomas 514 Park Ave 476-7528
21. William H Calby 514 B PARK AVE 477-9078
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T/17e

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

December 22, 2009

Charles Lester
Senior Deputy Director
Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

SUBJECT: San Luis Obispo County LCP Amendment Part 2 of LCP1-05, DeVincenzo

Dear Mr. Lester:

Please consider this letter as the County's formal withdrawal of the above-referenced Local Coastal Plan amendment.

The applicant has notified the county that they are interested in pursuing a reduced project and will be submitting a revised application for review by the County in the future (see attached letter).

Please feel free to contact me if you have any questions.

Sincerely,

Kami Griffin, Assistant Director
County of San Luis Obispo
Department of Planning and Building

cc: Supervisor Achadjian
Supervisor Gibson
Supervisor Hill

Th 7e

December 22, 2009

Kami Griffin, Planning Director
San Luis Obispo County Planning and Building Department
San Luis Obispo County Government Center
San Luis Obispo, CA 93406

Subject: DeVincenzo, LCPA Coastal Application, Avila Valley, Part 2 of LCPA MAJ-1-05, DeVincenzo

Dear Ms Griffin;

In reference to the above LCPA application, we have recently discussed with you and Supervisors, the history and background of the project as well as the current process for the Coastal Commission's pending action.

As you know, we have also discussed this application with Coastal staff in preparation for the January Commission hearing. Although this application previously received unanimous approval by the Board of Supervisors, apparently the Coastal staff is not able to support the application as submitted. Therefore, the DeVincenzos believe it to be in their best interest for the County to withdraw the application at this time and they hereby authorize you to do so.

However, as determined from the various communications received, Coastal staff has suggested a revised rezone area that they may support in the future, (attached). This revised area resulted from their field visits and review of the extensive documentation we provided in preparation for the January hearing. Therefore, we will be working with you and your staff in the future to prepare a revised application that more closely fits the area outlined by Coastal staff. Perhaps this can be incorporated into the Countywide General Plan Amendments being formulated at this time. Obviously, it is also important to preserve for a revised application, the previous documentation and agreements for this project.

The DeVincenzo family very much appreciates the time and effort you have provided in helping them to be able to come to this difficult decision to withdraw at this time.

Please provide me with a copy of the withdrawal notification that is sent to the Coastal Commission and if I can provide any further information at this time, please contact me at your convenience.

WALLACE GROUP

John Wallace, PE
President

Cc: Board of Supervisors
DeVincenzo Family

DeVincenzowthdrwll.doc

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Th 8a, Th 8b

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JAN 11 2010

CALIFORNIA
COASTAL COMMISSION

FORM FOR DISCLOSURE OF EX-PARTE COMMUNICATIONS

Name or description of the project: Agenda Item **Th 8.a & b.**
Appeal No. A-3-SLO-09-55 (Los Osos Wastewater Project, San Luis Obispo Co.). Appeal by Coastal Commissioners Mark Stone and Sara Wan; Chris Allebe; Sandra Bean; Don Bearden; Barry and Vivian Branin; Chuck Cesena; Citizens for Affordable and Safe Environment; Coalition for Low Income Housing; Fair Allocation of Important Resources (F.A.I.R); Martha Goldin; Joan Harlem; J.H. Edwards Company; Los Osos Legal Defense Fund; Alfred and Lourdes Magallanes; Richard Nyznyk; Linde Owen; Steven Paige; Bruce Payne; Piper Reilly; Sierra Club – Santa Lucia Chapter; Surfrider Foundation – San Luis Bay Chapter; Julie Tacker; Elaine Watson; and Keith Wimer of San Luis Obispo County decision granting permit with conditions to the County Public Works Department for the Los Osos Wastewater Project (including treatment plant, collection and disposal system, and related infrastructure and development) in the community of Los Osos (Estero Planning Area) in San Luis Obispo County. (JB-SC)

Time/Date of communication: Friday, January 8th, 2010, 9:30 am

Location of communication: La Jolla

Person(s) initiating communication: Dave Grubb, Gabriel Solmer, for Santa Lucia Chapter of Sierra Club

Person(s) receiving communication: Patrick Kruer

Type of communication: Meeting

Oppose the staff recommendation of No Substantial Issue. The project needs a full hearing.

This is a very complex project, and the environmental community is divided on whether there is a substantial issue. The local Sierra Club and Surfrider Chapters believe that there are substantial issues that deserve a full hearing by the commission. Specifically,

1. The county did not use the Coastal Commission definition of wetlands in their wetland delineation. Wetland impacts are not properly recognized.

2. Conditions of Approval (COA) 6 and COA 99 (ag reuse and water conservation) require only that the programs be "developed," not implemented, which is not good enough. The timing is vague and needs to be specified as triggered by final approval of permit

Date: January 8, 2010

Patrick Kruer

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JAN 11 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Ex-Parte Meeting with Commissioner Achadjian

RECEIVED
DEC 29 2009
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Date: December 28, 2009

RE: January 2008 Coastal Commission Meeting

Attendees: Gordon Hensley, San Luis Obispo Coastkeeper

ISSUES:

Thursday January 14, 2010: 8a & 8b. **Appeal number A-3-SLO-09-055 and A-3-SLO-09-069, Los Osos Wastewater Project.**

SLO COASTKEEPER POSITION: Neutral

Concerns:

1) The project as currently proposed by the County of San Luis Obispo is less protective of coastal resources than the waste water project previously approved by the Commission (CDP A-3-SLO-03-113).

As currently proposed the project is:

- less protective of wetlands at the fringe of the bay
- less protective of potable water sources
- fails to address mitigation and CDP enforcement issues resulting from abandonment of the previous project.
- Less protective of ESHA and Ag land

2) The County of SLO has dismissed the former project as infeasible based on social grounds, that conclusion is not supported by specific evidence in the record as required by State law.

3) The County proposal fails to provide a mechanism to aide the Los Osos Community Services District resolve a multi-million dollar bankruptcy endangering the long-term financial viability of the project.

This weakness is not in the best interest of the citizens (those responsible to pay for both the bankruptcy and the County waste water project) and has not been analyzed.

Recommendations:

1. SLO Coastkeeper is neutral on the issue of "Substantial Issue".
2. SLO Coastkeeper urges conditions requiring that the current Coastal Commission enforcement against the Los Osos CSD and SLO County be resolved prior to completion of the new project.
3. SLO Coastkeeper urges conditions requiring a disposal system that is equal to or better that that adopted in CDP A-3-SLO-03-113.
4. SLO Coastkeeper urges conditions requiring a demonstration of the long-term financial viability of the project and community.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LCP, etc.:	Items Th. 8a and 8b. Appeal No. A-3-SLO-09-55 (Los Osos Wastewater Project, San Luis Obispo County) & Appeal No. A-3-SLO-09-69 (Los Osos Wastewater Project, San Luis Obispo County)
Date and time of receipt of communication:	1/5/10, 5:00 pm
Location of communication:	Scotts Valley, California
Type of communication:	Telephone meeting
Person(s) initiating communication:	John Laird
Person(s) receiving communication:	Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

I was given a brief history of the legislative actions that former Assemblymember John Laird took so that the San Luis Obispo County could take over the issue of this project and move it forward.

Date: 1/6/10 Signature of Commissioner: Mark Stone

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LCP, etc.:	Items Th. 8a and 8b. Appeal No. A-3-SLO-09-55 (Los Osos Wastewater Project, San Luis Obispo County) & Appeal No. A-3-SLO-09-69 (Los Osos Wastewater Project, San Luis Obispo County)
Date and time of receipt of communication:	January 6, 2010, 1:00 pm
Location of communication:	Board of Supervisors Office, California
Type of communication:	In-person meeting
Person(s) initiating communication:	Sarah Damron Grant Weseman Margie Kay
Person(s) receiving communication:	Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

I was given a brief history of the project by ORCA and Surfrider. They lauded the County's process, but also said that the process changed for the worse in the middle. They were looking for the best system possible that would deal with sea-water intrustion, pollution in Morro Bay, protection of ground water, and be carbon positive. The ground water issues have mostly been addressed though they feel the language could be strengthened. They feel that there is a substantial issue based on three of five criteria that the commission seems to use: significance of the resources (the plan does not mitigate all of the impacts in the long term view), Project size and scope (this project is more than standard waste water but also is a source for non-potable uses such as agriculture), and the degree of factual and legal support used buy the appellant (there remain interpretational issues on the facts not acknowledged by staff).

They feel that staff defers too much to the EIR and County's statements and ignores the specific facts and figures brought up by the many appellants. They are concerned that the politics are dominating this process rather than the facts.

The issues remaining are:

Cultural Resources. The current plan relies too much on investigations that will be done after approval and could lead to unforeseen and unmitigable changes. It is known that there are burial sites in the area.

Wetlands. The standards seem to be those of the Army Corps and not the Commissions own standards.

ESHA. They prefer the step collection system as opposed to the gravity systems being contemplated. For the former, there may be more impacts but they are temporary. For the former the impacts are permanent.

Inflow and Infiltration. They want to see the whole system as a fused pipe system instead of the 12% or so that is proposed. The high groundwater and sea-water intrusion possibilities could lead to spills.

Affordability. They feel that the step collection system is cheaper and should be considered.

Date: 1/6/10 Signature of Commissioner: Mark Stone

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LCP, etc.:	Items Th. 8a and 8b. Appeal No. A-3-SLO-09-55 (Los Osos Wastewater Project, San Luis Obispo County) & Appeal No. A-3-SLO-09-69 (Los Osos Wastewater Project, San Luis Obispo County)
Date and time of receipt of communication:	various
Location of communication:	Board of Supervisors Office, California
Type of communication:	Correspondence
Person(s) initiating communication:	see attached
Person(s) receiving communication:	Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

See attached correspondence.

Date: 1/6/10 Signature of Commissioner: Mark Stone

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

California Coastal Commission
Mark W. Stone, Supervisor
Board of Supervisors
County Government Center
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Dear Mr. Stone,

We are writing this letter to request that the Coastal Commission accept the Glaccamazzi site for the placement of the Los Osos sewage treatment facility. We feel that the San Luis Obispo County Commissioners have done an admirable job of defining the options for site placement with due regard for environmental and economic considerations.

The citizens of Los Osos share the Coastal Commission's commitment to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations. We feel that the proposed design and operation of the facility at the Glaccamazzi site will allow us to meet this commitment in a manner that allows Los Osos to continue as a viable community.

Please accept this request with the greatest respect for your mission and appreciation for your time.

Sincerely,
Elizabeth Will

Elizabeth Will

Benali Burgoa

471 Ash Street
Los Osos, CA

S

1335 16th Street
Los Osos, CA 93402

December 31, 2009

Mark W. Stone, Supervisor
California Coastal Commission
Board of Supervisors
County Government Center
701 Ocean Street, Room 500
Santa Cruz, CA 95060

RE: AGENDA ITEMS 8a AND 8b, JAN. 14TH CCC MEETING, LOS OSOS WASTEWATER PROJECT

Dear Mr. Stone,

As 15-year residents of Los Osos, we have always acknowledged the necessity of having a wastewater treatment system for our community. We are among the two-thirds majority of homeowners who approved taxation in the recent 218 vote.

We absolutely endorse the current San Luis Obispo County Public Works wastewater plan. We understand that the CCC's staff report has concluded there are no substantial issues regarding the current appeals before your board. We concur with that staff conclusion and urge the board to approve the plans as submitted so that we can proceed to bid and construction.

We are sending separate letters to each of the CCC's board members and trust that these documents will appear in the Commissioners' meeting packets for your scheduled January 14 meeting.

Sincerely,

Richard & Gretchen Clark

Richard and Gretchen Clark
Homeowners, Los Osos

FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS

Name or description of the project::	Los Osos Sewer
Time/Date of communication:	11am, 1/6/2010
Location of communication:	22350 Carbon Mesa Rd, Malibu
Person(s) initiating communication:	Keith Wimer, Dana Ripley, Andrew Christie
Person(s) receiving communication:	Sara Wan
Type of communication:	meeting

Basis for appeal

Current project does not address or mitigate for the impact on willow creek drainage and wetlands- there will be a reduction of 400 acre feet of surface flow into the creek- this impact is not allowed by various LCP policies. Last project recognized the need to deal with this issue but this one does not

Current project does not use the Coastal Commission definition of a wetland as a result they did not delineate the wetlands appropriately. Need to find SI and require a full delineation so that impacts can be avoided. This alone is a basis for finding SI. The commission always requires the use of the State definition not the Army Corps for all projects and appeals.

Not dealing appropriately with seawater intrusion- not controlling where recycled water goes- need conditions in there to control for seawater intrusion- currently this is left up to the courts and purveyor's to determine where the water goes. This is inconsistent with numerous LCP policies

Conservation condition to help mitigate for seawater intrusion was changed from the original condition of the planning commission . It calls for a management plan to be developed but does not specify that it should be implemented nor when that must happen. Need to find SI to add language to require it be implemented prior to start-up of the facility otherwise there is no way to guarantee that it will happen
Same thing with regards to the implementation and timing on the agricultural uses and other mitigations.
Wherever a mitigation plan is to be developed it must specify that it be implemented and in place prior to final approval. It should also have a condition that the plan come back to the ED for his review and approval

Additionally they do not believe that the proposed facilities will be able to do the water replacement called for Willow Creek and Los Osos Creek

The mitigation proposed for seawater intrusion is on the Broderson site- they have a monitoring program to see if it doesn't work and what the down slope impacts are but there is nothing to say what happens if it doesn't work or how to accomplish the mitigations. Again, should find SI to add language to correct this.

In addition the mitigation for loss of ESHA is at the Broderson site. However, this site was to be

used a mitigation for the original TRI-W site, which has already been stripped of ESHA. F&G and F and Wildlife both state this is double dipping. They should either completely restore the TRI-W site (which may no longer be possible) or comply with the mitigations originally agreed to for that site and locate another site for the mitigations of the impacts of this project.

Believe there are numerous reasons to find SI but these are the most significant.
Need language in the project requirements to:
1- delineate wetlands according to CCC standards
2- require that water conservation be more than toilet retrofits and that the full implementation of the conservation measures be required
3- that the impacts of the project on ESHA be mitigated
4- that the location of the deposition of water be determined and controlled to be used to prevent seawater intrusion and protect habitat
5- that the impacts to Willow Creek and Los Osos Creek be fully mitigated
6- that the monitoring program on the Broderson site include conditions relative to what should be done if the proposed program does not work
All of the above impacts are inconsistent with the language of the current LCP

Date: 1/6/2010

Commissioner's Signature

Diana Chapman

From: Charles Lester
Sent: Wednesday, January 06, 2010 9:02 PM
To: Diana Chapman; Dan Carl; Katie Morange
Subject: FW: ex-parte
Attachments: vulture-TurbineAccident.mpeg

Charles Lester
Senior Deputy Director

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
Ph: 831-427-4863 Fax: 831-427-4877
www.coastal.ca.gov

-----Original Message-----
From: Vanessa Miller
Sent: Tuesday, January 05, 2010 9:13 AM
To: Charles Lester; Jeff Staben
Subject: FW: ex-parte

-----Original Message-----
From: Sara Wan [mailto:lwan22350@aol.com]
Sent: Tuesday, January 05, 2010 8:11 AM
To: Vanessa Miller
Subject: ex-parte

ex-parte
Thursday 9a

From: GEORGE, Garry [mailto:ggeorge@audubon.org]
Sent: Tuesday, January 05, 2010 8:06 AM
To: Sara Wan
Subject: RE: All You need is LOVE

On March 3, 2006, Audubon California adopted the following policy on wind power:
Audubon California supports the role of wind power as an alternative source of energy if it is sited, operated, and mitigation steps are taken to minimize its impacts on birds and other wildlife.
In April 2008 National Audubon adopted the following policy on wind power:
Audubon strongly supports properly-sited wind power as a clean alternative energy source that reduces the threat of global warming. Wind power facilities should be planned, sited and operated to minimize negative impacts on bird and wildlife populations.

You can cite these policies as official Audubon policy, and neither of them claim that turbines are safe for birds.

McCaul's statement of 2001 was made before these policies were adopted, and more importantly before the California Energy Commission published the study on Altamont in 2003 that refuted

wind energy developers claims that turbines are safe for birds.

McCaul was Audubon California's lobbyist in Sacramento and left a long time ago. He was clearly misinformed.

Here is a video of a turbine in Crete if you have not seen it. This turbine is not safe for this bird.

Garry George
AUDUBON CALIFORNIA
Chapter Network Director
6404 Wilshire Blvd #1250
Los Angeles, CA 90048-5527
323-951-9620 ext 104
323-951-9350 fax
323-697-1126 cell
ggeorge@audubon.org
www.ca.audubon.org/chapters.php

From: Sara Wan [mailto:lwan22350@aol.com]
Sent: Tuesday, January 05, 2010 7:35 AM
To: 'Garry George'
Subject: RE: All You need is LOVE

Garry,
There are references in my staff report about Audubon's support for wind turbines as being bird safe. In particular a letter from John McCaull to Assemblyman John Longville in 2001 supporting widn power as safe.

Sara

From: Sarah Damron <sdamron@surfrider.org>
To: lwan22350@aol.com <lwan22350@aol.com>
Sent: Wed, Jan 6, 2010 9:35 am
Subject: RE: ex-parte

Hi Sara,
I am just getting back in town myself. I hope you had an excellent trip and are getting a great start to the New Year!

Now that I'm back I see that there is an ex parte meeting scheduled for today. I have a meeting with Commissioner Stone tomorrow at 1pm so I will be unable to come, but I appreciate that you have made the time to meet with other appellants. For the record, I can say that Surfrider is generally aligned with the position and issues that the Santa Lucia Chapter of the Sierra Club has enumerated. I am hopeful that Andrew Christie and other meeting attendees will be able to answer any questions you may have, since they all have been working on this issue for quite some time.

I will be sure to send you and the other Commissioners a supplement to our appeal. In the meantime, there is one particular contention of our appeal that I would encourage you to look into: wetlands delineation.

As far as I can tell, the wetlands delineation claims made by Staff are incorrect. We brought this issue up with the County several times, but never got any response. Although the LCP wetlands criteria may coincide with the Coastal Act one parameter criteria, **this is not the standard that was used to delineate wetlands.** To access the wetlands delineation study and read for yourself, visit http://www.lowwp-eir.net/lowwpeir/eir.aspx, download "Appendix G", and navigate to Attachment G (p. 369 if you're using the page numbers in your Adobe Reader) and Attachment F (p. 597). If you read through the subject features, methodology, and summary of jurisdictional areas, you will find that Coastal Commission jurisdiction is not considered in the delineation. In the data sheets, you can see that features that have less than all three parameters are not classified as wetlands. USACE, RWQCB, and CDFG are the only authorities considered. You can search through the remainder of Appendix G and find the same. Although the EIR acknowledges that jurisdictional assessments in the Coastal Zone must evaluate potential wetland areas using the criteria in the Coastal Act, nowhere can I find evidence or studies that show that that this criteria was actually applied.

I'm sorry that I'm missing out on the discussion today, but I hope that it proves to be informative and helpful. Please let me know if you have questions about anything.

Thanks!
Sarah

Sarah Damron
Central California Regional Manager
Surfrider Foundation
sdamron@surfrider.org
home office: 831 728 6528
cell phone: 831 239 1520

From: Julie Tacker [mailto:julietacker@charter.net]
Sent: Monday, December 28, 2009 11:46 AM
To: LWan22350@aol.com
Cc:
Subject: Los Osos Wastewater Project material asked for

Dear Ms. Wan,
Sarah asked me to email you the links to the DFG and USFWS letters regarding the LOWWP and what they expect from the new project relative to the prior project "Tri-W" now called "Mid-Town" site.

Here is the link to the (terrible) EIR.
http://www.lowwp-eir.net/lowwpeir/

Here is the link to the correspondence to the DEIR and the consultant/County responses:
http://www.lowwp-eir.net/lowwpeir/pdf/RTC/02240002%20-%20Sec03-00%20Responses.pdf
DFG letter is A7 (scrolling the pdf you find it on page 65 (page 72 uses the term "double dipping" for mitigation relative to the Tri-W site and Broderson parcel))
USFWS letter is A11 (scrolling the pdf you will find it on page 241 with page 244 discussing the use of Broderson as mitigation "again").

You may recall my involvement in the previous project, I was the President of Concerned Citizens of Los Osos at the time the project was appealed to the CCC (Apr. 2004 found SI). I later resigned and ran for the Community Services District Board along side Lisa Schicker, we both won our seats in Nov. 2004 and remained on the Board until 2008. It was our term that endured the recall election and the subsequent bankruptcy of the District. It was a tumultuous time for our entire community. While I personally opposed the County's involvement when the Assembly Bill 2701 was passed and in essence handed the project to the County, I remained hopeful that a good or better project would come out of it from which the Tri-W project had been.

I am fully aware that you do not take exparte communications and respect that. I am an appellant of the current project, the staff assigned to the project is on vacation until January 12, 2010 (the hearing is Jan. 14 in Huntington Beach), this is unfortunate for me and for you, neither of us can reach Jonathan Bishop to have our questions answered on this enormous proejct and the process before us. Let me offer my services to you, I am happy to help you any way I can. I am well versed in the record of this project and get my hands on most anything that has been posted on the web relatively easily. I have read nearly all of the 8,000+ page record and have a comprehensive understanding of the project. If you have time, please read my appeal, I call it "the kitchen sink" not only do I mention the larger issues of water and ESHA impacts, but I go into some important oversights of the project relative to impacts of decommissioning 4,774 septic systems (where's it all going to go?) staging areas, night lighting and more.

Thank you for your time, any advice would be appreciated.

Thanks,
Julie Tacker
805-235-0873

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: (For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)
December 30, 2009, 9:00 a.m.

Location of communication: (For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)
Telephone conversation

Person(s) initiating communication:
Julie Tacker, appellant

Person(s) receiving communication:
Commissioner Bonnie Neely

Name or description of project:
January Agenda Item Th8a & b. Los Osos Wastewater Project Appeal, San Luis Obispo County.

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete test of the written material.)

Ms Tacker is one of the appellants on this item and has questions about the process for giving testimony when there are so many appellants who want to be heard. She is requesting 10 minutes to speak for a decision of substantial issue. She suggested some time could be saved by polling the commissioners when the item comes up on the agenda to see who is already leaning towards substantial issue.

Date: December 30, 2009

Bonnie Neely, Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceedings and provide the Executive Director with a copy of any written material that was part of the communication.

Coastal Commission Fax: 415 904-5400

From: Julie Tacker [~~mail~~to:julietacker@charter.net]
Sent: Monday, December 28, 2009 11:46 AM
To: LWan22350@aol.com
Cc:
Subject: Los Osos Wastewater Project material asked for

Dear Ms. Wan,
Sarah asked me to email you the links to the DFG and USFWS letters regarding the LOWWP and what they expect from the new project relative to the prior project "Tri-W" now called "Mid-Town" site.

Here is the link to the (terrible) EIR.
http://www.lowwp-eir.net/lowwpeir/

Here is the link to the correspondence to the DEIR and the consultant/County responses:
http://www.lowwp-eir.net/lowwpeir/pdf/RTC/02240002%20-%20Sec03-00%20Responses.pdf
DFG letter is A7 (scrolling the pdf you find it on page 65 (page 72 uses the term "double dipping" for mitigation relative to the Tri-W site and Broderson parcel))
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I am fully aware that you do not take exparte communications and respect that. I am an appellant of the current project, the staff assigned to the project is on vacation until January 12, 2010 (the hearing is Jan. 14 in Huntington Beach), this is unfortunate for me and for you, neither of us can reach Jonathan Bishop to have our questions answered on this enormous proejct and the process before us. Let me offer my services to you, I am happy to help you any way I can. I am well versed in the record of this project and get my hands on most anything that has been posted on the web relatively easily. I have read nearly all of the 8,000+ page record and have a comprehensive understanding of the project. If you have time, please read my appeal, I call it "the kitchen sink" not only do I mention the larger issues of water and ESHA impacts, but I go into some important oversights of the project relative to impacts of decommissioning 4,774 septic systems (where's it all going to go?) staging areas, night lighting and more.

Thank you for your time, any advice would be appreciated.

Thanks,
Julie Tacker
805-235-0873

Ex-Parte Meeting with Commissioner Achadjian

Date: December 28, 2009

RE: January 2008 Coastal Commission Meeting

Attendees: Gordon Hensley, San Luis Obispo Coastkeeper

ISSUES:

Thursday January 14, 2010: 8a & 8b. **Appeal number A-3-SLO-09-055 and A-3-SLO-09-069, Los Osos Wastewater Project.**

SLO COASTKEEPER POSITION: Neutral

Concerns:

1) The project as currently proposed by the County of San Luis Obispo is less protective of coastal resources than the waste water project previously approved by the Commission (CDP A-3-SLO-03-113).

As currently proposed the project is:

- less protective of wetlands at the fringe of the bay
- less protective of potable water sources
- fails to address mitigation and CDP enforcement issues resulting from abandonment of the previous project.
- Less protective of ESHA and Ag land

2) The County of SLO has dismissed the former project as infeasible based on social grounds, that conclusion is not supported by specific evidence in the record as required by State law.

3) The County proposal fails to provide a mechanism to aide the Los Osos Community Services District resolve a multi-million dollar bankruptcy endangering the long-term financial viability of the project.

This weakness is not in the best interest of the citizens (those responsible to pay for both the bankruptcy and the County waste water project) and has not been analyzed.

Recommendations:

1. SLO Coastkeeper is neutral on the issue of "Substantial Issue".
2. SLO Coastkeeper urges conditions requiring that the current Coastal Commission enforcement against the Los Osos CSD and SLO County be resolved prior to completion of the new project.
3. SLO Coastkeeper urges conditions requiring a disposal system that is equal to or better that that adopted in CDP A-3-SLO-03-113.
4. SLO Coastkeeper urges conditions requiring a demonstration of the long-term financial viability of the project and community.

Th8a and Th8b

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: (For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)	January 10, 2010, 3:30 p.m.
Location of communication: (For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)	Via e-mail
Person(s) initiating communication:	Budd Sanford forwarding e-mail from Landon Hastings
Person(s) receiving communication:	Commissioner Bonnie Neely
Name or description of project:	Jan. Agenda Item 8.a. Los Osos Wastewater project, San Luis Obispo Co. – Appeal of permit with conditions to the County Public Works Dept. for the Los Osos Wastewater Project

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete test of the written material.)

See attached e-mail communication.

Date: January 11, 2010

Bonnie Neely, Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

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Coastal Commission Fax: 415 904-5400

Hampton, Nancy

From: Neely, Bonnie
Sent: Sunday, January 10, 2010 3:30 PM
To: Hampton, Nancy
Subject: FW: FRAUD, TERRORISM LOS OSOS

exparte

-----Original Message-----
From: Budd Sanford [mailto:gandalfone@sbcglobal.net]
Sent: Saturday, January 09, 2010 8:06 AM
To: Neely, Bonnie
Subject: FRAUD, TERRORISM LOS OSOS

Dear Mr. Neely:

Very soon you and the other Commissioners will be hearing testimony from a number of public and private individuals, pro and con, regarding a central sewer for Los Osos. The financial and political interests who are behind this movement will pour tons of sugar over a bowl of fraud and corruption, including falsified science, deliberate distortions of the public process and all out lies and deception.

Since 1985 a determined group of people have been trying to force this unneeded, unaffordable, unhealthy project on the backs of low and middle income individuals and families. Their intent is social genocide and a massive build out of the community.

I am not asking you to take my word for any of this because all of the evidence and support documentation is on a web site for you and your fellow Commissioners to reference.

As someone who swore to protect the coastal environment, I beg you to please go to the site at http://www.losososentinel.com and read the evidence. More than 3,000 pages have been condensed and more evidence is being uncovered.

I beg you to **please pass this site address to all of your fellow Commissioners** right away. I know that as soon as you see the evidence you will understand why this project must **NEVER** be allowed.

This project is based on fraud, fraught with criminal intent and guaranteed to destroy the beautiful environment of Los Osos and the central coast. The perpetrators have deliberately circumvented many laws, deprived the public of their legal rights, conducted illegal elections and used heir positions of elected and appointed authority to crush any and all resistance.

But more than a fight against local terrorism, this is a fight for **Justice** and **Freedom**. This is a fight against political and special interest corruption determined to stomp on that **Freedom**, one that reverberates across the nation.

The **Los Osos Sentinel** sight has had more than **1500 hits** in its less than two months on line, many from across the world. The **R.I.C.O. Civil Legal Action** will go forward regardless of where the illegal process is and all those responsible will be named.

To grant CC permission to build this **fraudulent vaccine resistant deadly pathogen producing factory** in Los Osos is tantamount to sanctioning terrorism and an all out assault on Freedom.

If you truly care about the coastal environment and if you take your oath of office seriously you will **NEVER** allow this project to proceed. Please read the evidence and do not allow these terrorists to win.

Thank you very much.

Regards,
Landon Hastings
My e-mail: losososentinel@gmail.com

1/11/2010

Th8a and Th8b

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: (For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)	January 11, 2010, 10:50 am
Location of communication: (For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)	via e-mail
Person(s) initiating communication:	Alon Perlman, Appellant
Person(s) receiving communication:	Commissioner Bonnie Neely
Name or description of project:	Jan Agenda Item Th8a&b – Los Osos Wastewater Project, San Luis Obispo County

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete test of the written material.)

See attached letter forwarded by e-mail.

Bonnie Neely

Date: January 11, 2010

Bonnie Neely, Commissioner

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Coastal Commission Fax: 415 904-5400

Hampton, Nancy

From: Neely, Bonnie
Sent: Monday, January 11, 2010 10:50 AM
To: Hampton, Nancy
Subject: FW: LOWWP Appeals; Avoidence of the appearence of Improprieties in the handling of the appeal process
Attachments: Letter to Mrdouglassjan810.doc

exparte

-----Original Message-----
From: aloriatwork@email.com [mailto:aloriatwork@email.com]
Sent: Friday, January 08, 2010 5:02 PM
To: pdouglas@coastal.ca.gov; Neely, Bonnie
Cc: dcarl@coastal.ca.gov; clester@coastal.ca.gov; JonathanB@coastal.ca.gov
Subject: LOWWP Appeals; Avoidence of the appearence of Improprieties in the handling of the appeal process

The attachment is a word document reproduced in the body of this email

Letter to Mr. Douglas CCC Staff , Jan 8,'10 with reference to January 2010 Agenda items 8 a, b.

The CCC Staff's responsibility in preserving the spirit of the Acts governing public speaking and appeals (such as Brown act, Bagley Keene and the provisions in the Coastal act sections 30300), is critical at the point where STAFF INTERACTS WITH PUBLIC.
It is precisely because the public process contains unknown elements and the public is not subject to the strictures wisely overlaid on the governmental and regulatory agencies, that an orderly, timely, evenly distributed, information outflow must be the outcome of staff's interactions with public and validly admitted Appellants.
Having staff distribute emails to specific appellants and suggest that they share that information with other appellants while other appellants still have similar but not identical questions unanswered, is precisely the way by which control of the public process is removed from its democratic intent. (I am not specifically referencing Mr. Bishop's exchanges at this time, because I believe the Coastal commission staff are capable and are working hard, and are overwhelmed, and I hope to avoid the necessity for a formal complaint)
Each and every appeal must be considered on its own merits.
A majority or cluster of appellants, are not necessarily a democratic representative subset of the public at large. If the commission staff prioritize their responses to certain individuals or groups, or verbally or categorically classify them, they must be able to show vetting and legitimacy to such preferential actions. Each and every appellant must receive timely information as to those questions that apply to their specific class within a complex appeal process (specifically complexed by the Commissioners appeal reopening of process)
Due to deviations from common procedures, (some necessitated by the shear volume of appellants), each and every appellant must be informed as to the process elements that are shared by all and are critical as to their ability to present their appeal.
With specific reference to your, Mr. Douglass, lengthy response to an appellant, January 6, 2010 Afternoon containing a Postscript
"p.p.s., I discussed time constraints with the Chair and she indicated 5 minutes per appellant, 25 minutes for the County, 3 minutes for members of the public. No rebuttals." (Excerpted from Peter Douglass)

It is only by happenstance that I am aware of this, today, having previously left an unanswered request for that information. In this case you did not suggest an expectation that the Appellant distribute the information.

It is not at this time clear to me that I or the other appellants will receive a single 5 minute session (unguaranteed) given that two Appeal sets are recognized on the agenda.

Appeal No. A-3-SLO-09-55 (Los Osos Wastewater Project, San Luis Obispo Co.).
Appeal No. A-3-SLO-09-69 (Los Osos Wastewater Project, San Luis Obispo Co.).

It has been noted to me by another appellant that Mr. Barrow appears three times in the agenda-Citizens for Affordable and Safe Environment; Coalition for Low Income Housing; .. ..; Los Osos Legal Defense Fund;
Six times in the two appeal sets

In the Staff report: *Chris Allebe; Sandra Bean; Don Bearden; Barry and Vivian Branin; California Coastal Commissioners Sara Wan and Mark Stone; Chuck Cesena; Citizens for Affordable and Safe Environment; Coalition for Low Income Housing; Fair Allocation of Important Resources (FAIR); Martha Goldin; Joan Harlem; J.H. Edwards Company; Los Osos Legal Defense Fund; Alfred and Lourdes Magallanes; Richard Nyznyk; Linda Owen; Steven Paige; Alon Perlman; Bruce Payne; Piper Reilly; Sierra Club, Santa Lucia Chapter; Surfrider Foundation, San Luis Bay Chapter; Julie Tacker; Elaine Watson; Linda Ward; and Keith Wimer.*
I have no objection, of course, to your allowing Mr. Barrows CLIH and CASE being represented once by himself and his LOLDF being represented once by his lawyer based on their appearance separately at the Sept. 29 BOS SLO Action. I see Mr. Barrow Identifies CLIH/CASE within a single appeal, so the concern of the other Appellant (which shall remain unidentified) may be moot, nevertheless I point out that it is the commissions procedures and listings that are creating this confusion. Please respond clearly as to the times each appellant gets, and how many opportunities.

Is Coastal commission staff acting in legal concordance with the Protest rules, reviewing Meeting recording and transcripts and evaluating actual appeals as to rules of submission? My concern is with the overall process, but also by the potential dilution of my message. The haphazard manner in which I have seen (Or not seen) critical Process and Appeal presentation information come out of your office in response to appellants leads me to conclude that there is potential of DENIAL of FAIR ACCESS to the COASTal Appeal process.

On another matter;
I identified myself as the only and last appellant. I am the only new appellant in the "09-69" (Mz. Linda ward may also be new, but I believe was included within a "09-69" Appeal subset)
I therefore claim the right to be the last person speaking. (As already listed on the AGENDA) Please respond ASAP and with legal justification if you believe this will not be possible. Since I have previously communicated an intent to discuss beyond condition 97 and have not received a legally substantiated response otherwise, I am proceeding on that assumption.

I am not interested in involving myself further in commission procedural matters. I am not interested at this time in this communication being circulated to other appellants. Should your review of this communication bring about changes in understandings or information circulated to others, please do notify them (I would hope you are obligated to do so) and CC me as appropriate.

Thank you
Alon Perlman

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: (For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)	January 6, 2010, 1:30 p.m.
Location of communication: (For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission:)	Commissioner Neely's Eureka Office
Person(s) initiating communication:	Maggy Herbelin, Local ORCA Representative
Person(s) receiving communication:	Commissioner Bonnie Neely
Name or description of project:	Jan Agenda Item Th8a&b. Appeals of permit with conditions to the County Public Works Department for the Los Osos Wastewater Project, San Luis Obispo Co.

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete test of the written material.)

Ms Herbelin stated that ORCA recommends no substantial issue on this item. The objections to this project revolve around water supply and water quality issues, not coastal Commission issues.

Date: January 6, 2010

Bonnie Neely, Commissioner

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Coastal Commission Fax: 415 904-5400

ENVIRONMENT IN THE PUBLIC INTEREST

EPI-Center, 1013 Monterey Street, Suite 207 San Luis Obispo, CA 93401
Phone: 805-781-9932 • Fax: 805-781-9384

San Luis Obispo **COASTKEEPER®**

January 7, 2010

Bonnie Neely, Chair
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

VIA FACSIMILE: 831-427-4877 and email

Subject: Public Comment – January 14 Commission Agenda Item 8a & b: Los Osos Wastewater Project Appeal

Coastkeeper Position: Neutral with regard to Substantial Issue.

Chair Neely and Honorable Commissioners

On Thursday January 14 your Commission will hear multiple appeals of San Luis Obispo County approval of a CDP for a waste water project in Los Osos. In 2004 the Commission issued CDP A-3-SLO-03-113 which established conditions and Commission policy regarding what is required of a waste water project to protect coastal resources in and around Los Osos. SLO Coastkeeper believes the San Luis Obispo County approved CDP being considered by your Commission is less protective of coastal resources than the policies and conditions established under CDP A-3-SLO-03-113.

SLO Coastkeeper urges your Commission to consider using whatever procedural pathways may be available that would allow the addition of conditions equal to, or better than the protective measures contained in CDP A-3-SLO-03-113 without further delaying a waste water project in Los Osos.

Respectfully Submitted,

Gordon R Hensley

Gordon Hensley,
San Luis Obispo **COASTKEEPER**

BOARD OF SUPERVISORS

1055 MONTEREY, ROOM D430 • SAN LUIS OBISPO, CALIFORNIA 93408-1003 • 805.781.5450

BRUCE GIBSON
SUPERVISOR DISTRICT TWO

January 11, 2010

Bonnie Neely
Chair, California Coastal Commission
825 Fifth Street, Rm. 111
Eureka, CA 95501

Subject: Wetland Delineations for the Los Osos Wastewater Project appeals A-3-SLO-09-055 and -069 (consolidated)

Dear Chair Neely and Commissioners:

It has come to my attention that certain appellants are confused regarding the methodology used to delineate wetlands for the Los Osos Wastewater Project. As noted on page 15 of your staff report for this item, the County did in fact use the Coastal Act single parameter definition to identify, map, and apply the required buffers to Coastal wetlands. The appellants confusion may stem from the fact that EIR recognizes the different regulatory requirements of various agencies, and consequently includes information on the different requirements.

According to the wetland delineations conducted for the project by the Morro Group:

> "Potential wetland areas were also evaluated using the CCC [California Coastal Commission] single parameter wetland definition in addition to the ACOE three-parameter methodology". (Wetland Delineation report, 4th Street at Pismo Ave. Area, Los Osos, 2005, page 2)

The wetland boundaries established by the Morro Group were re-verified by biologists from Michael Brandman Associates for the EIR in 2008. Additional delineations for the Giacomazzi treatment plant site were also conducted in 2008, and verified by certified biologists in 2009.

The Morro Group's 2005 delineation, covering an area near 4th Street at Pismo Ave, includes the following table (Ibid, page 10), which describes both Coastal and Federal Section 404 wetland results:

Jurisdictional Determination Summary

Soil Test Pit Area	Hydrophytic Vegetation	Hydric Soils	Wetland Hydrology	Determination	
				Corps	CCC
1	No	No	No	Non-Wetland	Non-Wetland
2	No	No	No	Non-Wetland	Non-Wetland
3	Yes	No	No	Non-Wetland	**Wetland**
4	Yes	Yes	Yes	**Wetland**	**Wetland**

In addition, the EIR was prepared as a "CEQA Plus" document, addressing both CEQA and NEPA issues. Consequently, it must describe both the Coastal wetland requirements as set forth in the LCP, as well as contain information on other regulatory approaches, including those of the RWQCB, the California Department of Fish and Game, and the U.S. Army Corps of Engineers. This can be seen in the individual field forms used by the biologists to map wetland areas, where each of three wetland criteria is evaluated separately. As shown in the excerpt from Appendix G of the EIR below (Appendix G, Attachment F), the biologists carefully separated out each criterion to ensure that a "yes" response would delineate a Coastal wetland:

Hydrophytic Vegetation Present?	☐ Yes	☐ No
Hydric Soil Present?	☐ Yes	☐ No
Wetland Hydrology Present?	☐ Yes	☐ No

As noted in your staff report, San Luis Obispo County's LCP applies the Coastal Act definition of "wetland". Appendix G of the EIR describes the requirements of the LCP relative to Wetlands, as well as Sensitive Resources Areas, Environmentally Sensitive Habitat Areas, Streams, Riparian Vegetation, Terrestrial Habitat Protection, Mature Trees, and other biological resources. (page 5.5-72). The procedures, definitions, and methodology required in the LCP were applied to this project to not only avoid Coastal Wetlands in all cases, but to meet the required setbacks in all instances except two: the location of pipelines and one pump station in a location where existing development is already within the setback.

I hope this letter clarifies the question of appropriate delineation of Coastal wetlands and documents the project's compliance with this very important requirement. Please don't hesitate to contact me with any questions you may have.

Sincerely,

Bruce Gibson

BRUCE GIBSON, Supervisor, District Two
San Luis Obispo, County

cc: All Coastal Commissioners
Peter M. Douglas, Executive Director
Charles Lester, Sr. Deputy Director

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BOARD OF SUPERVISORS

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BRUCE GIBSON
SUPERVISOR DISTRICT TWO

January 7, 2010

Bonnie Neely
Chair, California Coastal Commission
825 Fifth Street, Rm. 111
Eureka, CA 95501

Subject: Support of the Los Osos Wastewater Project

Dear Chair Neely and Commissioners,

On behalf of the Los Osos Wastewater Project, I am pleased to provide to you this packet of support letters from a diverse group of stakeholders. This unprecedented level of support is a reflection of the County's process, which over the last three years has been as inclusive and detailed as possible. The County's project, before you on appeal, has support from the following individuals or organizations:

- **Bi-Partisan Federal Support:**
  - *Senator Diane Feinstein*
  - *Congresswoman Lois Capps*
  - *Congressman Kevin McCarthy*
- **State Support:**
  - *Assemblyman Sam Blakeslee*
  - *Senator Abel Maldonado*
- **Regulatory Support:**
  - *Regional Water Quality Control Board*
  - *CA Department of Public Health*
- **EPA Support:**
  - *The Morro Bay National Estuary Program*
- **Native American Support:**
  - *The Northern Chumash Tribal Council*
- **Environmental Group Support:**
  - *ECOSLO*
  - *Coastal San Luis Resource Conservation District*
- **Water Resources Support:**
  - *The Water Resource Advisory Committee*
- **Agricultural Support:**
  - *CA Secretary of Agriculture A.G. Kawamura*
  - *Farm Bureau*
  - *Local farmers interested in voluntary agricultural reuse*
- **Urban Reuse Support:**
  - *San Luis Coastal Unified School District*
- **Local Surf Shop Support:**
  - *Representing almost 100 years of cumulative business*
- **Coastal Dependent Business Support:**
  - *Estuary related businesses threatened by pollution*
- **Community Support**

I look forward to the meeting on January 14, and please note that I, along with County staff and other stakeholders, will be available for questions.

Sincerely,

BRUCE GIBSON, Chairman
San Luis Obispo County Board of Supervisors

Cc: All coastal Commissioners
Peter M. Douglas, Executive Director
Charles Lester, Sr. Deputy Director
Dan Carl, District Manager

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BRUCE GIBSON
SUPERVISOR DISTRICT TWO

January 12, 2010

Bonnie Neely
Chair, California Coastal Commission
825 Fifth Street, Rm 111
Eureka, CA 95501

Subject: Water Conservation Program for the Los Osos Wastewater Project, Appeals A-3-SLO-09-055 and -069 (consolidated)

Dear Chair Neely and Commissioners:

It has come to my attention that certain appellants are uncertain of the strength of the requirement to implement a water conservation program as part of the Los Osos Wastewater Project. As noted on pages 7-8 of your staff report for this item, a water conservation program allowing 50 gallons per person per day is specifically included in the project description and is an integral part of the project. Additional conditions of approval (86, 99, 103, and 108) provide further direction regarding implementation, timing and funding. Taken together, these conditions provide certainty that a significant and effective water conservation program will be developed and implemented before residents connect to the wastewater system. Please refer to the attached document for further details.

I hope this information clarifies the question of the water conservation program and its importance to the project. Please do not hesitate to contact me with any questions you may have.

Sincerely,

Bruce Gibson

BRUCE GIBSON, Supervisor, District Two
San Luis Obispo County

Attachment: Water Conservation Program Details, January 6, 2010

cc: All Coastal Commissioners
Peter M. Douglas, Executive Director
Charles Lester, Sr. Deputy Director
Dan Carl, District Manager

Los Osos Wastewater Project
Water Conservation Program Details
January 6, 2010

In addition to its direct beneficial effect on the Los Osos groundwater basin, the wastewater project includes a comprehensive suite of elements to protect and restore the Los Osos groundwater basin. These elements will reduce seawater intrusion by:

- Replacing potable water irrigation with recycled water at urban and agricultural sites.
- Placing recycled water at Broderson and Bayridge to restore both the upper and lower aquifers.
- Mitigating the loss of septic return flows at a 3:1 ratio.
- Implementing mandatory water conservation.

Even though the County of San Luis Obispo (the lead agency for the wastewater project) is not a water purveyor for Los Osos, the project's water conservation program includes a suite of conditions that will result in substantial benefits to the groundwater basin, the community, and environmental resources that depend on sustainable water resources. At the same time, water conservation has a direct nexus to the wastewater project because it eliminates the need for other less beneficial reuse and disposal approaches and reduces loads at the treatment plant, providing greater operational flexibility and redundancy to protect surrounding resources.

The project's water conservation goal of 50 gpcd indoor use is especially remarkable when compared to statewide indoor water use rates. The State Water Board's Draft 20x2020 Water Conservation Plan (April 30, 2009) analyzes indoor water use by hydrologic region. The state-wide median indoor use by region is 71 gpcd. The lowest indoor use is 60 gpcd in San Francisco and the Central Coast is second lowest at 66 gpcd. The goal for the project is 32% below the average for the region which again illustrated the extensive conservation efforts. When the three urban water purveyors (Los Osos CSD, Golden State Water Company, and S & T Mutual Water Company) implement outdoor conservation programs, Los Osos will be a showcase sustainable community in the state.

The following table lists the project Conditions of Approval relevant to the Water Conservation Element of the Project, and provides a brief discussion of each. The table illustrates that the project description itself, and related conditions, and water conservation program is based on proven techniques, is structured to begin implementation before the project begins operation, is well funded, and will be managed on a long-term basis.

Project Conditions of Approval	Discussion
Condition #1: The project description includes the following: k. A water conservation program allowing a maximum water usage of 50 gallons per day / person for indoor water usage.	The water conservation program that results in 50 gpcd indoor usage is a component of the Project Description. Coastal and CEQA Findings for project approval are based, in part, of this element of the project. Therefore, implementation of the water conservation program is required.

Project Conditions of Approval	Discussion
Condition #86: To prevent the wastewater treatment system from inducing growth that cannot be safely sustained by available water supplies, the sewer authority is prohibited from providing service to existing undeveloped parcels within the service area, unless and until the Estero Area Plan is amended to incorporate a sustainable build out target that indicates that there is water available to support such development without impacts to wetlands and habitats.	The water conservation program will be a critical component of the overall water management plan, which must be incorporated into an amendment to the LCP. Condition 86 is not only founded on the implementation of the Water Conservation Plan, but depends in large part on the success of the Program.
Condition #99: Within one year of adoption of a due diligence resolution by the Board of Supervisors, electing to proceed with a wastewater project, a water conservation program shall be developed by the applicant in consultation with the local water purveyors within the prohibition zone for the community of Los Osos, that meets the goal of 50 gallons per day / per person for indoor use. The applicant shall provide 5 (five) million dollars of funding towards a water conservation program for indoor water conservation. Incentives shall be provided to homeowners and other property owners who install conservation measures within the first year.	As further clarification to the project description, Condition 99 provides a timeline and funding source for the water conservation program.
Condition #103: Prior to individual property connections to the waste water system, each property owner shall provide verification to the satisfaction of the Planning Director that all toilets, showerheads and faucets have been replaced with high efficiency versions of the same.	Condition 103 ensures that property owners fully retrofit their buildings prior to hooking up to the sewer (which is mandated by the RWQCB Discharge Prohibition). The required retrofits focus on available technologies that have been shown to reduce per capita water use to the 50gpd target. Additional reductions will be achieved through more specific technology (hot-water circulators, front loading washers, etc) and through public education.
Condition #108: Prior to individual property connections to the wastewater treatment project, each property owner shall provide verification to the satisfaction of the Public Works Department (in consultation with the Planning Director) that a water meter meeting American Water Works Association (AWWA) standards, and approved by the water company serving the individual property, has been installed or is existing on the connection site. A water meter shall be installed on each legally established residential / commercial unit prior to connection to the wastewater treatment project. Water usage information shall be made available to the sewer authority on a quarterly basis or on a schedule agreed to by the water purveyors and the County to verify the water savings derived from the water conservation program.	Using water meters to measure wet weather consumption is the most reliable and efficient way to record indoor water use. Condition 108 provides the means for long term monitoring of the effectiveness of the water conservation program and respond to issues on a community, neighborhood, or individual basis.

DIANNE FEINSTEIN
CALIFORNIA

SELECT COMMITTEE ON
INTELLIGENCE—CHAIRMAN
COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND
ADMINISTRATION

United States Senate

WASHINGTON, DC 20510-0504
http://feinstein.senate.gov

January 6, 2010

Mrs. Bonnie Neely
Chair
California Coastal Commission
825 Fifth Street, Room 111
Eureka, CA 95501

Dear Coastal Commissioners:

I am writing in support of the County of San Luis Obispo's proposed Los Osos Wastewater Project that stands before the California Coastal Commission on appeal. I hope that you will give the proposal every consideration and move towards approval.

The County of San Luis Obispo has worked collaboratively with all stakeholders in order to develop the most environmentally protective, technologically superior and affordable project for the Los Osos community. As a result, they have developed a project which protects California's coastal resources through the construction of a wastewater treatment facility to obviate the need for the numerous septic tanks polluting the community. The importance of this facility is evident and is greatly affecting the Morro Bay National Estuary which is adjacent to Los Osos and is a federally recognized estuary under the EPA. Approving San Luis Obispo County's project, as proposed, will ensure these resources are protected for the benefit and enjoyment of future generations.

I have been following San Luis Obispo County's progress closely since control of the project was returned in July 2007 and assisted in obtaining a population waiver in the Fiscal Year 2010 Agriculture Appropriations Bill, which will help mitigate affordability issues associated with the project to help ease the financial transition to the Los Osos community as they move from septic tanks to a sewer. Approval of the Los Osos Wastewater Project will not only assist your efforts to safeguard California's coastal resources, but greatly benefit a community of 14,000 that is in dire need of a wastewater facility.

Again, I appreciate your consideration in this matter as well as your hard work and commitment to protecting environmental resources throughout the State of California. If you have any questions or need additional information, please feel free to contact my office at (202) 224-3841.

Sincerely yours,

Dianne Feinstein
United States Senator

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23RD DISTRICT, CALIFORNIA

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COMMITTEE ON
ENERGY AND COMMERCE

COMMITTEE ON
NATURAL RESOURCES

Congress of the United States
House of Representatives

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☐ 2675 NORTH VENTURA ROAD, SUITE 105
PORT HUENEME, CA 93041
(805) 985-8607

January 6, 2010

Bonnie Neely, Chair and Members
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Dear Chair Neely and Members:

I am writing to express my stroug support for the proposed Los Osos Wastewater Project, located in San Luis Obispo County. I also urge you to concur with your staff's recommendation and find that no substantial issues are raised by the County's approval of the Coastal Development Permit (CDP) for this project.

As you know, San Luis Obispo County and the residents of Los Osos are seeking to construct a wastewater treatment plant in order to respond to the Central Coast Regional Water Quality Control Board's order to replace the community's current septic system, cleanse Los Osos' groundwater basin to ensure clean and safe water for the residents of Los Osos, and protect the adjacent Morro Bay National Estuary from pollution. The wastewater project also seeks to resolve Los Osos' longstanding problem with groundwater contamination, prevent seawater intrusion into deeper groundwater levels, and recharge groundwater supplies.

As the Federal Representative for the area, I have followed the progress of this project closely. I have also seen firsthand San Luis Obispo County's willingness to work collaboratively with stakeholders to achieve consensus on this environmentally protective, technologically sound, and cost effective project. The County has also taken several steps to ensure the project is consistent with its Local Coastal Plan (LCP) and Coastal Act requirements.

It is critically important for the community to have access to a reliable source of water for its residents and to protect its important coastal resources. Therefore, I hope you will find that the appeals filed with the Commission related to the Los Osos Wastewater Project raise no substantial issue, and as such, the Commission should decline to assert jurisdiction over the CDP for the project.

Thank you for your consideration. If you have any questions, please contact Greg Haas on my staff at (805) 546-8348.

Sincerely,

LOIS CAPPS
Member of Congress

KEVIN McCARTHY
22ND DISTRICT, CALIFORNIA

CHIEF DEPUTY
REPUBLICAN WHIP

COMMITTEE ON
FINANCIAL SERVICES

COMMITTEE ON
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www.kevinmccarthy.house.gov

January 5, 2010

Ms. Bonnie Neely
Chairwoman
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, California 94105

Dear Chairwoman Neely and Commissioners:

I write in support of the Los Osos Project submitted by the County of San Luis Obispo (which I represent) that is pending before the California Coastal Commission on appeal, and hope that the Commission allows the project to move forward.

Homeowners in the small, rural community of Los Osos, California, are under a California State Water Resources Control Board obligation, due in part to federal Clean Water Act regulations, to convert from current individual septic tanks to a community sanitary sewer and wastewater treatment system. This action is needed to stop septic tank seepage and contamination of the Morro Bay National Estuary and the Los Osos groundwater basin, as well as ensure clean and safe water for the residents of Los Osos.

The County of San Luis Obispo has spent the last several years working to resolve this issue and developed the Los Osos Wastewater Project solution. Throughout this process, the County has ensured all relevant stakeholders and the public were involved. After much public input and subsequent revisions to the initial solution, County officials assure me that the Los Osos Wastewater Project pending before the California Coastal Commission is fully compliant with their certified Local Coastal Plan, and is the most technologically viable and affordable way forward.

Throughout the more than 20 year effort to convert the community of Los Osos from septic tanks to a sanitary sewer system, unfortunately, there have been several setbacks and obstacles that needed to be overcome. However, since assuming responsibility for this issue, the County has developed a plan that addresses environmental and affordability concerns. Approval of the Los Osos Wastewater Project by the California Coastal Commission will clear a major hurdle and allow the County to begin to move forward on this project.

Thus, I support the County of San Luis Obispo's Los Osos Wastewater Project and respectfully request your careful consideration as the California Coastal Commission appeals process continues. Thank you for your time and attention on this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,

Kevin McCarthy

KEVIN McCARTHY
Member of Congress

KOM/krl

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Assembly
California Legislature

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SAM BLAKESLEE
ASSEMBLY MINORITY LEADER
ASSEMBLYMEMBER, THIRTY-THIRD DISTRICT

January 5, 2010

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Dear Coastal Commissioners,

I am writing in support of the Los Osos Wastewater Project, as proposed by the County of San Luis Obispo, and before your Commission on appeal. In 2006, the California Senate and Assembly unanimously supported my bill, AB 2701, which transferred the wastewater project to the County. Since that time, the County has worked collaboratively with all stakeholders in order to develop the most environmentally protective, technologically superior and affordable project for the community of Los Osos.

The County of San Luis Obispo has developed a project which protects the State of California's coastal resources. The community of Los Osos is adjacent to important State resources such as Montano de Oro State Park, Morro Bay State Park and a State Estuary. Approving the County's project, as proposed, will ensure these resources are preserved or enhanced for the benefit and enjoyment of future generations.

I appreciate your hard work and commitment to protecting coastal resources throughout the State of California. Please use this opportunity to continue being a champion of sensitive coastal resources by approving San Luis Obispo County's proposed wastewater project.

Sincerely,

Assemblyman Sam Blakeslee

Cc: Bonnie Neely, Chair
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger

STATE CAPITOL
SACRAMENTO, CA 95814
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California State Senate

ABEL MALDONADO
FIFTEENTH SENATE DISTRICT

January 5, 2010

Bonnie Neely, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Commissioners:

I am writing in support of the Los Osos Wastewater Project, as proposed by the County of San Luis Obispo, which is before your Commission on appeal. In 2006, I co-authored legislation which transferred the wastewater project to the County. Since that time the County has worked collaboratively with all stakeholders in order to develop the most environmentally protective, technologically superior and affordable project for the community of Los Osos.

The County of San Luis Obispo has developed a project which protects the State of California's coastal resources. The community of Los Osos is adjacent to important state resources such as Montana de Oro State Park, Morro Bay State Park and a State Estuary. Approving the County's project, as proposed, will ensure these resources are preserved or enhanced for the benefit and enjoyment of future generations.

I appreciate the Commission's hard work and commitment to protecting coastal resources throughout the State of California. I hope the Commission gives every possible consideration to moving the Los Osos Wastewater Project forward and to the tremendous positive impact it will have on an entire geographic region.

Sincerely,

ABEL MALDONADO
Senator, 15th District

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California Regional Water Quality Control Board
Central Coast Region

Linda S. Adams
Secretary for
Environmental
Protection

Internet Address: http://www.waterboards.ca.gov/centralcoast
895 Aerovista Place – Suite 101, San Luis Obispo, CA 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegge
Governor

January 5, 2010.

California Coastal Commission
Central Coast Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Commissioners:

LOS OSOS WASTEWATER PROJECT - RESPONSE TO CALIFORNIA COASTAL COMMISSION STAFF'S JANUARY 14, 2010 STAFF REPORT

San Luis Obispo County is taking the necessary steps to design and construct a sustainable wastewater project in the community of Los Osos. We all understand the foundation of this project is to solve the current wastewater management problems while keeping the water in the basin. The Los Osos Wastewater Project will provide a remedy to the watershed damage caused by the current septic system discharges and produce water that will be available for reuse (i.e., landscape and agricultural irrigation).

The project, as approved and conditioned by the San Luis Obispo County Board of Supervisors, aligns with policies and goals of the State Water Resources Control Board and Central Coast Water Board. Water Board staff recognize that wastewater management in combination with groundwater basin management, conservation practices, and water reuse constitute the model for new wastewater projects within the Central Coast Region as well as the state.

Central Coast Water Board staff agrees with your staff's recommendation that the Commission determine that no substantial issues are raised by the County's approval. The proposed project meets our criteria. Central Coast Water Board staff sent a letter to the San Luis Obispo County Board of Supervisors, dated September 25, 2009, in response to County public works staff's September 23, 2009 memorandum (attached). The letter offers support for the project and provides information regarding the proposed wastewater treatment options, wastewater collection systems options, and sludge handling issues. Regardless of the wastewater treatment project the County chooses to design and construct, it must meet waste discharge requirements (WDRs[1]). These WDRs will require wastewater collection without spilling or leaking per industry

[1]The Central Coast Water Board has not yet established WDRs for the County's project. However, the Central Coast Water Board adopted WDRs for the CSD's project and we anticipate similar requirements for the County project.

standards and treatment of wastewater and biosolids that will reliably meet discharge standards, will be suitable for any reuse, and be in compliance with recycling requirements.

In summary, the project approved by the San Luis Obispo County Board of Supervisors will meet our water quality goals and comply with requirements. We encourage the Coastal Commission to accept the project and determine that the appeals raise no substantial issues.

We appreciate your work and the work of your staff on this very important project. If you have any questions, please feel free to contact me at (805) 549-3140.

Sincerely,

Roger W. Briggs
Executive Officer

Attachment: Los Osos Wastewater Project; Response to San Luis Obispo County Staff's September 23, 2009 Memorandum [September 25, 2009]

cc: Paavo Ogren, Director of Public Works

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California Regional Water Quality Control Board
Central Coast Region

Linda S. Adams
Secretary for Environmental Protection

Internet Address: http://www.waterboards.ca.gov/centralcoast
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Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

September 25, 2009

San Luis Obispo County Board of Supervisors
1055 Monterey Street
San Luis Obispo, CA 93408

Dear Supervisors:

LOS OSOS WASTEWATER PROJECT; APPROVAL OF DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT, AND RESPONSE TO SAN LUIS OBISPO COUNTY STAFF'S SEPTEMBER 23, 2009 MEMORANDUM

We all appreciate the value of healthy watersheds. In order for the Los Osos watershed to be restored to a healthy state, both its groundwater and surface waters (including the Morro Bay National Estuary) need to be protected and improved. These waters have been damaged by various water and wastewater practices and are currently far from being sustainable. Seawater is intruding the lower groundwater aquifer due to overdraft conditions in the basin. Septic systems are destroying a vital and valuable portion of the upper aquifer system. Bacteria is seeping into the estuary at high concentrations. During wet weather conditions, septic system effluent surfaces in some neighborhoods creating a hazard to public health and other natural resources of the watershed.

Central Coast Water Board staff is pleased to see San Luis Obispo County taking the necessary steps to construct a sustainable wastewater project. We continue to participate and communicate with your staff as well as the public to ensure an expeditious approval and construction process. Through the planning process, and specifically the Planning Commission review, we have witnessed the proposed wastewater project evolve into a project that encompasses cutting-edge technology and sustainability concepts. While we have not yet undertaken the thorough review that will be necessary to develop waste discharge requirements for the project, we are satisfied that the project approved by the Planning Commission will provide adequate treatment for the contemplated disposal and reuse options. We do not see a need for the Board of Supervisors to further evaluate other collection or treatment technologies during your upcoming consideration of appeals of the Planning Commission's approval.

The project, as approved and conditioned by the Planning Commission, aligns with policies and vision goals of the State Water Resources Control Board and Central

Coast Water Board. We are encouraged that the Los Osos Wastewater Project will not only provide a remedy to the damage to the watershed caused by the current septic system discharges, but will also produce water that will be available for reuse (i.e., landscape and agricultural irrigation). Over the years, as the County initially attempted to develop a project, followed by the Community Services District's attempt, a basic principle has been to solve wastewater management problems while keeping the water in the basin. We anticipate that the concept of wastewater management in combination with groundwater basin management, conservation practices, and water reuse will be a template for future wastewater projects within the central coast region as well as the state.

The County's proposed wastewater project is a vital piece of the groundwater basin management puzzle and will be a giant step toward returning the groundwater basin's sustainability. According to recent studies, recycled water will provide for a 1:1 direct reduction in the current overuse of water in the groundwater basin. While this project is expensive and a financial burden for the system users, its relative cost will diminish as the true value of water continues to evolve upward in this water-short groundwater basin, region, and state. Users cannot afford to continue non-sustainable practices in the Los Osos groundwater basin, where groundwater is the only source of water for now and the foreseeable future and where a nationally recognized estuary needs to be better protected.

As we have pointed out throughout the long history of this project, we do not specify the method of compliance or the alternatives to be used for collection, treatment, or disposal. The County must meet the waste discharge requirements or WDRs[1], which require collection without spilling or leaking per industry standards, treatment of wastewater and resulting biosolids that will reliably meet discharge standards, and for any reuse, compliance with recycling requirements. While that is the simple bottom line, we have commented on various alternatives over the years to try to ensure that the County and Community Services District (CSD) were thoroughly considering potential problems and project aspects that might require improvements or mitigation. As stated above, a basic objective for this project has been to keep the water in the basin, as it has long been recognized that this basin (similar to most Central Coastal basins) is stretching thin its available supply, and is exceeding safe yield of the groundwater basin. Over the years of project development, this problem has grown more obvious and the results are more acute today than ever. Your proposed project keeps the water in the basin.

[1]The Water Board has not yet established WDRs for the County's project. However, the Regional Board adopted WDRs for the CSD's project and we have no reason to recommend significant changes to requirements proposed to the Water Board for the County project.

Central Coast Water Board staff presents the following responses to San Luis Obispo County staff's September 23, 2009 memorandum requesting our concurrence for selected key issues.

General Comment

First, as stated above, we do not mandate the manner of compliance. Our jurisdiction is to regulate discharges of waste and their potential to affect the quality of waters of the state, as defined by the California Water Code. Wastewater treatment projects must be designed, constructed and maintained in consideration with the design conditions (influent characteristics, effluent quality, and discharge location). In other words, wastewater treatment plants that work for one community may not work for Los Osos. For Los Osos, the Planning Commission's project adequately addresses the primary goal of the Los Osos Wastewater Treatment Project (LOWWP): elimination of pollution of the upper groundwater aquifer due to the continued use of antiquated and inadequate septic systems. Furthermore, County staff has proposed a wastewater treatment project that is consistent with state and federal requirements and policies and has undergone a rigorous public review process.

Treatment

The effectiveness of treatment systems depends on site conditions, wastewater characteristics, and day-to-day operations and maintenance. Below, Central Coast Water Board staff compares extended aeration to facultative ponds using the following five categories: nitrification and denitrification, total suspended solids removal, odor nuisance, sludge management, and other water quality and energy consumption factors.

Extended Aeration

The Central Coast Water Board regulates many wastewater facilitates that utilize extended aeration. We concur with County staff's selection of extended aeration. County staff's evaluation is consistent with industry standards[2] as well as our overall experience with the technology as used in many local communities.

[2] U.S. Environmental Protection Agency Document No. EPA 832-F-02-008, September 2002, Wastewater Technology Fact Sheet – Aerated, Partially Mixed Lagoons. U.S. Environmental Protection Agency Document No. EPA 832-F-02-014, September 2002, Wastewater Technology Fact Sheet – Facultative Lagoons. U.S. Environmental Protection Agency Document No. EPA 832-F-02-007, September 2002, Wastewater Technology Fact Sheet –Sewers, Conventional Gravity. U.S. Environmental Protection Agency Document No. EPA 625-R-00-008, September 2001, Wastewater Technology Fact Sheet – Continuous-Flow, Suspended-Growth Aerobic Systems. U.S. Environmental Protection Agency Document No. EPA 832-F-02-006, September 2002,

Facultative Pond Systems

Facultative ponds are also used throughout the Central Coast region. We understand that County staff carefully evaluated the use of this technology for the LOWWP and found that this technology was not appropriate. The Planning Commission agreed. In our experience, wastewater treatment facilities that utilize this treatment technology have compliance problems. The Water Board has taken enforcement actions against these facilities due to noncompliance with effluent limitations. In many cases, the noncompliance was attributed to poor management of the ponds, seasonal fluctuations and turnovers, and inadequate treatment capability.

Extended Aeration Ponds / Facultative Ponds Comparison

The following table compares the two treatment technologies.

Treatment Technology Comparison

	Extended Aeration	**Facultative Ponds**
Nitrification and Denitrification	This treatment technology has a higher capacity to nitrify and denitrify without any ancillary facilities. In most cases, extended aeration may reduce the amount of nitrogen below 7 milligrams per liter. These extended aeration units are seldom affected by temperature, as they have an increased detention time which allows stabilization and increased treatment efficiency. Furthermore, these treatment facilities may be modified to include an anoxic zone, which will allow increased denitrification, thus decreasing the amount of nitrate in the effluent.	A facultative pond can moderately nitrify wastewater. However, nitrification is dependent on adequate management of the pond, aeration, mixing, consistent influent flow, consistent organic loading, and detention time. Temperature fluctuations will affect the nitrification process. Facultative ponds do not significantly denitrify and will require a separate denitrification facility to meet nitrate concentration limits .
Total	Well-operated extended	In most cases, these systems

Wastewater Technology Fact Sheet –Sewers, Pressure. Metcalf and Eddy, *Wastewater Engineering, - Treatment, Disposal, and Reuse*, Third Edition, 1991.

Suspended Solids (TSS) Removal	aeration units can achieve TSS concentrations ranging from 15 to 60 mg/L. High biomass systems achieve TSS concentrations ranging from 5 to 40 mg/L.	have an inability to adequately remove TSS and do not consistently attain 30 mg/L. Inconsistent TSS removal may lead to inefficient tertiary treatment.
Odor Nuisance	This treatment technology yields little to no odor. Odors are produced by decomposition and off-gassing from settled sludge. However, these treatment facilities typically allow for complete mixing, which keeps the solids suspended with little to no settlable solids.	If the top aeration layer is not maintained, odor issues may result. Seasonal algal growth and decay may also increase odors as well as vectors.
Sludge Management	It is important that suspended solids be in contact with the wastewater, which requires complete mixing of the channels. Solids are managed through waste activated sludge (WAS) removal. WAS percent removal is typically determined by treatment quality and aeration tank conditions. The WAS is removed, dewatered, and hauled from the site.	In general, less sludge is produced. In colder climates sludge accumulation will increase due to low microbial activity. Settled sludge may require more frequent removal.
Compliance with Effluent Limitations	Extended aeration facilities have superior treatment capability, which allows the discharge to comply with effluent limitations. Treatment efficiency of these systems is consistent and rarely affected by seasonal fluctuations. High removal of toxic organics and heavy metals.	Facultative ponds typically experience increased pH concentrations during the summer months. Seasonal pond turnover may increase TSS and turbidity in the effluent. A separate denitrification facility may be needed to meet effluent limitations.

According to the industry standards footnoted on Page 3, both systems have advantages and disadvantages. Fundamentally, effectiveness of both systems is highly dependent on adequate operations and maintenance.

Facultative ponds may have higher operational costs due to their sensitive nature and their dynamic fluctuations throughout the year. The Los Osos Valley is prone to cooler conditions through a large part of the year. The cooler conditions may render facultative ponds inefficient with respect to suspended solids removal, nitrification, and sludge accumulation. Furthermore, more land area is required for a facultative pond system than for extended aeration. We would anticipate that the County design a redundant system to allow for maintenance and emergency operations. Finally, the primary goal of the LOWWP is compliance with Resolution No. 83-13 and to alleviate groundwater contamination of nitrate due the use of septic systems. A facultative system will have to include a process for denitrification to meet waste discharge requirements. Because facultative ponds do not denitrify, the County would have to propose a separate denitrification unit, which would have additional cost, operational, land area, and energy implications.

Extended aeration systems pose a lesser operational burden when compared to facultative pond systems. Additional benefits include increased nitrification and denitrification, which would satisfy the primary goal of the project and future waste discharge requirements. Although we would expect redundancies in an extended aeration system, it would be less land intensive. According to the Planning Commission's approved LOWWP, the treatment plant site will be closer to residential populations and public use areas. Therefore, odor control will be more important. Extended aeration systems have little to no odor as compared to a facultative ponds system.

Collection

We understand that the project approved by the Planning Commission includes a hybrid gravity system. There has been considerable debate about what type of collection system is appropriate for this project, much of it centered on traditional gravity systems vs. septic tank effluent pump (or STEP) systems. The success of any system, much like a treatment system, is dependent on adequate operations and maintenance, design, sizing, and installation, among other elements. Furthermore, both systems would be subject to regulations contained in the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (General Permit No. 2006-0003-DWQ or General WDR). The General WDR requires the owner/operator of the collection system to develop a management plan, which includes routine maintenance, emergency response, and reporting. In order to compare the two systems, Central

Coast Water Board staff used three categories: maintenance and operation, solids handling, and exfiltration.

Gravity Collection Systems

Conventional gravity collection systems have been used for years throughout the country and procedures for their design are well established. The Planning Commission approved a hybrid gravity collection system, which includes traditional gravity collection lines with low-pressure grinder pumps for low-lying areas. In our experience, we have municipalities with gravity collection systems that successfully transport sewage to the wastewater treatment plant and others that remain problematic. As one might expect, those systems that are much older have more problems and require more maintenance. Some portions of systems in Central Coast Region municipalities are more than a century old, and were not built with today's standards or materials. The fact that these older portions of systems continue to function as well as they do is testament to the efficacy of the concept. Successful gravity collection system programs incorporate a combination of appropriate operations, maintenance, capital improvement, prioritization, and routine collection systems integrity assessments. All of these elements are required as part of the General WDR program for collection system management.

Septic Tank Effluent Pump (STEP) Systems

STEP systems were also considered for use in the LOWWP, but were not chosen in the approved project. STEP systems differ from conventional gravity collections systems because they break down large solids in the pump tank prior to discharge into the collection lines to the wastewater treatment plant. Our experience with STEP systems is limited as most of the collection systems within our region are traditional gravity systems. However, we understand that these systems can have higher energy demands and maintenance burdens compared to a traditional collection system. According to industry standards footnoted on Page 3, disadvantages include maintenance agreements, costs for operation and replacement parts, increased maintenance, increased energy demand, and short-term reliability.

Gravity Collection Systems and STEP System Comparisons

The following table compares the two collection system technologies.

Collections System Comparison

	Gravity Collection System	STEP System
Maintenance and Operations	Gravity collection systems require	Each pump tank will have mechanical components that

	moderate maintenance, which would be regulated by the General WDR for collections system management. Maintenance would require a maintenance district, but would most likely not require maintenance agreement with each of the individual residents. The County would have to develop a capital improvement project prioritization schedule for collection system segments that are found to be inadequate. These assessments will be required as part of the General WDR. Grinder pump installations do not require maintenance of a septic tank and have a much smaller footprint (important for Los Osos' typically small lots).	require frequent maintenance. In some cases, municipalities that utilize STEP systems establish maintenance districts that service these systems. Power outages could be an issue as they may increase the potential for sanitary sewer overflows if the STEP tank is not equipped with an alternative power source. Life cycle replacement costs for STEP systems include the short life cycle of the pumps.
Solids Transport	Gravity collection systems reply on slope and sound engineering to transport solids and grit. Depending on the County's collection system management plan, routine cleaning would be needed.	Solids accumulation in STEP tank is a major consideration. Sludge accumulates at the bottom of the tank and undergoes some anaerobic digestion. Solids need to be removed periodically. Solids removal through the use of the STEP tank reduces the wastewater strength thus improving the wastewater influent into the treatment plant. However, the removal of solids

		can impact the overall treatment system as many secondary treatment technologies (facultative ponds and extended aeration) would require increased aeration and an additional carbon source for efficient wastewater treatment.
Exfiltration	Gravity collection systems are sealed in accordance with industry standards. Exfiltration from new gravity collection lines is generally minimal. Ongoing maintenance and integrity assessment will be required to identify, manage, and repair leaks.	Watertight tanks could ensure minimal leakage of sewage and therefore, exfiltration may not occur. However, routine tank integrity inspections will be required to ensure minimal leakage and longevity of the STEP system.

From a water quality perspective, both systems appear to be feasible to design and implement. The main water quality issues regarding STEP systems are the lower oxygen and carbon concentrations delivered to the treatment plant. If STEP systems were used in the LOWWP, we would anticipate needing a carbon source amendment to the treatment plant, which has chemical addition and cost implications. Speaking of carbon, AB 32, California's Global Warming Solutions Act was signed by the Governor in September 2006, to ultimately reduce California's greenhouse gas emissions by 25 percent by 2020. Your project's carbon footprint analysis is important in accomplishing a project that will be consistent with AB 32, and your consideration in particular of increased emissions from a STEP system as compared to a gravity collection system is on target.

Sludge Handling

Sludge removal is a component of any wastewater treatment operation. Our waste discharge requirements will address sludge removal. More specifically, the Code of Federal Regulations, Title 40, part 503 discusses approved methods for disposal of sludge. Any sludge removed from the LOWWP will be subject to these regulations.

Expected Sludge Amount

As discussed in the treatment technology comparison, we anticipate that a facultative pond system will generate less sludge, provided that the facultative pond operates as designed. Anaerobic digestion in the lower layer of the pond must occur at a rate that will allow for consistent reduction in sludge amount. According to industry standards footnoted on Page 3, optimal facultative pond efficiency would result in the removal of sludge approximately every 20 years. However, these treatment processes are highly dependent on temperature, pH, and carbon source. As discussed previously, colder temperatures in the Los Osos Valley could hinder the treatment process and therefore reduce the amount of anaerobic digestion. This would lead to increased accumulated sludge and increased sludge removal. Facultative ponds are also susceptible to pH increases due to algal growth and low dissolved oxygen in the summer months. This phenomenon may also lead to reduced functionality of the pond's efficiency and anaerobic digestion.

On the other hand, extended aeration systems typically generate more waste sludge. Extended aeration systems utilize two types of sludge: return activated sludge (RAS) from the secondary clarifier and waste activated sludge (WAS). The system utilizes a balance of both RAS and WAS to maintain adequate treatment in the extended aeration system. The percentages of both RAS and WAS are calculated based on daily analysis of extended aeration efficiency. However, extended aeration units are consistent in their ability to treat wastewater despite external factors (e.g., temperature).

A STEP collection system will also generate sludge. Sludge pumped from tanks will either have to be treated at the wastewater treatment plant or hauled to another appropriate facility.

In summary, the project approved by the Planning Commission will satisfy water quality goals and be able to meet requirements. We encourage the County to accept the project approved by the Planning Commission.

If you have any questions, please feel free to contact me at (805) 549-3140.

Sincerely,

Roger W. Briggs
Executive Officer

cc: Paavo Ogren, Director of Public Works

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State of California—Health and Human Services Agency
California Department of Public Health

MARK B HORTON, MD, MSPH
Director

ARNOLD SCHWARZENEGGER
Governor

January 6, 2010

California Coastal Commission
Central Coast Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Commissioners:

Los Osos Wastewater Project

The Department of Public Health, Division of Drinking Water and Environmental Management (DPH) has reviewed the current Los Osos Wastewater Project proposal. San Luis Obispo County is taking the necessary action to design and construct a sustainable wastewater project in the community of Los Osos. Without this project, the groundwater quality that is the sole source of drinking water for the community will continue to degrade. The DPH agrees with your staff's recommendation that the Commission determine that no substantial issues are raised by the County's approval.

The current County's proposal meets the DPH criteria and regulations. We encourage the Coastal Commission to accept the project as proposed.

We appreciate your attention to this project. If you have any questions, please call this office at (805) 566-1326.

Sincerely,

Kurt Souza, P.E., Chief
Southern California Section
CDPH-DWFOB

Cc: SLO County Public Works – Paavo Ogren

L Coastal Commission 01 2010

MORRO BAY
NATIONAL
ESTUARY
PROGRAM

Agenda items TH8A & TH8B
Please include in 1/14/09 Agenda Packet

January 5, 2010

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
Attn: Dan Carl - District Manager

RE: Appeal A-3-SLO-09-055 and A-3-SLO-09-069, Los Osos Wastewater Project (LOWWP)

Honorable Members of the California Coastal Commission,

The Morro Bay National Estuary Program strongly supports your staff's recommendation of 'no substantial issue' with regards to the appeals of the Los Osos Wastewater Project. The County of San Luis Obispo has worked with the community of Los Osos to develop a project that is consistent with the spirit and the letter of the Local Coastal Plan and the Coastal Act. The issues raised in the appeals before you have been heard repeatedly during the County's approval process and are fully addressed in the approved project. The Estuary Program encourages you to confirm your staff's expert analysis and conclusions and allow this Project to go forward. Los Osos must finally begin to address the ongoing pollution of their groundwater and the Estuary which has resulted from decades of inadequate wastewater treatment.

The compelling need for a Los Osos Wastewater Project was identified almost thirty years ago. Today thousands of densely packed septic systems continue to discharge approximately one million gallons a day of high nitrate wastewater into sandy soils over a shallow groundwater basin on the shores of a National Estuary. Arguments over the treatment plant location, specific technologies, the collection system and project cost have scuttled past efforts to resolve this untenable situation. Meanwhile the community has continued to degrade their own shallow aquifer and the waters of the Morro Bay National Estuary, accelerate disastrous salt water intrusion into their lower aquifer, and defer and increase the eventual cost of the project.

This is a major environmental infrastructure project and there is no feasible solution that will not have vocal opponents, as well as impacts to coastal resources. The Estuary Program is convinced that the environmental benefits of the project far outweigh these impacts, especially when balanced against the status quo. If there is a silver lining in the many failed projects, it is a long record of efforts to identify project alternatives and impacts, and to avoid, minimize, and mitigate those impacts. The County has used this history, including the CDP for the 2005 project, to craft a reasonable, feasible, and defensible project that is ready to proceed.

We appreciate and share the sincere concern for the health of the estuary expressed by many of the appellants, and we see the implementation of the current County project as the best possible outcome for the estuary. We strongly disagree that the health of the estuary or the community is served by further delays and rehashing of

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arguments already considered during the County process. Having served on the County's Technical Advisory Committee (TAC) for the project, which reviewed each major aspect of the project in public meetings for a year and a half and provided a detailed pro-con analysis, I would like to address two of the key points in the appeals, recognizing that in many cases I will be echoing the excellent work of Commission staff.

Collection System

The Estuary Program supports the County's decision to utilize a gravity collection system. There are pros and cons to each of these collection systems, but we disagree with the appellants that STEP is inherently environmentally superior to gravity for Los Osos, and emphatically dispute the argument that STEP is so superior that it must be mandated under the LCP. The Regional Water Board's comments to the County on the issue (Sep 25th, 2009) do not suggest they see STEP as superior, and they regulate collection system failures and maintenance. STEP is a feasible option and it was evaluated in detail. The County's decision to select a gravity system is reasonable, consistent with the LCP, and supported by the evidence.

A STEP system would shift the major ground disturbance, and associated impacts to cultural resources, from the street right of way to the front yard of each homeowner. The potential benefits of directional drilling would be partially negated due to the density of the community, as regular trenching would be needed at every individual connection. The reduced depth of trenching/drilling in the streets for the STEP line is offset by the almost 5000 excavations to install new STEP tanks, each of which needs to be squeezed into existing front yards, with almost no options to avoid cultural resources, or in many cases trees and driveways. The repair of those yards is at homeowner's expense. From an operational point of view, STEP is inherently more complicated. Each home would need a new septic tank, with electrical connection, pumps in the tank, a telemetry system, and periodic on lot maintenance, as well as a county easement to allow all this.

The potential for leakage (both in and out of the pipes) for a modern gravity system is overstated by the appellants. We agree that there are many examples of older gravity systems built with various materials, some with little maintenance for decades, which present real water quality problems and need substantial public investment. Equating a new gravity system built with current materials to these systems is not a valid approach. No system will last indefinitely without leaks or infiltration, and any system will require maintenance. However a modern gravity collection system constructed with bell and spigot joints and plastic pipe, combined with current state regulations overseeing collection system monitoring and maintenance, represents an effectively sealed system which can be expected to last for many decades.

Treatment Plant Siting:

There is no perfect site for the treatment plant, and every site will have vocal opponents. The Estuary Program believes the County has explored the options thoroughly, presented the tradeoffs fairly, and made a reasonable decision that balances impacts to coastal view sheds, agricultural resources, location relative to the collection area and the water basin, and impacts to neighbors. Spills are a risk if not a certainty at any wastewater plant, but this fact is an argument for the careful design of redundant spill containment features as included in the County project, and should not be confused with an argument against the project location.

Less than five years ago the previous attempt to solve this environmental challenge collapsed in acrimony at great cost to the community, prolonging the ongoing pollution of the aquifer and bay. Through the legislative work of Assemblyman Blakeslee and the professionalism of the County in taking on this controversial and difficult project, we are now on the brink of seeing this thirty year saga resolved. The appeals before you have already been addressed by the County in their approved project. On behalf of the Estuary Program, I urge you

to approve your staff's recommendation and allow the County to proceed with the Los Osos Wastewater Project.

Sincerely,

Dan Berman
Program Director

Northern Chumash Tribal Council
A Native American Corporation - NorthernChumash.org
67 South Street, San Luis Obispo, CA 93401 805-528-0806

Letter of Support
For San Luis Obispo County Public Works
Concerning
Native American Chumash Cultural Resources
For
The County of San Luis Obispo
Los Osos Wastewater Management Project
December 30, 2009

Coastal Commissioners and Staff:

The Northern Chumash Tribal Council Elders and members have been following the Los Osos Wastewater Management Project for over 30 years, we have watch the process move forward many times only to be halted. The reason that it is so important to the Northern Chumash Tribal Council is that there are many village sites located there and is what we call a district. For over 9,000 years the Chumash have call the town and the surrounding area of Los Osos, home. It is a very important project to the Northern Chumash Tribal Council (NCTC), and the solution for this project is to do the best possible Native American Chumash Cultural Resource work that we can.

NCTC is working with San Luis Obispo County Public Works to make sure that the project moves forward using the best information available provided by our local community the project archeologist and engineers, to insure the protection and preservation of the Chumash Cultural Resources to the best of our abilities.

By working together with the County, NCTC is confident that we can reach our common goals safely and with the least amount of disturbance to Chumash Cultural Resources.

NCTC has evaluated the appeal contentions and recommends that the Commission find that no substantial issues are raised by the County's approval concerning Native American Chumash Cultural Resources. NCTC is additionally in support of the entire project as it has been recommended by the County of San Luis Obispo.

Be Well,

Fred Collins
Tribal Administrator
Northern Chumash Tribal Council

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EcoSlo

ENVIRONMENTAL CENTER
OF SAN LUIS OBISPO COUNTY

Protecting and enhancing the Central Coast since 1971

January 4, 2010

Dear Coastal Commissioners,

I am writing on behalf of the Board of Trustees of the Environmental Center of San Luis Obispo (ECOSLO) and its hundreds of members throughout San Luis Obispo County in support of the Los Osos Wastewater Project, as proposed by the County of San Luis Obispo, and before your Commission on appeal. We have appreciated the willingness of County staff to listen to and to respond to the concerns of the environmental community. We have followed the County process and believe the County has worked collaboratively with all stakeholders in order to develop the most environmentally protective, technologically superior and affordable project for the community of Los Osos.

The County of San Luis Obispo has developed a project that protects California's coastal resources. We are especially pleased to see tertiary treatment, 100% recycling of the wastewater for urban and agricultural use, and no ocean outfall. Approving the County's project, as proposed, will ensure our County's precious environmental and agricultural resources are protected and enhanced for the benefit and enjoyment of future generations.

We appreciate your hard work and commitment to the protection of environmental resources throughout the State of California. Please use this opportunity to continue to be a champion of sensitive coastal resources by making a finding of no substantial issue as recommended by staff and allow this vitally important project to proceed and finally begin the important work of addressing the serious water quality and water supply concerns in Los Osos.

Sincerely,

Morgan Rafferty

Morgan Rafferty
Executive Director

Cc: Bonnie Neely, Chair

Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone
Khatchik Achadjian
Richard Bloom
Esther Sanchez
Peter M. Douglas

Coastal San Luis Resource Conservation District

545 Main Street, Suite B-1, Morro Bay, CA 93442 805-772-4391

January 4, 2010

California Coastal Commission
Central Coast District
725 Front Street, Ste. 300
Santa Cruz, CA 95060

RE: January 14, 2010 Meeting Agenda Items, Los Osos Wastewater Project, 8a) Appeal No. A-3-SLO-09-55; and 8b) Appeal No. A-3-SLO-09-69

Dear Members of the Commission:

The Coastal San Luis Resource Conservation District (RCD) has been an active participant in the public process of reviewing and commenting on the Los Osos Wastewater Project proposed by the County of San Luis Obispo. We believe that the project has received extensive public review and opportunities for discussion. The revisions made reflect the collaborative efforts of the many stakeholders during the review process. As a result, the RCD supports the project that is proposed by the County, the subject of the above appeals.

One of the RCD's missions is the "...distribution and conservation of water and water quality..." with a goal to "Promote the conservation and protection of important natural habitats and ecosystems in the district." Our comment letter in response to the draft EIR requested a move to tertiary treatment, placement of the facility closer to the Los Osos Urban Reserve Line, and protection for prime agricultural lands. The County's current project includes tertiary treatment and the reuse of all its wastewater. The development of an Agricultural Reuse program as a component of the project will benefit the area substantially. Combined with urban reuse, salt water intrusion of the ground water basin will be addressed.

The RCD believes that the Commission should support your staff's finding of 'no substantial issue' in regards to the above appeals, and approve the County's proposed wastewater project. It will provide for the protection of this coastal community's unique natural and agricultural resources.

Sincerely,

Neil Havlik

Neil Havlik
President, Board of Directors

cdfa CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE
A. G. Kawamura, Secretary

January 6, 2010

Ms. Bonnie Neely, Chair and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Appeal No. A-3-SLO-09-69 (Los Osos Wastewater Project, San Luis Obispo Co.)

Dear Chairperson Neely and Members of the Commission:

On behalf of the California Department of Food and Agriculture, I am encouraged by the work of the County of San Luis Obispo in developing the Los Osos Wastewater Project. The potential for this project to receive federal stimulus funding through the United States Department of Agriculture (USDA), Rural Development program is significant. With the project's eligibility made possible by a Congressional waiver, we believe it would be highly competitive among submitted applications for USDA Rural Utilities Program.

Increasing the amount of federal funding to California and generating new jobs is vital, specifically in these current economic times. Additional beneficiaries of this project may include agricultural processing facilities, the marine seafood industry and alternative energy companies. Thank you for the opportunity to comment on the Los Osos Wastewater Project and its applicability to federal stimulus grant funding under USDA's Rural Utilities Program.

Sincerely,

A.G. Kawamura
Secretary

SAN LUIS OBISPO COUNTY FARM BUREAU
651 TANK FARM ROAD ♦ SAN LUIS OBISPO, CA 93401
PHONE (805) 543-3654 ♦ FAX (805) 543-3697 ♦ www.slofarmbureau.org

January 5, 2010

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Coastal Commissioners:

The San Luis Obispo County Farm Bureau supports the effluent disposal and reuse system of the Los Osos Wastewater Project as proposed by the County of San Luis Obispo and currently before your Commission on appeal (Appeal No. A-3-SLO-09-55).

Today, farmers and ranchers are faced with increasing pressure to keep our food supply safe and water quality clean; while we are compounded with a decreasing and competing water supply. The Project's agricultural reuse system is a solution to water shortage and will meet our food safety and water quality regulations.

We commend our County in choosing this disposal and reuse system as the best alternative and urge that your Commission support our County's decision.

Sincerely,

Richard Gonzales
President

cc: Bonnie Neely, Chair
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone
Khatchik Achadjian
Richard Bloom
Esther Sanchez
Peter M. Douglas

JOHN GIACOMAZZI
1192 CARRIE LEE WAY
SAN JOSE, CA. 95118
(408) 269-9559

December 31, 2009

Supervisor Bruce Gibson
1055 Monterey St. Rm. D430
San Luis Obispo, CA 93408

Dear Supervisor Gibson:

I am an agricultural land owner of two properties in Los Osos Valley. I have closely monitored the Los Osos Wastewate Project and have voiced my support for agricultural reuse of tertiary treated water both to the San Luis Obispo County Planning Commission and the Public Works Departments. It is my understanding that use of treated water has been successfully achieved in Monterey County on all edible crops.

One of my properties is a 100 acre parcel which overlies the Los Osos Groundwater Basin. Approximately 60 acres of this parcel are irrigated. This parcel would be a candidate to use this treated water.

I would be interested in finding out more information about the cost of receiving treated water on my properties and other conditions of its use.

Sincerely,

John Giacomazzi

John Giacomazzi

Treated Water

Dominic Judge bgibson 12/24/2009 10:06 AM

Bruce-

Thanks for the information on the treated water coming form the sewer plant. I am interested and would like to get more information in addition to the letter you spoke of. We would be interested in approximately 15 acre feet per month over a 9 month growing season. That growing season would change in response to weather as you know. I change me operation from dry land farming to row crop farming.

Thank You
Dominic

HJ Construction, Inc. Office: (805) 782-0376 Fax: (805) 782-0377 Cell: (805) 748-3149

San Luis Coastal Unified School District

1500 Lizzie Street
San Luis Obispo, CA 93401-3062
(805) 549-1200

January 5, 2010

Honorable Bruce Gibson
Supervisor, 2nd District, San Luis Obispo County
County Government Center
1055 Monterey St., Rm. D430
San Luis Obispo, CA 93408

Re: Los Osos Wastewater Project

Dear Supervisor Gibson:

The San Luis Coastal Unified School District has been working for some time with San Luis Obispo County and local water purveyors on best management practices for water use at our four school sites in Los Osos. Our sites require approximately 60-70 acre feet of water per year.

We understand that the County's proposed Los Osos Wastewater Project includes a plan to recycle treated effluent for urban reuse as irrigation water. We also understand this effluent would be treated to tertiary standards and would be approved for use on our playing fields and landscaping.

We believe this treated effluent might be a viable irrigation source for our facilities. While not committing to participate in this program at this time, we are interested in finding out more information about the cost of receiving treated effluent and the various conditions of its use.

I look forward to further work with the County. Please advise me of the best way to contact the project team and keep me informed as new information becomes available.

Sincerely yours,

Edward T. Valentine

EDWARD T. VALENTINE, Ed.D.
Superintendent

EV/mkh

December 18, 2009

Dear Coastal Commissioners,

I am writing in support of the Los Osos Wastewater Project, as proposed by the County of San Luis Obispo, and before your Commission on appeal. My company, Central Coast Surfboards, is a local retailer of surfing equipment and apparel since 1975. My clientele largely consists of individuals who demand a clean ocean environment in order to enjoy their water-based activities. Therefore, I am dependent on having the unique and vibrant coastal resources available for recreational purposes in San Luis Obispo County preserved or enhanced whenever possible.

I believe the County of San Luis Obispo has developed a project which protects these resources. The community of Los Osos is adjacent to numerous surf spots which risk further pollution if the County's project is not implemented. My family, staff, community and clientele all enjoy these local resources. A community collection and treatment system similar to other coastal communities in California will ensure these resources are preserved or enhanced for the benefit of future generations.

As a surfer, I appreciate your hard work and commitment to protecting coastal resources throughout the State of California. Please use this opportunity to continue being a champion of sensitive coastal resources and preserving coastal dependent businesses by approving San Luis Obispo County's proposed wastewater project.

Sincerely,

Tom Brubaker
Manager
Central Coast Surfboards

Cc: Bonnie Neely, Chair
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone
Khatchik Achadjian
Richard Bloom
Esther Sanchez
Peter M. Douglas

MORRO BAY SURF COMPANY

December 18, 2009

Dear Coastal Commissioners,

I am writing in support of the Los Osos Wastewater Project, as proposed by the County of San Luis Obispo, and before your Commission on appeal. My company, Morro Bay Surf Company, is a local retailer of surfing equipment and apparel since 2001. My clientele largely consists of individuals who demand a clean ocean environment in order to enjoy their water-based activities. Therefore, I am dependent on having the unique and vibrant coastal resources available for recreational purposes in San Luis Obispo County preserved or enhanced whenever possible.

I believe the County of San Luis Obispo has developed a project which protects these resources. The community of Los Osos is adjacent to numerous surf spots which risk further pollution if the County's project is not implemented. My family, staff, community and clientele all enjoy these local resources. A community collection and treatment system similar to other coastal communities in California will ensure these resources are preserved or enhanced for the benefit of future generations.

As a surfer, I appreciate your hard work and commitment to protecting coastal resources throughout the State of California. Please use this opportunity to continue being a champion of sensitive coastal resources and preserving coastal dependent businesses by approving San Luis Obispo County's proposed wastewater project.

Sincerely,

Nathan Ditmore

Co-Owner: Morro Bay Surf Company

2830 Main St. Morro Bay CA 93442

Randy Adler, Owner
Moondoggies Beach Club
868 Monterey Street
San Luis Obispo, CA 93401

December 28, 2009

Dear Coastal Commissioners,

I am writing in support of the Los Osos Wastewater Project, as proposed by the County of San Luis Obispo, and before your Commission on appeal. My company, Moondoggies, has been a local retailer of surfing equipment and apparel for over twenty four years. My clientele largely consists of individuals who demand a clean ocean environment in order to enjoy their water-based activities. Therefore, I am dependent on having the unique and vibrant coastal resources available for recreational purposes in San Luis Obispo County preserved or enhanced whenever possible.

I believe the County of San Luis Obispo has developed a project which protects these resources. The community of Los Osos is adjacent to numerous surf spots which risk further pollution if the County's project is not implemented. My family, staff, community and clientele all enjoy these local resources. A community collection and treatment system similar to other coastal communities in California will ensure these resources are preserved or enhanced for the benefit of future generations.

As a surfer, I appreciate your hard work and commitment to protecting coastal resources throughout the State of California. Please use this opportunity to continue being a champion of sensitive coastal resources and preserving coastal dependent businesses by approving San Luis Obispo County's proposed wastewater project.

Sincerely,

Randy Adler

Cc: Bonnie Neely, Chair
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone
Khatchik Achadjian
Richard Bloom
Esther Sanchez
Peter M. Douglas

Mike Hischier, Owner
Wavelengths Surf Shop
998 Embarcadero
Morro Bay, CA 93442

December 28, 2009

Dear Coastal Commissioners,

I am writing in support of the Los Osos Wastewater Project, as proposed by the County of San Luis Obispo, and before your Commission on appeal. My company, Wavelengths, has been a retailer of surfing equipment and apparel for over 29 years in Morro Bay. My clientele largely consists of individuals who demand a clean ocean environment in order to enjoy their water-based activities. Therefore, I am dependent on having the unique and vibrant coastal resources available for recreational purposes in San Luis Obispo County preserved or enhanced whenever possible.

I believe the County of San Luis Obispo has developed a project which protects these resources. The community of Los Osos is adjacent to numerous surf spots which risk further pollution if the County's project is not implemented. My family, staff, community and clientele all enjoy these local resources. A community collection and treatment system similar to other coastal communities in California will ensure these resources are preserved or enhanced for the benefit of future generations.

As a surfer, I appreciate your hard work and commitment to protecting coastal resources throughout the State of California. Please use this opportunity to continue being a champion of sensitive coastal resources and preserving coastal dependent businesses by approving San Luis Obispo County's proposed wastewater project.

Sincerely,

Mike Hischier

Cc: Bonnie Neely, Chair
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone
Khatchik Achadjian
Richard Bloom
Esther Sanchez

MORRO BAY OYSTER COMPANY

December 28, 2009

Dear Coastal Commissioners,

I am writing in support of the Los Osos Wastewater Project, as proposed by the County of San Luis Obispo, and before your Commission on appeal. My company, Morro Bay Oyster Company, is probably the most impacted water-based business when it comes to water quality. I am dependent on having the unique and vibrant coastal resources within Morro Bay estuary preserved or enhanced whenever possible.

The County of San Luis Obispo has developed a project which protects these resources. The community of Los Osos is adjacent to my oyster beds, which risk further pollution if the County's project is not implemented. A community collection and treatment system similar to other coastal communities in California will ensure these resources are preserved or enhanced for the benefit of not only my business, but also recreational activities and the existing environment.

As a coastal dependent business owner, I appreciate your hard work and commitment to protecting coastal resources throughout the State of California. Please use this opportunity to continue being a champion of sensitive coastal resources and preserving coastal dependent businesses by approving San Luis Obispo County's proposed wastewater project.

Sincerely,

Neal Maloney
Owner
Morro Bay Oyster Company

Cc: Bonnie Neely, Chair
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone
Khatchik Achadjian
Richard Bloom
Esther Sanchez
Peter M. Douglas

Dennis Krueger, Owner
Kayak Horizons
551 Embarcadero Ave
Morro Bay, CA 93442
805-772-6444

December 28, 2009

Dear Coastal Commissioners,

I am writing in support of the Los Osos Wastewater Project, as proposed by the County of San Luis Obispo, and before your Commission on appeal. My company, Kayak Horizons, has rented and sold kayaks here in Morro Bay for over fifteen years. My clientele are outdoor enthusiasts who hope for a clean ocean/estuary environment to enjoy their water-based activities. They include not only individuals and families but also church groups, Boy/Girl Scout groups, Marine Biology classes from Cuesta College and Cal Poly, company outings, family reunions, etc. A lot of our repeat customers are people that come over to the coast from the Valley. They've found that being out on the Bay is one of the best ways to spend quality time with family and friends. Anything that can be done to make the Bay cleaner will only enhance the environment for the wildlife here and make it more enjoyable for the people that use it.

The County of San Luis Obispo has developed a project which help protect and enhance our fragile ecosystem. A community collection and treatment system similar to other coastal communities in California will ensure these resources are preserved or enhanced for the benefit of future generations.

I appreciate your hard work and commitment to protecting coastal resources throughout the State of California and encourage you to approve the Los Osos Wastewater Project as proposed by San Luis Obispo County.

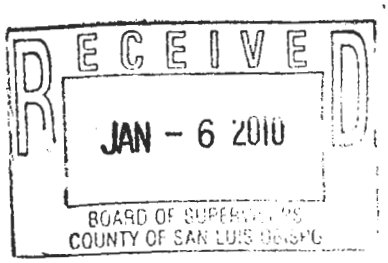
Sincerely,

Dennis Krueger

Cc: Bonnie Neely, Chair
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone
Khatchik Achadjian
Richard Bloom
Esther Sanchez
Peter M. Douglas

PANDORA & COMPANY

GRAPHIC DESIGN 350 Mitchell Drive, Los Osos, California 93402 V: 805/528-7014 F: 805/528-7033 W: www.PandoraAndCompany.com



January 4, 2010

Dan Carl
District Manager
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Re: January 2010 Agenda items TH8A & TH8B

Dear Mr. Carl,

As a past Los Osos Community Services District Director and former Chair of the LOCSD's Wastewater Committee, I am writing to urge the California Coastal Commission to support San Luis Obispo County's wastewater treatment project by denying all of the appeals. While I personally would have much preferred the original project designed for the Tri-W location, it is imperative we stop polluting our ground water and the Morro Bay Estuary.

It is ironic that many of the appeals are from the very people who insisted the project be moved "out of town," and now that it is out of town, they don't like this project either.

It is time to get this project approved and built, especially now with the potential of Federal money to help make it more affordable.

Please include my letter in the packet to the Commissioners.

Sincerely,

Pandora Nash-Karner
Property owner in the prohibition zone

cc: Bruce Gibson, Chair,
San Luis Obispo County Board of Supervisors

January 2, 2010

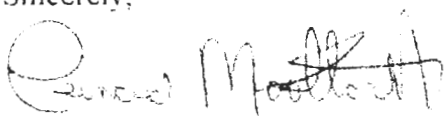
Dear Coastal Commissioners,

I am a 15 year resident of Los Osos and am writing in support of the proposed Waste water project. I am currently employed by Promega Biosciences in San Luis Obispo as an Analytical Chemist. I have kept informed on this project for several years. My wife and I even paid $3299 in 2001 for the previous assessment. To say the least, I am invested.

I have attended many of the local CSD meetings lately to listen to those who are appealing this proposal. Many are the same people. Some have legitimate suggestions but in my opinion, not representative of our community. It is quite clear our community at large wants the county professionals to build our wastewater system, not the apparently disgruntled minority of Los Osos.

As a coastal resident I appreciate your hard work and commitment to protecting coastal resources throughout the State of California. Pleas use this opportunity to continue protecting and preserving our precious coastal resources by approving San Luis Obispo Countys proposed wastewater project for Los Osos.

Sincerely,



Leonard Moothart
1779 6th Street
Los Osos California 93401

Cc Bonnie Neely, Chair
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone, Supervisor
Khatchik Achadjian
Richard Bloom, Councilmember
Esther Sanchez, Councilmember
Peter M. Douglas
Charles Lester, Sr.
Dan Carl

Los Osos sewer
Debbie Wacker
to:
caispuro
01/05/2010 10:52 AM
Show Details

Please know that my husband and I FULLY support the sewer system moving forward in Los Osos (and have for the last twenty years! Thank you for your continued efforts in making this a reality, and we appreciate all you can do to keep the costs bearable for the community. Bob & Debbie Wacker (700 Woodland Dr., Los Osos, CA 93402)

Debra A.G. Wacker, CPA
1345 Broad St.
San Luis Obispo, CA 93401
phone: (805) 546-1099
fax: (805) 542-0776

BOARD OF SUPERVISORS

1055 MONTEREY, ROOM D430 • SAN LUIS OBISPO, CALIFORNIA 93408-1003 • 805.781.5450

January 4, 2010

Bonnie Neely
Chair, California Coastal Commission
825 Fifth Street, Rm. 111
Eureka, CA 95501

RE: Los Osos Wastewater Project (LOWWP) appeals A-3-SLO-09-055 and -069 (consolidated)

Dear Chair Neely and Commissioners:

I write in strong support of your staff's recommendation that the above-referenced appeals raise no substantial issues and urge your Commission to adopt the related resolution and findings. This action will achieve a crucial milestone in a 30-year effort to halt the septic pollution of the Los Osos Groundwater Basin and the Morro Bay National Estuary, and the proposed project meets the high standard of our certified Local Coastal Program (LCP): there is no feasible, less-environmentally damaging alternative.

The project before you is the result of an extraordinary public process authorized under Assembly Bill 2701 (Blakeslee, 2006). Since January 2007, San Luis Obispo County has spent over $7 million to review all viable project alternatives, perform unprecedented public outreach, coordinate closely with responsible State and Federal agencies, and to conduct a meticulous local decision-making process. (See enclosed briefing book.)

Throughout this process, Coastal Commission staff have been consulted and informed on project development and we greatly appreciate the numerous contributions they have made to the final product. Similarly, our project team has worked closely with representatives from the State Water Resources Control Board (SWRCB) and the Central Coast Regional Water Quality Control Board (RWQCB). Clearly, a solution to this complex coastal problem has only been gained through the close cooperation of the County, the Commission, and the Water Boards.

Our local public hearing process was driven by the obvious need to assure consistency with our certified LCP. We realized early on that, while there might be several viable technical solutions, there might be only one complete project that would satisfy the relevant environmental, social, economic, and regulatory requirements. In particular, over the course of 8 public hearings, our Planning Commission assessed a wide variety of competing interests and made significant changes to the project to assure definitive LCP consistency. On appeal to our Board, we made further refinements with input from your Commission's staff and approved the project unanimously.

Undoubtedly, our comprehensive stakeholder outreach strengthened this result. Your staff report (Th 8a&b, page 2) notes the care taken with this process and summarizes the result:

> *The County considered the issues raised by the appeals, and the project has been sited and designed to best address the significant water quality issues in Los Osos, while minimizing coastal resource impacts, consistent with the LCP. [...] All impacts of the project have been avoided to the maximum extent feasible and mitigated appropriately where they cannot be avoided.*

We would note that the "issues raised by the appeals" to our Board are very much the same as those brought to the Commission. We believe that the each appeal issue was clearly and carefully addressed in our Board hearings (and by our staff in many previous public meetings); we appreciate that your staff comes to the same conclusions.

The proposed finding of no substantial issue is supported by the analysis of the RWQCB, as well (see their letter of September 25, 2009, in the staff report, Exhibit 7, page 40). In response to the most common appeal issues regarding technology choices, the RWQCB notes that the proposed project "will satisfy water quality goals and be able to meet [regulatory] requirements." The RWQCB noted significant disadvantages with alternative collection and treatment system choices and urged the acceptance of the project as approved (by the Planning Commission).

We interpret the RWQCB position to be that alternative technologies are not more protective of the water resources and that they would potentially be much more difficult to permit and operate. We understand the clear authority of the Water Boards on water quality matters and appreciate the close coordination of responsibility between those Boards and your Commission, through your Memorandum of Understanding.

We believe there are compelling reasons for the Commission to act now to settle these appeal issues. Most obviously, your staff's recommendation can be supported on the merits by substantial evidence in the public record. With the proposed project, we will correct an environmental disaster that has continued far too long. The pollution of this groundwater basin and National Estuary must be stopped and the drinking water supply for Los Osos protected.

Action now is also important because important financing for this project hangs in the balance. Your staff report (page 6) details an $80 million funding opportunity for the LOWWP available from the USDA, made possible by ARRA (federal stimulus) funds. This opportunity was created by special Congressional waiver, indicating tremendous support at the federal level. The timeliness of receiving a Coastal Development Permit is crucial to securing a funding commitment. The community's overwhelming (80%) approval of a property assessment in 2007 indicates the desire to move forward. Other potential state and federal sources are also pending a final permit decision. These funding sources are crucial to addressing affordability concerns that threaten many low-income residents and underlie much of the 30-year controversy surrounding this project.

While we recognize that the time pressure of funding does not justify a hasty decision on a project of this scope and importance, the public process leading to the proposed project has been extraordinarily inclusive and thorough, consistent with the project's significance. Your staff has done an exceptional job in reviewing the many appellant assertions to confirm consistency with our LCP and the finding of no substantial issue.

We now ask your Commission's concurrence, so that our County can act to correct an environmental disaster. The diligent work of our technical staff and the strong support of government agencies, elected officials and community members have created an outstanding project and a unique opportunity to overcome years of institutional failure. While we had hoped that our outreach would have resolved appellant concerns, we realize that there has always existed a small but vocal group of project opponents.

Thank you for your consideration. Please don't hesitate to contact me if I can provide more information. Our project team is also available for detailed technical questions.

Sincerely yours,

Bruce Gibson

BRUCE GIBSON, Chairman
San Luis Obispo County Board of Supervisors

cc: All Coastal Commissioners
Peter M. Douglas, Executive Director
Charles Lester, Sr. Deputy Director
Dan Carl, District Manager

Steve Blank
45 Fremont St.
Suite 2000
San Francisco, CA 94105

Sara Wan
22350 Carbon Mesa Rd
Malibu, CA 90265

Dr. William A. Burke
45 Fremont St.
Suite 2000
San Francisco, CA 94105

Steven Kram
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Mary K. Shallenberger
45 Fremont. St.
Suite 2000
San Francisco, CA 94105

Patrick Kruer
The Monarch Group
7727 Herschel Ave.
La jolla, CA. 92037

Ross Mirkarimi
Supervisor
City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place, Room 282
San Francisco, CA. 94102

Mark W. Stone, Supervisor
Board of Supervisors
County Government Center
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Khatchik Achadjian
Board of Supervisors
1055 Monterey St. Room D-430
San Luis Obispo, CA 93408

Richard Bloom, Councilmember
Santa Monica City Council's Office
PO Box 2200
Santa Monica, CA 90407-2200

Esther Sanchez, Councilmember
Oceanside City Council
City of Oceanside
300 North Coast Hwy
Oceanside, CA 92054

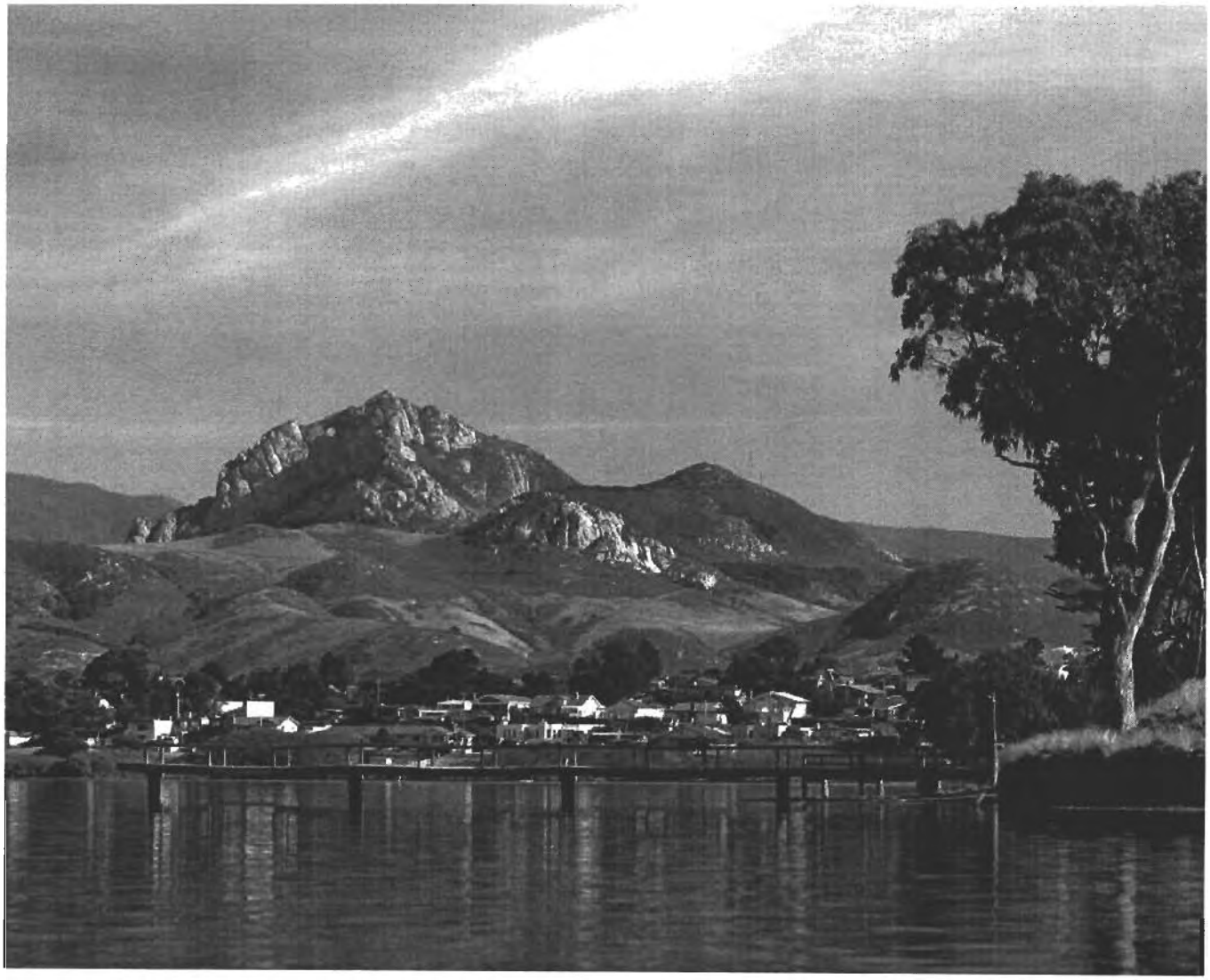
Staff

Peter M. Douglas, Executive Director
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219
(415) 904-5200
FAX (415) 904-5400

Charles Lester, Sr. Deputy Director
725 Front St. Suite 300
Santa Cruz, CA 95060-4508

Dan Carl, District Manager
725 Front St. Suite 300
Santa Cruz, CA 95060-4508

The Los Osos Wastewater Project



The Back Bay, Los Osos

Supervisor Bruce Gibson

San Luis Obispo County, District 2
Chair, Board of Supervisors

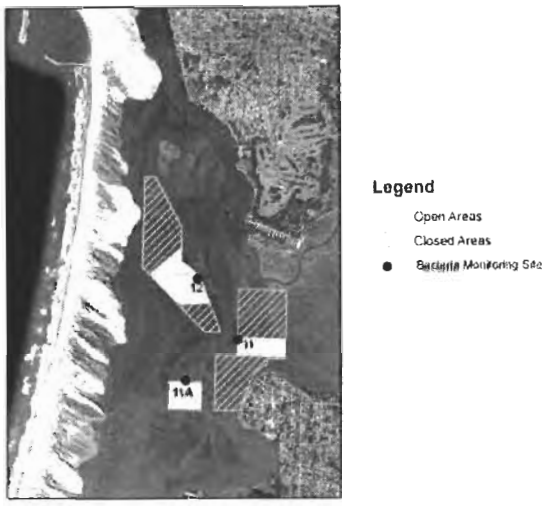
December 2009

THE PROBLEM

Over 25 years of water quality violations have led to:

- Groundwater contamination
- National & State Estuary pollution
- Seawater intrusion
- Groundwater litigation
- Impacts to water dependent businesses

Shellfish Harvesting Closures



THE HISTORY

- 1983: Regional Water Quality Control Board establishes Prohibition Zone
- 1980's – 2005: Multiple project failures
- 2005/2006: Los Osos CSD defaults on State Revolving Loan, files for bankruptcy
- 2006: AB 2701 (Blakeslee) returns project to County of SLO, subject to due diligence

THE COUNTY'S COMMITMENT

- Addressing equity & fairness
- Developed & underdeveloped property cost sharing
- Addressing affordability impacts

- Land Management:
  - Consistency with Local Coastal Plan
  - Supporting Habitat Conservation Plan
  - Protecting and restoring environmental resources
  - Enhancing and protecting agriculture
  - Cease existing pollution

County Board of Supervisors recognizing the hard work of the community's Technical Advisory Committee (TAC)

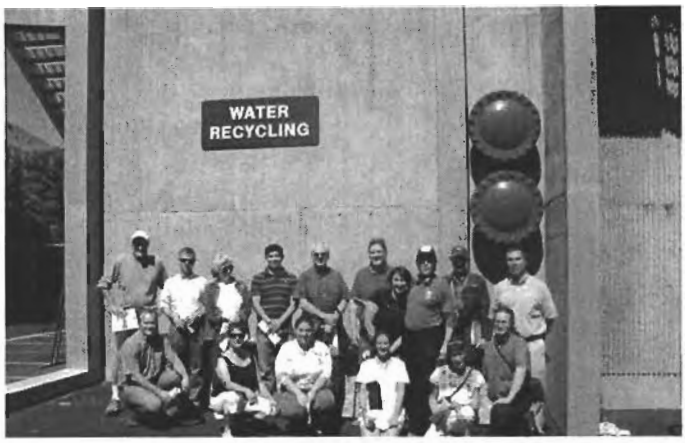
Mission Statement: To evaluate and develop a wastewater treatment system for Los Osos, in cooperation with the community water purveyors, to solve the Level III water resource shortage and groundwater pollution, in an environmentally sustainable and cost effective manner, while respecting community preferences and promoting participatory government, and addressing individual affordability challenges to the greatest extent possible.

THE PUBLIC PROCESS

- Since January 2007, the County has carefully analyzed all viable project alternatives, spending over $7.0 million from the General Fund
- Engaged in extraordinary public outreach:
  - Project updates agendized at over 50 Board of Supervisors meetings
    - Received over 900 public comments
  - 36 public Technical Advisory Committee meetings
  - 3 Town Hall meetings in Los Osos
  - 5 project brochures, 2 surveys (mailed to all residents)
  - 10 Planning Commission hearings, including 2 field trips
- Engaged in extraordinary agency outreach:
  - Coastal Commission staff
  - State & Regional Water Boards
  - US EPA
  - US Fish & Wildlife/ CA Fish & Game
  - USDA/ CA Sec. of Agriculture

Community Town Hall Meeting

State Assemblyman Sam Blakeslee addresses Federal and State leaders before boarding bus for tour of Los Osos at environmental/affordability workshop



Tour of Scotts Valley Water Reclamation Facility with County staff, TAC members and community members

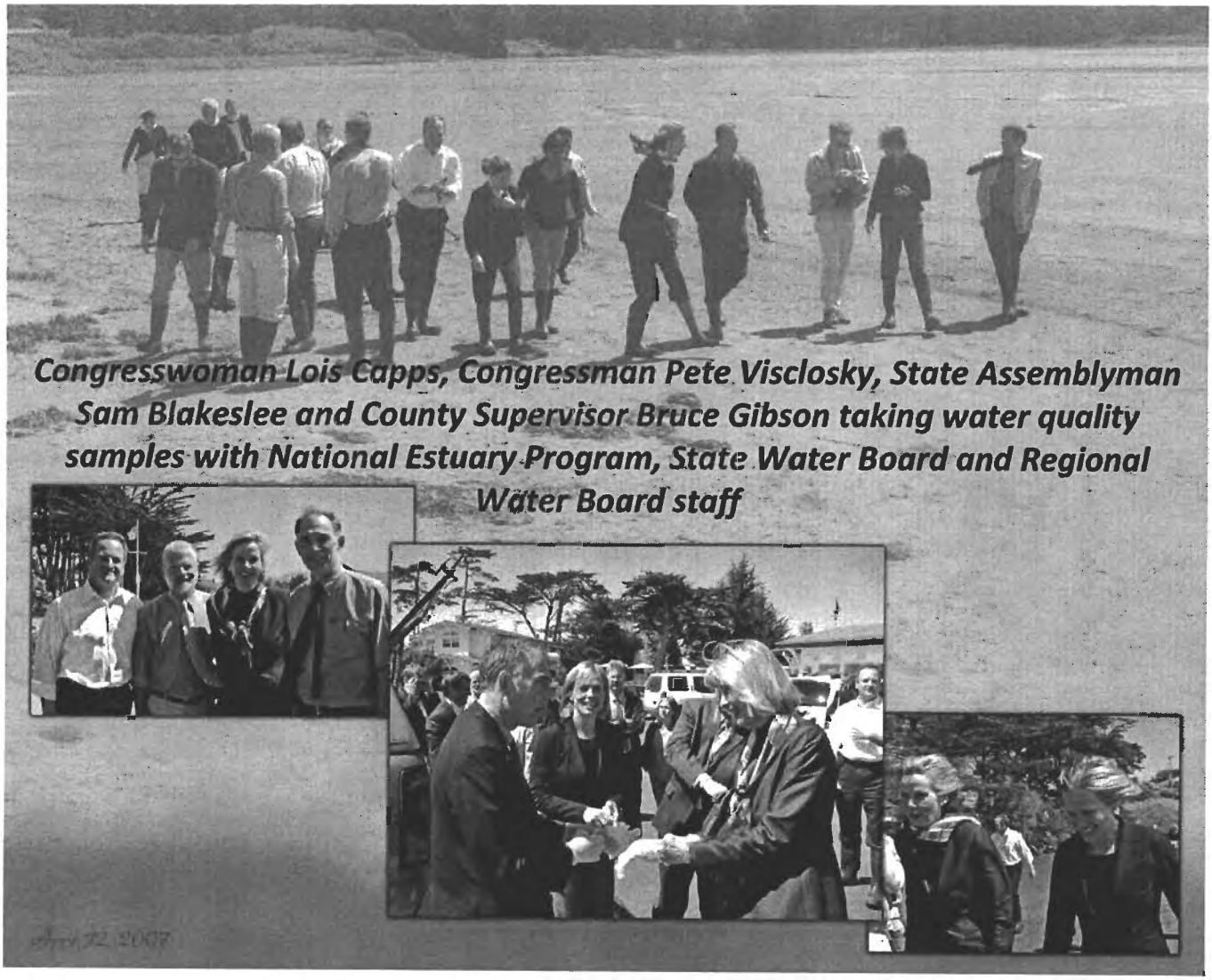
PROJECT DESCRIPTION

See back page for detailed map

- Sealed hybrid-gravity collection system
- Optimal treatment plant site location:
  - Maximizes groundwater benefits and seawater intrusion mitigation
  - Large buffer from residential areas
- Title 22 (tertiary) treatment for recycled water
- 100% urban and agricultural reuse (NO OCEAN OUTFALL)
- Unprecedented water conservation (26% reduction of current indoor usage)
- Backup power, emergency response plans, overflow storage

STATE AND FEDERAL SUPPORT

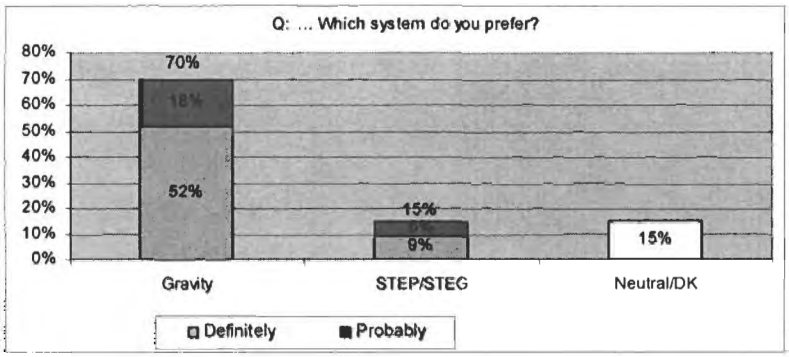
- Federal bipartisan support in FY10 Agriculture Appropriations Bill
  - USDA – supporting $80 million in stimulus funds ($16M grant)
- Water Resources Development Act - $35 million grant authorization
- State Water Board – highest unfunded Integrated Regional Water Management Plan in California (awaiting readiness to proceed)
- Environmental Protection Agency
- Regional Water Quality Control Board
- Morro Bay National Estuary Program



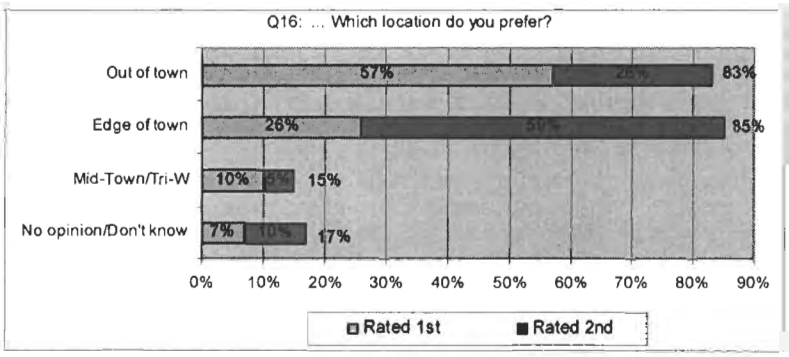
Congresswoman Lois Capps, Congressman Pete Visclosky, State Assemblyman Sam Blakeslee and County Supervisor Bruce Gibson taking water quality samples with National Estuary Program, State Water Board and Regional Water Board staff

COMMUNITY SUPPORT

70% prefer gravity collection system



83% prefer out or edge of town location



<u>Proposition 218</u>

80% voted yes on a $127 million property assessment (equivalent to $150 per month per household)

Additionally...

65% are willing to spend more on returning treated water to groundwater

56% are willing to spend more on an environmentally friendly project

THE COMMUNITY DOES NOT SUPPORT A STEP SYSTEM
(Not An Environmentally Preferred Alternative)

STEP System recommended in rural, low density communities

Virginia Tech, in conjunction with the USDA, developed six (6) criteria for appropriate STEP application

<u>Los Osos only meets one</u>

LID landscaping at Los Osos residence featured in Sunset Magazine

Excavation will result in severe property owner impacts

COASTAL ACT ISSUES

Siting and visual appearance of the treatment works:

The County's project will...

- Be set back from primary views
- Centrally locate the treatment plant to enhance agricultural resources
- Design buildings/treatment works in agrarian theme
- Incorporate LID design

Timing of the use of capacity of treatment works for those service areas to allow for phasing of development:

The County's project will...

- Serve area already 85% built out
- Prevent undeveloped lots from developing until:
  - Completed Water Management Plan
  - Completed Habitat Conservation Plan
  - Local Coastal Plan is updated to reflect sustainable water & habitat plans

Geographic and temporal limits of service areas:

The County's project will...

- Keep service area limited per AB 2701
- Clearly define service area defined in CDP
- Service within existing developed Urban Service Line limits only

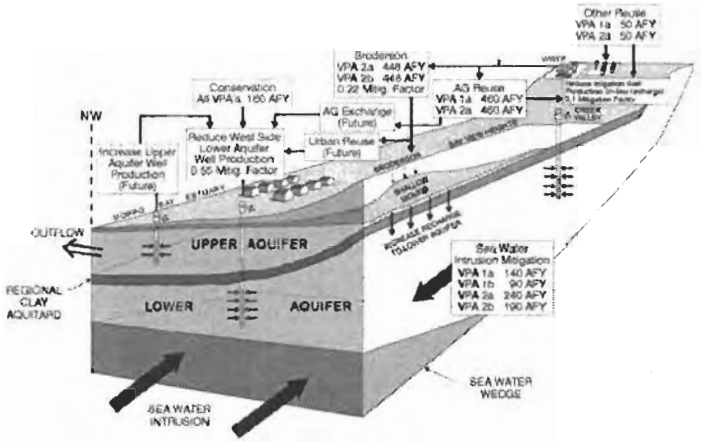
Sizing of treatment works as determined by development projections:

The County's project will...

- Service an area consistent with LCP
- Maintain treatment capacity to reflect water conservation goals
- Keep population served reflective of open space reservations with Urban Reserve Line

WATER MANAGEMENT

Comprehensive and Sustainable Water Conservation Plan



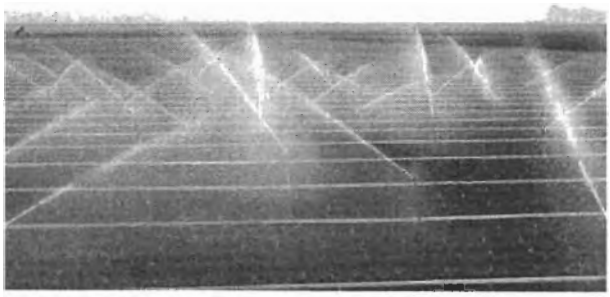
Protects and restores aquifers

Extensive water conservation

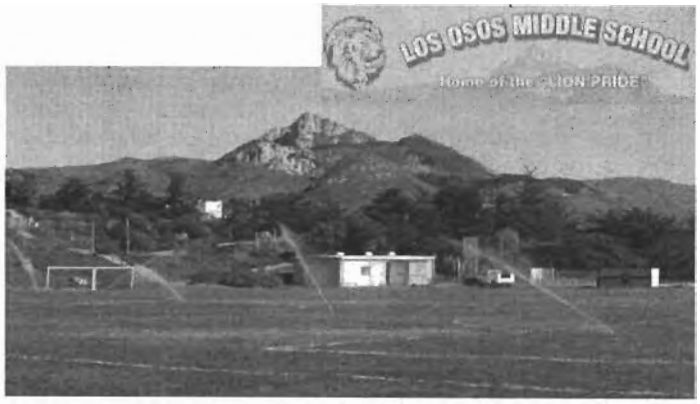
100% recycling of wastewater

Reduced seawater intrusion in lower aquifer

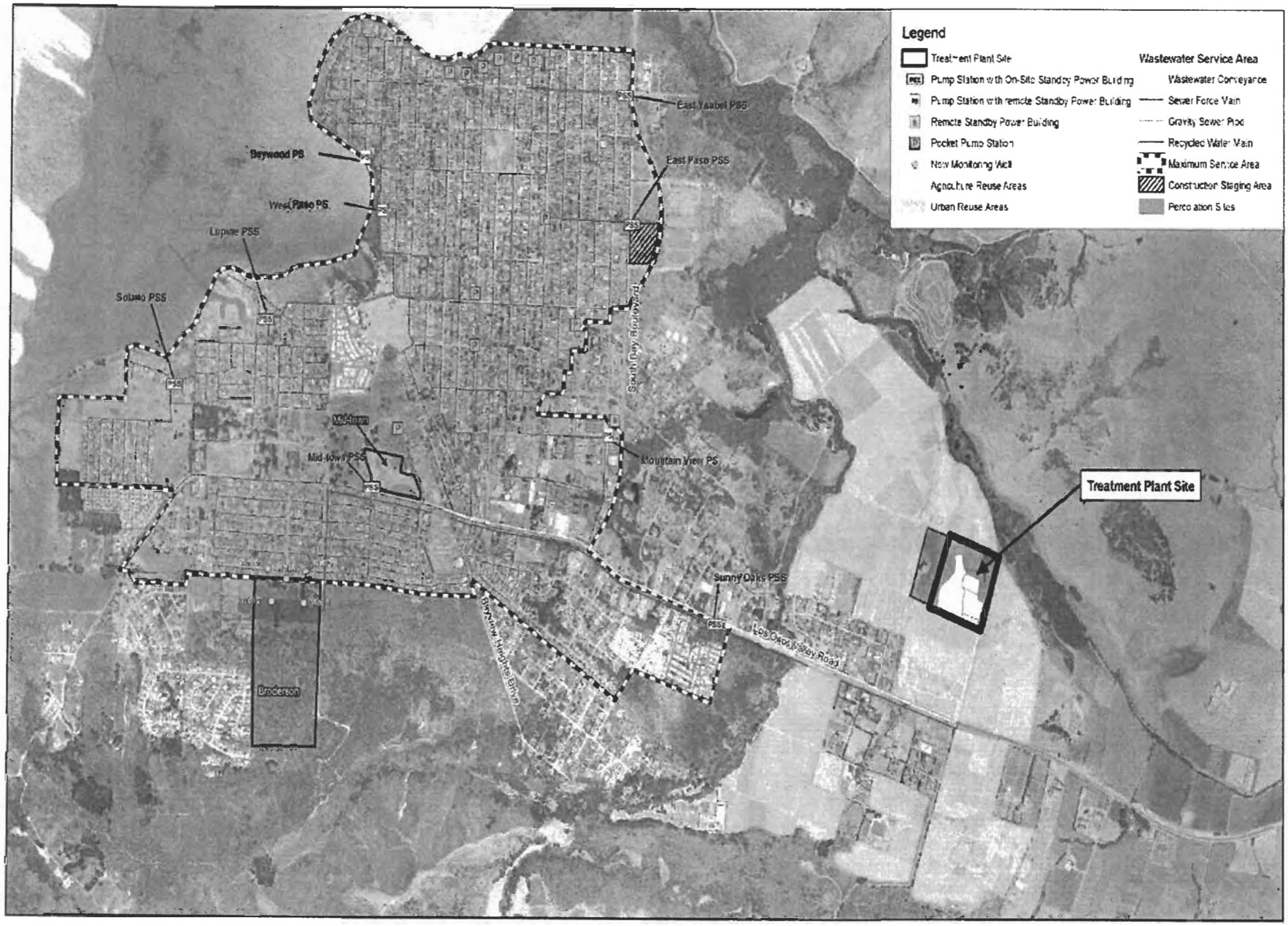
Agricultural Reuse



Urban Reuse



NO OCEAN OUTFALL PROPOSED!


Legend
Treatment Plant Site
Pump Station with On-Site Standby Power Building
Pump Station with remote Standby Power Building
Remote Standby Power Building
Pocket Pump Station
New Monitoring Well
Agriculture Reuse Areas
Urban Reuse Areas
Wastewater Service Area
Wastewater Conveyance
Sewer Force Main
Gravity Sewer Pipe
Recycled Water Main
Maximum Service Area
Construction Staging Area
Percolation Sites
East Ysabel PS
Baywood PS
East Paso PS
West Paso PS
Lupine PS
Solano PS
Mid-town
Mid-town PS
Mountain View PS
South Bay Blvd
Sunny Oaks PS
Los Osos Valley Road
Broderson
Treatment Plant Site

LOIS CAPPS
23RD DISTRICT, CALIFORNIA

1110 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0522
(202) 225-3601

COMMITTEE ON
ENERGY AND COMMERCE

COMMITTEE ON
NATURAL RESOURCES

Congress of the United States
House of Representatives

DISTRICT OFFICES:

☐ 1411 MARSH STREET, SUITE 205
SAN LUIS OBISPO, CA 93401
(805) 546-8348

☐ 301 EAST CARRILLO STREET, SUITE A
SANTA BARBARA, CA 93101
(805) 730-1710

☐ 2675 NORTH VENTURA ROAD, SUITE 105
PORT HUENEME, CA 93041
(805) 985-6807

January 6, 2010

Bonnie Neely, Chair and Members
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Dear Chair Neely and Members:

I am writing to express my strong support for the proposed Los Osos Wastewater Project, located in San Luis Obispo County. I also urge you to concur with your staff's recommendation and find that no substantial issues are raised by the County's approval of the Coastal Development Permit (CDP) for this project.

As you know, San Luis Obispo County and the residents of Los Osos are seeking to construct a wastewater treatment plant in order to respond to the Central Coast Regional Water Quality Control Board's order to replace the community's current septic system, cleanse Los Osos' groundwater basin to ensure clean and safe water for the residents of Los Osos, and protect the adjacent Morro Bay National Estuary from pollution. The wastewater project also seeks to resolve Los Osos' longstanding problem with groundwater contamination, prevent seawater intrusion into deeper groundwater levels, and recharge groundwater supplies.

As the Federal Representative for the area, I have followed the progress of this project closely. I have also seen firsthand San Luis Obispo County's willingness to work collaboratively with stakeholders to achieve consensus on this environmentally protective, technologically sound, and cost effective project. The County has also taken several steps to ensure the project is consistent with its Local Coastal Plan (LCP) and Coastal Act requirements.

It is critically important for the community to have access to a reliable source of water for its residents and to protect its important coastal resources. Therefore, I hope you will find that the appeals filed with the Commission related to the Los Osos Wastewater Project raise no substantial issue, and as such, the Commission should decline to assert jurisdiction over the CDP for the project.

Thank you for your consideration. If you have any questions, please contact Greg Haas on my staff at (805) 546-8348.

Sincerely,

Lois Capps

LOIS CAPPS
Member of Congress

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0033
(916) 319-2033
FAX (916) 319-2133

Assembly
California Legislature

DISTRICT OFFICE
1104 PALM STREET
SAN LUIS OBISPO, CA 93401
(805) 549-3381
FAX (805) 549-3400

SAM BLAKESLEE
ASSEMBLY MINORITY LEADER
ASSEMBLYMEMBER, THIRTY-THIRD DISTRICT

January 5, 2010

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Dear Coastal Commissioners,

I am writing in support of the Los Osos Wastewater Project, as proposed by the County of San Luis Obispo, and before your Commission on appeal. In 2006, the California Senate and Assembly unanimously supported my bill, AB 2701, which transferred the wastewater project to the County. Since that time, the County has worked collaboratively with all stakeholders in order to develop the most environmentally protective, technologically superior and affordable project for the community of Los Osos.

The County of San Luis Obispo has developed a project which protects the State of California's coastal resources. The community of Los Osos is adjacent to important State resources such as Montano de Oro State Park, Morro Bay State Park and a State Estuary. Approving the County's project, as proposed, will ensure these resources are preserved or enhanced for the benefit and enjoyment of future generations.

I appreciate your hard work and commitment to protecting coastal resources throughout the State of California. Please use this opportunity to continue being a champion of sensitive coastal resources by approving San Luis Obispo County's proposed wastewater project.

Sincerely,

Assemblyman Sam Blakeslee

Cc: Bonnie Neely, Chair
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger

Patrick Kruer
Ross Mirkarimi
Mark W. Stone
Khatchik Achadjian
Richard Bloom
Esther Sanchez
Peter M. Douglas

State of California—Health and Human Services Agency
California Department of Public Health

MARK B HORTON, MD, MSPH
Director

ARNOLD SCHWARZENEGGER
Governor

January 6, 2010

California Coastal Commission
Central Coast Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Commissioners:

Los Osos Wastewater Project

The Department of Public Health, Division of Drinking Water and Environmental Management (DPH) has reviewed the current Los Osos Wastewater Project proposal. San Luis Obispo County is taking the necessary action to design and construct a sustainable wastewater project in the community of Los Osos. Without this project, the groundwater quality that is the sole source of drinking water for the community will continue to degrade. The DPH agrees with your staff's recommendation that the Commission determine that no substantial issues are raised by the County's approval.

The current County's proposal meets the DPH criteria and regulations. We encourage the Coastal Commission to accept the project as proposed.

We appreciate your attention to this project. If you have any questions, please call this office at (805) 566-1326.

Sincerely,

Kurt Souza, P.E., Chief
Southern California Section
CDPH-DWFOB

Cc: SLO County Public Works – Paavo Ogren

L Coastal Commission 01 2010

Agenda Items: Th8a & Th8b

January 7, 2010

California Coastal Commission
Attn: Dan Carl, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Subject: Support Letter for San Luis Obispo County Los Osos Wastewater Project (Appeal No. A-3-SLO-09-055)

Dear Coastal Commissioners:

The Los Osos Community Services District (District) understands that the Los Osos Wastewater Project (Project), as approved by the County of San Luis Obispo, has been appealed to the California Coastal Commission. The District further understands that as part of the appeal process the Coastal Commission has set a hearing to consider whether or not the appeals raise a substantial issue, and that such a determination would transfer jurisdiction to issue a Coastal Development Permit from the County of San Luis Obispo to the Coastal Commission.

The District Board of Directors has authorized the submission of the following comments to the Coastal Commission for its consideration at the upcoming hearing.

The District provides potable water service to approximately 2750 connections (see Exhibit A, boundary of the District's water service area). All water is produced from the underlying ground water basin, which is generally divided into an upper and lower aquifer. The upper aquifer is currently polluted with high levels of nitrate which has reduced its yield and placed extra demand on the lower aquifer and led to sea water intrusion.

The District is working with the other community water purveyors and the County to develop a groundwater basin management plan to address these water supply issues. Approval of the Project, as currently conditioned, will be a critical component in completing the ground water basin management plan to balance water demand with safe yield in order to provide a sustainable water supply for District water customers and the Los Osos community.

Mailing Address:
P.O. Box 6064
Los Osos, CA 93412

Offices:
2122 9th Street
Suite 102
Los Osos, CA 93402

Phone 805/528-9370
FAX 805/528-9377

www.losososcsd.org

The District, in its role as a water purveyor, supports the County's Project designed to address the requirements of Regional Water Quality Control Board Resolution 83-13 and AB 2701.

The Project, with the addition of revised condition 97 recently approved by the County, will deliver recycled water back to the ground water basin, an essential component to addressing water supply issues. The Project as approved includes sound reuse parameters that are designed to maximize potential beneficial reuse of the tertiary-treated effluent in a manner that addresses not only longstanding wastewater treatment issues but also longstanding groundwater issues.

Thank you for your consideration of this letter in your review of the Project.

Sincerely,

Marshall E. Ochylski, President
LOCSD Board of Directors

Attachment

cc: Peter Douglas
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Jonathon Bishop, Staff Analyst
Central Coast District Office
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Water Purveyor Boundaries
Legend
LOCSD Water Service Area
Cal Cities Water Service Area
S & T Mutual Water Service Area
Wastewater Assessment Zone
LOCSD Service Area
1 inch equals 1,800 feet
LOS OSOS COMMUNITY SERVICES DISTRICT
WALLACE GROUP
N
W
E
S

EXHIBIT A

California Regional Water Quality Control Board
Central Coast Region

Linda S. Adams
Secretary for Environmental Protection

Internet Address: http://www.waterboards.ca.gov/centralcoast
895 Aerovista Place – Suite 101, San Luis Obispo, CA 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

January 5, 2010

California Coastal Commission
Central Coast Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Commissioners:

LOS OSOS WASTEWATER PROJECT - RESPONSE TO CALIFORNIA COASTAL COMMISSION STAFF'S JANUARY 14, 2010 STAFF REPORT

San Luis Obispo County is taking the necessary steps to design and construct a sustainable wastewater project in the community of Los Osos. We all understand the foundation of this project is to solve the current wastewater management problems while keeping the water in the basin. The Los Osos Wastewater Project will provide a remedy to the watershed damage caused by the current septic system discharges and produce water that will be available for reuse (i.e., landscape and agricultural irrigation).

The project, as approved and conditioned by the San Luis Obispo County Board of Supervisors, aligns with policies and goals of the State Water Resources Control Board and Central Coast Water Board. Water Board staff recognize that wastewater management in combination with groundwater basin management, conservation practices, and water reuse constitute the model for new wastewater projects within the Central Coast Region as well as the state.

Central Coast Water Board staff agrees with your staff's recommendation that the Commission determine that no substantial issues are raised by the County's approval. The proposed project meets our criteria. Central Coast Water Board staff sent a letter to the San Luis Obispo County Board of Supervisors, dated September 25, 2009, in response to County public works staff's September 23, 2009 memorandum (attached). The letter offers support for the project and provides information regarding the proposed wastewater treatment options, wastewater collection systems options, and sludge handling issues. Regardless of the wastewater treatment project the County chooses to design and construct, it must meet waste discharge requirements (WDRs[1]). These WDRs will require wastewater collection without spilling or leaking per industry

[1]The Central Coast Water Board has not yet established WDRs for the County's project. However, the Central Coast Water Board adopted WDRs for the CSD's project and we anticipate similar requirements for the County project.

standards and treatment of wastewater and biosolids that will reliably meet discharge standards, will be suitable for any reuse, and be in compliance with recycling requirements.

In summary, the project approved by the San Luis Obispo County Board of Supervisors will meet our water quality goals and comply with requirements. We encourage the Coastal Commission to accept the project and determine that the appeals raise no substantial issues.

We appreciate your work and the work of your staff on this very important project. If you have any questions, please feel free to contact me at (805) 549-3140.

Sincerely,

Roger W. Briggs
Executive Officer

Attachment: Los Osos Wastewater Project; Response to San Luis Obispo County Staff's September 23, 2009 Memorandum [September 25, 2009]

cc: Paavo Ogren, Director of Public Works

S:\Seniors\Shared\WDR\WDR Facilities\San Luis Obispo Co\Los Osos\LOWWP Support Ltr (CCC 1-5-10)rb.doc

California Regional Water Quality Control Board
Central Coast Region

Linda S. Adams
Secretary for Environmental Protection

Internet Address: http://www.waterboards.ca.gov/centralcoast
895 Aerovista Place – Suite 101, San Luis Obispo, CA 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

September 25, 2009

San Luis Obispo County Board of Supervisors
1055 Monterey Street
San Luis Obispo, CA 93408

Dear Supervisors:

LOS OSOS WASTEWATER PROJECT; APPROVAL OF DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT, AND RESPONSE TO SAN LUIS OBISPO COUNTY STAFF'S SEPTEMBER 23, 2009 MEMORANDUM

We all appreciate the value of healthy watersheds. In order for the Los Osos watershed to be restored to a healthy state, both its groundwater and surface waters (including the Morro Bay National Estuary) need to be protected and improved. These waters have been damaged by various water and wastewater practices and are currently far from being sustainable. Seawater is intruding the lower groundwater aquifer due to overdraft conditions in the basin. Septic systems are destroying a vital and valuable portion of the upper aquifer system. Bacteria is seeping into the estuary at high concentrations. During wet weather conditions, septic system effluent surfaces in some neighborhoods creating a hazard to public health and other natural resources of the watershed.

Central Coast Water Board staff is pleased to see San Luis Obispo County taking the necessary steps to construct a sustainable wastewater project. We continue to participate and communicate with your staff as well as the public to ensure an expeditious approval and construction process. Through the planning process, and specifically the Planning Commission review, we have witnessed the proposed wastewater project evolve into a project that encompasses cutting-edge technology and sustainability concepts. While we have not yet undertaken the thorough review that will be necessary to develop waste discharge requirements for the project, we are satisfied that the project approved by the Planning Commission will provide adequate treatment for the contemplated disposal and reuse options. We do not see a need for the Board of Supervisors to further evaluate other collection or treatment technologies during your upcoming consideration of appeals of the Planning Commission's approval.

The project, as approved and conditioned by the Planning Commission, aligns with policies and vision goals of the State Water Resources Control Board and Central

Coast Water Board. We are encouraged that the Los Osos Wastewater Project will not only provide a remedy to the damage to the watershed caused by the current septic system discharges, but will also produce water that will be available for reuse (i.e., landscape and agricultural irrigation). Over the years, as the County initially attempted to develop a project, followed by the Community Services District's attempt, a basic principle has been to solve wastewater management problems while keeping the water in the basin. We anticipate that the concept of wastewater management in combination with groundwater basin management, conservation practices, and water reuse will be a template for future wastewater projects within the central coast region as well as the state.

The County's proposed wastewater project is a vital piece of the groundwater basin management puzzle and will be a giant step toward returning the groundwater basin's sustainability. According to recent studies, recycled water will provide for a 1:1 direct reduction in the current overuse of water in the groundwater basin. While this project is expensive and a financial burden for the system users, its relative cost will diminish as the true value of water continues to evolve upward in this water-short groundwater basin, region, and state. Users cannot afford to continue non-sustainable practices in the Los Osos groundwater basin, where groundwater is the only source of water for now and the foreseeable future and where a nationally recognized estuary needs to be better protected.

As we have pointed out throughout the long history of this project, we do not specify the method of compliance or the alternatives to be used for collection, treatment, or disposal. The County must meet the waste discharge requirements or WDRs[1], which require collection without spilling or leaking per industry standards, treatment of wastewater and resulting biosolids that will reliably meet discharge standards, and for any reuse, compliance with recycling requirements. While that is the simple bottom line, we have commented on various alternatives over the years to try to ensure that the County and Community Services District (CSD) were thoroughly considering potential problems and project aspects that might require improvements or mitigation. As stated above, a basic objective for this project has been to keep the water in the basin, as it has long been recognized that this basin (similar to most Central Coastal basins) is stretching thin its available supply, and is exceeding safe yield of the groundwater basin. Over the years of project development, this problem has grown more obvious and the results are more acute today than ever. Your proposed project keeps the water in the basin.

[1]The Water Board has not yet established WDRs for the County's project. However, the Regional Board adopted WDRs for the CSD's project and we have no reason to recommend significant changes to requirements proposed to the Water Board for the County project.

Central Coast Water Board staff presents the following responses to San Luis Obispo County staff's September 23, 2009 memorandum requesting our concurrence for selected key issues.

General Comment
First, as stated above, we do not mandate the manner of compliance. Our jurisdiction is to regulate discharges of waste and their potential to affect the quality of waters of the state, as defined by the California Water Code. Wastewater treatment projects must be designed, constructed and maintained in consideration with the design conditions (influent characteristics, effluent quality, and discharge location). In other words, wastewater treatment plants that work for one community may not work for Los Osos. For Los Osos, the Planning Commission's project adequately addresses the primary goal of the Los Osos Wastewater Treatment Project (LOWWP): elimination of pollution of the upper groundwater aquifer due to the continued use of antiquated and inadequate septic systems. Furthermore, County staff has proposed a wastewater treatment project that is consistent with state and federal requirements and policies and has undergone a rigorous public review process.

Treatment
The effectiveness of treatment systems depends on site conditions, wastewater characteristics, and day-to-day operations and maintenance. Below, Central Coast Water Board staff compares extended aeration to facultative ponds using the following five categories: nitrification and denitrification, total suspended solids removal, odor nuisance, sludge management, and other water quality and energy consumption factors.

Extended Aeration
The Central Coast Water Board regulates many wastewater facilitates that utilize extended aeration. We concur with County staff's selection of extended aeration. County staff's evaluation is consistent with industry standards[2] as well as our overall experience with the technology as used in many local communities.

[2] U.S. Environmental Protection Agency Document No. EPA 832-F-02-008, September 2002, Wastewater Technology Fact Sheet – Aerated, Partially Mixed Lagoons. U.S. Environmental Protection Agency Document No. EPA 832-F-02-014, September 2002, Wastewater Technology Fact Sheet – Facultative Lagoons. U.S. Environmental Protection Agency Document No. EPA 832-F-02-007, September 2002, Wastewater Technology Fact Sheet –Sewers, Conventional Gravity. U.S. Environmental Protection Agency Document No. EPA 625-R-00-008, September 2001, Wastewater Technology Fact Sheet – Continuous-Flow, Suspended-Growth Aerobic Systems. U.S. Environmental Protection Agency Document No. EPA 832-F-02-006, September 2002,

Facultative Pond Systems

Facultative ponds are also used throughout the Central Coast region. We understand that County staff carefully evaluated the use of this technology for the LOWWP and found that this technology was not appropriate. The Planning Commission agreed. In our experience, wastewater treatment facilities that utilize this treatment technology have compliance problems. The Water Board has taken enforcement actions against these facilities due to noncompliance with effluent limitations. In many cases, the noncompliance was attributed to poor management of the ponds, seasonal fluctuations and turnovers, and inadequate treatment capability.

Extended Aeration Ponds / Facultative Ponds Comparison

The following table compares the two treatment technologies.

Treatment Technology Comparison

	Extended Aeration	**Facultative Ponds**
Nitrification and Denitrification	This treatment technology has a higher capacity to nitrify and denitrify without any ancillary facilities. In most cases, extended aeration may reduce the amount of nitrogen below 7 milligrams per liter. These extended aeration units are seldom affected by temperature, as they have an increased detention time which allows stabilization and increased treatment efficiency. Furthermore, these treatment facilities may be modified to include an anoxic zone, which will allow increased denitrification, thus decreasing the amount of nitrate in the effluent.	A facultative pond can moderately nitrify wastewater. However, nitrification is dependent on adequate management of the pond, aeration, mixing, consistent influent flow, consistent organic loading, and detention time. Temperature fluctuations will affect the nitrification process. Facultative ponds do not significantly denitrify and will require a separate denitrification facility to meet nitrate concentration limits .
Total	Well-operated extended	In most cases, these systems

Wastewater Technology Fact Sheet –Sewers, Pressure. Metcalf and Eddy, *Wastewater Engineering, - Treatment, Disposal, and Reuse*, Third Edition, 1991.

Suspended Solids (TSS) Removal	aeration units can achieve TSS concentrations ranging from 15 to 60 mg/L. High biomass systems achieve TSS concentrations ranging from 5 to 40 mg/L.	have an inability to adequately remove TSS and do not consistently attain 30 mg/L. Inconsistent TSS removal may lead to inefficient tertiary treatment.
Odor Nuisance	This treatment technology yields little to no odor. Odors are produced by decomposition and off-gassing from settled sludge. However, these treatment facilities typically allow for complete mixing, which keeps the solids suspended with little to no settlable solids.	If the top aeration layer is not maintained, odor issues may result. Seasonal algal growth and decay may also increase odors as well as vectors.
Sludge Management	It is important that suspended solids be in contact with the wastewater, which requires complete mixing of the channels. Solids are managed through waste activated sludge (WAS) removal. WAS percent removal is typically determined by treatment quality and aeration tank conditions. The WAS is removed, dewatered, and hauled from the site.	In general, less sludge is produced. In colder climates sludge accumulation will increase due to low microbial activity. Settled sludge may require more frequent removal.
Compliance with Effluent Limitations	Extended aeration facilities have superior treatment capability, which allows the discharge to comply with effluent limitations. Treatment efficiency of these systems is consistent and rarely affected by seasonal fluctuations. High removal of toxic organics and heavy metals.	Facultative ponds typically experience increased pH concentrations during the summer months. Seasonal pond turnover may increase TSS and turbidity in the effluent. A separate denitrification facility may be needed to meet effluent limitations.

According to the industry standards footnoted on Page 3, both systems have advantages and disadvantages. Fundamentally, effectiveness of both systems is highly dependent on adequate operations and maintenance.

Facultative ponds may have higher operational costs due to their sensitive nature and their dynamic fluctuations throughout the year. The Los Osos Valley is prone to cooler conditions through a large part of the year. The cooler conditions may render facultative ponds inefficient with respect to suspended solids removal, nitrification, and sludge accumulation. Furthermore, more land area is required for a facultative pond system than for extended aeration. We would anticipate that the County design a redundant system to allow for maintenance and emergency operations. Finally, the primary goal of the LOWWP is compliance with Resolution No. 83-13 and to alleviate groundwater contamination of nitrate due the use of septic systems. A facultative system will have to include a process for denitrification to meet waste discharge requirements. Because facultative ponds do not denitrify, the County would have to propose a separate denitrification unit, which would have additional cost, operational, land area, and energy implications.

Extended aeration systems pose a lesser operational burden when compared to facultative pond systems. Additional benefits include increased nitrification and denitrification, which would satisfy the primary goal of the project and future waste discharge requirements. Although we would expect redundancies in an extended aeration system, it would be less land intensive. According to the Planning Commission's approved LOWWP, the treatment plant site will be closer to residential populations and public use areas. Therefore, odor control will be more important. Extended aeration systems have little to no odor as compared to a facultative ponds system.

Collection

We understand that the project approved by the Planning Commission includes a hybrid gravity system. There has been considerable debate about what type of collection system is appropriate for this project, much of it centered on traditional gravity systems vs. septic tank effluent pump (or STEP) systems. The success of any system, much like a treatment system, is dependent on adequate operations and maintenance, design, sizing, and installation, among other elements. Furthermore, both systems would be subject to regulations contained in the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (General Permit No. 2006-0003-DWQ or General WDR). The General WDR requires the owner/operator of the collection system to develop a management plan, which includes routine maintenance, emergency response, and reporting. In order to compare the two systems, Central

Coast Water Board staff used three categories: maintenance and operation, solids handling, and exfiltration.

Gravity Collection Systems

Conventional gravity collection systems have been used for years throughout the country and procedures for their design are well established. The Planning Commission approved a hybrid gravity collection system, which includes traditional gravity collection lines with low-pressure grinder pumps for low-lying areas. In our experience, we have municipalities with gravity collection systems that successfully transport sewage to the wastewater treatment plant and others that remain problematic. As one might expect, those systems that are much older have more problems and require more maintenance. Some portions of systems in Central Coast Region municipalities are more than a century old, and were not built with today's standards or materials. The fact that these older portions of systems continue to function as well as they do is testament to the efficacy of the concept. Successful gravity collection system programs incorporate a combination of appropriate operations, maintenance, capital improvement, prioritization, and routine collection systems integrity assessments. All of these elements are required as part of the General WDR program for collection system management.

Septic Tank Effluent Pump (STEP) Systems

STEP systems were also considered for use in the LOWWP, but were not chosen in the approved project. STEP systems differ from conventional gravity collections systems because they break down large solids in the pump tank prior to discharge into the collection lines to the wastewater treatment plant. Our experience with STEP systems is limited as most of the collection systems within our region are traditional gravity systems. However, we understand that these systems can have higher energy demands and maintenance burdens compared to a traditional collection system. According to industry standards footnoted on Page 3, disadvantages include maintenance agreements, costs for operation and replacement parts, increased maintenance, increased energy demand, and short-term reliability.

Gravity Collection Systems and STEP System Comparisons

The following table compares the two collection system technologies.

Collections System Comparison

	Gravity Collection System	**STEP System**
Maintenance and Operations	Gravity collection systems require	Each pump tank will have mechanical components that

	moderate maintenance, which would be regulated by the General WDR for collections system management. Maintenance would require a maintenance district, but would most likely not require maintenance agreement with each of the individual residents. The County would have to develop a capital improvement project prioritization schedule for collection system segments that are found to be inadequate. These assessments will be required as part of the General WDR. Grinder pump installations do not require maintenance of a septic tank and have a much smaller footprint (important for Los Osos' typically small lots).	require frequent maintenance. In some cases, municipalities that utilize STEP systems establish maintenance districts that service these systems. Power outages could be an issue as they may increase the potential for sanitary sewer overflows if the STEP tank is not equipped with an alternative power source. Life cycle replacement costs for STEP systems include the short life cycle of the pumps.
Solids Transport	Gravity collection systems reply on slope and sound engineering to transport solids and grit. Depending on the County's collection system management plan, routine cleaning would be needed.	Solids accumulation in STEP tank is a major consideration. Sludge accumulates at the bottom of the tank and undergoes some anaerobic digestion. Solids need to be removed periodically. Solids removal through the use of the STEP tank reduces the wastewater strength thus improving the wastewater influent into the treatment plant. However, the removal of solids

		can impact the overall treatment system as many secondary treatment technologies (facultative ponds and extended aeration) would require increased aeration and an additional carbon source for efficient wastewater treatment.
Exfiltration	Gravity collection systems are sealed in accordance with industry standards. Exfiltration from new gravity collection lines is generally minimal. Ongoing maintenance and integrity assessment will be required to identify, manage, and repair leaks.	Watertight tanks could ensure minimal leakage of sewage and therefore, exfiltration may not occur. However, routine tank integrity inspections will be required to ensure minimal leakage and longevity of the STEP system.

From a water quality perspective, both systems appear to be feasible to design and implement. The main water quality issues regarding STEP systems are the lower oxygen and carbon concentrations delivered to the treatment plant. If STEP systems were used in the LOWWP, we would anticipate needing a carbon source amendment to the treatment plant, which has chemical addition and cost implications. Speaking of carbon, AB 32, California's Global Warming Solutions Act was signed by the Governor in September 2006, to ultimately reduce California's greenhouse gas emissions by 25 percent by 2020. Your project's carbon footprint analysis is important in accomplishing a project that will be consistent with AB 32, and your consideration in particular of increased emissions from a STEP system as compared to a gravity collection system is on target.

Sludge Handling

Sludge removal is a component of any wastewater treatment operation. Our waste discharge requirements will address sludge removal. More specifically, the Code of Federal Regulations, Title 40, part 503 discusses approved methods for disposal of sludge. Any sludge removed from the LOWWP will be subject to these regulations.

Expected Sludge Amount

As discussed in the treatment technology comparison, we anticipate that a facultative pond system will generate less sludge, provided that the facultative pond operates as designed. Anaerobic digestion in the lower layer of the pond must occur at a rate that will allow for consistent reduction in sludge amount. According to industry standards footnoted on Page 3, optimal facultative pond efficiency would result in the removal of sludge approximately every 20 years. However, these treatment processes are highly dependent on temperature, pH, and carbon source. As discussed previously, colder temperatures in the Los Osos Valley could hinder the treatment process and therefore reduce the amount of anaerobic digestion. This would lead to increased accumulated sludge and increased sludge removal. Facultative ponds are also susceptible to pH increases due to algal growth and low dissolved oxygen in the summer months. This phenomenon may also lead to reduced functionality of the pond's efficiency and anaerobic digestion.

On the other hand, extended aeration systems typically generate more waste sludge. Extended aeration systems utilize two types of sludge: return activated sludge (RAS) from the secondary clarifier and waste activated sludge (WAS). The system utilizes a balance of both RAS and WAS to maintain adequate treatment in the extended aeration system. The percentages of both RAS and WAS are calculated based on daily analysis of extended aeration efficiency. However, extended aeration units are consistent in their ability to treat wastewater despite external factors (e.g., temperature).

A STEP collection system will also generate sludge. Sludge pumped from tanks will either have to be treated at the wastewater treatment plant or hauled to another appropriate facility.

In summary, the project approved by the Planning Commission will satisfy water quality goals and be able to meet requirements. We encourage the County to accept the project approved by the Planning Commission.

If you have any questions, please feel free to contact me at (805) 549-3140.

Sincerely,

Roger W. Briggs
Executive Officer

cc: Paavo Ogren, Director of Public Works

S:\Shared\WDR\WDR Facilities\San Luis Obispo Co\Los Osos\LOWWP Support Ltr 092409 final.doc

MORRO BAY
NATIONAL
ESTUARY
PROGRAM

January 6, 2010

Jonathon Bishop
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Agenda items TH8A & TH8B
Please include in 1/14/09 Agenda Packet

RE: Appeal A-3-SLO-09-055 and A-3-SLO-09-069, Los Osos Wastewater Project (LOWWP)

Mr. Bishop,

The Morro Bay National Estuary Program strongly supports your staff's recommendation of 'no substantial issue' with regards to the appeals of the Los Osos Wastewater Project. The County of San Luis Obispo has worked with the community of Los Osos to develop a project that is consistent with the spirit and the letter of the Local Coastal Plan and the Coastal Act. The issues raised in the appeals before you have been heard repeatedly during the County's approval process and are fully addressed in the approved project. The Estuary Program encourages you to confirm your staff's expert analysis and conclusions and allow this Project to go forward. Los Osos must finally begin to address the ongoing pollution of their groundwater and the Estuary which has resulted from decades of inadequate wastewater treatment.

The compelling need for a Los Osos Wastewater Project was identified almost thirty years ago. Today thousands of densely packed septic systems continue to discharge approximately one million gallons a day of high nitrate wastewater into sandy soils over a shallow groundwater basin on the shores of a National Estuary. Arguments over the treatment plant location, specific technologies, the collection system and project cost have scuttled past efforts to resolve this untenable situation. Meanwhile the community has continued to degrade their own shallow aquifer and the waters of the Morro Bay National Estuary, accelerate disastrous salt water intrusion into their lower aquifer, and defer and increase the eventual cost of the project.

This is a major environmental infrastructure project and there is no feasible solution that will not have vocal opponents, as well as impacts to coastal resources. The Estuary Program is convinced that the environmental benefits of the project far outweigh these impacts, especially when balanced against the status quo. If there is a silver lining in the many failed projects, it is a long record of efforts to identify project alternatives and impacts, and to avoid, minimize, and mitigate those impacts. The County has used this history, including the CDP for the 2005 project, to craft a reasonable, feasible, and defensible project that is ready to proceed.

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We appreciate and share the sincere concern for the health of the estuary expressed by many of the appellants, and we see the implementation of the current County project as the best possible outcome for the estuary. We strongly disagree that the health of the estuary or the community is served by further delays and rehashing of arguments already considered during the County process. Having served on the County's Technical Advisory Committee (TAC) for the project, which reviewed each major aspect of the project in public meetings for a year and a half and provided a detailed pro-con analysis, I would like to address two of the key points in the appeals, recognizing that in many cases I will be echoing the excellent work of Commission staff.

Collection System

The Estuary Program supports the County's decision to utilize a gravity collection system. There are pros and cons to each of these collection systems, but we disagree with the appellants that STEP is inherently environmentally superior to gravity for Los Osos, and emphatically dispute the argument that STEP is so superior that it must be mandated under the LCP. The Regional Water Board's comments to the County on the issue (Sep 25th, 2009) do not suggest they see STEP as superior, and they regulate collection system failures and maintenance. STEP is a feasible option and it was evaluated in detail. The County's decision to select a gravity system is reasonable, consistent with the LCP, and supported by the evidence.

A STEP system would shift the major ground disturbance, and associated impacts to cultural resources, from the street right of way to the front yard of each homeowner. The potential benefits of directional drilling would be partially negated due to the density of the community, as regular trenching would be needed at every individual connection. The reduced depth of trenching/drilling in the streets for the STEP line is offset by the almost 5000 excavations to install new STEP tanks, each of which needs to be squeezed into existing front yards, with almost no options to avoid cultural resources, or in many cases trees and driveways. The repair of those yards is at homeowner's expense. From an operational point of view, STEP is inherently more complicated. Each home would need a new septic tank, with electrical connection, pumps in the tank, a telemetry system, and periodic on lot maintenance, as well as a county easement to allow all this.

The potential for leakage (both in and out of the pipes) for a modern gravity system is overstated by the appellants. We agree that there are many examples of older gravity systems built with various materials, some with little maintenance for decades, which present real water quality problems and need substantial public investment. Equating a new gravity system built with current materials to these systems is not a valid approach. No system will last indefinitely without leaks or infiltration, and any system will require maintenance. However a modern gravity collection system constructed with bell and spigot joints and plastic pipe, combined with current state regulations overseeing collection system monitoring and maintenance, represents an effectively sealed system which can be expected to last for many decades.

Treatment Plant Siting:

There is no perfect site for the treatment plant, and every site will have vocal opponents. The Estuary Program believes the County has explored the options thoroughly, presented the tradeoffs fairly, and made a reasonable decision that balances impacts to coastal view sheds, agricultural resources, location relative to the collection area and the water basin, and impacts to neighbors. Spills are a risk if not a certainty at any wastewater plant, but this fact is an argument for the careful design of redundant spill containment features as included in the County project, and should not be confused with an argument against the project location.

Less than five years ago the previous attempt to solve this environmental challenge collapsed in acrimony at great cost to the community, prolonging the ongoing pollution of the aquifer and bay. Through the legislative work of Assemblyman Blakeslee and the professionalism of the County in taking on this controversial and difficult project, we are now on the brink of seeing this thirty year saga resolved. The appeals before you have already been addressed by the County in their approved project. On behalf of the Estuary Program, I urge you to approve your staff's recommendation and allow the County to proceed with the Los Osos Wastewater Project.

Sincerely,

Dan Berman
Program Director
Morro Bay National Estuary Program

CC: *Coastal Commissioners,* Bonnie Neely, Chair
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone
Khatchik Achadjian
Richard Bloom
Esther Sanchez

Commission Staff
Peter M. Douglas, Executive Director
Jonathon Bishop

Alexis Strauss, Water Division Director, EPA Region 9
Roger Briggs, Executive Officer, Central Coast Water Board
Bruce Gibson, SLO County Supervisor
Jeff Young, Chair, Central Coast Water Board

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Item Th8b
A-3-SLO-09-069
Sierra Club – OPPOSE

Jan. 7, 2010

Honorable Commissioners,

It is regrettable that your staff elected to meet only with representatives of the applicant and the Water Board, and not with appellants, in preparing the staff report on the appeal of the Los Osos Wastewater Project. Consequently, the staff report contains numerous unexamined assumptions, unsupported assertions of fact, crucial omissions and mistakes. The following is a partial list.

Errors in the Staff Report

- *"...a STEP system may be constructed using primarily directional drilling, however... the installation of new STEP tanks also requires excavations (roughly 8 feet) that match the majority of the gravity system depth* (p. 20). The comparison of average depth provides a false equivalency of impacts. The proposed gravity system includes trenches up to 23 feet deep, which entail the likelihood of significant dewatering impacts on the groundwater table that STEP tank excavation does not.

- *"... new STEP tanks would likely require substantial excavation areas confined to small front yard areas. Therefore, the STEP alternative provides minimal opportunity to avoid cultural resources if they are located within these areas." (p. 20).* Every front yard in Los Osos has been excavated for the installation of existing septic tanks. Any cultural resources that may have been located there have already been disturbed.

- *" ...the County would need to add carbon to the sludge from the STEP tanks...to complete the denitrification treatment process, resulting in an additional increase in the carbon footprint...."* (p. 22). Effluent, not sludge, is subject to denitrification.

- *"...the Broderson site is the primary reclaimed water reuse element."* (p. 24). Broderson is a disposal site, with no role in agricultural or urban reuse.

- *"...there are no feasible, less envtronmentally damaging alternative locations for this project component [than Broderson]."* (p. 26). The total volume of effluent can be accommodated via ag reuse and expanded seasonal storage with less environmental damage and mitigation requirements than Broderson.

Items that raise Substantial Issue

The project's proposed water conservation and ag reuse components constitute the heart of the project, on which its success and the viability of the aquifer depends. We strongly advise the Commission to compare COA 99 as finalized by the County Board of Supervisors to the Planning Commission's original wording, and note the crucial amendments:

Original (Planning Commission):
COA 99. **Upon final approval** of the Los Osos Waste Water Project (LOWWP) including any appeals to the Board of Supervisors and / or the California Coastal Commission, the applicant **shall implement** a water conservation program.... [emphasis added]

Final (Board of Supervisors):
COA 99. **Within one year of adoption of a due diligence resolution** by the Board of Supervisors, electing to proceed with a wastewater project, a water conservation program **shall be developed** by the applicant in consultation with the local water purveyors .... [emphasis added]

In COA 6, a Water Recycling plan is proposed to be brought into being at an unspecified time before treated effluent is made available to growers:

COA 6. Prior to providing tertiary treated water for agricultural uses the applicant shall develop a Recycled Water Management Plan for Agricultural Re-use. ...

In both conditions, "develop" does not mean "implement." The issue of timing is also of concern. The "later rather than sooner" philosophy now written into these conditions does not bode well for the success of these crucial project components. These vaguely worded conditions represent a substantial issue, and this has historically been the Commission's position when distinguishing between the development and the implementation of a mitigation program. Conditions of Approval 6 and 99 should be revised to mandate development **and implementation** of these programs **upon final approval of the project.**

- The proposed monitoring of the Broderson disposal site to determine whether it can accommodate the volume of effluent proposed to be disposed of makes no mention of any action beyond monitoring – i.e. what happens if monitoring determines that Broderson fails.

- The proposal to restore the remainder of the Broderson site as mitigation for this project's impacts to ESHA constitutes "double dipping:" The restoration of Broderson was previously designated as mitigation for the destruction of Morro Bay shoulder-banded snail habitat on the Midtown site. As noted by USFWS and by Commission staff in their 3/25/09 letter to SLO County Public Works, it cannot be counted as mitigation twice.

- Condition of Approval 98 provides for sealed pipe only where high groundwater is encountered in the field during construction, as a safeguard against excessive inflow & infiltration. During the rainy season, excessive I/I can occur when high groundwater occurs anywhere else along the other 7/8 of the collection system that is not fusion welded or chemically sealed.

- Per the description of the wetlands study using ACE, DFG and RWQB criteria in Appendix G of the EIR, the County does not appear to have employed the Coastal Act's single-parameter criteria for wetlands delineation; instead using CWA Section 404/USACE three-parameter criteria. The use of non-Coastal Act wetlands delineation methodology by any project that comes before the Commission raises a substantial issue.

Thank you for your attention to these issues,

Andrew Christie
Chapter Director

Surfrider Foundation

January 8, 2010

Item **Th.8a/8b**

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
FAX (415) 904-5400

Cc: Peter Douglas, Executive Director
Charles Lester, Dan Carl and Jonathan Bishop, Central Coast District Office

RE: Appeal No. A-3-SLO-09-55 and A-3-SLO-09-69 (Los Osos Wastewater Project, San Luis Obispo Co.)
Item Thursday 8a/8b for the California Coastal Commission hearing January 14th, 2010

Dear Chair Neely and Commission Members,

I am writing to you on behalf of the Surfrider Foundation San Luis Bay Chapter and the Surfrider Foundation membership ("Surfrider") in regards to the appeal of the Los Osos Wastewater Project, to which we are an appellant. Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches through conservation, activism, research and education.

No doubt at this point you have realized that this has been a contentious project for many years. We don't want it to be. Rectifying the existing septic systems' contribution to pollution of the estuary is of utmost importance and a solution needs to move forward expeditiously. That said, the applicant, community members and stakeholders all need to move forward together, and we need to do so with a project that best protects the area's resources now and into the future while complying with the local LCP.

The Surfrider Foundation San Luis Bay Chapter has taken a keen interest in this project from the beginning as an opportunity to design and build an "environmental showcase" project—one that not only "meets the needs" as a sewer project, but that considers local water resources integrally and seeks to take into consideration the area's reliance on limited groundwater supplies. Although some of the more intriguing pieces of such a project were not realized—such as passive wastewater treatment, composting toilets, and reuse of 100% of the wastewater effluent—the chapter has continued to push for what it feels are the most imperative aspects of this project: minimization of environmental impacts, pollution prevention and groundwater protection. This is no small investment that Los Osos residents are being asked to make, so it is only fair that they are getting a project that will preserve public resources and serve themselves and their families well into the future.

Surfrider Foundation

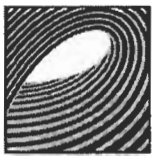
Surfrider argues that the project as proposed meets the Commission's criteria for raising substantial issue due to the scope of the project and the significance of the issues raised that do not conform with LCP policies. In regards to scope, we concur with Staff's assessment that this is a major public works facility. It not only proposes to collect and treat wastewater from the Los Osos area, but it also proposes to create non-potable water sources and vary the inputs that recharge the Los Osos Groundwater Aquifer; thus, the project is quite complex and its successful implementation and operation is imperative, as it will have significant effects on vital community resources.

Further, some of the Conditions of Approval specific to issues in the expanded scope are not sufficient as proposed to assure protection of groundwater resources as required by the LCP. For example, Conditions of Approval #6 and #99 (ag reuse and water conservation) require only that the programs be "developed", not implemented. In combination with the project's scope, given the importance of groundwater to the community, these issues should be considered substantial and must be given further scrutiny by the Commission in de novo hearing.

Additionally, Surfrider feels that there are project components and Conditions of Approval that prevent this project from achieving its base goal of "meeting the needs" as a sewer project because, as proposed, the project still retains inconsistencies with the LCP. Specifically, Surfrider argues that cultural resources, ESHA, wetlands, and water quality are not being protected as required by relevant LCP policies. These contentions and the grounds on which they are based are enumerated in our appeals on file. Some of the contentions as written in our appeal are more nuanced than interpreted by Staff (i.e. temporary vs. permanent disturbance of ESHA), so we hope that Commissioners are able to find the time to read our appeal.

Although Staff's report would make it appear that there are no inconsistencies with the LCP, Staff's justifications are inappropriately based on generalizations and repeated references to the opinions and findings of the applicant, instead of leveling its own assessments based on an impartial consideration of the information presented by both sides. Staff does not look beyond the information presented to it by the applicant, which is apparent in the references it uses to justify its conclusions. Since many of the appellants' contentions rest upon the assertion that the conclusions drawn in the EIR are a result of misinterpreted and/or misleading data, it is flawed to use these same findings as a rebuttal to our arguments in such cases.

One glaring instance of a substantial issue that can be found by looking closely at the contents of the EIR is the delineation of wetlands. Despite the acknowledgement of the Commission's use of a one parameter definition of wetlands, if one reads the EIR and pages through the section on biological resources (available at http://www.lowwp-eir.net/lowwpeir/eir.aspx/pdf/EIR/pdf/RTC/App_Q/ 02240002 - App0Q-05-05 Biological Resources.pdf), as well as the appendix (Appendix G, found at http://www.lowwp-eir.net/lowwpeir/eir.aspx/pdf/EIR/Appendix%20G%20-%20Biological.pdf) and attachments that describe the methodology of wetland delineation (--most easily observed in the wetlands data sheets that appear on p. 597 of the 1008 page Appendix G, Appendix Section G-2, Attachment F), one will find no evidence that



Surfrider Foundation

the one parameter definition for wetlands used by the Coastal Commission was actually applied. Instead, one can conclude that the project's delineation considered only the regulatory criteria established by the United States Army Corps of Engineers ("USACE"), California Department of Fish and Game ("CDFG") and the Central Coast Regional Water Quality Control Board ("RWQCB") and used the Clean Water Act Section 404 definition to delineate wetlands. This definition requires the presence of all three wetland indicators, as opposed to the criteria used by the Commission which only requires that one of three indicators (soils, vegetation and hydrology) is present to define an area as a wetland. All of these other agencies employ narrower standards than the Commission's one parameter criteria, thus the delineation omits additional wetland areas as defined in the Coastal Act and California Code of Regulations from consideration and protection.

Given the issues raised in this letter and in our appeal of San Luis Obispo County Board of Supervisors' decision to approve this project, Surfrider strongly urges the Coastal Commission to **find substantial issue and move to de novo hearing** so that the Commission can receive a full Staff report and consider aspects of this project which will have significant impacts on the environment and resources protected by the LCP and Coastal Act.

Sincerely,
/s/
Sarah Damron
Central California Regional Manager
Surfrider Foundation

ENVIRONMENT IN THE PUBLIC INTEREST

EPI-Center, 1013 Monterey Street, Suite 207 San Luis Obispo, CA 93401
Phone: 805-781-9932 • Fax: 805-781-9384

San Luis Obispo **COASTKEEPER®**

January 7, 2010

Bonnie Neely, Chair
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

VIA FACSIMILE: 831-427-4877 and email

Subject: Public Comment – January 14 Commission Agenda Item 8a & b: Los Osos Wastewater Project Appeal

Coastkeeper Position: Neutral with regard to Substantial Issue.

Chair Neely and Honorable Commissioners

On Thursday January 14 your Commission will hear multiple appeals of San Luis Obispo County approval of a CDP for a waste water project in Los Osos. In 2004 the Commission issued CDP A-3-SLO-03-113 which established conditions and Commission policy regarding what is required of a waste water project to protect coastal resources in and around Los Osos. SLO Coastkeeper believes the San Luis Obispo County approved CDP being considered by your Commission is less protective of coastal resources than the policies and conditions established under CDP A-3-SLO-03-113.

SLO Coastkeeper urges your Commission to consider using whatever procedural pathways may be available that would allow the addition of conditions equal to, or better than the protective measures contained in CDP A-3-SLO-03-113 without further delaying a waste water project in Los Osos.

Respectfully Submitted,

Gordon R Hensley

Gordon Hensley,
San Luis Obispo **COASTKEEPER**

Th8a and Th8b

As previously stated, The LCP legal nexus for findings is known. With the time constraints present this appellant is not going to burden the commission with listings. It is this Appellant's contention that without a foundational Scientific grounding of Actual Local Coastal Conditions, (some of which has not been demonstrated in the materials that the commission is about to take action on), no Local Coastal Plan has any validity or implementability. It is the contention of this Appellant that while the County Planning Commission did a remarkable Job despite the inadequacy of the EIR, the actual factors that will determine if Los Osos is going to have a functioning water source in its future have been cobbled together at the last minute, with fully half the return waters undesignated, and without a designed flexibility in ramp up and without time lines or measurable targets.
This section will concentrate on several issues, some issues are further expanded immediately following this section;

A. Factual data regarding entry of contaminants to the Morro Bay Estuary;

Specific Recent Stormwater quality Data presented by the MBNEP shows MORE Nitrates in Morro Bay Town runoff than is currently seen in the Los Osos runoff despite the presence of many leach fields and septage pits in Los Osos. (2007 data set comparison (no 2008 comparison made)); • "*In general, the* ***Morro Bay*** *sites had* ***higher*** *detected levels of the nutrients* ***nitrates and orthophosphates than Los Osos.***"
The values are only slightly higher than DRINKING water standards. The most comprehensive research of Coliforms in Los Osos, was conducted by Dr. Kitts with MBNEP and WQCB funding. When I asked as to the post-sewer project, expected decrease in total bacterial loading to the Bay (in a public meeting in 2005), Dr. Kitts replied "Less than 1/10 % decrease expected". Please review attachments, and expanded section.

The Staff report is peppered with statements such as "*The approved project provides... ...Significant coastal resources such as the Morro Bay National Estuary, that are currently being* ***damaged*** *due to inadequate wastewater treatment and disposal in Los Osos***" and "***many attempts to address the pollution of Morro Bay***",**
Los Osos is a very minor contributor to the pollution of Morro Bay "The cleanest estuary on the West Coast", and will remain a measurably minor contributor after the completion of this or any other project. NO PROJECT DESIGNED FOR LOS OSOS WILL HEAL THE BAY.
I object to the Coastal Commissions staff's allowing the continued designation of Los Osos Citizens as Polluters of a National Estuary.
I object on behalf of the Bay that has been conscripted to function as "Poster Child", when there are many other factors, and at least 10 agencies that control the flows of pollutants into it's waters, and yet it is fecund and thrives. The Bony Fish Ear Study demonstrates that a ridiculous number of fish and fish species pass through here at some portion of their life cycle.

I respectfully request that the Commission direct it's attention to "Stewardship of the Aquifer" since, given AB 2701 language, the AQUIFER currently has NO such STEWARD, and the project may eventually pass into the hands of the LOCSD, an Agency currently working its way out of bankruptcy, and which will NEVER have overarching basin wide control.

B. General issues and impacts expected from Global warming and global weather pattern changes as they affect California's Coasts and their Technical Relevance or Irrelevance to the current project:

"***The likely scenarios for twenty-first century (2100) sea level rise due to unrestrained global warming remain less than 2 m.***" (5 feet) (IPCC)

Why does the project commit expensive resources to this mitigation (Condition 98). CC Commissioners, please review attachments after this section for California Wide Implications.

This project is one of the first large projects to be recognized to incorporate AB 32 in the EIR, It is notable that production of methane by decomposition of the waste grass proposed in the tonini version and still potentially presant in this version, is not incorporated into the calculations due to its definition as "biological".

C. Specific technical constraints related to practical inclusion of Graywater techniques within the project. **A recent presentation of The SLO Graywater Manual (Morro Bay, Veterans Hall, slo**greenbuild.org/Library/documents/general/**Graywater**_08_20_09.pdf) **indicated only a handful of VERIFIED properly constructed systems currently exist in the County's Incorporated and unincorporated areas (2 systems! 1 county wide, 1 Atascadero). The "legally not requiring a permit" systems, require a three way valve (Manual) to direct Wash loads with biological loads (such as Cloth Diapers) back into the county waste system (or septic tank on property as necessary, and require that the Graywater NOT be stored for more than a day. There is no significant net benefit, unless a Graywater system is constructed (AND INSPECTED TO VERIFY), that reduces CURRENT domestic out-door use of Potable water for irrigation, or the more complex Toilet flush Systems (Special permit), which use less potable water overall and does eventually return flows to the Central WWTF). Currently present in Los Osos, I am aware of old nonpermitted systems that consist of a pipe from the washing machine outflow going directly into a separate (separate from septic leach field/septage pit) mini pit. Those waters do not play a role in landscape irrigation. Such systems are frequently installed (usually AFTER septic tank failures), to prevent problems in washer surge discharges to septic tanks. My estimate of these systems prevalence is 5% of the 4500 tanks. I also was given an estimate of 10% by a local contractor. Given that these dirty waters are not offsetting outdoor irrigation, I am recommending an additional condition of approval that allows inspection of connections from the clothes washer, and subsequent home owner choice as to properly upgrade these systems to the standard of three way valve, surge tank, Irrigation Etc.. Or, re-piping to the waste outflow to the WWTF as that becomes available.**

D. Specific technical constraints related to practical inclusion of LOW IMPACT DEVELOPMENT (LID) techniques within the project, and the relatedness of Graywater System cross interaction. **The underlying soils in Los Osos prohibition zone are primarily Baywood Sands Fines. Many residents prefer the lack of sidewalks, narrow roads, and until buildout, there are many empty lots in which the rainwaters eventually percolate. The Prohibition Zone is predominantly unpaved and waters simply do not travel far without encountering sands. While winter flooding is a problem in some areas, the flooding takes place on naked soils. Clay lenses under the surface hold the waters in place. Parching the perched aquifer is an indirect (Flooding**

reducing) benefit of the project. Los Osos is simply not the best model for LID technology. This important technology has its place in the County, and the presence of the LID center in SLO can be an asset to Los Osos, but more for new development and in special projects, not necessarily benefiting the WWTP directly, or influencing the recharge to the aquifer, at best in altering flows into riparian areas. The use of decommissioned and sterilized septic tanks for the storage of rainwaters in the role of a cistern for supplemental outdoor use is a good idea, but it is complicated to avoid cross contamination, if a Graywater system is also in place on the same small lot. *"Don't cross the streams!"* Dr. Egon Spengler.

E. Specific concern for dry weather flows, environmental mitigation to Sweet Springs Preserve. **(Morro Coast Audubon) The Sweet Springs preserve has a biota that is dependent on flows potentially augmented by Septic tank effluent contributions. Priceless to the Birds, Turtles and Monarchs, it also has specific value to the community as one of the few "parks" and for Tourism (Personal communications with the restoration project manager, not an official position of MCAS). While directly Downhill and north from the midtown site, it's subsurface flows are more likely to be from points East. (Conversely SWAP, Elfin Forrest, has creeks but there is less association with septic related flows).**

The concern with the change to condition 97 is that there is not a specific designation or value ranking of the application of environmental mitigation designated waters, and as noted by other Appellants, a fixed percentage of environmental mitigation may not be the best approach.

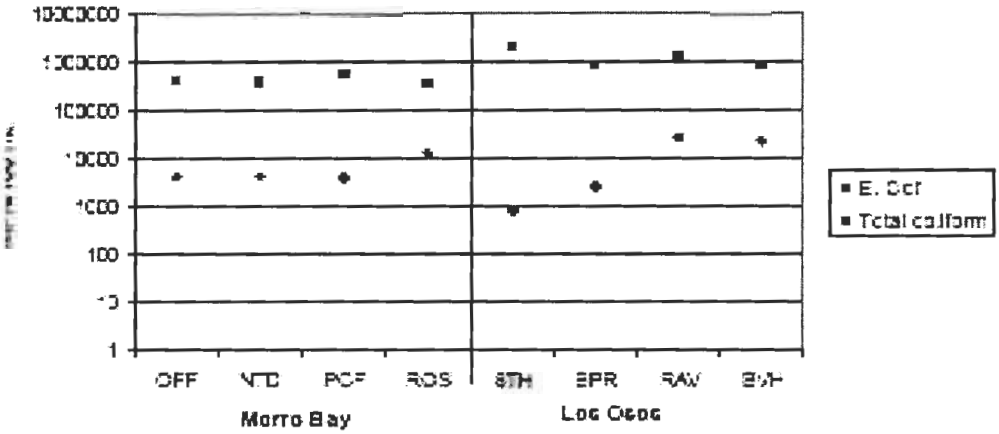
(CZLUO 23.07.170) A. By providing nesting, breeding and feeding grounds, wetlands support the diversity as well as health of wildlife.

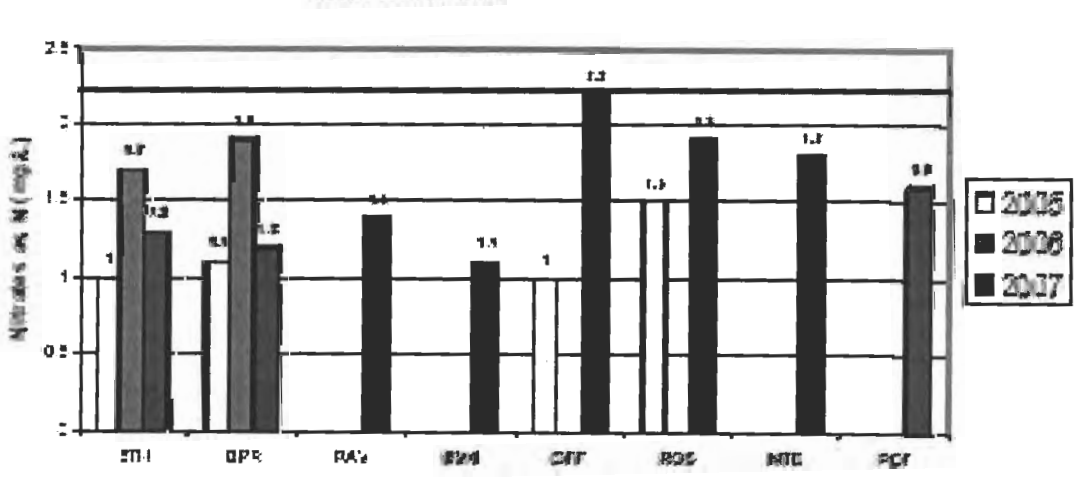
This is supportive data and further arguments

EXPANSION OF PREVIOUS SECTIONS and data

A. Factual data regarding entry of contaminants to the Morro Bay Estuary; 2007 available comparison data

http://www.mbnep.org/files/2007%20Stormwater%20Monitoring%20Report%20final.pdf





The eight Morro Bay sites were as follows:
(RMP) (BWD) (NTD) (NTD2)(PCF)(PCF2) (ROS) (DUN)
The six Los Osos sites were as follows:
(ASHS) (ASHN) (PNE) (BPR) (BVH) (FAR)

The following excerpt was entered into the public record of SLO PC meeting 6/29/09 note that it is not based on the MBNEP data. That confirmation came afterwards in a presentation by the MBNEP Director to the LOCSD of the data shown above.

"It has not been established that any sewer will achieve those (environmental) aims. The documented interpretation of Dr. Chris Kitts of his own STUDY (the waterboards' own) (http://www.marine.calpoly.edu/PDF/Moline/2002.Kitts.Moline.etal.Ecoli.pdf) study was that if the town is sewered the Los Osos bacterial loading to the bay would be decreased by "Less than a tenth of a percent". While that would be a minor benefit to the Bay and National Estuary, it is not of the county's preview to attempt to achieve those goals which would be achieved in any design that separated the leachfields and leachpits from runoff or groundwater. (unfortunately, the presentation of this testimony to the waterboard was incomplete, and the Documentation exists in CSD Meeting records of 7/7/05 and may not be identified in waterboard archives). It is to be noted that while there is much less sampling data of nitrate entry to the bay. Nitrates are expected to pass to the bay in a higher relative amount because the sands can't filter them as well as they filter bacteria
Direct observation of most of the shoreline should be sufficient to note that there are no significant telltale algae growths, or changes to eel grass, as would be expected from even diffuse loading in high concentrations of nutrients (phosphors and nitrates)" A.P.

A. General issues and impacts expected from Global warming and global weather pattern changes as they affect California's Coasts and their Technical Relevance or Irrelevance to the current project.

"During the twentieth century, sea level rose 20 cm. It is predicted that sea level rise will accelerate during the twenty-first century, but many model predictions still foresee a sea level rise of less than 1 additional meter by 2100. The greatest uncertainty in these predictions is the role of ice streams and iceberg calving from the major ice sheets. Current models are unable to predict the degree by which ice streams may accelerate in response to warming.[2] By one estimate, the glacial outflow from Greenland increased 200% from 1996 to 2005.[5] This increase in Greenland's outflow, if sustained, would add only ~3.5 cm to sea level by **2100**. However, since this large increase was apparently triggered by relatively mild warming, the IPCC is unable to rule out dramatic further increases in outflow.[2] A further ten-fold increase in glacial outflow and corresponding increases in the glacial outflow of Antarctica could effectively double the total mass loss through 2100. **Even so, the likely scenarios for twenty-first century sea level rise due to unrestrained global warming remain less than 2 m."**
Retrieved from http://www.globalwarmingart.com/wiki/Special:SeaLevel

Condition 98 Assumes a 5 ft Sea level rise during the lifetime of the project. The project is very unlikely to see such a rise by 2050, It would be therefore prudent to reallocate those resources to maximal (100%) Pipe inspections in projected high Ground water areas.
The implications of real expected Sea water rise scenarios on public works projects is a good thing, excess activities and costs are not. If significant sea level rise was to impact projects, in the next few decades, has this been applied consistently across California?
The Coastal commission recently approved modifications to a South coastal section Marina. Was sea rise considered for that project's lifetime?
Would it not be more prudent to develop plans for housing of Florida and Louisiana coastal refugees? Would it not be more prudent to promote shallow pipe technologies, and expect to need to salvage and recycle materials from shallow digs in coastal areas, in an uncertain future of petrochemical material pipe supplies?

At this time and with insufficient time to dedicate it is unclear to this author if the predicted levels of sea rise represent average sea level rise, or Maximal tide sea level rise. There is an expectation that tides will add a multiplier to sea rise I.E. higher tides than would be expected from taking the expected sea rise average and adding current maximum tides.

Additional Global weather change as it pertains to the project

There is industry information that Rain acidity; Sulfur dioxide from emerging industrial nations will arrive due to global warming. Acid rain is not that bad for a leach field, it refreshes it by flushing out some of the deposits.(Gong, Personal Communication) If the returned effluent is applied during rains the normal or higher acidity is buffered and the effect is diminished

2 Meter sea rise White area

Blue denotes a 4 meter Sea rise, Note the improvement of tidal circulation as the Morro rock Causeway disappears, Note that the Bay would be too deep for Eel Grass.

OTHER APPENDICES

The following was submitted to the SLO Planning Commission on June 23, 09 The Portions relevant to CCC are highlited

MEMORANDUM
Date: July 22, 2009
From: Alon Perlman
To: San Luis Obispo County Planning Commission
Subject: When is a "May", also a "Shall".
Legislative Intent of AB 2701 as regards Los Osos Waste-water
Project, and the Implications of the California Coastal Commissions conditioning of Tertiary treatment.
Introduction
The purpose of this memorandum is to provide an analysis of the language of the AB 2701 as regards the fate of those California Waters that are transferred to the county's possession, and reevaluation of the County's role as lead agency in protecting the Los Osos Aquifer, being that the conditioning of Tertiary treatment alters the status of the waste water, from that of a pollutant to be discarded, to a resource that must be utilized. It shall be identified that no entity or agency exists, that can take on the responsibility of Stewardship of the Aquifer, other than San Luis Obispo County Government.

AB 2701 Intent
The following language exists in BILL NUMBER: AB 2701 CHAPTERED Ref. http://www.assembly.ca.gov/acs/acsframeset2text.htm Bolding and underlines added for emphasis.

(7) It is the intent of the Legislature in enacting this section and amending Section 61105 to authorize the County of San Luis Obispo to design, construct, and operate a wastewater collection and treatment project that will eliminate these discharges, particularly in the prohibition zone, to avoid a wasteful duplication of effort and funds, and to temporarily prohibit the Los Osos Community Services District from exercising those powers. ... (portion omitted, AP)...
(c) The county may undertake any efforts necessary to construct and operate a community wastewater collection and treatment system to meet the wastewater collection and treatment needs within the district. These efforts may include programs and projects for recharging aquifers, preventing saltwater intrusion, and managing groundwater resources to the extent that they are related to the construction and operation of the community wastewater collection and treatment system. These efforts shall include any services that the county deems necessary, including, but not be limited to, any planning, design, engineering, financial analysis, pursuit of grants to mitigate affordability issues, administrative support, project management, and environmental review and compliance services. The county shall not exercise any powers authorized by this section outside the district.

It is noted that the wording "may include" has been hitherto perceived by county staff as optional as regards the project's relationship to water resources.
It is also noted that the legislation limits the ability of the County to "Exercise any powers authorized... outside the district".

Under what conditions, would the County not have a responsibility to include programs on the supply side of water reuse?
1. If the County had not declared a water shortage severity Level of III.
2. If Salt water was not intruding in an increasing rate.
3. If the basin was managed by a single water purveyor with financial stability and flexibility in decision making.

2. Who can initiate Santa Cruz style Agricultural use and exchange
3. Who is not under a bankruptcy ruling
4. Who is not constrained under the authority of the PUC
5. Who is not prohibited by special legislation from constructing a wastewater system.
6. Who is not specifically identified by special legislation as "(4) The Los Osos Community Services District has a relatively small staff that has no experience of successfully designing and constructing facilities of the size and type needed to eliminate these discharges." And similarly has no experience managing a County size Agricultural reuse program.

The County has done well in maintaining a position within the Interlocutory stipulated judgement. In doing so however, it is clearly identified as a Water Purveyor. The County has, independently of the LOWWP, initiated a retrofit plan, unfortunately as of this date the toilet retrofit plan suffers from serious internal inconsistencies (Reference LOCAC-Margotson). Additional measures can be undertaken, such as some conservation elements of the model proposed by the Los Osos Sustainability group. Additional programs may require the county to take the lead within the ISJ and or appeals to the legislature for additional special legislation. One that is likely to contain a statement "a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution."

Once the County has fulfilled the tertiary condition, The County possesses 1.4 MGD, at least for the first three years after the conclusion of project construction, that Water is no longer discardable, The County by volume alone could become the de facto primary purveyor. It is incumbent upon county staff to begin to identify its distribution.

These statements can be supported by provisions within the water code. It is expected that others are submitting also to this subject.
Thanks to commissioners and staff.
If you have questions please contact me at Alonatwork@email.com

END OF MEMO TO PC

MEMORANDUM
Date: Aug.12, 2009
From: Alon Perlman
To: San Luis Obispo County Planning Commission
Subject: Comments on PC LOWWP Conditions

Introduction

The purpose of this memorandum is to provide additional comments on the project conditions available at this time.

Exhibit B Conditions of approval

The following language in condition **1J** "harvesting wells". Harvest wells are not defined.
Condition **32** Traffic management plan condition 32 (f) additional where feasible follow the recommendations of the CSD fire department regarding the opening of blocked stubs and maintaining them post construction as consistent with the long range area plan.

Condition **55 noise** and in other locations. The statement "native Plant Materials, may restrict the use of eucalyptus While they are non native Eucalyptus have the advantages of already being introduced to the area for decades. And they are fast growing, relatively salt tolerant hardy, provide adaptive habitat for monarch butterflies (condition 58) and are disease resistant.
Condition **61 & 91** Does not recognize that eucalyptus are an adaptive habitat for Monarch butterflies and eradication and percentage counts should include the pre-existing trees
Condition **63** Does not mention the Giacomazzi site and other potentially Sholderbanded habitat (midtown is assumed)
Condition **75a** Mitigation 5.9-C2. relates to placing a high rated filter on the top polluter vehicle. In a personal communication with the APCD this mitigation was discussed with the APCD (Jan10, '09) It is unlikely the APCD will allow anything but the maximal Particulate filtration.
Condition **79, 80** Dr. David Dubbink submitted to the DEIR of his concerns. This section does not seem to recognize that wet sands have shock and noise transport properties that can amplify damage.
Condition **95** Conservation shall be managed so as not to take currently cultivated land out of agricultural production (in context of additional Giacomazzi property. Language respecting agricultural buffers may be missing.
Condition **97** If the project is to supply irrigation water to farmers the project will need to include some storage (holding ponds) to ensure a **regular**, **reliable** supply
Condition **98** Inspection should be 100% in all high groundwater areas. Note that there are areas of perched aquifer that have permanent large puddles on 9th street and 7th street. 5 foot sea level rise is outside of the planning capability of the county. Pipes should be sealed but discussing a 5 foot rise which would completely alter the demographics of all US coastal states and will be accompanied by mass migrations and significant alteration of weather patterns and is clearly outside the scope of discussion.
Condition **99** Conservation and retrofits should credit graywater systems
Condition **102** Thank you for this inclusion, It's nice to know someone listened.
Condition **105** Thank you for this inclusion, Planning commission to condition future approval of land fill expansions and EIRs on the receipt of bio-solids
Condition **110** Please review the location of the "baywood" pump station it is close to high groundwater.
Condition **111** Typo- It appears that the second Non-Potable should be "potable"

Th8a and Th8b

COVER PAGE

Date: 01/11/2010 16:18
NO. OF PAGE: 6 (include this page)

To:

From:

Name: Al Barrow

TEL & FAX: (FAX)1805 4391427

E-Mail: a.barrow@charter.net

Company: Coalition for Low Income Housing

Address: 1250 4th st B Los Osos CA 93402
P.O. BOX 6931 Los Osos CA 93412

Comment:

May 27, 2009

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Department of Planning and Building
Attn: Ms. Sarah Christie
Chairperson SLO Planning Commission
976 Osos Street, Room 300
San Luis Obispo, CA. 93408

Subject: **7 reasons why STEP was eliminated**

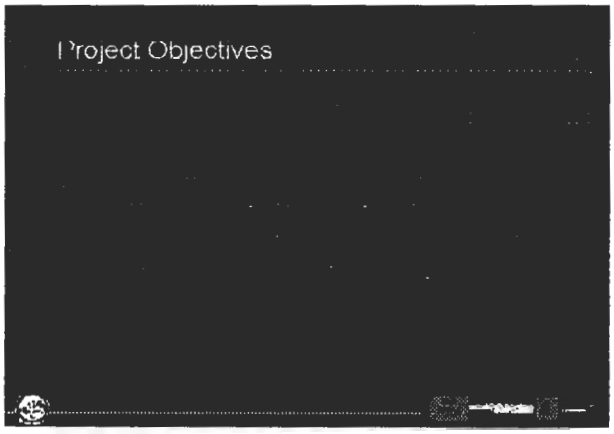
Honorable Planning Commissioners:

Please accept this letter as a rebuttal to the 7 reasons that are being presented to you as to why STEP is not being considered by staff.

Please take into consideration the following rebuttals are given within the context of the criteria set forth in the Collection System Request for Qualifications. This is the criteria by which all teams are evaluated and ranked. This context is critically important because the result is that most of staffs 7 reasons fall outside of the RFQ evaluation and ranking criteria:

Reason #1: STEP would require additional funds and schedule delays –

a. This reason implies that a gravity sewer hybrid would cause no additional funds or schedule delays.
b. During our interview the WM Lyles team proposed a gravity sewer hybrid. Following is the slide that was presented and explained during our interview.



c. WM Lyles gravity sewer hybrid contains STEP.
d. This fact neutralizes reasons number one, two, three, and four to eliminate STEP.
e. Additional funds and schedule delays are subjective and not part of the RFQ selection criteria. Timing was an evaluation criterion and we stated that simplicity of design (minimal complexity, low risk) facilitates rapid design process.

Reason #2: STEP did not present sufficient cost savings –

a. "Sufficient cost savings" was not a criteria identified in the RFQ process. California Contract Code 20133 (4) (B) (i) Competitive proposals shall be evaluated by using only the criteria and selection procedures specifically identified in the request for proposal. These same criteria should apply to the RFQ.
b. The RFQ process is utilized to evaluate the qualification of the team, not hypothetical costs. Actual costs cannot be established until bids are received in the RFP. The WM Lyles team had performed enough project analysis to deliver confident statements during our interview.
c. Cost is the #1 concern to the community and as Mr. Waddell pointed out STEP is less expensive than gravity sewer.
d. The community survey is being utilized as justification that STEP does not provide enough savings. STEP definitively provides savings. The community survey is irrelevant within the context of the RFQ. Had it been part of the criteria the WM Lyles team would've addressed the accusations.
e. Understanding all risks involved the WM Lyles team stated that our proposal would contain a maximum guaranteed price. Should the gravity sewer teams be required to submit a guaranteed maximum price (no change orders) that 20% cost savings could be increased substantially.

Reason #3: EIR analysis does not establish STEP as environmentally superior and no evidence indicates that a properly maintained gravity hybrid system poses a significant threat to the environment.

a. The RFQ documents treated both STEP and gravity as equal. The RFQ does not include any evaluation criteria that would have asked teams to respond to this issue at that time.
b. This statement doesn't state that STEP is better than gravity or gravity is better than STEP. Therefore, why is it mentioned as a justification for not promoting a STEP team?
c. The EIR does not directly compare STEP against gravity sewer; it compares the four alternative collection and treatment systems combined. It appears that a direct comparison of STEP and gravity was actually avoided.
d. The "Statement of Key Environmental Issues" submitted by the local San Luis Obispo environmental groups disagree with the "no significant threat to the environment" statement.

Reason #4: The STEP/STEG collection system will require extensive planning and design work to be completed and compared to the gravity/hybrid collection system option.

a. Our hybrid solution will take no more work or additional time than the other teams. In fact the simplicity and low risk attributes of a STEP collection system would likely require less intensive planning and design work.
b. The gravity sewer/hybrid system is not defined. Please take into account that with the MWH design gravity sewer over half the town is flowing the wrong way (toward Tri-W) away from the out of town treatment. If the lowest cost, best engineered gravity hybrid system was selected, it would likely require as much, or more, planning and design than a gravity/STEP hybrid.
c. No performance time frame was given in the RFQ, rendering this another subjective reason and possibly violating 20133 for not sticking to the specific project RFQ Evaluation and Ranking criteria.
d. During the interview our team stated that our STEP/STEG gravity sewer solution would be installed much faster than the gravity teams.

Reason #5: STEP/STEG has significant uncertainty over how to obtain easements from each private property owner for the installation of new STEP tanks.

a. There are thousands of low pressure sewer (STEP, Grinder, and Vacuum) systems installed across the country that do not support staff's subjective opinion of public utility infrastructure on private property. The SOQ panel interviewed Mike Saunders who had successfully overcome this issue in Port Charlotte, Florida with a STEP system.
b. Within the context of sustainability "only systems can be sustainable" however the County is choosing to not own or maintain a critical piece of the collection system which is the gravity sewer lateral connection to the home. It is very well documented that the lateral is typically the largest source of I/I in gravity sewer systems, but the County will have no control over this critical system component. Repairing and replacing privately owned laterals can cost up to $8,000, and since they are not publically funded or maintained, rarely get replaced at, or before, failure. Since the lineal footage of sewer laterals can be comparable to the footage of mainline, unmaintained gravity sewer lateral can and have been documented to be, considerable threats to the environment.
c. The County will own the STEP/STEG tanks and have full control in the event I/I is detected at the home. I/I can be independently monitored at each tank.

Reason #6: STEP/STEG shifts the impact of major construction from the county road right of way to individual private property.

a. However the overall impact of major construction is much greater with gravity sewer.
b. Please review the graphics in Appendix A. depicting the gravity and STEP impacts for both best and worst cases scenarios.

Reason #7: STEP/STEG will create significant additional costs for some property owners.

a. This statement is not part of the RFQ criteria and is a requirement being imposed by staff. It doesn't have to create additional costs for property owners, the on lot expenses could be structured as part of the system funding. This issue should be easily mitigated during the design phase of the project after the contract is awarded.

So what are staff's remaining arguments? Only subjective criteria that is prone to opinion and laden with bias against STEP, for example:

- On lot easements – Orenco has provided examples of how this has been done successfully but staff continues to ignore and feign that this issue is just too difficult to overcome. While detracting from pertinent issues like gravity sewer sanitary sewer overflows, sea water intrusion etc.
- Los Osos is too big for STEP/STEG This is said often but with no detail. For the record there are no engineering design principles (hydraulic, physical, or mechanical) that deem Los Osos as too big. This statement is just rhetoric.
- Lot's are too small – In Design Build staff needs to let the experts deal with the difficulties of small lots. That's why we guarantee our work.

In summary, throughout the County's process the STEP/STEG collection has proven to be economically and environmentally superior over gravity sewer in each of the following major areas of concern:

- Lower installed capital costs
- Less construction impact across the entire collection system
- Less soil disturbance across the entire collection system
- Fused pipe vs. gravity sewer Bell and Spigot jointed pipe
- No exfiltration (or exfiltration is easily detectable through a drop in the pressure main) vs. gravity sewer that could exfiltrate for years undetected.
- Lower to no infiltration and inflow
- Lower Biochemical Oxygen Demand load at the WWTP.
- Lower biosolids production
- Lower Green House Gas emissions
- Given the chance Orenco can also prove that STEP/STEG has a much lower Full Life Cycle Cost over gravity sewer.

Within the overall project context there are no logical reasons STEP should not be carried through to the RFP stage.

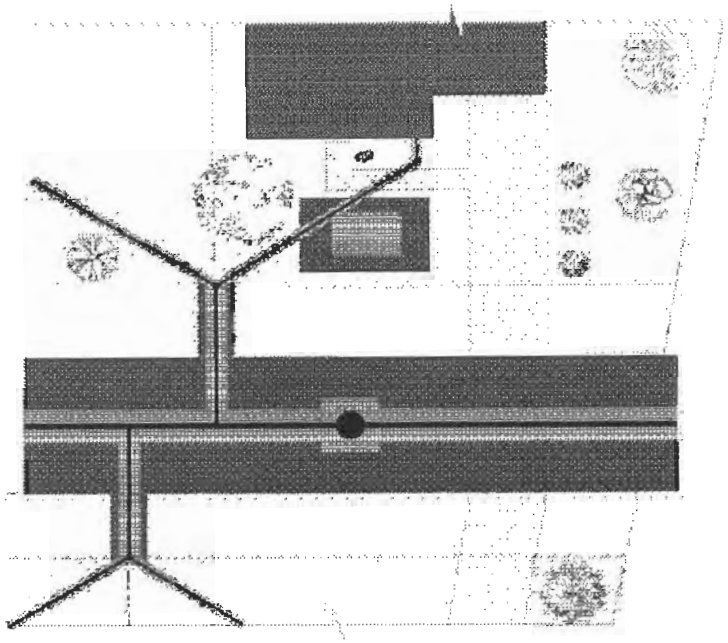
Thanks for taking the time to consider these comments. You can reach me (800.718.4046) or Mike Saunders (866.914.9454) anytime.

Sincerely,

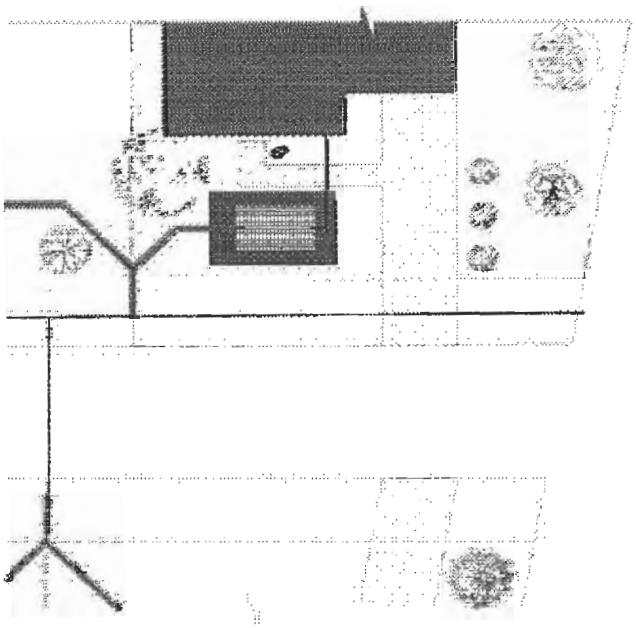
William Cagle
Program Leader, National Accounts

Appendix A

The following two illustrations compare gravity sewer soil disturbance against STEP sewer soil disturbance. STEP is by far superior with less overall impact.



The above drawing is a depiction of the overall gravity sewer soil disturbance impact drawn to scale within the context of applicable codes, setbacks, etc.



The above drawing is a depiction of the overall STEP soil disturbance impact drawn to scale within the context of applicable codes, setbacks, etc. The lightly colored tan areas are best case scenarios the darker brown areas are worst case.

Th8a, Th8b

January 7, 2009

California Coastal Commission
San Francisco, CA

Subject: Appeal of the Los Osos Wastewater Project (LOWWP), Coastal Commission Agenda Item No. Th8b, January 14, 2009

Dear Commissioner:

We are appealing the Los Osos Wastewater Project (LOWWP) Coastal Development Permit (CDP) because the project does not adequately mitigate for potential adverse impacts on the serious seawater intrusion problem occurring in the Los Osos Valley Water Basin, nor for project impacts on environmentally sensitive habitat in the area. For the reasons stated below, the project, as approved, will not protect and maintain groundwater resources or sensitive habitats, so it is not in conformance with LCP Coastal Watershed Policy #1 and LCP Environmentally Sensitive Habitat Policies #2 and #7: CZLUO Section 23.07.174; and Coastal Act Section 30240 (see Attachment i).

Issue #1

Conditions 6 and 97 of the LOWWP CDP (requiring recycled water to be used on farmland) and Condition 99 (requiring a conservation program) were added to the project to mitigate for the project's potential impacts on seawater intrusion. However, these conditions, as stated, require only development, not implementation. Further, they do not set specific times for implementation. The Commission must insert language requiring implementation and specific timing for these conditions to mitigate for impacts on seawater intrusion and protect groundwater resources (see Attachments A, B, and C).

Issue #2

Broderson leach fields are included in the project to replace groundwater flows and to mitigate for project's potential adverse impacts on basin groundwater (i.e., increased seawater intrusion in the lower aquifer, reduced water levels and potential for seawater intrusion in the upper aquifer, and reduced flows to wetlands along the bay). However, the benefits of Broderson leach fields are uncertain, and the project provides for slow start up of the leach fields as groundwater is monitored to avoid adverse impacts. The DEIR states the amount of water discharged at the site can be reduced if problems occur. However, the CDP does not provide for a plan to maintain aquifer levels and mitigate for impacts on seawater intrusion if the leach fields do not recharge groundwater as planned (see Attachment D). The Commission must insert language that requires the implementation of a plan to mitigate for seawater intrusion and maintain aquifer levels if Broderson leach fields fail to perform as planned.

Issue #3

About 400 AFY of groundwater will stop flowing into Willow Creek Drainage, a wetlands and riparian habitat, when the project is implemented. Willow Creek Drainage provides flows to Eto Lake, Los Osos Valley Creek, and Morro Bay Estuary (see Attachments E, F, G, and H). Conditions 87, 88, and 101 are supposed to mitigate for impacts on these ecosystems, but the conditions lack the ability to mitigate for the potential adverse impacts (see Attachments I and J). Condition 87 provides for a "Groundwater Level Monitoring and Management Plan." The Coastal Commission required a plan with the same name for the prior Los Osos project (Condition 20). However, that plan used multiple leach fields and harvest wells to maintain flows to the ecosystems (see Attachments K, L, M, and N). The current project does not have multiple leach fields or harvest wells. Condition 88 provides for "assisting property owners in the

implementation of opportunities to re-use existing septic tank effluent disposal systems (e.g., leach fields) to filter and percolate stormwater runoff." However, the condition does not require implementation of recharge measures by a specific time, and the measures suggested may not be effective. Condition 101 provides for 33 AFY of recycled water to be discharged into Bayridge Estates leachfields, but 33 AFY will not mitigate for removing 400 AFY of flows. Thus, the Commission must insert language that requires effective plans and specific timelines for their implementation, in order to protect coastal resources.

To assure the effectiveness of project mitigation plans and programs addressing seawater intrusion and impacts on groundwater, we ask the Commission to also insert language providing for the Executive Director of the Coastal Commission to review and approve each of the plans and programs.

We thank you for your consideration of these issues, and we look forward to explaining them further at the hearing on January 14, 2009.

Yours very truly,

Elaine Watson

Keith Wimer

Martha Goldin

Attachment i

Applicable Local Coastal Policies, Coastal Zone Land Use Ordinance and Coastal Act Sections

LCP Coastal Watershed Policy #1: "Preservation of Groundwater Basins"
"The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted."

LCP Environmentally Sensitive Habitat Policy #2 "As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat.

LCP Environmentally Sensitive Habitat Policy #7: "Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored."

CZLUO Section 23.07.174 "Streams and riparian vegetation"
The provisions of this section apply to development proposed within or adjacent to (within one hundred feet of the boundary of) an environmentally sensitive habitat as defined by Chapter 23.11 of this title, and as mapped by the land use element combining designation maps.
(1) Application Content. A land use permit application for a project on a site located within or adjacent to an environmentally sensitive habitat shall also include a report by a biologist approved by the environmental coordinator that:
(A) Evaluates the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures;
(B) Recommends conditions of approval for the restoration of damaged habitats, where feasible…

Coastal Act Section 30240 Environmentally sensitive habitat areas; adjacent developments
(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Luis Obispo County certified Local Coastal Program (and/or the California Coastal Act, as applicable); such review shall consider, among other issues, the environmental impacts of the new development, including the impacts associated with the installation of lateral connections necessary to tie into the approved collection system. Wastewater treatment service shall only be provided to developments that have obtained the required coastal development approvals in a manner consistent with such approvals. Prior to construction, the County shall prepare a public notice to all property owners of record within the service area that includes a copy of this condition, and an explanation of its effect upon the ability to obtain wastewater treatment service for future development.

Prior to the commencement of construction, said notice shall be mailed to all property owners within the service area, or noticed in three local newspapers and included in public information handouts provided by the County.

6. Tertiary Treatment. The treatment plant shall provide Disinfected Tertiary Recycled Water as defined at Section 60301.230 of Title 22 of the California Code of Regulations, which means a filtered and subsequently disinfected wastewater that meets the following criteria:

(a) The filtered wastewater has been disinfected by either:

(1) A chlorine disinfection process following filtration that provides a CT (the product of total chlorine residual and modal contact time measured at the same point) value of not less than 450 milligram-minutes per liter at all times with a modal contact time of at least 90 minutes, based on peak dry weather design flow; or

(2) A disinfection process that, when combined with the filtration process, has been demonstrated to inactivate and/or remove 99.999 percent of the plaque-forming units of F-specific bacteriophage MS2, or polio virus in the wastewater. A virus that is at least as resistant to disinfection as polio virus may be used for purposes of the demonstration.

(b) The median concentration of total coliform bacteria measured in the disinfected effluent does not exceed an MPN of 2.2 per 100 milliliters utilizing the bacteriological results of the last seven days for which analyses have been completed and the number of total coliform bacteria does not exceed an MPN of 23 per 100 milliliters in more than one sample in any 30 day period. No sample shall exceed an MPN of 240 total coliform bacteria per 100 milliliters.

Prior to providing tertiary treated water for agricultural uses the applicant shall develop a Recycled Water Management Plan for Agricultural Re-use. The use of tertiary treated water shall be consistent with resource protection strategies including but not limited to those designed to protect on and off site soils, and surface and groundwater resources through the use of appropriate site-specific management practices. The applicant shall consult with technical resource providers such as the University of California Cooperative Extension and USDA Natural Resources Conservation Service. The Plan shall be reviewed and approved by the Director of Planning and Building in consultation with the Agricultural Commissioner's Office prior to providing tertiary treated water for agricultural uses. *

Does not contain language to implement by a specific time.

Attachment B

DISCUSSION

Background

On September 29, 2009, your Board took action to approve the Los Osos Wastewater Project (LOWWP) subject to a number of Conditions of Approval. After this action, the issuance of the Notice of Final Action triggered statutory protest periods. Twenty-one individuals and groups have appealed your decision to the California Coastal Commission within those statutory timelines. In addition, two of the Coastal Commissioners have also appealed the decision. The Coastal Commissioner's appeal is limited to issues regarding wording in Condition of Approval number 97. In discussions with County Public Works, it would appear that addressing these issues would not affect project feasibility. On November 3, 2009, your Board directed staff to set a hearing in order to review the issues raised by the Coastal Commission.

Condition of Approval 97

Staff has reviewed all of the appeals received by the Coastal Commission, as well as the appeal by the Coastal Commissioners and has determined that the issue raised in the letter dated October 20, 2009 by the Coastal Commission is a valid concern that should be considered by your Board. The Commissioner's appeal raises concerns about the protection of the Los Osos Groundwater Basin. Specifically, the California Coastal Commission has recommended that the County modify Condition of Approval #97 as follows:

COA #97 Condition 94 as amended on 11/24/09

~~*Nothing in this condition shall preclude disposal of treated effluent in accordance with a court judgment arising from the current groundwater litigation involving the Los Osos Groundwater Basin.*~~ Does not contain

Disposal of treated effluent shall be reserved for the following sites/uses in the Los Osos Groundwater Basin: language to implement measures by a specific time.

a) *Broderson (not to exceed 448 AFY on an average annual basis),*
b) *Urban re-use within the urban reserve line (as identified in the Effluent Re-Use and Disposal Tech Memo, July 2008),*
c) *Agricultural re-use overlying the Los Osos Groundwater Basin, and*
d) *Environmental reservations (not less than 10% of the total volume of treated effluent)~~, and~~.*
e) ~~*Other agricultural re-use within Los Osos Valley.*~~

Total agricultural re-use shall not be less than 10% of the total treated effluent. Disposal shall be prioritized to reduce seawater intrusion and return/retain water to/in the Los Osos groundwater basin. Highest priority shall be given to replacing potable water uses with tertiary treated effluent consistent with Water Code Section 13550.

No amount of treated effluent may be used to satisfy or offset water needs that result from non-agricultural development outside the Urban Reserve Line of the community of Los Osos.

Attachment C

CONDITION 99 (conservation)—as amended by the Board of Supervisors at the appeal hearing on 9/29/09

Board of Supervisors' Condition 99

Within one year of adoption of a due diligence resolution by the Board of Supervisors, electing to proceed with a wastewater project, a water conservation program shall be developed by the applicant in consultation with the local water purveyors within the prohibition zone for the community of Los Osos, that meets the goal of 50 gallons per day / per person for indoor use. The applicant shall provide 5 (five) million dollars of funding towards a water conservation program for indoor water conservation. Incentives shall be provided to homeowners and other property owners who install conservation measures within the first year.

Original Condition 99 as approved by the Planning Commission (Provides for implementation rather than "development" along with specific retrofit allocations, an early participation incentive, and water auditors. The plan would have allowed greater reductions in water use because it would have provided for retrofitting washers, an important water saving measure. It would have also assured early implementation so seawater intrusion mitigation, etc. was effective before project start up to avoid potential impacts.)

Upon final approval of the Los Osos Waste Water Project (LOWWP) including any appeals to the Board of Supervisors and / or the California Coastal Commission, the applicant shall implement a water conservation program, in consultation with the local water purveyors, within the prohibition zone for the community of Los Osos. The applicant shall provide 5 million dollars of funding towards the water conservation program. Water conservation measures including but not limited to high efficiency toilets, showerheads, and faucet aerators (not to exceed $1000 per dwelling including installation) shall be provided and installed within the prohibition zone in consultation with the recommendation of a water auditor, prior to hook-up to the sewer system. If homeowner(s) choose to install water conservation measures within the first year of project approval (from the date of final action), then homeowners will be eligible for reimbursement of water conservation equipment (not to exceed $1000 per dwelling) and free installation of said retrofits.

elevations along the bay (C&A, 2000b). The lower rate would allow disposal that would restore shallow groundwater conditions but not require harvest wells to be used to drawdown the water table along the bay. A series of groundwater monitoring wells on the site and downgradient of the site will be installed to measure groundwater levels for the purpose of reducing the rate of disposal if necessary. However, the study speculated that at any discharge rate, there may be increased potential for liquefaction beneath residences immediately downgradient of the disposal area (C&A, 2000b). * No plan is provided to maintain aquifer levels and mitigate for seawater intrusion if Broderson fails to recharge groundwater as planned.

To assess the potential for liquefaction impacts to occur, the LOCSD conducted another subsurface investigation in 2004. The study conducted cone penetrometer testing to obtain site specific subsurface data around the area of proposed effluent spreading and downgradient into the adjacent community. The results of the study indicated that the potentially liquefiable soils in the vicinity of the site consisted of unconsolidated loose dune sand deposits contained within the upper 5 to 10 feet bgs. The underlying Paso Robles Formation is weakly indurated and forms a dense soil that has a low potential for liquefaction or seismic settlement to occur as a result of the effluent disposal system and the estimated groundwater mounding beneath Broderson (Fugro, 2004). The LOCSD 2004 study also conducted confirmatory field percolation testing and a prototype percolation line pilot test to provide infiltration data for correlation with the previous 1997 County study, and conducted additional laboratory soil tests to provide data for a preliminary disposal system design.

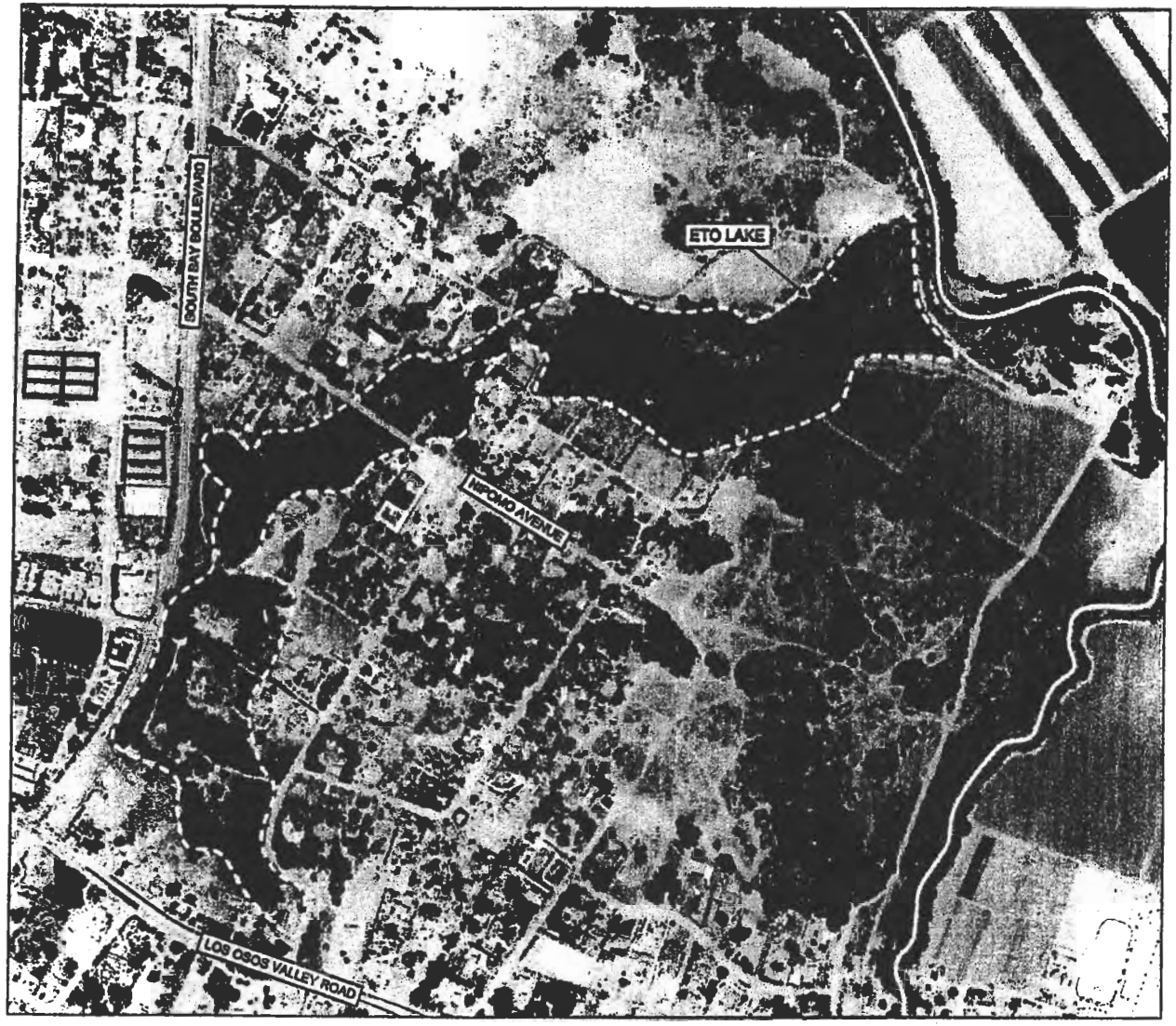
To assess the potential impacts of effluent disposal at Broderson on the underlying groundwater quality, the LOCSD performed a water quality modeling study in 2003 (Y&W, 2003). The study simulated groundwater quality changes that would result from discharge of treated effluent with an average NO3-N concentration of 7 mg/l. The study concluded that while change would be gradual over time, the removal of septic system recharge in the prohibition area and the return of treated effluent with a reduced nitrate concentration to the Broderson site would result in a beneficial impact that will improve water quality.

Short-term Construction Impacts

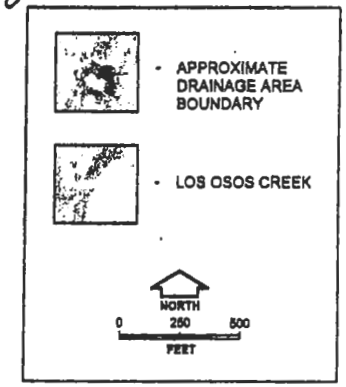
The entire Broderson site consists of approximately 75 acres. The leach field area as designed would occupy a rectangular area covering approximately 8 acres and the remainder would be preserved as open-space. The leach field design includes excavation of leach line trenches to an average depth of 6.5 feet during construction and subsequently re-graded. The leach fields would consist of a 4-foot depth of gravel for drainage, covered by a geotextile fabric, and then there would be at least 2.5 feet of native soil backfill. The percolation piping would consist of 4-inch perforated PVC pipe laid with the perforations facing upwards, one foot below the geotextile fabric layer. If

Attachment E

EIR, Appendix D-2



Willow Creek Drainage will most likely dry up with project implementation and major reductions in perched layer flows.



WILLOW CREEK DRAINAGE
Hydrogeological Impacts Analysis
LOWWP Draft EIR
San Luis Obispo County
Los Osos, California

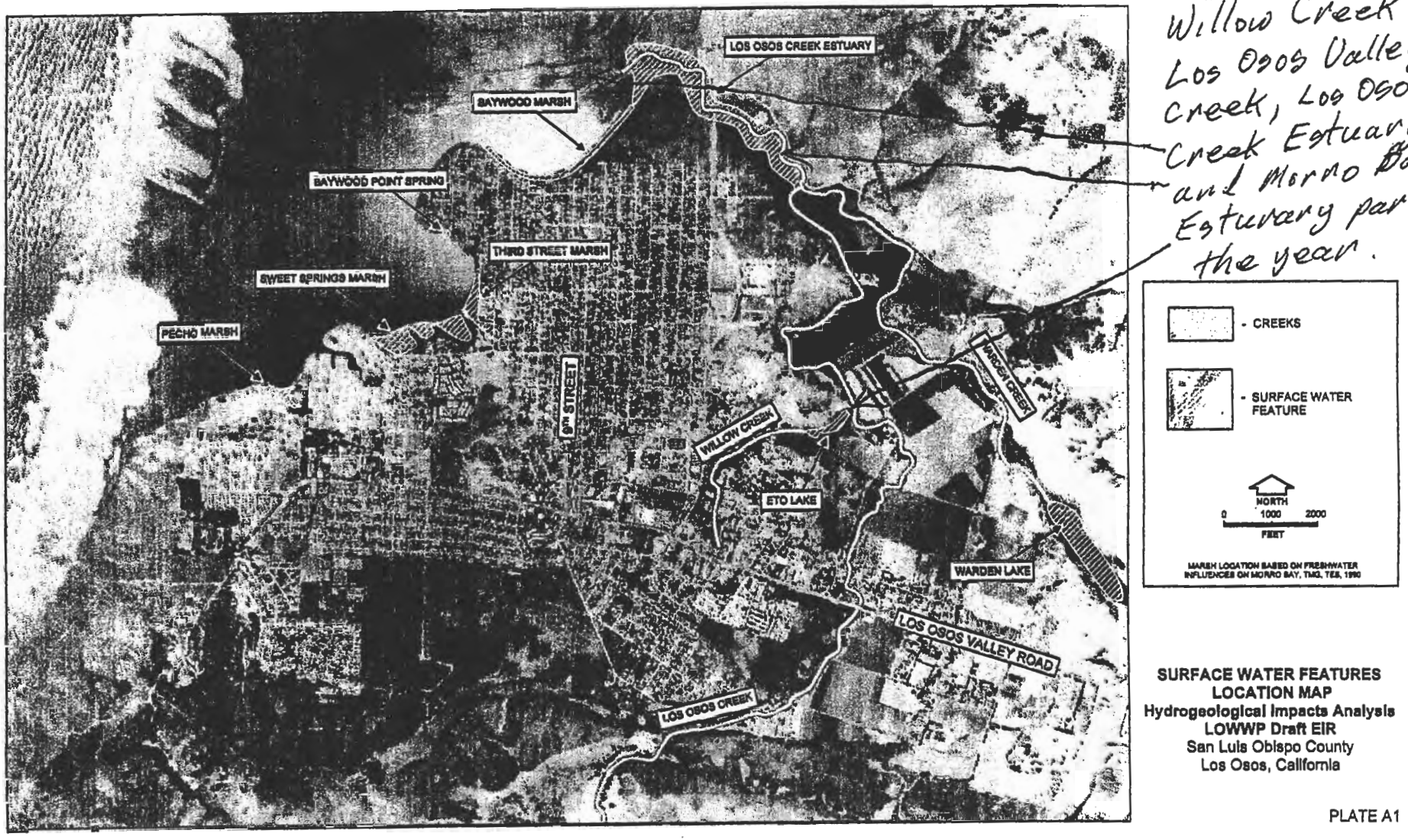
PLATE A2

Attachment E

Attachment F

EIR, Appendix D-2

Willow Creek feeds Los Osos Valley Creek, Los Osos Creek Estuary, and Morro Bay Estuary part of the year.



SURFACE WATER FEATURES LOCATION MAP
Hydrogeological Impacts Analysis
LOWWP Draft EIR
San Luis Obispo County
Los Osos, California

PLATE A1

Attachment F

EIR, Appendix D-2

Attachment G

Table 8 – Current Basin Balance Conditions

COMPONENT OF WATER BUDGET	PERCHED AQUIFER	CREEK VALLEY AQUIFER	UPPER AQUIFER	LOWER AQUIFER
PERCOLATION FROM PRECIPITATION AND IRRIGATION	736	430	1,489	0
SEPTIC RETURN FLOW	631	30	606	0
SUBSURFACE OUTFLOW	0	0	-1,310	0
SUBSURFACE INFLOW	0	167	112	0
LEAKAGE OR SUBSURFACE CROSS FLOW IN	0	117	788	1,248
LEAKAGE OR SUBSURFACE CROSS FLOW OUT	-815	-456	-882	0
SEAWATER INTRUSION	0	0	0	469
LOS OSOS CREEK INFLOW	0	665	0	0
LOS OSOS CREEK OUTFLOW	0	-77	0	0
WELL PRODUCTION	0	-870	-803	-1,717
WARDEN DRAIN	0	-6	0	0
WILLOW CREEK OUTFLOW AND EVAPOTRANSPIRATION	-552	0	0	0
AQUIFER INFLOW	1,367	1,409	2,995	1,717
AQUIFER OUTFLOW	-1,367	-1,409	-2,995	-1,717

ALL TABLE QUANTITIES ARE IN ACRE-FEET PER YEAR

Flows to Willow Creek from the perched layer

A comparison of the septic return flow volumes in Tables 8 and 9 shows the currently reduction in this component in the hydrologic budget that is effectuated by the LOWWP. Roughly half of the recharge from septic system percolation is located over the perching clay layer while the remainder is located over the upper aquifer in areas not confined by the clay layer. As indicated by the reduction in this recharge component (see Table 9) the LOWWP effectively captures over 90 percent of the septage return flows within the Los Osos Basin.

Table 10 – Viable Project Alternative 2b Basin Balance Conditions

COMPONENT OF WATER BUDGET	PERCHED AQUIFER	CREEK VALLEY AQUIFER	UPPER AQUIFER,	LOWER AQUIFER
PERCOLATION FROM PRECIPITATION AND IRRIGATION	736	430	1,489	0
SEPTIC RETURN FLOW	36	30	44	0
SUBSURFACE OUTFLOW	0	0	- 1,169	0
SUBSURFACE INFLOW	0	166	107	0
LEAKAGE OR SUBSURFACE CROSS FLOW IN	0	103	719	1,205
LEAKAGE OR SUBSURFACE CROSS FLOW OUT	- 737	- 455	- 835	0
SEAWATER INTRUSION	0	0	0	352
LOS OSOS CREEK INFLOW	0	665	0	0
LOS OSOS CREEK OUTFLOW	0	- 60	0	0
WELL PRODUCTION (INCLUDES CONSERVATION)	0	- 870	- 803	- 1,557
WARDEN DRAIN	0	- 9	0	0
WILLOW CREEK OUTFLOW AND EVAPOTRANSPIRATION	- 35	0	0	0
BRODERSON INFLOW	0	0	448	0
AQUIFER INFLOW	**772**	**1,394**	**2,807**	**1,557**
AQUIFER OUTFLOW	**- 772**	**- 1,394**	**- 2,807**	**- 1,557**

ALL TABLE QUANTITIES ARE IN ACRE-FEET PER YEAR

Flows to Willow Creek are cut off with project.

Analysis of Water Supply Impacts

LOWWP Facilities Construction Impacts

The sewage collection system for each alternative is effectively the same with the exception of sewage pipeline route to the final location of the LOWWP. Each collection system alternative removes septic system effluent discharges from within the prohibition zone. After treatment to a secondary level, the effluent will be conveyed to spray fields proposed for location at the Tonini site and a leach field proposed for location at the Broderson property. During construction of pipelines, pump station, and treatment facilities shallow groundwater may be encountered that requires disposal.

Attachment I

drilling (HDD) within all areas along the proposed conveyance routes, and pipe suspension at areas supporting existing bridge crossings along the proposed conveyance routes (at the Los Osos Creek crossing).

Microtunneling and HDD entrance and exit locations shall be set back as far away from wetlands, streams, and riparian vegetation as feasible and consistent with the setback requirements of the CZLUO and Estero Area Plan. Implementation of microtunneling and HDD methodologies shall incorporate a frac-out contingency plan and all relevant Best Management Practices during construction.

Maintenance activities associated with pipe suspension that may result in activity within the streambed of Los Osos Creek shall be restricted to periods when the streambed is dry and does not support any flowing water or pooling water in the proposed maintenance area.

Post Construction

84. Prior to operation of the wastewater treatment system, the applicant shall:

a) Obtain final inspection approval of all required fire/life safety measures.

b) Prior to operation of the wastewater treatment system, all Public Works Encroachment permit provisions shall be completed to the satisfaction of the Department.

85. Rehabilitation of disposal percolation fields shall be rotated so that no more than one field is under re-construction at a time.

86. Consistent with condition of approval # 34 is for Coastal Development Permit (CDP A-3-SLO-03-113 / D020283).To prevent the wastewater treatment system from inducing growth that cannot be safely sustained by available water supplies, the sewer authority is prohibited from providing service to existing undeveloped parcels within the service area, unless and until the Estero Area Plan is amended to incorporate a sustainable buildout target that indicates that there is water available to support such development without impacts to wetlands and habitats.

The County may not have the ability to implement. This project does not have the multiple leach fields and harvest wells used in the plan for the prior project.

87. Concurrent with the operation of the facility, the County shall implement the Groundwater Level Monitoring and Management Plan that details methods for measuring and responding to changes in groundwater levels that could affect wetland hydrology and habitat values. The Plan includes provisions for monitoring groundwater levels, surveys for wetland plant and animals, monitoring wetland hydrology and water quality, appropriate response procedures should impacts be identified, annual reporting, and an education program to encourage property owners to convert septic systems into areas capable of groundwater recharge.

88. In order to maintain existing levels of groundwater recharge and protect coastal water quality, the County shall evaluate and, where appropriate, assist property owners in the implementation of opportunities to re-use existing septic tank effluent disposal systems (e.g., leach fields) to filter and percolate stormwater runoff. Prior to the connection of individual properties the County shall, at the consent of the landowner, evaluate whether existing on site wastewater disposal facilities have adequate capacity and depth to groundwater to accommodate and percolate stormwater runoff, and if so, provide site-specific recommendations on how to connect such a system.

This does not require recharge measures to be implemented by a specific time, and these measures may not be effective.

Attachment J

100. Prior to operation of the wastewater treatment system, the applicant shall provide a new on-site well for facility operations in accordance with California Well Standards and County Ordinances and to the satisfaction of the Environmental Health Department.

101. The applicant shall utilize the existing Bayridge leach field (APN 074-491-033) to far short of the 400 (±) AFY removed. dispose of approximately 33 acre feet per year of treated effluent upon decommissioning of the existing leach field and connection to the community sewer system. The applicant shall consult with the Los Osos Community Services District (LOCSD) prior to the design phase of the project regarding use of said facilities to ensure all their concerns are addressed.

102. The applicant shall design the layout of the proposed sewer treatment facility to allow for structures to have roofs with "due south orientation" to maximize solar orientation for future solar photovoltaic and / or solar water panel installation, as feasible. No evergreen trees (with mature heights over 12 feet) shall be planted near structure that could potentially block the sun to these portions of the roofs unless necessary for visual screening. This shall be reflected in any landscape plans prepared / required. As a part of roof design / construction, these portions of the roofs shall be designed to be able to handle the "dead" loads associated with the weight of these panels. To further maximize solar efficiency, where possible, roof pitch of this portion of roof shall be as close to 20 degrees as practical. The applicant shall provide verification to the satisfaction of the County Planning and Building Department that the above measures have been incorporated into the project.

103. Prior to individual property connections to the waste water system, each property owner shall provide verification to the satisfaction of the Planning Director that all toilets, showerheads and faucets have been replaced with high efficiency versions of the same.

104. Agriculture irrigation lines and other wastewater effluent disposal lines shall be located within existing right-of-ways (including agricultural field access ways) and other areas known to not include, or that can be demonstrated to not include, cultural or biological resources. Use of the effluent shall be consistent with all other local, State, and Federal regulatory requirements including but not limited to the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands requirement of the Central Coast Regional Water Quality Control Board.

105. Bio-solids shall be disposed of at the closest approved facility within the San Luis Obispo County region. The San Luis Obispo County region shall be limited to the northern San Luis Obispo county line and south to the Santa Maria area within Santa Barbara County. If an approved facility is not available within the San Luis Obispo County region at the time of project start-up, then the closest approved facility shall be utilized. If an approved facility becomes available for disposal of bio-solids within the San Luis Obispo County region, that facility shall be utilized for disposal of bio-solids.

106. If the County acquires more land area than is necessary to site the treatment facility and appurtenant facilities, then prior to transferring title of the surplus area, the County shall record an affirmative agricultural easement over such surplus land. This easement shall take into consideration biological, cultural, sedimentation and erosion constraints on the project site. Agricultural activities chosen to take place on the remainder of the wastewater treatment facility site shall be consistent with the long term protection of the identified resources.

107. The applicant shall apply for and record a public lot prior to commencement of construction activities at the wastewater treatment site.

Attachment K

Previous project

Condition 20. Groundwater Monitoring

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit to the County of San Luis Obispo and the Executive Director for review and approval a Groundwater Level Monitoring and Management Plan that details methods for measuring and responding to changes in groundwater levels that could affect wetland hydrology and habitat values. In accordance with the monitoring and action plan proposed by the LOCSD and attached as pages 30 and 31 of Exhibit 6, the Plan shall include provisions for monitoring groundwater levels, surveys for wetland plant and animals, monitoring wetland hydrology and water quality, appropriate response procedures should impacts be identified, annual reporting, and an education program to encourage property owners to convert septic systems into areas capable of groundwater recharge.

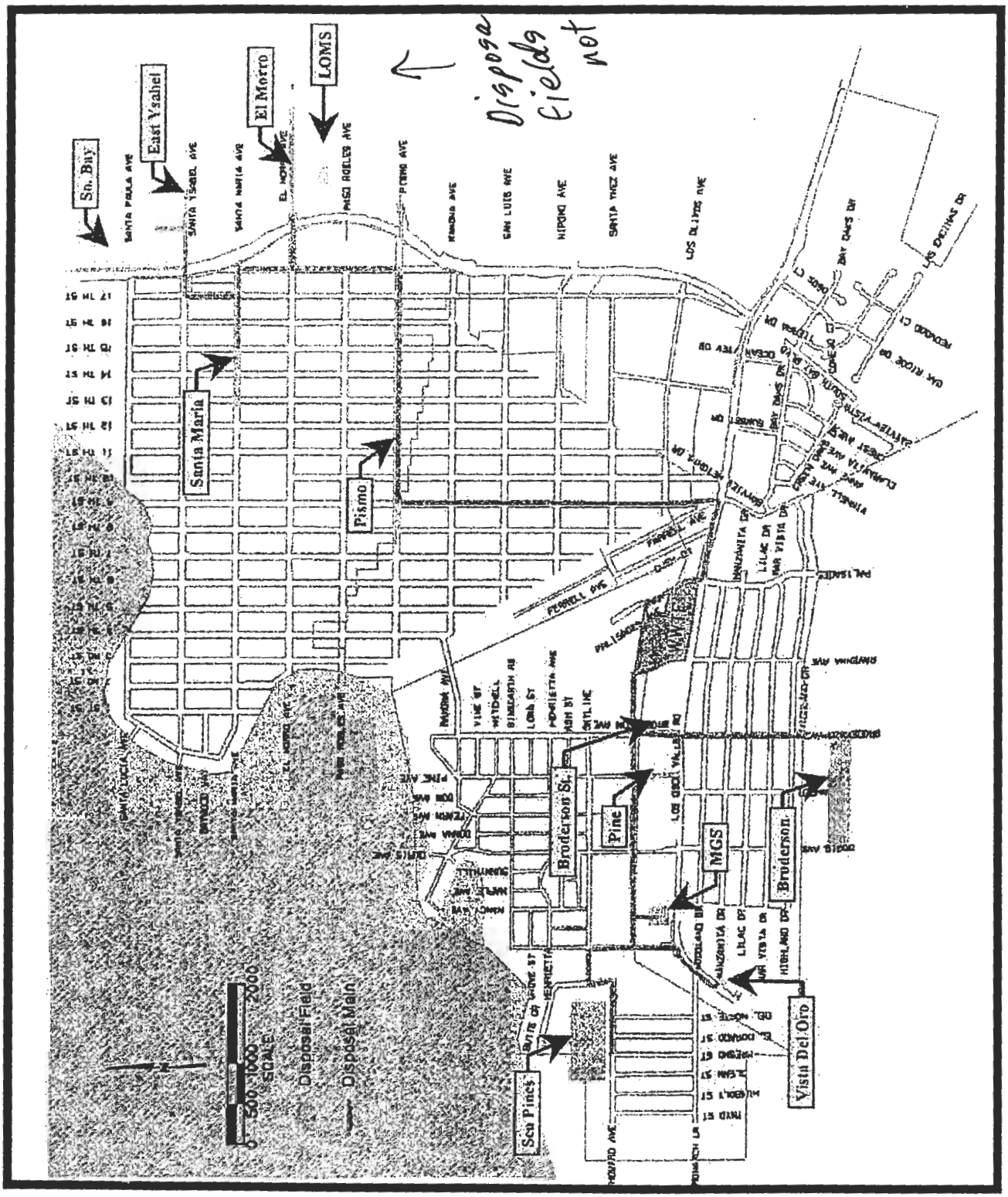
Evidence of compliance: Attached is a Groundwater Level Monitoring and Management Plan which is consistent with and builds upon the LOCSD materials included as pages 30 and 31 of Exhibit 6 of the staff report. This includes an education program for septic system decommissioning. *

Approved Ground-water monitoring + management plan per S.C. 20

CDP A-3-SLO-03-113
Special Condition 20
p. 1 of 22

Attachment L

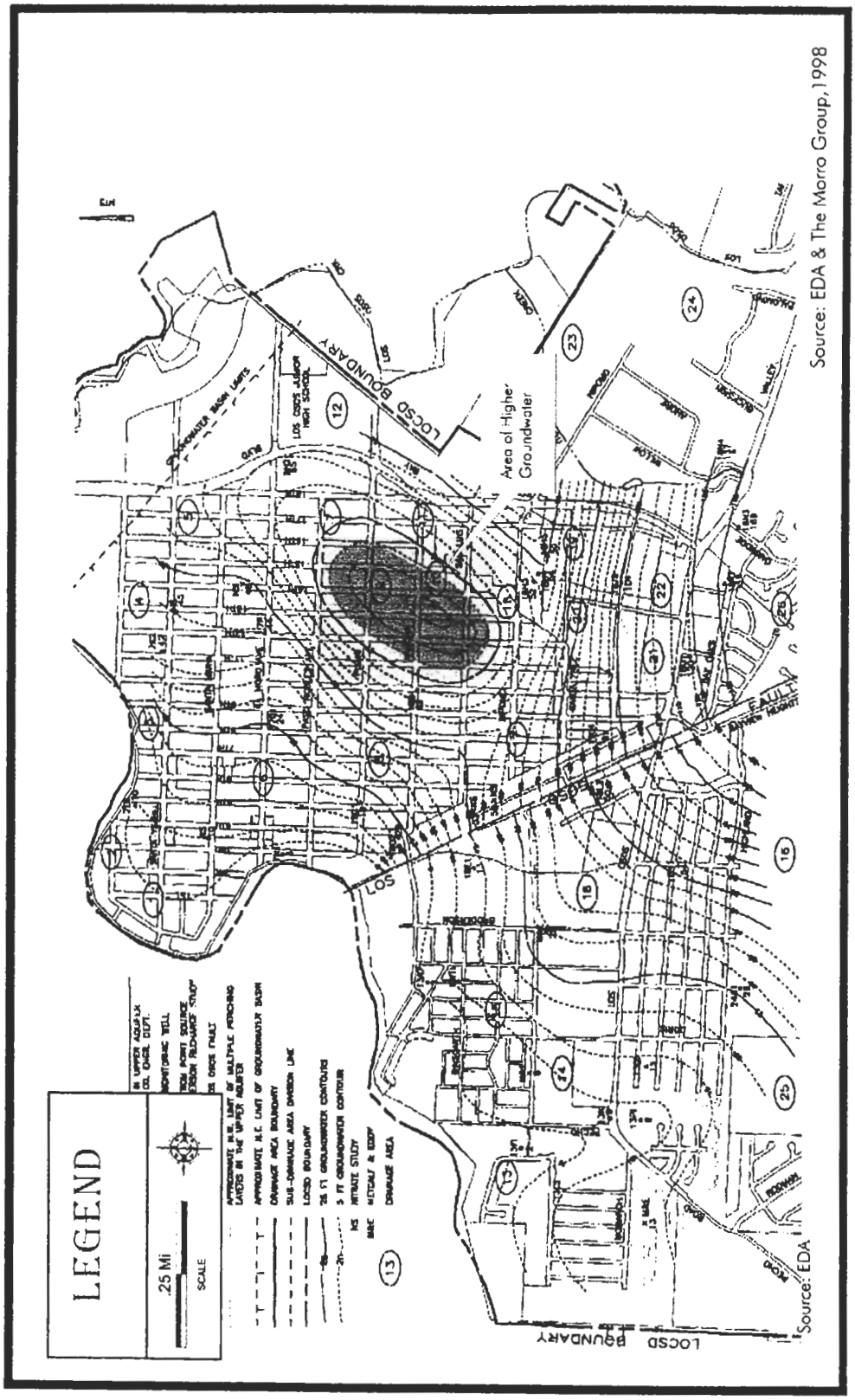
Figure 4 – Wastewater Disposal System



Attachment M

Condition 20
(previous project)

Figure 6 – Groundwater Elevations



ATTACHMENT N

Condition 20 (previous project)

brackish and salt water species could be affected. Again, these changes, if any, are expected to be small and temporary.

Wetlands could also be affected by changes to the re-charge regime of the upper aquifer. The Wastewater Project will change the way in which water is re-introduced to the upper aquifer from the decentralized use of on-site septic systems to a more centralized system of disposal leach fields. Once groundwater levels return following septic system decommissioning, the monitoring and management program is designed to maintain stable groundwater levels at about five feet of depth in the shallowest areas of town. Another consequence of the disposal system is that recharge will actually increase on the west side of town (east of the so-called Strand B of the Los Osos fault) from the current conditions, and decrease on the east side. This could result in an increase in freshwater wetlands along the Bay fringe to the west. Overall, the net change in wetlands along the Bay fringe is expected to be slight and difficult to distinguish from natural variation.

With respect to Sweet Springs, it should be noted that this is an artesian well fed by water introduced upslope that travels underground and emerges at the spring. Sweet Springs existed long before the urbanization of Los Osos and the widespread use of septic systems. Therefore, the decommissioning of septic system is not likely to have a significant adverse effect on the Spring and surrounding vegetation.

Other Wetland Areas – Los Olivos/Mountainview Area/Eto Creek

Other wetland and riparian resources exist in the community of Los Osos near the intersection of Mountain View Avenue and Los Olivos. Septic system decommissioning is not expected to affect groundwater levels in this area to the same extent as low-lying areas along the Bay fringe because the existing septic systems on properties surrounding these wetlands will remain in operation, being outside the Prohibition Zone. Nonetheless, these areas will be subject to the same temporary lowering of groundwater levels as experienced on the west side of the Strand B 'fault'.

Los Osos Creek

At present, most of the wastewater returned to the groundwater basin from septic systems east of the so-called Strand B of the Los Osos fault flows toward Morro Bay. However, a sizeable portion flows east toward Los Osos Creek due primarily to the pronounced "mound" of groundwater that has been mapped in the vicinity of Pismo Avenue and 14th Street (see Figure 6). Generally, the higher groundwater causes areas east of 15th Street to flow toward the Creek where the freshwater helps support riparian and wetland vegetation in that area.

The disposal locations on Santa Maria Avenue and Pismo Avenue and El Moro Avenue were chosen in part to help ensure that quantity of treated wastewater reintroduced to the basin maintains balance between the east and west sides of the 'fault'. Note that these disposal sites are estimated to have a total capacity of about 320,000 gallons per day. Assuming 300 gallons per day of wastewater per single family residence, this is roughly equivalent to 1,066 dwelling units which is well in excess of the number of units east of 15th Street and south of El Moro Avenue. This suggests that these disposal lines will approximately maintain existing subsurface flows toward Los Osos Creek, (albeit through a less dispersed method than individual septic systems).

Not part of current project.

Th 8a and Th 8b

Appellant Steven Paige,
1554 Ninth Street, Los Osos, California, 93402
Monday, January 11, 2010

Request for postponement of LOWWP CCC Significance hearing until after trial Paige vs. County of San Luis Obispo

I am a low income homeowner in the Prohibition Zone. I am raising my daughter on my social security income and maintenance man income and still qualify for the LOMS middle school federal free school lunch program with my combined income. I am a member of LOCAC land use committee. I have previously served on the Morro Bay Water Advisory Board, Los Osos Wastewater Committee, and City of San Luis Obispo Contractors Appeals Board. I applied for the TAC Committee but was not even granted an interview. Everyone that applied that I know had that opportunity. In my application I raised the issue of regulatory takings. That was about three years ago.

I am requesting the postponement of this 'significance' hearing and that it be differed to a later date in my case because of my pending litigation in *Paige vs. County of San Luis Obispo.* To not do so your legal Council will have presume I have no legal claim against the County.

The second option is to grant me a de novo hearing that would show good faith in allowing regulatory takings issues to be heard in full and also continue to honor my legal situation with the County of San Luis Obispo.

I am presently in litigation with the County Of San Luis Obispo for declaratory relief relating to my right to a response, and time issues related to my appeal of September 29th 2009, a Coastal Permit appeal, before the CSLO-BOS.

My legal claim is that the CSLO, Staff and BOS did not allow me time to explain the five items in enough detail to allow them reasonable mental speculation and that Staff did not respond to them directly in writing as required under CEQA. Many items were comingled for the September 29 hearing but my items 3, 4, and 5 below were not discussed *at all*, nor were they in the Sept. 29th Staff Report.

Item 1- Discontinuance of the Seniors Tax Deferral Program used to garner votes for the 218 assessment vote and contract with homeowner's.
Item 2- Removal of STEP/STEG from the design/build process when it was included in the 218 Engineer's assessment report.
Item 3- The challenge of the assumption that normal groundwater is wastewater and subject to assessment for special benefit to the plaintiff.
Item 4- Review of use of existing septic tanks as an environmental and economic

mitigation and the legal challenge that removing existing tanks is a regulatory taking.
Item 5- No economic and environmental mitigation is proposed for on site greywater development.

I have asked the Court to pray judgment as follows:

1. For a declaration that The Court render the written instrument hereinabove described as Resolution 2009-313 void and of no force or effect until the plaintiff's rights to appeal are revisited and a new hearing is set and consummated for the Plaintiff.
2. For damages in the sum of $ ---No Damages are sought at this time.
3. For issuance of a temporary restraining order, preliminary injunction, and permanent injunction restraining and enjoining defendant from registering with the California Coatal Commission and the State Governor's Office of Planning and Research said resolution 2009-313 and Development permit DRC2008-00103 until at such a time the full rights of the Plaintiff under CEQA Section 21091 d (2)(B) are extended to the Plaintiff as required.
4. For costs of suit herein incurred; and
5. For such other and further relief as the court may deem proper

The time line of my procedural complaint is as follows:

October ,7, 2007- County of San Luis Obispo receives my notification of a no vote for the 218 assessment and protest letter is received by the County Clerk. Items 9 and 10 in that protest letter cover issues presented to County Staff related to regulatory takings and taxation related to environmental offsets. (See Attached).

August 26, 2009- County of San Luis Obispo receives my Coastal Appeal to the County Planning Department recommending they deny approval based on issues outlined in petitioners tax protest of October ,7, 2007. (See Attached.).

September 19, 2009 I send in certified mail request for 35 minutes of time to the County Staff Report for my appeal covering the affordability issues. (See Attached.)

September 29, 2009 I am denied my time request to explain the five issues above, denied written staff response and denied rebuttal time at hearing. I present the attached PowerPoint on my procedural issues, property rights and regulatory takings that I presented to the Board of Supervisors.

October, 30, 2009-I file a "zero dollar" Declaratory Relief Claim against the County of San Luis Obispo for denial of due process for not responding in writing directly to my appeal issues covered in the planning commission document. (See Attached.)

November 8 2009 I receive denial of my Claim.

November 10, 2009- I file the Lawsuit outlined above and attached against the County of San Luis Obispo for declaratory relief on differences related to CSLO BOS denying my right to do process. (See Attached.)

November 13 2009- Send compromise letter to County Legal Counsel requesting staff respond to Items 3,4,5 in planning commission appeal and allowance of rebuttal time. (See Attached.) I ask for Staff to set in writing a rebuttal to my claims and ask to be allowed to speak for 6 min. in rebuttal, lowering my expectations from 5 issues and 25 minutes of rebuttal time.

December 21 2009 I have a cordial settlement meeting with County legal council, Tim McNulty and we agree to try and convince the Board of Supervisors to have Staff answer to my appeal and then ask them to allow me to use the three min of public testimony time in the morning and afternoon of the 12th of January for my rebuttal. I request that the 2 three minute time periods be bunched together if possible but that it was not a necessity. I agree to drop the lawsuit if they agreed to my reduced conditions.

Jan 5, 2010 The Board of Supervisors denied my compromise and denied me using my normal public testimony time for rebuttal on January 12.

Pretrial hearing is in March.

The Coastal Commission is legally affected by my CSLO BOS ignored complaints.

Item 3 is directly related to compensation claims in item 4. Under Coastal Act law, a regulatory taking is to be avoided that would take private property for a public use. My ignored appeal to the CSLO and now my complaint before you claims just that. I have an approved waste processing plant (a stand alone septic tank with out the leach field component) and it is being taken from me even though it meets the RWQCB's discharge standards of zero discharge. This is not a novel argument and it is supported by case law as in, *Pennsylvania Coal Co. v. Mahon (1922) 260 US 393.*, describing the litmus tests for partial takings.

"Section 30010 Coastal Act: Compensation for taking of private property; legislative declaration The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore."

California State Constitutional law, to which the CCC must comply with also requires:

ARTICLE I, SEC. 19. (a) Private property may be taken or damaged for a public

use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.

Federal law mirrors the same:

Federal taking claims are based on the Fifth Amendment to the United States Constitution that provides: "[N]or shall private property be taken for public use without just compensation."

Notable Federal legal cases I have studied related to partial takings affirm my complaint about on site septic tank components:

- *Del Monte Dunes at Monterey, Ltd. v. City of Monterey (1999) 119 S.Ct. 1624*
- *Dolan v. City of Tigard (1994) 512 U.S. 374*
- *Lucas v. South Carolina Coastal Council (1992) 505 U.S. 1003*
- *Yee v. City of Escondido (1992) 503 U.S. 519*
- *Nollan v. California Coastal Commission (1987) 483 U.S. 825*
- *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles, California (1987) 482 U.S. 304*
- *Keystone Bituminous Coal Ass'n v. DeBenedictis (1987) 480 U.S. 470*
- *Williamson County Regional Planning Commission v. Hamilton Bank (1985) 473 U.S. 172*
- *Agins v. City of Tiburon (1980) 447 US 255*

- *Pennsylvania Central v. New York City (1978) 438 U.S. 104*
- *Pennsylvania Coal Co. v. Mahon (1922) 260 US 393*

Notable California Supreme Court legal cases related to takings affirm my complaint about on site septic tank components:

- *Landgate v. California Coastal Commission (1998) 17 Cal.4th 1006*
- *Kavanau v. Santa Monica Rent Control Board (1997) 16 Cal.4th 761*
- *Ehrlich v. City of Culver City (1996) 12 Cal.4th 854*
- *Hensler v. City of Glendale (1994) 8 Cal.4th 1*

Denying me a CCC- De Novo hearing on this issue would be contrary to all the above statutes and create a further legal anomaly relating to my protest rights. Partial regulatory takings is the issue that I raised with the CSLO Planning Commission, and then the BOS and Staff that is at this point in a legally indeterminate state because of the denial of my right to due process. This lawsuit *is related directly* to the Coastal Act Statute #30010.

My documented complaint for over three years now, is that the RWQCB, CSLO or the CCC, have no right to require myself as a home owner, or for that matter, any homeowner in the Prohibition Zone, to decommission their septic tank component without just and due compensation. And that all three agencies failed in their duty to define their regulatory takings exposure requested under Presidential Executive Order # 12630(Regan).

Payout history on takings claims by the RWQCB to settle takings claims out of Court are probably well known by your legal staff. Those liabilities show that it is in the general public interest to resolve takings issues by studying them, and giving them the light of day carefully BEFORE they are litigated.

I argue in my appeal to you:

Prohibition zone homeowners have previously paid for and permitted on site waste processing component. A 'not substantial' finding on this issue would show your willingness to disregard prohibition zone homeowner property rights without fair financial compensation and would be duly noted.

To approve the LOWWP wastewater project without De Novo hearing on this issue alone would constitute discrimination against a class of homeowners. It would be subject to a class action property rights suit with the Costal Commission itself being named as a co-defendant based on the above statute. By allowing my de novo hearing the CCC avoids that potential situation and shows it can be fair to low and middle income homeowners by reviewing 'affordability' issues caused by property rights overreaching.

My August 26 Planning Commission Complaint, and September 29 Power Point presentation to the BOS outlines my valid legal prescribed rights to continue on site waste processing and NOT BE CHARGED via assessments or monthly fees a redundant or duplicate cost for the County to do what I am already doing on my property.

As for the leachfield component, the County is uncontested by me to collect at a reasonable cost the liquid only pretreated effluvient passing from the 'outlet' port of my septic tank waste processing system. I would have no problem delivering, at my expense, effluvient liquid to my property line in a two inch pipe just over 18" deep as required by code to be attached onto the LOWWP collection system when available at low pressure gradient to insure there is no groundwater infiltration into the collection system. The Counties rights to actions on my property end at my property line. All components including the pass through septic tank waste processing component have zero waste discharge as required by the RWQCB Ruling 83-12.

In RWQCB ruling 83-13, the County was to establish an on site septic tank maintenance program. The County and Waterboard has assumed the septic tank component has been working so well since then that they have not bothered to require a maintenance program.

The 'compensation' ramifications to property owners prevailing in Court are off-site also. Homeowner's that own normally functioning septic tank components should also be compensated for paying for duplicate or redundant waste handling processes offsite that are related to the tanks output. In Court claims would include oversized solids handling collection systems, gravity sewer groundwater infiltration impacts, differences in archeological impacts, differences in construction costs and differences in geologic impacts that directly relate to the difference in construction procedures between STEP liquid waste handling using existing septic tanks and the Counties proposed solid waste collecting sewer and waste treatment system. There are several STEP/STEG manufacturers who have already stepped up to supply engineering cost analysis to support homeowner's onsite and offsite compensation claims.

If you approve this project as proposed, you are exercising *"power to grant" "a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore."*

Further, it can be proven that there is no *discernable public benefit* for my septic tank component condemnation. This fact continues to advance my claim for regulatory taking using case law. (See litmus test ruling in *Pennsylvania Coal Co. v. Mahon (1922) 260 US 393).*

In fact, it can be proven by valid engineering and standardized physics equations that it is *in the public interest* environmentally and economically for homeowners to continue allowing partial on site waste processing using the inventory of existing sound septic tanks. The calculation of embedded energy and CO2 reduction related to continuing to use existing septic tanks has been purposely left out of the LOWWP FEIR as a GHG, social and sustainability mitigation because the benefits would infer that STEP/STEG was the only real choice for the Community. I need a de novo hearing to supply you with these facts and calculations.

Industry discrimination against STEP/STEG manufacturers is also inherent in assuming 'no significance' on this issue. A community collection system using the existing inventory of septic tanks has been proposed by Ripley, Orenco, and others and flagrantly ignored in the LOWWP TAC hearings, Preliminary EIR, and FEIR. There are many after tank vault/pump packages that are marketed by STEP industry manufacturers that would be economically discriminated against by a 'no significance' CCC determination.

You cannot assume condemning the existing inventory of septic tanks without valid testing of each individual tank. That is required by Porter Cologne water law. That testing should be afforded to each individual septic tank owner. Trespass and regulatory takings will not be tolerated when the County has already offered effluvient collection as an option, then abandoned it without scientific validation.

I attach by reference all of Appellant's Al Barrow's filings for this hearing related to STEP system costs in support of my *no discernable public benefit* claim.

I beseech you to allow my de novo hearing on the issues 3,4,and 5 in my legal complaint.

Rebuttal to Staff Report

Rebuttal 1: CCC claims it has limited scope.

"Most important, the cost and economic impact of the project is generally outside of the scope of issues that are relevant to the Commission's review of this appeal except to the extent that cost relates to feasibility of various project alternatives."

1) The Costal commission has not shown due diligence by making the false assumption that decommissioning of existing on site waste processing in the septic tank component has no regulatory taking impacts. No regulatory takings study (Executive Order 12630, Regan) has been performed by the Regional Water Quality Control Board, County of San Luis Obispo, and now, the California Coastal Commission. Although not required by law, an RT study could avoid future legitimate legal challenges related to regulatory takings and its 218 tax law implications.

If a regulatory takings case prevailed, 1/2 the economic impact of the project might have to be drawn from the San Luis Obispo County General Fund, much to the ire of other County residents. SLOC could expose itself to much the same quandary that the City of Paso Robles is in because of the failed 218 vote for taking water from the Counties Water Project. A prevailing takings claim would put the LOWWP 218 vote in legal limbo.

The CCC by assuming full economic mitigation has been carried out, fails to recognize that the case for retaining the septic tank component on site is supported by independent GHG calculations, 70 % Solids reduction at zero energy consumption, PM10 impacts related to haulage, and construction, and GHG mitigations related to the embedded energy in the normally functioning on site septic tanks.

The *LPC itself* states that 70% percent of the septic tanks in Los Osos were installed after 1970. Most are from one supplier made to provable ASTM standards. Few of that inventory have failed or are likely to fail for many years. RWQCB approved testing standards are reviewed in my attachments. Compared to gravity system infiltration, septic tank leakage is miniscule. The County has on record my standardized math calculations for this comparison.

A takings claim will not ripen until the CCC approves this project. At that point a takings claim is mature. Homeowners have the right to challenge being overly assessed for excessive costs related to project environmental inefficiencies and redundant onsite condemnation of personal property.

The Counties comparisons of STEP/STEG and gravity collection systems ignore normal Physics equations related to mass-energy-work calculations, and instead the County uses hearsay and vague unscientific comparisons to validate Gravity /Solids waste collection. The CCC must assume its role as scientific arbiter of the Coastal Environment.

Coastal Commission staff must recognize the fact that because STEP collection has a positive pressure gradient, that fact makes collection system infiltration impossible. CCC Staff falsely assumes that gravity sewer I and I, (rain and groundwater infiltration) into the collection system (1/3 the annual volume) is 'normal waste handling' when it can be avoided at a lesser monetary and environmental cost. Infiltrated water into the gravity collection system is 'drainage control' and has no relation to waste treatment which the Community voted for.

How can your staff justify the existing design of removing groundwater from the basin, mixing it with raw sewage, shipping it out of town, treating it, shipping it back into the water basin and releasing it back into the basin as a normal environmental and social impact when considering affordability and GHG requirements? Because existing septic tank component owners can deliver liquid only waste to their property line and a less expensive collection system is available to effluvient dischargers, then do they not have to be compensated for the total per lot assessment and fees cost related to I and I impacts? Assuming I and I is wastewater, lets I and I costs and environmental impacts be ignored. This too is a substantial issue.

Coastal Commission Staff goes on to State that:

"It is clear that the County in its approval, and in its subsequent actions to pursue funding to defray local costs, has taken steps to ensure the project is feasible from a cost standpoint, and the record supports their findings in this respect."

The project will need NEPA affordability evaluations that are not part of the FEIR before the CCC. The project does not meet affordability standards set by the federal government for projects receiving federal funds and will require further mitigation. The CCC due diligence would require that before this project is approved, and federal funding is assumed, that Federal Guidelines and Studies for affordability required for NEPA approval must be carried out.

Rebuttal 2: CCC claims 80% of residence voted to pursue this project.

"Second, , as previously discussed, it should observed that 80% of the affected residents voted to pursue a project and assess themselves to pay for it, indicating wide support for a wastewater project that necessarily will result in increased costs."

False Premise, only property owners were allowed to vote. False Premise, 80 percent approval. The Gravity sewer project on the returned ballots amounts to less than 50 percent

of the popular vote of prohibition zone population. Low and middle income renters were completely disenfranchised from this vote. No evaluation of continuing to use existing septic tanks was discussed in the pre-vote screening reducing on site STEP costs by 70%, and the property rights related to those cost reductions. The CCC is in factual error in using the false claim that the project has 80% total community approval to make its Non-substansial finding on Environmental Justice.

Rebuttal 3: Claiming future events justify the claim of affordability.

"Finally, the County is currently pursuing additional funding sources and indicates that potential local resident costs could be cut in half if they are obtained, including federal stimulus funds."

By the same argument, if existing septic tanks were used with STEP collection and the same funding is available then the homeowner cost could be cut by ¾'s. Because of the lack of NEPA evaluation, no Federal funding for this specific project can be assumed. The CCC disenfranchises low income homeowners with this misleading conclusion.

Thank you,

Steve Paige

WARREN R. JENSEN, #71349
County Counsel
TIMOTHY MCNULTY, #138600
Chief Deputy County Counsel
County Government Center, Room D320
San Luis Obispo, CA 93408
Telephone: (805) 781-5400
Facsimile: (805) 781-4221

Attorneys for Defendant County of San Luis Obispo

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN LUIS OBISPO

STEVEN PAIGE

Plaintiff,

v.

COUNTY OF SAN LUIS OBISPO, and DOES 1 to X

Defendants.

Case Numbers: CV 090627

NOTICE OF SETTLEMENT MEETING [Pub. Resources Code, § 21167.8]

Action Filed: October 28, 2009

Judge: Honorable Dodie Harmon

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that on December 21, 2009, a settlement meeting will be held at the Offices of San Luis Obispo County Counsel, Government Center, Room D320, San Luis Obispo, California at 2:00 p.m., pursuant to California Public Resources Code section 21167.8.

The parties may participate by telephone if arrangements are made prior to the meeting.

Date: December 7, 2009

Respectfully submitted,

WARREN R. JENSEN
County Counsel

By: _____
TIMOTHY McNULTY
Chief Deputy County Counsel
Attorneys for Defendant

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN LUIS OBISPO)

I am employed in the County of San Luis Obispo, California; I am over the age of 18 years, and not a party to the within action; my business address is County Government Center, Room D320, San Luis Obispo, CA 93408.

On December 7, 2009, I served an unsigned copy of this declaration and the following described document(s):

Notice of Settlement Meeting

on the party or parties named below:

Steven Paige
1554 Ninth Street
Los Osos, CA 93402

[X] **By United States mail.** I enclosed a true copy of the documents in a sealed envelope addressed to each of the persons as indicated above, and then placed the envelope for collection and mailing where it would be deposited with the United States Postal Service with postage fully prepaid on the same day, following my employer's business practice with which I am readily familiar.

[X] **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 7, 2009, at San Luis Obispo, California.

Neil Warner

1573nwpld.doc

Request for Time

From: Steven Paige DRC2008-00103—Protestant #782

To: Murry Wilson, Nicole Retana, Bruce Gibson-Supervisor, County of San Luis Obispo.

I am requesting a specific amount of time to address the Board of Supervisors on Sept 29, 2009. I will need 5 minutes for each claim in my petition for a sum total of 35 minutes of presentation time. I also request rebuttal time of ten minutes for staff's objections to my claims.

My legal standing on these issues was first set in my 'no' vote and tax protest filed with the County clerk before the 218 vote. Ignoring my request is in violation of Article XIII D of the State Constitution, Sec.(6)B-5 "In any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance with this article." Both taxation and environmental issues are at nexus in my complaint. Curtailing my time has a taxation effect.

I am aware that the Board of Supervisors is not holding hearings the previous week. I request that my time frame for rebuttal to the Planning Commission findings should not be reduced because of time lost the previous week.

Thank you,

Steve Paige

215-9025

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

County of San Luis Obispo, Does 1 through X

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Steven Paige

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

NOV - 4 2009

SAN LUIS OBISPO SUPERIOR COURT
BY _____
J. Cacho, Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lee la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumple con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court of the County of San Luis Obispo

CASE NUMBER:
(Número del Caso): CV 090627

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Steven Paige, 1554 Ninth Street, Los Osos, California 93402

DATE: 11/4/09
(Fecha)

SUSAN MATHERLY
Clerk, by
(Secretario) /S/ J CACHO , Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☑ as the person sued under the fictitious name of *(specify)*: The County of San Luis Obispo
3. ☑ on behalf of *(specify)*: Steven Paige
   under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
   ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
   ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
   ☐ other *(specify)*:
4. ☑ by personal delivery on *(date)*: 11/4/09

RECEIVED
JULIE L. RODEWALD
COUNTY CLERK-RECORDER
NOV - 4 2009
3:25 pm

FW-003 Order on Court Fee Waiver (Superior Court)

Clerk stamps date here when form is filed.

FILED

NOV - 4 2009

SAN LUIS OBISPO SUPERIOR COURT

BY _____

J. Cacho, Deputy Clerk

(1) **Person who asked the court to waive court fees:**

Name: STEVEN PAIGE

Street or mailing address: 1554 NINTH ST.

City: LOS OSOS State: CA Zip: 93402

(2) **Lawyer, if person in (1) has one** *(name, address, phone number, e-mail, and State Bar number):*

Fill in court name and street address:

Superior Court of California, County of
San Luis Obispo Superior Court
Courthouse Annex
1035 Palm St., Rm. 385
San Luis Obispo, CA 93408

(3) A request to waive court fees was filed on *(date):* 11/4/09

☐ The court made a previous fee waiver order in this case on *(date):* _____

Fill in case number and case name:

Case Number: CV 090627

Case Name:

Read this form carefully. All checked boxes ☑ are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

(4) After reviewing your *(check one):* ☐ *Request to Waive Court Fees* ☐ *Request to Waive Additional Court Fees* **the court makes the following orders:**

a. ☐ The court **grants** your request, as follows:

(1) ☐ **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. *(Cal. Rules of Court, rule 3.55.)* You do not have to pay the court fees for the following:

- Filing papers in Superior Court
- Making copies and certifying copies
- Sheriff 's fee to give notice
- Reporter's daily fee *(for up to 60 days following the fee waiver order at the court-approved daily rate)*
- Preparing and certifying the clerk's transcript on appeal
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court
- Court fees for phone hearings

(2) ☐ **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. *(Cal. Rules of Court, rule 3.56.)* You do not have to pay for the checked items.

☐ Jury fees and expenses
☐ Fees for court-appointed experts
☐ Reporter's daily fees *(beyond the 60-day period following the fee waiver order)*
☐ Other *(specify):* _____
☐ Fees for a peace officer to testify in court
☐ Court-appointed interpreter fees for a witness

(3) ☐ **Fee Waiver for Appeal.** The court grants your request and waives the fees and costs checked below, for your appeal. *(Cal. Rules of Court, rules 3.55, 3.56, 8.26, and 8.818.)* You do not have to pay for the checked items.

☐ Preparing and certifying clerk's transcript for appeal
☐ Other *(specify):* _____

FW-001 Request to Waive Court Fees

CONFIDENTIAL

Clerk stamps date here when form is filed.

FILED
NOV - 4 2009
SAN LUIS OBISPO SUPERIOR COURT
BY _____
J. Cashby, Deputy Clerk

If you are getting public benefits, are a low-income person, or do not have enough income to pay for household's basic needs and your court fees, you may use this form to ask the court to waive all or part of your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for $10,000 or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

Fill in court name and street address:

Superior Court of California:
County of San Luis Obispo
1035 Palm St., Room 385
San Luis Obispo, 93401

Fill in case number and name:

Case Number: CV 090627

Case Name:

(1) Your Information *(person asking the court to waive the fees):*

Name: Steven Paige

Street or mailing address: 1554 Ninth Street

City: Los Osos State: Ca Zip: 93402

Phone number: 805-5284738

(2) Your Job, if you have one *(job title):* Self Employed, Maintenance

Name of employer: _____

Employer's address: _____

(3) Your lawyer, if you have one *(name, firm or affiliation, address, phone number, and State Bar number):*

Pro Per

a. The lawyer has agreed to advance all or a portion of your fees or costs *(check one):* Yes ☐ No ☐

b. *(If yes, your lawyer must sign here)* Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

(4) What court's fees or costs are you asking to be waived?

☑ Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)

☐ Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees and Costs* (form APP-015/FW-015-INFO).)

(5) Why are you asking the court to waive your court fees?

a. ☐ I receive *(check all that apply):* ☐ Medi-Cal ☐ Food Stamps ☑ SSI ☐ SSP ☐ County Relief/General Assistance ☐ IHSS (In-Home Supportive Services) ☐ CalWORKS or Tribal TANF (Tribal Temporary Assistance for Needy Families) ☐ CAPI (Cash Assistance Program for Aged, Blind and Disabled)

b. ☑ My gross monthly household income (before deductions for taxes) is less than the amount listed below. *(If you check 5b you must fill out 7, 8 and 9 on page 2 of this form.)*

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	
1	$1,128.13	3	$1,907.30	5	$2,686.46	*If more than 6 people at home, add $389.59 for each extra person.*
2	$1,517.71	4	$2,296.88	6	$3,076.05	

c. ☐ I do not have enough income to pay for my household's basic needs *and* the court fees. I ask the court to *(check one):* ☑ waive all court fees ☐ waive some of the court fees ☐ let me make payments over time *(Explain):* _____ *(If you check 5c, you must fill out page 2.)*

(6) ☐ Check here if you asked the court to waive your court fees for this case in the last six months. *(If your previous request is reasonably available, please attach it to this form and check here:* ☐ *)*

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: 11/4/09

Steven Paige
Print your name here

▶ Steven Paige
Sign here

156

Case Number:

Your name: Steven Paige

*If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.*

7 ☑ Check here if your income changes a lot from month to month. Fill out below based on your average income for the past 12 months.

8 Your Monthly Income

a. Gross monthly income *(before deductions)*: $ 208.00
List each payroll deduction and amount below:
(1) _____ $ _____
(2) _____ $ _____
(3) _____ $ _____
(4) _____ $ _____

b. Total deductions *(add 8a (1)-(4) above)*: $ _____

c. Total monthly take-home pay *(8a minus 8b)*: $ 208.00

d. List the source and amount of *any* other income you get each month, including: spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.
(1) Child Support $ 200.00
(2) Social Security $ 640.00
(3) _____ $ _____
(4) _____ $ _____

e. **Your total monthly income is** *(8c plus 8d)*: $ 1048

9 Household Income

a. List all other persons living in your home and their income; include only your spouse and all individuals who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

	Name	Age	Relationship	Gross Monthly Income
(1)	Marina Paige	13	Daughter	$ 410
(2)				$
(3)				$
(4)				$

b. **Total monthly income of persons above:** $ 410

Total monthly income *and* household income *(8e plus 9b)*: $ 1458.00

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc., attach form MC-025. Or attach a sheet of paper, and write Financial Information and your name and case number at the top. Check here if you attach another page. ☐

***Important!* If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.**

10 Your Money and Property

a. Cash $ _____

b. All financial accounts *(List bank name and amount)*:
(1) _____ $ _____
(2) _____ $ _____
(3) _____ $ _____
(4) _____ $ _____

c. Cars, boats, and other vehicles

	Make / Year	Fair Market Value	How Much You Still Owe
(1)		$	$
(2)		$	$
(3)		$	$

d. Real estate

	Address	Fair Market Value	How Much You Still Owe
(1)		$	$
(2)		$	$
(3)		$	$

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

	Describe	Fair Market Value	How Much You Still Owe
(1)		$	$
(2)		$	$
(3)		$	$

11 Your Monthly Expenses
(Do not include payroll deductions you already listed in 8b.)

a. Rent or house payment & maintenance $ _____
b. Food and household supplies $ _____
c. Utilities and telephone $ _____
d. Clothing $ _____
e. Laundry and cleaning $ _____
f. Medical and dental expenses $ _____
g. Insurance (life, health, accident, etc.) $ _____
h. School, child care $ _____
i. Child, spousal support (another marriage) $ _____
j. Transportation, gas, auto repair and insurance $ _____
k. Installment payments (list each below):
Paid to:
(1) _____ $ _____
(2) _____ $ _____
(3) _____ $ _____
l. Wages/earnings withheld by court order $ _____
m. Any other monthly expenses *(list each below)*:

Paid to:	How Much?
(1) _____	$ _____
(2) _____	$ _____
(3) _____	$ _____

Total monthly expenses *(add 11a –11m above)*: $ _____

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA

COUNTY OF VENTURA

I am a citizen of the United States and a resident of the County of Ventura, over the age of 18 and not a party to the within entitled action; my business address is P.O. Box 7059, Ventura, CA 93006.

That on November 4, 2009, I served the documents, to wit:

NOTICE OF REJECTION OF CLAIM

On Steven Paige, by placing a true copy thereof in a sealed envelope with postage thereon, fully prepaid, in the United States Mail at Ventura, California addressed as follows:

Steven Paige
1554 Ninth Street
Los Osos, CA 93402

I declare under penalty of perjury that the foregoing is true and correct. Executed at Ventura, California on November 4, 2009.

Mauri McGuire
Client Relationship Manager

Cc: Clerk Recorder for the Board of Supervisors
San Luis Obispo County Risk Manager

CARL WARREN & CO.
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Appeal of Los Osos Wastewater Project / County File No. DRC2008-00103
Comments Submitted by Appellant Julie Tacker
Thursday, January 14, 2010 Item Th. 8a/8b

January 11, 2010

Dear Commissioner,

I am in complete support of a wastewater project for the community of Los Osos, recognizing that a wastewater project is the largest opportunity for the community to optimize this single most important "tool in the toolbox" for groundwater management.

As an appellant of the Los Osos Wastewater Project with limited time to speak Thursday, January 14, 2010, item Th.8a/8b, I have summarized my appeal into this 5 page memo in an effort to give you a snapshot into a select few project impacts that lack analysis, impacts left un-mitigated or un-analyzed, all which give rise to findings of Substantial Issue.

Within this memo you will find issues surrounding:

1. Water
2. Water Conservation
3. Wetland Impacts
4. Decommissioning Septic Systems
5. Staging Area(s)
6. Hours of Construction
7. Project Costs
8. Project Funding

I am very familiar with the 8,000 +/- page record. I look forward to seeing you all Thursday, feel free to contact me with any questions you may have.

1. Water

Watershed Policy 1: Preservation of Groundwater Basins

The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use of resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted.

Excerpt from Interlocutory Stipulated Judgment

(Parties include SLO County, LOCSD, GSWC, S&T Mutual(5% player))

1.Consideration of Purveyor contributions toward funding of **County-executed** *programs and projects for recharging aquifers, preventing or mitigating saltwater intrusion and managing groundwater resources to the extent that they are related to the County's construction and operation of the community wastewater collection and treatment system pursuant to AB2701.*

Excerpt from AB270:

4. (c) The county may undertake any efforts necessary to construct and operate a community wastewater collection and treatment system to meet the wastewater collection and treatment needs within the district. These efforts may include programs and

projects for recharging aquifers, preventing saltwater intrusion, and managing groundwater resources to the extent that they are related to the construction and operation of the community wastewater collection and treatment system. These efforts shall include any services that the county deems necessary, including, but not be limited to, any planning, design, engineering, financial analysis, pursuit of grants to mitigate affordability issues, administrative support, project management, and environmental review and compliance services. The county shall not exercise any powers authorized by this section outside the district.

Senator Abel Maldenado correspondence to Frank Ausilio, November 11, 2009.
RE: Seawater Intrusion
"...the Department of Water Resources (DWR) states that this issue falls under the jurisdiction of the County of San Luis Obispo...contact Courtney Howard with the San Luis Obispo County Flood Control and Water Conservation District..."

The County has the responsibility to prevent and mitigate the effects of seawater intrusion in the Los Osos Groundwater Basin beyond actual LOWWP impacts. It is critical that they do so as part of the wastewater project now and not defer it to another project in the future.

Upon completion of the LOWWP the basin will continue to face a 460AFY deficit. The current proposal accounts for limited mitigation for the existing deficit. Deferred decisions are not permitted under the LCP, therefore the project is incomplete, substantial issue raised.

2. Water Conservation

Prior to issuance of a construction permit for a new structure with plumbing fixtures that uses water from the Los Osos Groundwater Basin, the developer of such new structure shall retrofit plumbing fixtures within the Los Osos Groundwater Basin. The number and type of plumbing fixtures to be installed shall be as required in the equivalency table as adopted and codified in Appendix A. **(CZLUO 19.07.042 (e)(2))**

The water conservation program proposed in Condition of Approval (COA) 99 provides funding; it does not off-set the personnel use at the treatment facility. The project as approved is not required to comply with the Title 19 toilet retrofit ordinance. Treatment plant water uses will be the equivalent of two (2) residential dwellings.

3. Growth inducing impacts at Giacomazzi

Coastal Act Section 30241(a) *"...By establishing stable boundaries separating urban and rural areas, including where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses."*

The location will breach the stable urban-rural boundary at Los Osos Creek and fails to protect from new users by incorporating a *"Watsonville Straightjacket"* or *"Utility Easement Donut"* around the site to restrict additional service.
*Feasible alternative sites adjacent to the URL were not incorporated into the project co-equal analysis (i.e. Gorby).

4. Wetland Impacts

LCP-ESHA Policy 5 states: *Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible restored. (CZLUO Sections 23.07.170-178)*

The applicant admits no biological surveys have been performed since 2005 and suggests avoidance in the field.

*Wetlands on private property has not been identified nor mitigated. Wetlands were **not** covered by the 2005 Biological Opinion issued by the Department of Interior/United States Fish and Wildlife Service.

Deferred decisions are not permitted under the LCP, therefore the project is incomplete, substantial issue raised.

5. Decommissioning Septic Systems

The applicant defers to an "Operations Plan" to dispose of 4,774 existing septic tanks (estimated 5 million gallons) of septage. Suggesting their analysis of *"truck trips and fugitive dust for "filling in" the old septic tanks"* is equivalent to timing, hauling, handling and treatment of this highly concentrated material. Only certain wastewater treatment facilities accept this material, the applicant further suggests that *"residences could hook up to the new sewer and then pump and abandon their tanks at a somewhat later date".*

*This suggestion would in actuality **DOUBLE IMPACTS** of cost, dust, odors, and truck trips; further impacting the community.

Deferred decisions are not permitted under the LCP, therefore the project is incomplete, substantial issue raised.

6. Staging Area(s)

The proposed staging location is surrounded on 3 sides by sensitive vegetation/highly visible. *Neighbors never notified of this intended use.
ESHA Policy 14 states: *Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other*

disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values of the site (CZLUO 23.07.172)

ESHA Policy 7 entitled "Siting of New Development" sates in relevant part: *In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat. (CZLUO 23.05.034 (Grading) and 23.04.012.)*

LCP Policy 2 for Visual and Scenic Resources states: *Permitted development shall be cited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion. (CZLUO 23.04.210) Visual; Coastal Act 30251.*

This six acre site on South Bay Blvd. is *inconsistent* with project Conditions of Approval:

COA 35.j. (air quality) receptors are not to be within 1000 feet of staging areas.
COA 54 (aesthetics) relative to the highly visual nature in the public view to travelers on South Bay Blvd., a 'scenic highway' as defined by the Estero Area Plan.
COA 78.c. (noise) Construction activities in the vicinity of schools should be scheduled for times when classes are not in session.

6. Hours of Construction

Los Osos is part of the Morro Bay bird sanctuary and nature preserve. The community has few to no street lights. Sunset is before 6:30pm 3 months out of the year coinciding with raptor courtship season. Not to mention the imposition on a bedroom community.

LCP Policies for Shoreline Access Policy 2: New Development *"...access near a sensitive habitat may be restricted to a particular time of year avoiding conflicts with nesting seasons or other seasonal conditions."*

LCP Policies for Environmentally Sensitive Habitats

A. *Sensitive Habitats 4) marine habitats containing breeding and/or nesting sites and coastal areas used by migratory and permanent birds for nesting and feeding. The Coastal Act provides protection for these areas and permits only resource-dependant uses within the habitat area. Development adjacent must be sited to avoid impacts.*

B. *Wetlands. "...By providing nesting, breeding and feeding grounds, wetlands support the diversity as well as health of wildlife."*

(CZLUO 23.07.170)

7. Project Cost

The October 2007 Prohibition Zone 218 approval occurred prior to development of the applicant's project (NOP June 30, 2009). Residents at the time of the vote did not understand that the hurdles of COA 86 would leave developed properties to shoulder the entire financial burden.

Excerpt, email John Waddell, County Public Works to Julie Tacker, October 30, 2009

> *"The project cost estimate of $165 million includes the $127 million in sewer assessments already approved by the developed properties, $27 million in sewer assessments to be approved by undeveloped properties, and about $10 million in general benefits (ie. water supply benefits) that must be paid through rates and charges."*

Without meeting COA 86, (i.e. *Habitat Conservation Plan, Estero Area Plan and Local Coastal Plan amendments, many years away)* no new development will take place to share in project costs or benefits from economies of scale, leaving the financial burden to be borne by existing development. This was never explained to the community.

8. Project Funding

The applicant is pursuing numerous funding opportunities (from the LOWWP website/blog, November 24, 2009)

> *"• The State Water Board broadening the definition of "Disadvantaged Community" to incorporate criteria which includes Los Osos. This allows the project to apply for extended term SRF financing.*
> *• Our efforts on Proposition 84 Integrated Regional Water Management grant funds have us poised to receive regional funds. The project is the highest ranking unfunded project in the Central Coast region.*
> *• The project has the highest rank on the state's Project Priority List for SRF funding.*
> *• The $35 million dollar authorization in the Water Resources Development Act is still available for federal appropriation.*
> *• Congress providing a USDA population waiver for access to stimulus funds."*

Los Osos will be, and has always been, eligible for many funding opportunities, the applicants request for an expedited permit is misplaced when balanced against alternative technologies and reduced impacts in concert with appropriate Coastal Commission scrutiny.
Prior projects have been driven by "urgency" and been derailed by such haste, it is time to do one project and do it right.
Thank you for your time and attention to this matter.

Sincerely, Julie Tacker,
PO Box 6070, Los Osos, CA 93412 cell (805) 235-0873

Diana Chapman

From: Dan Carl
Sent: Monday, January 11, 2010 8:27 AM
To: Diana Chapman
Cc: Jonathan Bishop
Subject: FW: Objection to proposed staging area for Los Osos sewer

For dd's and file...

From: Gari Stinebaugh [mailto:garistinebaugh@sbcglobal.net]
Sent: Sunday, January 10, 2010 12:15 PM
To: Dan Carl
Cc: julietacker@charter.net
Subject: Objection to proposed staging area for Los Osos sewer

January 10, 2010

To the California Coastal Commission:

It is very disheartening to once again be faced with the possibility of a staging area for the Los Osos sewer project in my neighborhood. Southbay Blvd, Pismo Ave. and 18th Street border this area. 18th Street is a dirt lane used by homeowners for access. When the "Walker" property was used in 2005, the operation was greatly disturbing to my neighborhood. I live directly across 18th Street from this 6-acre parcel and border Pismo Ave. The neighborhood streets are the crossroads for dog walkers, joggers, school children, elderly infirm with caretakers, families on the way to use school grounds or area soccer meets. Here are a few topics I would like to see resolved.

Placement of "staging" area:

This choice of a staging area is just plain WRONG. This is a scenic area that is used by folks wanting to be away from city traffic, noise, and the visual pollution of an Industrial Park. Most Planning departments forbid schools from being located within Industrial Park areas. The Los Osos Middle School is located across Southbay Boulevard from this site. Homes are located directly across 18th Street. 40 feet from the roar of diesel engines being warmed up at the crack of dawn. 40 feet from arriving or departing big rigs delivering pipe and equipment. 40 feet from construction workers urinating in the pampas grass. 40 feet from a guy with a welding machine and a huge hammer beating on metal parts ALL weekend long. I sincerely suggest that we put the staging area in your neighbor hood for the next 5 years. The pipe delivery trucks will be idling in the street all night, waiting for the first guy to open the gate. The Foreman will arrive at 5am, and not go home until about 10 or 11pm. The "activity" and lights will not diminish on the weekends or non-construction hours. In fact, you and your neighbors will not have ANY peace or quiet for years. It will be an ugly version of the Costco shipping and receiving dock. This is not an Industrial Park, this is a quiet neighborhood. Change the staging area to a remote location.

Hours of noise, construction, heavy maintenance on equipment within the "staging area:

The construction on any single street in Los Osos, will eventually be completed. Even if you count the dust, noise and traffic congestion on the four streets bordering an individual block, the time frame is not very extreme. By allowing the "Walker" site to be a staging area you are condemning this neighborhood to noise, dust, heavy truck traffic, and traffic congestion for years. Think of your own neighborhood faced with the same issues, for years. The lack of planning and foresight by the previous use of this property as a "staging" area has giving the neighbors a taste of your solution. The lights come on at 5am and the traffic and noise start. The work on the streets can't begin too early, but there were no such restrictions at the staging area. Diesel engines fire up. Back up alarms chime and bong. Huge steel plates are stacked and repositioned. Porta-potty doors bang. Construction workers ogle and catcall the neighborhood schoolgirls. The local dog walkers and joggers dodge the mounting traffic mess as the sun comes up. The arrival and departure of big rigs less that 100' from the intersection of Southbay Blvd and Pismo Ave. is blended with school children and school buses. Can you go out into your yard and enjoy nature? We have rights as to peace and quiet in our homes and yards, please change the staging area to a remote location.

Safe storage of fuels:

I'm not a rocket scientist, but I'd bet money that portable fuel tanks must have containment systems. Wherever this staging area is ultimately placed, please have required monitoring of fuel storage, fuel spills and clean-up procedures. If this sewer system is in fact about the ground water, then one would think that there would be concern about hazardous waste dumping and spilling on the soil in this environmentally sensitive area.

Sanitary facilities:

Certainly the plan could not have been to have 60 guys show up early in the morning, coffee cups in hand and have NO sanitary facilities. The porta-potties were delivered only after complaints were made to the County Board of Supervisors. This only points out how little planning and foresight have gone into this project and speaks volumes as to how we, citizens and voters will be treated. You may desire to have a row of porta-potties in your view shed, but I think this is a totally inappropriate site for a staging area for the Los Osos sewer project. Please move the staging area to a remote location.

Respectfully,

Gari Stinebaugh
1440 Pismo Avenue
Los Osos, CA 93402

Letter to Mr. Douglas CCC Staff , Jan 8,'10 with reference to January 2010 Agenda items 8 a, b.

The CCC Staff's responsibility in preserving the spirit of the Acts governing public speaking and appeals (such as Brown act, Bagley Keene and the provisions in the Coastal act sections 30300), is critical at the point where STAFF INTERACTS WITH PUBLIC. It is precisely because the public process contains unknown elements and the public is not subject to the strictures wisely overlaid on the governmental and regulatory agencies, that an orderly, timely, evenly distributed, information outflow must be the outcome of staff's interactions with public and validly admitted Appellants.
Having staff distribute emails to specific appellants and suggest that they share that information with other appellants while other appellants still have similar but not identical questions unanswered, is precisely the way by which control of the public process is removed from its democratic intent. (I am not specifically referencing Mr. Bishop's exchanges at this time, because I believe the Coastal commission staff are capable and are working hard, and are overwhelmed, and I hope to avoid the necessity for a formal complaint)
Each and every appeal must be considered on its own merits.
A majority or cluster of appellants, are not necessarily a democratic representative subset of the public at large. If the commission staff prioritize their responses to certain individuals or groups, or verbally or categorically classify them, they must be able to show vetting and legitimacy to such preferential actions.
Each and every appellant must receive timely information as to those questions that apply to their specific class within a complex appeal process (specifically complexed by the Commissioners appeal reopening of process)
Due to deviations from common procedures, (some necessitated by the shear volume of appellants), each and every appellant must be informed as to the process elements that are shared by all and are critical as to their ability to present their appeal.
With specific reference to your, Mr. Douglass, lengthy response to an appellant, January 6, 2010 Afternoon containing a Postscript
"p.p.s., I discussed time constraints with the Chair and she indicated 5 minutes per appellant, 25 minutes for the County, 3 minutes for members of the public. No rebuttals."(Excerpted from Peter Douglass)
It is only by happenstance that I am aware of this, today, having previously left an unanswered request for that information. In this case you did not suggest an expectation that the Appellant distribute the information.

It is not at this time clear to me that I or the other appellants will receive a single 5 minute session (unguaranteed) given that two Appeal sets are recognized on the agenda.

Appeal No. A-3-SLO-09-55 (Los Osos Wastewater Project, San Luis Obispo Co.).

Appeal No. A-3-SLO-09-69 (Los Osos Wastewater Project, San Luis Obispo Co.).

It has been noted to me by another appellant that Mr. Barrow appears three times in the agenda-Citizens for Affordable and Safe Environment; Coalition for Low Income Housing; .. ..; Los Osos Legal Defense Fund;
Six times in the two appeal sets

In the Staff report: *Chris Allebe; Sandra Bean; Don Bearden; Barry and Vivian Branin; California Coastal Commissioners Sara Wan and Mark Stone; Chuck Cesena; Citizens for Affordable and Safe Environment; Coalition for Low Income Housing; Fair Allocation of Important Resources (FAIR); Martha Goldin; Joan Harlem; J.H. Edwards Company; Los Osos Legal Defense Fund; Alfred and Lourdes Magallanes; Richard Nyznyk; Linde Owen; Steven Paige; Alon Perlman; Bruce Payne; Piper Reilly; Sierra Club, Santa Lucia Chapter; Surfrider Foundation, San Luis Bay Chapter; Julie Tacker; Elaine Watson; Linda Ward; and Keith Wimer.*
I have no objection, of course, to your allowing Mr. Barrows CLIH and CASE being represented once by himself and his LOLDF being represented once by his lawyer based on their appearance separately at the Sept. 29 BOS SLO Action. I see Mr. Barrow Identifies CLIH/CASE within a single appeal, so the concern of the other Appellant (which shall remain unidentified) may be moot, nevertheless I point out that it is the commissions procedures and listings that are creating this confusion. Please respond clearly as to the times each appellant gets, and how many opportunities.

Is Coastal commission staff acting in legal concordance with the Protest rules, reviewing Meeting recording and transcripts and evaluating actual appeals as to rules of submission? My concern is with the overall process, but also by the potential dilution of my message. The haphazard manner in which I have seen (Or not seen) critical Process and Appeal presentation information come out of your office in response to appellants leads me to conclude that there is potential of DENIAL of FAIR ACCESS to the COASTal Appeal process.

On another matter;
I identified myself as the only and last appellant. I am the only new appellant in the "09-69" (Mz. Linda ward may also be new, but I believe was included within a "09-69" Appeal subset)
I therefore claim the right to be the last person speaking. (As already listed on the AGENDA) Please respond ASAP and with legal justification if you believe this will not be possible. Since I have previously communicated an intent to discuss beyond condition 97 and have not received a legally substantiated response otherwise, I am proceeding on that assumption.

I am not interested in involving myself further in commission procedural matters. I am not interested at this time in this communication being circulated to other appellants. Should your review of this communication bring about changes in understandings or information circulated to others, please do notify them (I would hope you are obligated to do so) and CC me as appropriate.

Thank you
Alon Perlman

Baywood district 1
Los Osos

Jan 8,'10 emailed and with reference to CCC January 2010 Agenda items 8 a, b, and recipients listed on e-mail of this date.

-----Original Message-----
From: Dan Carl
Sent: Saturday, January 09, 2010 4:14 PM
To: Diana Chapman
Subject: FW: Fwd: Homes to You

for DD's

-----Original Message-----
From: al barrow [mailto:a.barrow@charter.net]
Sent: Sat 1/9/2010 3:59 PM
To: Jonathan Bishop; Charles Lester; Dan Carl; derekl@coastal.ca.gov; DLandry@coastal.ca.gov; Peter Douglas; Sarah Christie; Sharif Traylor
Cc: al barrow; patrick sparks; piper reilly
Subject: Fw: Fwd: Homes to You

Dear California Coastal Commissioners:
There is no sewer design as yet making the CDP of SLO's LOWWP County premature. The new data on flows collected makes the old design obsolete. The slopes will have to be redesigned. The lift station are in ESHA and too close to wetlands. The county opened the door to the cost argument in the staff report as did the staff. Two viable sealed collection alternatives are available instead of leaky gravity sewer that will degrade the wetlands and the drinking water aquifer.
For these and other reasons that were submitted in Los Osos Legal Defense Fund Appeal and Coalition for Low Income Housing CASE Appeal we are preparing a Writ Of Mandamus in he event you find no substantial issues and give the County the CDP. Gentrification by Infrastructure and approving a project that will degrade the waters of the state even more severely than the septic systems is unacceptable. Thousands will lose their housing as the County has chosen a project that is over one hundred million dollars more costly than the more protective 100% sealed STEP/STEG collection system. The primary treatment and 70% reduction in biosolids that the existing septic tanks achieve will be sacrificed opening up legal taking issues as well. Our counsel proposes a vote by the property owners in the PZ as to which options the want for collection treatment and disposal ending the discordance. Please award the appellants a De novo hearing to explain the many concerns this project brings Finally know that the conditions in Los Osos are so very different than other places where gravity collection is appropriate.
Please answer the question of standing if the appellants are not at the January 14th hearing w ill they lose the ability to file a writ of mandamus for not exausting?

Thank You,
Al Barrow Los Osos Legal Defense Fund and Coalition for Low Income Housing

From: al barrow
Sent: Saturday, January 09, 2010 12:28 AM
To: patrick sparks
Cc: al barrow
Subject: Fw: Fwd: Homes to You

Tacker Response to 12_22_09 CCC staff report

Tacker Appeal Contention

4. Staging Areas

a. The only staging area analyzed in the DEIR within the urban area of Los Osos is the 6 acre parcel at Pismo and South Bay Blvd., this parcel is **inconsistent** with COA 35.j, (air quality) receptors are not to be within 1000 feet of staging areas. The Los Osos Middle School and numerous homes surround the site. This location is also **inconsistent** with COA 54 (aesthetics) relative to the highly visual nature in the public view to travelers on South Bay Blvd., a 'scenic highway' as defined by the Estero Area Plan, updated and approved by the California Coastal Commission in July 2008. *(Please amend appeal to include)* Additionally, the staging area in question is inconsistent with COA 78.c. (noise) Construction activities in the vicinity of schools should be scheduled for times when classes are not in session.

b. The LOWWP Notice does not mention the intensity of such an operation within a neighborhood and the impacts staging heavy equipment for several years at that location. The average public would not know that the project impact them as such without being notified to read the DEIR.

CCC Staff response:

Certain Appellants content that County approved staging areas are inconsistent with County conditions, including staging areas allowed in the SouthBay Boulevard "Scenic Highway". It is true that certain construction equipment and activities will be visible from important public viewsheds. Given the scope and scale of the project affecting essential all of Los Osos, such construction cannot be hidden. While no specific LCP policies are cited with this appeal contention, construction staging impacts are considered temporary and of limited duration. County condition 54 appropriately addresses the visibility of construction staging areas. This contention does not raise a substantial issue.

Tacker counters:

Condition 54: [Mitigation 5.12-C1] Construction staging areas shall conform to Estero Area Plan AES-1 and be located away from sensitive viewing area to the extent feasible. Before construction activities begin, an area of construction equipment storage away from direct views of sensitive viewing corridors (e.g. residences and major roads in the project area) shall be designated.

The new Area Standards in the rural Estero Area Plan adopted identify Los Osos Valley Road, Turri Road and **South Bay Blvd**. as Sensitive Resource Area's (scenic

corridors). Reference document; Page 6-13 Estero Area Update, cites SRA and Scenic corridor, Board of Supervisors-Approved Plan, November 2004, Approved for Submittal to the California Coastal Commission November 2, 2004, Amended July 18, 2006. Also, please refer to Estero Area Update and see July 10, 2008 Adopted Coastal Commission Staff Report (Th 16b).

Furthermore;

Condition 35. *[Mitigation 5.9-C1] Prior to commencement of grading activities, the applicant shall submit a Construction Activities Management Plan for the review and approval of the SLOAPC D. This plan shall include but not be limited to the following Best Available Control Technologies for construction equipment:*

j. Locate construction staging areas at least 1000 feet from sensitive receptors.

Condition 78. *[Mitigation 5.10-C1] The project applicant shall require construction contactors to adhere to the following noise attenuation requirement:*

c. Construction activities in the vicinity of schools should be scheduled for times when classes are not in session.

Currently, the 6 acre site at the corner of Pismo Ave. and South Bay Blvd. is the subject of an ongoing SLO County Code Enforcement case. The site has recently been disturbed in preparation as a staging area, without proper permits. Vegetation has been removed **(including willow trees and coastal scrub).** Construction trailers have been moved onto the property under the guise of "Agricultural Use".

This property owner received a Coastal Commission/USFWS Code Enforcement violation in 2005 prior to its use as a staging area for the LOWWP. The landowner tilled the soil before the required certified biologist/snail relocation could take place. A vegetation buffer was established between the construction activity and the nearby habitat, USFWS has a complete biological vegetation record of this site.

In 2005 this site was also involved in litigation brought about by a citizens group, arguing that the EIR for that project had not analyzed that site for such uses, litigation was settled by the LOCSD.

12/21/09

Jonathon—

Please attach these to my appeal faxed Dec. 21, 2009

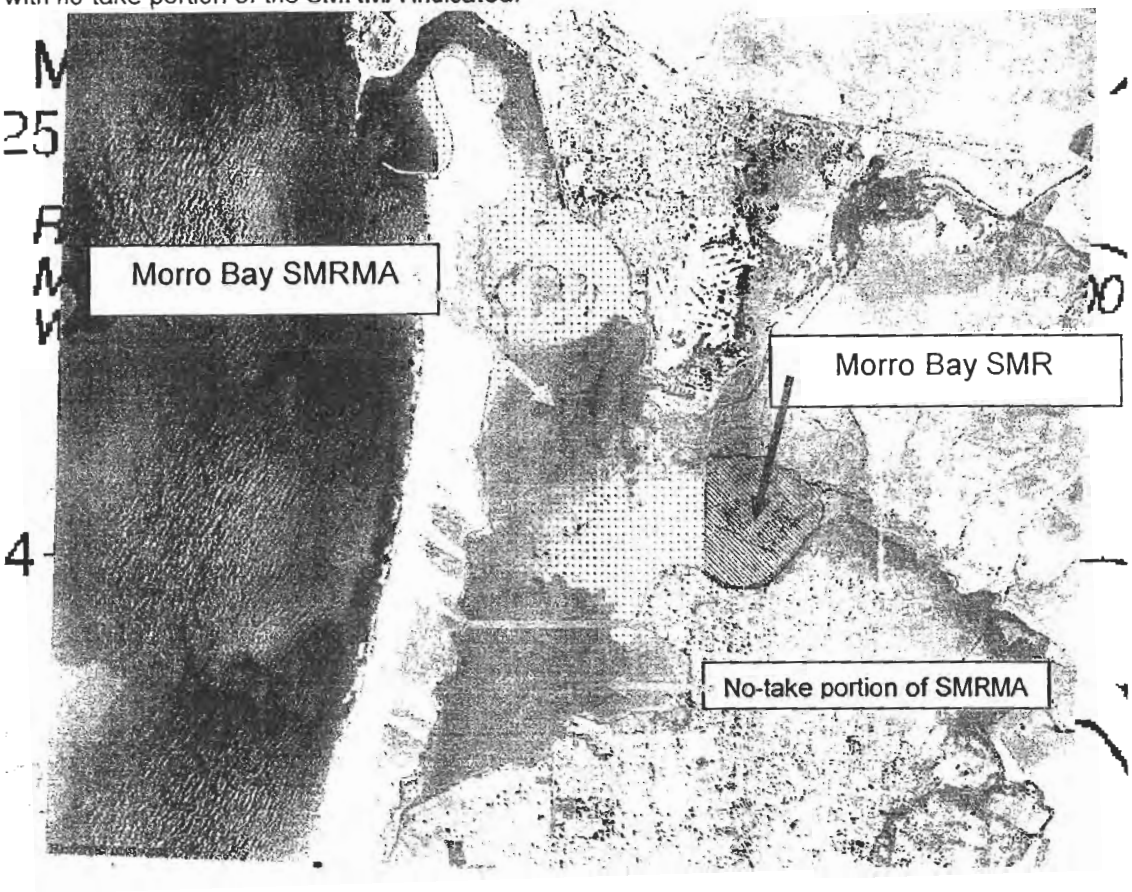
Thanks,

Keith Wimer

Attachment I

- Minimize negative socio-economic impacts by establishing a state marine reserve in an area that is already closed to fishing, and where non-consumptive values such as wildlife viewing are likely to be enhanced. (Goal 5, Objective 1)

Figure 16. Morro Bay East State Marine Reserve and Morro Bay State Marine Recreational Management Area with no-take portion of the SMRMA indicated.



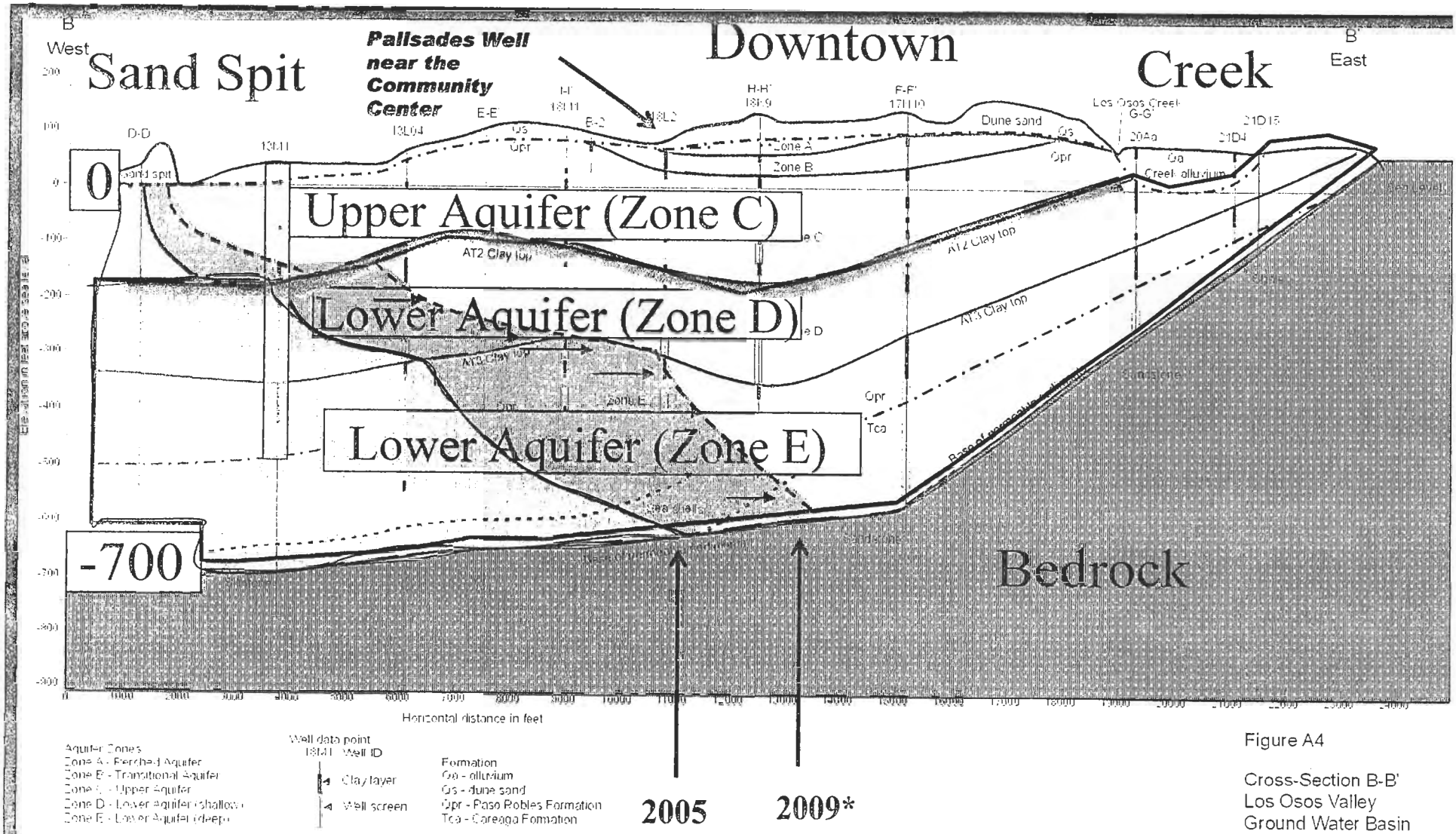
Proposed MPA: Morro Bay State Marine Recreational Management Area
Area (sq. mi.): 3.01
Along-shore span (mi): 9.4
Depth range (ft): 0-22

Primary habitat types: sandy beach, coastal marsh, tidal flats, eelgrass beds, estuary.

Proposed regulations: Take of all living marine resources is prohibited except recreational take of finfish, permitted aquaculture of oysters, and receiving of finfish for bait purposes north of latitude 35° 19.700' N. Recreational hunting of waterfowl is permitted unless otherwise restricted by hunting regulations.

Boundaries: This area includes the area below mean high tide within Morro Bay east of the Morro Bay entrance breakwater and west of longitude 120° 50.340' W. (Figure 16):

SEAWATER INTRUSION PROGRESS SINCE 2005



*** LOSG estimated SWI progress since 2005 (in green) based on recent Palisades Well water quality tests showing 250 mg/l of chlorides.**

Figure A4

Cross-Section B-B'
Los Osos Valley
Ground Water Basin

Los Osos CSD
April 2005 Revision

Cleath & Associates

Attachment 2

Attachment 3
OEIR, Appendix D-2

elevations along the bay (C&A, 2000b). The lower rate would allow disposal that would restore shallow groundwater conditions but not require harvest wells to be used to drawdown the water table along the bay. A series of groundwater monitoring wells on the site and downgradient of the site will be installed to measure groundwater levels for the purpose of reducing the rate of disposal if necessary. However, the study speculated that at any discharge rate, there may be increased potential for liquefaction beneath residences immediately downgradient of the disposal area (C&A, 2000b).

Broderson uncertain

To assess the potential for liquefaction impacts to occur, the LOCSD conducted another subsurface investigation in 2004. The study conducted cone penetrometer testing to obtain site specific subsurface data around the area of proposed effluent spreading and downgradient into the adjacent community. The results of the study indicated that the potentially liquefiable soils in the vicinity of the site consisted of unconsolidated loose dune sand deposits contained within the upper 5 to 10 feet bgs. The underlying Paso Robles Formation is weakly indurated and forms a dense soil that has a low potential for liquefaction or seismic settlement to occur as a result of the effluent disposal system and the estimated groundwater mounding beneath Broderson (Fugro, 2004). The LOCSD 2004 study also conducted confirmatory field percolation testing and a prototype percolation line pilot test to provide infiltration data for correlation with the previous 1997 County study, and conducted additional laboratory soil tests to provide data for a preliminary disposal system design.

To assess the potential impacts of effluent disposal at Broderson on the underlying groundwater quality, the LOCSD performed a water quality modeling study in 2003 (Y&W, 2003). The study simulated groundwater quality changes that would result from discharge of treated effluent with an average NO3-N concentration of 7 mg/l. The study concluded that while change would be gradual over time, the removal of septic system recharge in the prohibition area and the return of treated effluent with a reduced nitrate concentration to the Broderson site would result in a beneficial impact that will improve water quality.

Short-term Construction Impacts

The entire Broderson site consists of approximately 75 acres. The leach field area as designed would occupy a rectangular area covering approximately 8 acres and the remainder would be preserved as open-space. The leach field design includes excavation of leach line trenches to an average depth of 6.5 feet during construction and subsequently re-graded. The leach fields would consist of a 4-foot depth of gravel for drainage, covered by a geotextile fabric, and then there would be at least 2.5 feet of native soil backfill. The percolation piping would consist of 4-inch perforated PVC pipe laid with the perforations facing upwards, one foot below the geotextile fabric layer. If

Brownstein Hyatt
Farber | Schreck

Attachment 4a

C. Wesley Strickland
805.882.1490 tel
805.965.4333 fax
WStrickland@bhfs.com

May 27, 2009

VIA ELECTRONIC MAIL

San Luis Obispo County Planning Commission
County Government Center
San Luis Obispo, CA 93408
planningcommission@co.slo.ca.us

RE: Los Osos Wastewater Project Development Plan / Coastal Development Permit County File Number: DRC2008-00103—Hearing Date: May 28, 2009; Agenda Item 4

Dear Hon. Commissioners:

Golden State Water Company (GSWC) submits these comments in response to the San Luis Obispo County Planning Department Planning Commission (Planning Commission) action to consider a request by the County of San Luis Obispo for a Development Plan/Coastal Development Permit to allow construction and operation of a sewer system to serve the community of Los Osos (LOWWP).

GSWC has reviewed the Draft and the Final Environmental Impact Report for the County of San Luis Obispo Los Osos Wastewater Project, State Clearinghouse No. 2007121034 (DEIR) and (FEIR). GSWC previously provided comments on the DEIR dated January 30, 2009. To the extent that those previous comments have not been adequately addressed, GSWC resubmits those comments for consideration by the Planning Commission. These comments have been attached and are incorporated herein by reference. In addition to those previously submitted comments GSWC has the following concerns.

1. **Return of Water to the Basin**

The proposed effluent disposal methods under the LOWWP Preferred Project include sprayfields at the Tonini parcel and leachfields at the Broderson parcel. The vast majority of the water is being exported from the Los Osos Groundwater Basin (Basin). According to the FEIR, the operation of the LOWWP will result in removing approximately 842 AFY from the Basin and leaving in the Basin 448 AFY. Currently the Basin is in Severity Level III, suffers from overdraft in the lower aquifers, and seawater intrusion is threatening the water supply. There is simply no room to remove any water from the Basin on a long term basis. There must be assurances that

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all the water will be returned to the Basin and a realistic timetable should be included in the Planning Commission process.

The Planning Commission is ultimately responsible for overseeing growth in the County. Providing project approval for a plan that exports the majority of water from the Basin with no assurances for its return is not a prudent course of action. Approval would be contradictory with the state policy of maximizing reclamation opportunities wherever possible.

The FEIR states: "During dry weather, the majority of the treated effluent will be directed to the Tonini sprayfields with lesser amounts conveyed to the Broderson leachfields.....The planned operational scenario at Broderson is to operate the disposal leachfields at a rate ***of up to*** 800,000 gallons per day (gpd), disposing of a ***maximum of*** 448 ac-ft of effluent at Broderson during the entire year." (See FEIR p. Q.3-36) Additionally it is planned that for the first two to three years of operation, LOWWP operators expect to limit total disposal at Broderson to 200 AFY to verify the results of the various hydrogeological studies. *

The seasonal operational and buildout plan for Broderson do not adequately mitigate for the removal of the water from the Basin. Under the County's best case scenario there will be a maximum of 448 afy left in the Basin. Failure to require a plan with a timeline for return of all of the water to Basin is an irresponsible unacceptable approach.

As of this evening, we have been provided with a document that appears to show that the County would accept a condition on the LOWWP approval that all effluent would be returned to the Basin for beneficial use in the Los Osos community. While we have not had time to fully evaluate that document or discuss it with County staff or attorneys, as a general matter we would support the Planning Commission's imposition of such a condition.

2. Conservation Measures

The County attempts to address seawater intrusion resulting from the removal of the septic tanks in two main ways. It claims the Broderson leachfield site will result in 99 AFY of seawater intrusion mitigation; additionally the County claims the conservation program would provide 88 AFY of seawater intrusion mitigation. Both of these mitigation measures are based on unknown and untested plans. The conservation measures are simply hypothetical with no realistic plan being analyzed to achieve the much needed seawater intrusion.

This is not supported by fact.

Currently the majority of water is not used outdoors in the Los Osos community. Also the community has already been aggressive in implementing conservation measures. These two factors will make it extremely difficult to hit the target of 160 afy.

There have been no mandatory conservation programs and there can be at least 30% more reduction from conservation.

The mitigation factor assigned for conservation measures is not accurate. The FEIR claims conservation will be realized as a reduction of pumping from the over drafted lower aquifer system. There has been no analysis as to what part of basin reduction will be occurring—e.g. if

These points show what appears to be a reluctance to actively support aggressive programs to stop sea water intrusion, which has implications for the ISJ.

Attachment 4c

the conservation is to occur in the eastern part of the Basin the mitigation factor will be not as effective to combat seawater intrusion.

Currently there is no plan on how the conservation plan will be funded or how reduction measures will be implemented. GSWC can only offer voluntary programs and cannot commence mandatory action without the California Public Utility Commission's approval. The County does not have the authority to mandate reductions in pumping. Given the Los Osos community has already made robust efforts to conserve any program that has a chance at reaching the 160 afy reduction goal will be expensive.

Not so.

Notwithstanding, these major flaws with the County's conservation plan it remains one of the two major methods for seawater mitigation from the impact of the LOWWP. While GSWC supports water conservation measures in general, more specifics of funding and implementation are necessary before the Planning Commission should approve the LOWWP.

3. **Broderson Operation**

Points out it is not certain due to water quality.

Currently the FEIR makes vague references to the groundwater monitoring program for the Broderson Operations—Generally it provides:

- Use 5 existing wells for vadose zone monitoring near Broderson leachfield.
- Develop groundwater monitoring program using existing water supply and water quality monitoring wells to observe impacts to Los Osos area surface water features. (See FEIR p. Q.5-6.)

There needs to be a detailed monitoring and operational plan in place for the Broderson site. GSWC operates potable drinking water wells in the vicinity of the Broderson site. Adequate funds should be set aside by the County to provide for an independent review of the Broderson operations. A special technical review committee should be established to review the monitoring and operations plan. A proper plan to address the impact of concentrating nonregulated contaminants needs to be in place. These are some steps that should be required in the LOWWP to help ensure the water supply for the community of Los Osos is being protected. More analysis, funding, and assurances are needed.

*

These points argue against the viability of Broderson as well as the viability of a plan to shift pumping to the upper aquifer.

4. **Conclusion**

Before the Planning Commission takes action on the Los Osos Wastewater Project Development Plan / Coastal Development Permit it needs to ensure it has a long term project that has assurances that the Basin will not severely impacted by its actions. Currently there is no plan in place to maintain the majority of water in the Basin. The Conservation measures and the Broderson site operations do not provide for sufficient detail to ensure seawater intrusion is not

Attachment 4d

Golden State is also concerned about the level of mitigation for the project and requests stronger programs.

* drastically increased over pre-project conditions. GSWC welcomes questions or responses to these comments, and looks forward to resolution of these issues.

Sincerely,

C. Wesley Strickland

CWS/gml

cc: Paavo Ogren, County of San Luis Obispo, Dept. of Public Works
John Waddell, County of San Luis Obispo, Dept. of Public Works
John Schempf, Los Osos Community Services District
David Tolley, S&T Mutual Water Company
Toby Moore, Golden State Water Company

Attachment 5a

Seawater Intrusion Assessment
Cleath & Associates
2005

much of the sea water mixing beneath the sand spit may have already been in place prior to any basin development.

Zone C hydraulic heads near the bay at Pecho Road have generally been in excess of 5 feet above sea level, based on static water level data from community supply well 30S/10E-13L1 (140 feet deep, drilled in 1955), except between 1989 and 1995, due to the effects of the late 1980's drought. Well 13L1 was placed on standby status in the late 1990's due to increasing nitrate concentrations, and is currently idle. Water levels at well 13L1 have generally been between 8 and 9 feet above sea level in recent years.

Zone C hydraulic heads have historically been in excess of 2.5 feet above sea level along the bay at Pasadena Drive except during severe drought, based on static water level data from community supply well 30S/11E-7N1 (84 feet deep, drilled in 1951). During and following the 1976-77 and 1987-1990 drought periods, static water levels in well 7N1 dropped to below sea level. Water levels in recent years have generally been between 5 and 6 feet above sea level at Well 7N1, which is still in active service.

In 1998, shallow water table monitoring wells were installed at Sea Pines golf course for wastewater discharge monitoring (RWQCB file review for Waste Discharge Order 93-82). Water levels at monitoring well MW3, on the west side of the golf course property, averaged 3.8 feet above sea level between October 2001 and July 2004, which is slightly lower than the hydrostatic requirements of the Ghyben-Herzberg relation (4.5 feet of head) to avoid sea water intrusion through a depth of 180 feet below sea level. As mentioned previously, however, the Ghyben-Herzberg relation would underestimate the depth to the sea water interface under ocean outflow conditions, and while the potential correction is negligible for relatively flat hydraulic gradients, it becomes significant as the outflow face is approached at the bay.

The Zone C sea water interface is currently estimated to be relatively stable onshore, with a potential for active intrusion beneath the sand spit, based on the observed hydraulic pressures and seaward hydraulic gradient. During extended drought periods, however, there is a potential for onshore sea water intrusion in Zone C, although no significant impacts to supply wells have been reported. One example of sea water intrusion near the bay was reported in a shallow well during the 1960's (DWR, 1972). The well (30S/10E-13B2) was only 20 feet deep, however, is interpreted to have been intruded by brackish water from the bay.

The earliest water level information in Zone D near the bay is from well 30S/10E-13L4, drilled in 1977. The first water level reported in May 1977 at this well was equivalent to approximately 7 feet above sea level. Under hydrostatic conditions, this would theoretically maintain fresh water saturated sediments through approximately 280 feet below sea level (Zone D extends to 320 feet below sea level at well 13L4). The e-log of the test hole, however, indicated saline water beginning at approximately 520 feet below sea level. Therefore, either sufficient ocean outflow through the aquifer zones was present in 1977 to maintain an equivalent fresh water head of 13 feet at depth, or active sea water intrusion was occurring by 1977.

Attachment 56

Seawater Intrusion Assessment
Cleath + Associates
2005

Table 14
Sources of Recharge to the Lower Aquifer
West of the Los Osos Creek Valley

Source of Recharge	Estimated Recharge (acre-feet per year)
Sea Water Intrusion	560
Bedrock	Negligible (except in Creek Valley)
Inflow from Creek Valley	420
Upper Aquifer Leakage	910
Total	1,890 afy (1,330 fresh water)

There are at least three significant findings based on this source investigation. First, much more fresh water is being pumped from the lower aquifer than is being replenished. Lower aquifer production west of the creek valley in year 2000 was approximately 1,950 acre-feet, or 620 acre-feet more than the average fresh water inflow. This is also confirmed by the evidence of sea water intrusion.

Second, the upper aquifer is the primary source of recharge to the lower aquifer, particularly on the west side of the basin. This finding indicates that plans originally developed during the 1980's for treated effluent disposal at higher elevations on the west side of the basin provide a reasonable potential for incidental recharge to the lower aquifer. This also indicates that nitrates and other conservative constituents of basin return flows will ultimately reach the lower aquifer.

Third, lower aquifer recharge from the uppermost reaches of the creek valley into the main basin area where community purveyors operate is restricted by faulting. This finding has implications relative to the management of creek valley water resources. For example, artificial recharge projects in the uppermost creek valley would not directly benefit the main basin area, and would require careful positioning of recovery wells with respect to localized faulting.

Attachment 6
LOWWP
Effluent Reuse and Disposal
TM, 2008

Table 2 Capacity and Area of Reuse/Disposal Sites[1] Los Osos Wastewater Project Development San Luis Obispo County			
Reuse/Disposal Method and Site	**Available Area (acres)**	**Estimated Capacity per Area AFY/Acre**	**Capacity (AFY)**
Sprayfields (Tonini Ranch)			
With ET[2] and slow-rate percolation	190	4.8	910
ET only	80	3.0	240
Agricultural Reuse (Historical Cropping Patterns)			
West of Los Osos Creek	20	2.0	40
East of Los Osos Creek	210	2.0	420
Agricultural Reuse (Intensive Agriculture for Maximum Effluent Disposal)			
West of Los Osos Creek	20	3.0	60
East of Los Osos Creek	210	3.0	630
Urban Reuse Sites			
Cemetery	20	2.5	50
Wastewater Treatment Plant Site	8[3]	2.5	20
Los Osos Middle School	10	2.5	25
Baywood Elementary School	3	2.5	7
Sunnyside Elementary School	2	2.5	5
Monarch Grove Elementary School	2	2.5	5
South Bay Community Center	2	2.5	5
Sea Pines Golf Course (portion only)	7	2.5	16
Leachfields (Broderson Site)	7	64	448

Notes:
(1) Total 1,290 AFY to be disposed at buildout, including wet weather infiltration rates to a gravity collection system.
(2) ET = Evapotranspiration; some sites have percolation in addition to evapotranspiration.
(3) Estimated.

Attachment 7

Table 2.3 Reuse/Disposal Considerations
Los Osos Wastewater Development Project
San Luis Obispo County

Disposal/Reuse Alternatives	Disposal Capacity (AFY) For Fully Developed Alternative[1]	Seawater Intrusion Mitigation Factor	Total Seawater Intrusion Mitigation (AFY)	Denitrification Likely Required (AFY)	Tertiary Treatment Likely Required (AFY)	Requires Purveyors' Participation
Spray Fields	1,190	0	0	No	No	No
Cemetery Reuse (in lieu)	50	0.1	5	Partial[2]	Yes	No
Urban Reuse (in lieu, large sites)	63	0.55	35	Partial[2]	Yes	Yes
Agricultural Reuse (in lieu)	460	0.1	46	Partial[2]	Yes	No
Agricultural Exchange	460	0.55	250	Partial[2]	Yes	Yes
Leachfields/Percolation Ponds without Harvest Wells (Broderson site)	448	0.22	100	Yes	No	No
Leachfields/Percolation Ponds with Harvest Wells (Broderson site)	896	<0.22[3]	<200[3]	Yes	No	Yes
Other Actions Influencing Seawater Intrusion Mitigation[4]						
Conservation[5]	160 (at buildout)	0.55	90			No
Harvest Water Exchange[6]	none	0.55	Up to 550[7]			Yes

Notes:
(1) The project is estimated to require a total disposal capacity of 960 AFY at current conditions and 1350 AFY at buildout, which can be reduced to 1,190 AFY with conservation.
(2) The NWRI report (2006) stated that effluent disposed by land application (i.e., spray irrigation) will not need to undergo nitrogen removal when applied at agronomic rates. However, application of high concentrations of nitrogen would exceed agronomic rates, so partial denitrification to between 10 and 20 mg/L N may be necessary.
(3) Harvesting water to prevent mounding when Broderson is used in excess of 448 AFY reduces the volume of water that percolates to the lower aquifer.
(4) These Other Actions are not reuse/disposal alternatives and therefore do not have an associated capacity.
(5) Conservation is assumed to be achieved through a toilet retrofit program financed by the wastewater project. Although it is not a disposal alternative, it provides an equivalent benefit to 160 AFY disposal capacity.
(6) Does not address wastewater disposal (capacity) and is therefore considered beyond the scope of the wastewater project.
(7) The total mitigation value of harvest water, urban reuse, agricultural exchange, conservation and any other activity that reduced production from the lower aquifer cannot exceed 550 AFY, which is the expected rate of seawater intrusion once septic flows are moved out of town.

Attachment 8a

Planning Department) to compensate for reasonable administrative costs incurred by the easement holder. The area conserved shall be at least 32 acres (to offset direct impacts from the treatment plant facility), and shall be of a quality that is reasonably (as determined by the County Agricultural Commissioner or designee) similar to that of the farmland within the project limits. The area to be conserved shall be located within San Luis Obispo County within reasonable proximity to the project site.

96. Site Management Plan. Prior to operation of the facility, the County, in consultation with resource agencies, will develop a Site Management Plan for the remainder of the new public lot to be created out of the Giacomazzi property. The Site Management Plan will provide for the continued operation of agricultural activities on those portions of the property not used for the project and/or associated mitigation consistent with the affirmative agricultural easement requirements described herein. Implementation of the Plan will ensure that uses or land stewardship practices do not impede adjacent agricultural uses and practices and may include, but not be limited to:

(a) Maintenance of fences sufficient to clearly delineate property lines, contain livestock, prevent trespass, and manage non-native invasive species.

(b) Prevention and management actions to avoid the proliferation of weeds and noxious plants that are incompatible with adjacent agricultural practices.

(c) Management of all on-site water features, including springs, streams, and ponds in a manner that does not result in erosion or sedimentation impacts on downstream properties.

The Site management will be reviewed and approved by the Director of Planning and Building in consultation with the Agricultural Commissioner prior to implementation.

97. Treated Effluent Reservation. Except as otherwise may be required by a court judgment arising from the current groundwater litigation involving the Los Osos Groundwater Basin, all treated effluent not required to be returned to the Los Osos Groundwater Basin or otherwise utilized to satisfy the judgment of the court shall be reserved to satisfy environmental and agricultural needs in the Los Osos Valley, except that such reservation may not be less than ten percent of the treated effluent for the environment and not less than ten percent for agricultural uses. No amount of treated effluent may be used to satisfy or offset water needs that result from non-agricultural development outside the Urban Reserve Line of the community of Los Osos.

98. Where the collection system pipes will be located in areas of high groundwater, or areas subject to future 5 foot sea level rise, as shown on the June 29 and 30, 2009 PC Memo - page 1-16 (see Attachment 3), and as identified in the field during construction, the applicant shall utilize fusion welded pipes or chemically sealed pipes. In areas of high groundwater, additional inspections to ensure proper installation shall be completed prior to backfilling pipe trenches. All laterals to individual residences shall utilize fusion welded pipes or chemically sealed pipes. Lateral connections at the property line shall utilize fusion welded pipes, chemically sealed pipes, or collars.

99. Upon final approval of the Los Osos Waste Water Project (LOWWP), including any appeals to the Board of Supervisors and / or the California Coastal Commission, the applicant shall implement a water conservation program, in consultation with the local water purveyors, within the prohibition zone for the community of Los Osos. The applicant shall provide 5 million dollars of funding towards the water conservation

program. Water conservation measures including but not limited to high efficiency toilets, showerheads, and faucet aerators (not to exceed $1000 per dwelling including installation) shall be provided and installed within the prohibition zone in consultation with the recommendation of a water auditor, prior to hook-up to the sewer system. If homeowner(s) choose to install water conservation measures within the first year of project approval (from the date of final action), then homeowners will be eligible for reimbursement of water conservation equipment (not to exceed $1000 per dwelling) and free installation of said retrofits.

100. Prior to operation of the wastewater treatment system, the applicant shall provide a new on-site well for facility operations in accordance with California Well Standards and County Ordinances and to the satisfaction of the Environmental Health Department.

101. The applicant shall utilize the existing Bayridge leach field (APN 074-491-033) to dispose of approximately 33 acre feet per year of treated effluent upon decommissioning of the existing leach field and connection to the community sewer system. The applicant shall consult with the Los Osos Community Services District (LOCSD) prior to the design phase of the project regarding use of said facilities to ensure all their concerns are addressed.

102. The applicant shall design the layout of the proposed sewer treatment facility to allow for structures to have roofs with "due south orientation" to maximize solar orientation for future solar photovoltaic and / or solar water panel installation, as feasible. No evergreen trees (with mature heights over 12 feet) shall be planted near structure that could potentially block the sun to these portions of the roofs unless necessary for visual screening. This shall be reflected in any landscape plans prepared / required. As a part of roof design / construction, these portions of the roofs shall be designed to be able to handle the "dead" loads associated with the weight of these panels. To further maximize solar efficiency, where possible, roof pitch of this portion of roof shall be as close to 20 degrees as practical. The applicant shall provide verification to the satisfaction of the County Planning and Building Department that the above measures have been incorporated into the project.

103. Treated effluent disposal shall include Broderson (not to exceed 448 AFY on an average annual basis), urban re-use (as identified in the Effluent Re-use and Disposal Tech Memo, July 2008), and agricultural re-use (as identified in Attachment 4). Disposal / re-use sites and options shall be prioritized to reduce seawater intrusion and return / retain water in the Los Osos groundwater basin. Highest priority shall be given to replacing potable water uses with tertiary treated effluent consistent with Water Code Section 13550.

104. Agriculture irrigation lines and other wastewater effluent disposal lines shall be located within existing right-of-ways (including agricultural field access ways) and other areas known to not include, or that can be demonstrated to not include, cultural or biological resources. Use of the effluent shall be consistent with all other local, State, and Federal regulatory requirements including but not limited to the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands requirement of the Central Coast Regional Water Quality Control Board.

105. Bio-solids shall be disposed of at the closest approved facility within the San Luis Obispo County region. The San Luis Obispo County region shall be limited to the northern San Luis Obispo county line and south to the Santa Maria area within Santa Barbara County. If an approved facility is not available within the San Luis Obispo County region at the time of project start-up, then the closest approved facility shall be utilized. If an approved

Gibson: 12% and the Planning Commission decided basically to double that with this particular proposal. So let me let me let me just phrase for colleagues my thoughts, you know again we're not a water purveyor here. We gotta see what authority we can to effect conservation which I think is a very important thing. My thinking is we might want to consider bringing back that specific condition explicitly in this project to require the retrofit of all homes to low flow fixtures and also then talk about what this water conservation program might do and with that I defer to County Counsel on their questions.

9:07

Jensen: Mr. Chairman as far as the question of a gift of public funds, that shouldn't be a problem as long as you apply the public purpose for the expenditure ....pretty obvious.

Gibson: Okay, good.

: And Mr. Chairman I was just wondering how significant it was that we had a time schedule for this particular measure. I notice we're obligating ourselves to implement this program upon final approval of the project including an appeal to the Coastal Commission but I was thinking that that might be well before we enter into whatever financial mechanism it is that's going to raise the money that's actually going to build the project. I'm not sure how the planning of all that works out. I'm a little worried about that. I'm not sure why we need to commit ourselves to a particular time frame. It it is to try to achieve early conservation, a noble goal, may be we should find some other way to address it. Otherwise I don't know that we can obligate ourselves to spend the $5million before we have it.

9:08

Pavvo: Chairman Gibson, Pavvo Ogren again. One of my thoughts tonight when I take a look at this particular language and perhaps it's not as troubling to me as it is to others, but I'm sort of reading these sentences as being distinct and separate sentences. So what it's saying is that essentially upon final approval we shall implement a water conservation program in consultation with the local water purveyors within the prohibition zone for community of Los Osos. Period. So it's saying we're gonna have a water conservation program within a year. It doesn't say that program shall initially include a $5 million allocation. It says the second sentence says the applicant shall provide $5 million of funding toward a water conservation program but it doesn't say that funding has to happen in the first year. One of the things when I read this in totality later it speaks about a water auditor and we know that having a water auditor as part of a water conservation program is really a cost that's going to accrue over many years over the life of the project year by year and stuff(?). So I don't read this necessarily and this is why I'm mentioning it is that I think that language like this is subject to some interpretation. That we have to provide the $5 million all up front in the first year that you know we have to establish a water conservation program but that water conservation program could in fact have you know a multiple year implementation schedule and that's also consistent like example the Phase II program we have we have with the Regional Board Storm Water Management Plan where we have a Storm Water Management Plan but it's really a five year schedule. And in year one, your board has adopted we're going to do certain things and in year two we're going to adopt certain things and we have performance standards established with that. Come back to your Board every year and have we accomplished the tasks in year one through year two and so forth and everything. So I don't find it particularly problematic that we have to provide the $5 million up front. Also in conjunction or in consultation with the water purveyors we could work on you know sort of a joint funding plan. We know that we have through the Urban Reuse Program you know we're going to be providing water to the schools for irrigation of the ball fields and everything and the compensation from the schools might factor into that funding plan. Again and then it goes on to say the water conservation measures including but not limited to high efficiency toilets, shower heads and faucet aerators

Pavvo: And I certainly appreciate Counsel's concern on that matter. The $5 million doesn't have a specific provision that is only to do with the retrofit program. Again, water auditor, continuing management efforts, you know, whether we spend the $5 million in five years or ten years or twenty years, I think over time we will actually probably far exceed spending $5 million on conservation.
Gibson: Striking up to, up to?
?: Okay
Gibson: With the concurrence of colleagues here striking the 'up to'?
?: Okay
Katcho: Question.
Gibson: Mr. Achadjian.
Katcho: Five million sitting someplace is a lot of money that can be collecting interest and we can do more with it. What's happening to it? Why is it sitting before it gets to be spent?
McNulty: I'm sorry. What was that question again?

Katcho: If we got away from the 'up to' or maximum, you have that $5 million to spend. It's sitting somewhere where it's hopefully earning interest even though it's very low, its $5 million, it's a lot of money. It could earn a lot of interest within a month. What happens to that?

9:41
Pavvo: Oh well, again, if it's an annual budgetary item, let's say over ten years, we'll identify where are we going to collect that money from over the ten years also so we get out a component of the rates and charges that is, you know, we collect some money. It's an annual program or may be we... revenue source may be money we get on the urban sale of the urban reclaimed water, so it's not that we would put $5 million into a savings account and then spend it over time, we'd also be collecting the money over time.
Katcho: Are we spending money that we don't have?
Pavvo: No, it's it's you know really no different than budgetary issues that your Board is looking at all the time. We have programs commitments. We know that in the year 2012, we're going to be spending money on a storm water management program and in the 2012 budget, we'll make sure that we have the revenues in order to, you know, to be able to make those expenses.
Gibson: Thank you. Let me go back to colleagues then in terms of this as a revised version of the water conservation I think we made some progress here both in specificity and flexibility so looking up and down the dais here.
Patterson: Is it possible to see them again quickly? 103 and then 97...99
Gibson: Do a 103 and a revised 99
Gibson: Mr. Ogren, you had a comment?
Pavvo: Well I heard a question ...
Gibson: I'm not responding to the outbursts from the audience here so
Pavvo: Toilet high efficiencies those are established by the state.
Gibson: It also indicates "to the satisfaction of the Planning Director" so....
Mecham: And with the word rather than high efficiency just with higher. efficiency that would show that they've been improved something.
Gibson: Well, the question though as we have our conservation ordinance as written now 1.6 gallon per flush toilet is acceptable even though there are 1.28 gallon per flush that the feeling if you remember was that the cost to somebody whether it's a program or an individual wasn't worth the minimal amount of charge so...
Katcho: An old 3 gallon tanker, it's worth to go to a 1.3 or 1.6.

Attachment 10a

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

MEMORANDUM

To: Planning Commission

From: Murry Wilson, Project Manager

Subject: Los Osos Waste Water Project (DRC2008-00103) – Requested Information

Date: July 23, 2009

At the June 30, 2009 hearing, your Commission requested that Planning Staff provide follow-up information for consideration at the July 23, 2009 hearing. The following information has been compiled by the Planning Department Staff per your request:

Existing Population Estimates

URL Estimate – The estimated current population within the Los Osos Urban Reserve Line is approximately 14,800. This projection is based on the 2000 census data and historic growth patterns within the community of Los Osos urban area.

Prohibition Zone Estimate – The estimated current population for the area within the prohibition zone for the community of Los Osos is approximately 12,450. This projection is based on an analysis of the 2000 census map using a 2.42 person per household figure (household size for the Los Osos area is derived from the U.S. Census Bureau).

Power Line Easement

Staff contacted Claire Mastin (Land Agent for Pacific Gas & Electric Company) regarding the potential for placement of effluent disposal spray fields within the PG&E easement area on the Andre property (APN 067-031-008). The response to the inquiry is included in Attachment A and B and is summarized as follows:

PG&E allows low growing crops within these easements as long as access to their towers is not impeded. PVC irrigation pipe is acceptable but irrigation controls are not allowed within the easement areas. Any planned use within the easement areas must be reviewed and approved by PG&E in advance, including a release of liability regarding any crops damaged while accessing their facilities for utility operations.

Start-up Flows

(922 AFY)

Effluent volumes at start-up are expected to be 822,000 gallons per day based on a 66 gallon per person per day estimate for current water usage (no conservation measures applied). [66 x 12,450]

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Attachment 10b

(829 AFY)

Daily start-up flows are estimated at 740,000 gallons per day with 10% conservation [66 - (66 x 0.10) x 12,450] and 657,000 gallons per day with 20% conservation [66 – (66 x 0.20) x 12,450].

(737 AFY)

The start-up flows are within the 0.8 MGD capacity of the Broderson site. Therefore, long-term rainy season storage would not likely be required at start-up. Several days of storage is still recommended for emergency capacity and for daily operations for agricultural reuse or sprayfields disposal (see the next section for storage needs).

Notes: 1) All figures are rounded to the nearest 1,000
2) Source of 66 gallons per day figure is from the Final Flow and Loads Technical Memo; November 2008

Build-out Flows

Build-out flows with 10% conservation are anticipated to be 1,095,000 [66 – (66 x 0.10) x 18,428] and with 20% conservation, build-out flows are anticipated to be 973,000 [66 – (66 x 0.20) x 18,428], plus an allowance for I & I (Infiltration & Inflow) up to 300,000 gallons per day.

Note: All figures are rounded to the nearest 1,000

Anticipated Infiltration & Inflow (I & I)

The expected I & I at start-up is anticipated to be negligible. As time passes, the expected I & I is anticipated to increase. The EIR has assumed 300,000 gallons per day for I & I to be conservative. See Attachment C (Table 4 of the Final Flow and Loads Technical Memo; November 2008) for the source of the assumed I & I.

Factor of Safety for Disposal Options

The recommended "factor of safety" related to storage of effluent for the proposed project is 46 acre feet. The EIR included 46 acre feet of storage for each alternative; therefore Staff recommends that any changes to the proposed project also include at least 46 acre feet of storage.

If the storage ponds are empty, 46 acre feet is about 12 days of storage at build-out flows. If the ponds are full (as in wet weather conditions) with three feet of freeboard, the additional capacity could store 6.5 days of effluent.

Agricultural Disposal / Reuse

The Agriculture Commissioner's office is working with the U.C. Extension to compile the requested information. As soon it is available it will be submitted under separate cover and will discuss the following topics:

- AFY / Acre – Agronomic Rates for the Tonini site
- AFY / Acre – Agronomic rates for soils at the Andre / Cemetary / Giacomazzi sites
- Current status and feasibility for Agricultural reuse at "Phase B" properties identified in "red" on the Ripley map (Attachment D)
- Any information regarding suitability and willingness of the organic farmer across from Giacomazzi (067-171-085) for reuse on crops, storage, or disposal on fallow ground.

Note: AFY = Acre feet per year

present Willow Creek conditions are shown in Appendix A (see Plate A2). The creek flows a small amount during most of the year that primarily supports dense riparian vegetation. Flows in Willow Creek are fed by rising groundwater but they do not reach the bay except when Los Osos Creek is flowing to the bay.

An unnamed drainage channel in the vicinity of the mobile home park, south of Los Osos Valley Road, reportedly flows seasonally through the oak preserve into Los Osos Creek in the vicinity of Los Osos Valley Road (TMG & TES, 1990).

Table 2 – Summary of Local Surface Water Features

SURFACE WATER FEATURE	SEASONALITY	SIZE OR RATE OF FLOW	SOURCE
LOS OSOS CREEK (AT LOS OSOS ROAD BRIDGE)	EPHEMERAL	1,630 TO 4,110 AFY	MORRO GROUP, 1990
WILLOW CREEK (ETO CREEK)	EPHEMERAL	438 AFY (DISCHARGE FROM PERCHED AQUIFER)	YATES & WILLIAMS, 2003
ETO LAKE	PERENNIAL	NA	NA
SWEET SPRING	PERENNIAL	292 AFY	MORRO GROUP, 1990
SWEET SPRING MARSH	EPHEMERAL	NA	MORRO GROUP, 1990
PECHO ROAD MARSH	EPHEMERAL	NA	MORRO GROUP, 1990
THIRD STREET MARSH	NA	APPROX. 2-5 GPM OBSERVED	MORRO GROUP, 1990
BAYWOOD POINT SPRING	NA	APPROX. 5 GPM	MORRO GROUP, 1990
BAYWOOD MARSH	NA	NA	MORRO GROUP, 1990
LOS OSOS CREEK ESTUARY	NA	SEVERAL SMALL OUTFLOW CHANNELS AT APPROX. 0.5 GPM	MORRO GROUP, 1990

Attachment 116

Table 8 – Current Basin Balance Conditions

COMPONENT OF WATER BUDGET	PERCHED AQUIFER	CREEK VALLEY AQUIFER	UPPER AQUIFER	LOWER AQUIFER
PERCOLATION FROM PRECIPITATION AND IRRIGATION	736	430	1,489	0
SEPTIC RETURN FLOW	631	30	606	0
SUBSURFACE OUTFLOW	0	0	- 1,310	0
SUBSURFACE INFLOW	0	167	112	0
LEAKAGE OR SUBSURFACE CROSS FLOW IN	0	117	788	1,248
LEAKAGE OR SUBSURFACE CROSS FLOW OUT	- 815	- 456	- 882	0
SEAWATER INTRUSION	0	0	0	469
LOS OSOS CREEK INFLOW	0	665	0	0
LOS OSOS CREEK OUTFLOW	0	- 77	0	0
WELL PRODUCTION	0	- 870	-803	-1,717
WARDEN DRAIN	0	- 6	0	0
WILLOW CREEK OUTFLOW AND EVAPOTRANSPIRATION	- 552	0	0	0
AQUIFER INFLOW	**1,367**	**1,409**	**2,995**	**1,717**
AQUIFER OUTFLOW	**- 1,367**	**- 1,409**	**- 2,995**	**- 1,717**

ALL TABLE QUANTITIES ARE IN ACRE-FEET PER YEAR

Flows to Willow Creek from the perched layer

A comparison of the septic return flow volumes in Tables 8 and 9 shows the current reduction in this component in the hydrologic budget that is effectuated by the LOWWP. Roughly half of the recharge from septic system percolation is located over the perching clay layer while the remainder is located over the upper aquifer in areas not confined by the clay layer. As indicated by the reduction in this recharge component (see Table 9) the LOWWP effectively captures over 90 percent of the septage return flows within the Los Osos Basin.

Table 10 – Viable Project Alternative 2b Basin Balance Conditions

COMPONENT OF WATER BUDGET	PERCHED AQUIFER	CREEK VALLEY AQUIFER	UPPER AQUIFER	LOWER AQUIFER
PERCOLATION FROM PRECIPITATION AND IRRIGATION	736	430	1,489	0
SEPTIC RETURN FLOW	36	30	44	0
SUBSURFACE OUTFLOW	0	0	- 1,169	0
SUBSURFACE INFLOW	0	166	107	0
LEAKAGE OR SUBSURFACE CROSS FLOW IN	0	103	719	1,205
LEAKAGE OR SUBSURFACE CROSS FLOW OUT	- 737	- 455	- 835	0
SEAWATER INTRUSION	0	0	0	352
LOS OSOS CREEK INFLOW	0	665	0	0
LOS OSOS CREEK OUTFLOW	0	- 60	0	0
WELL PRODUCTION (INCLUDES CONSERVATION)	0	- 870	- 803	- 1,557
WARDEN DRAIN	0	- 9	0	0
WILLOW CREEK OUTFLOW AND EVAPOTRANSPIRATION	- 35	0	0	0
BRODERSON INFLOW	0	0	448	0
AQUIFER INFLOW	**772**	**1,394**	**2,807**	**1,557**
AQUIFER OUTFLOW	**- 772**	**- 1,394**	**- 2,807**	**- 1,557**

ALL TABLE QUANTITIES ARE IN ACRE-FEET PER YEAR

Flows to Willow Creek are cut off with project.

Analysis of Water Supply Impacts

LOWWP Facilities Construction Impacts

The sewage collection system for each alternative is effectively the same with the exception of sewage pipeline route to the final location of the LOWWP. Each collection system alternative removes septic system effluent discharges from within the prohibition zone. After treatment to a secondary level, the effluent will be conveyed to spray fields proposed for location at the Tonini site and a leach field proposed for location at the Broderson property. During construction of pipelines, pump station, and treatment facilities shallow groundwater may be encountered that requires disposal.

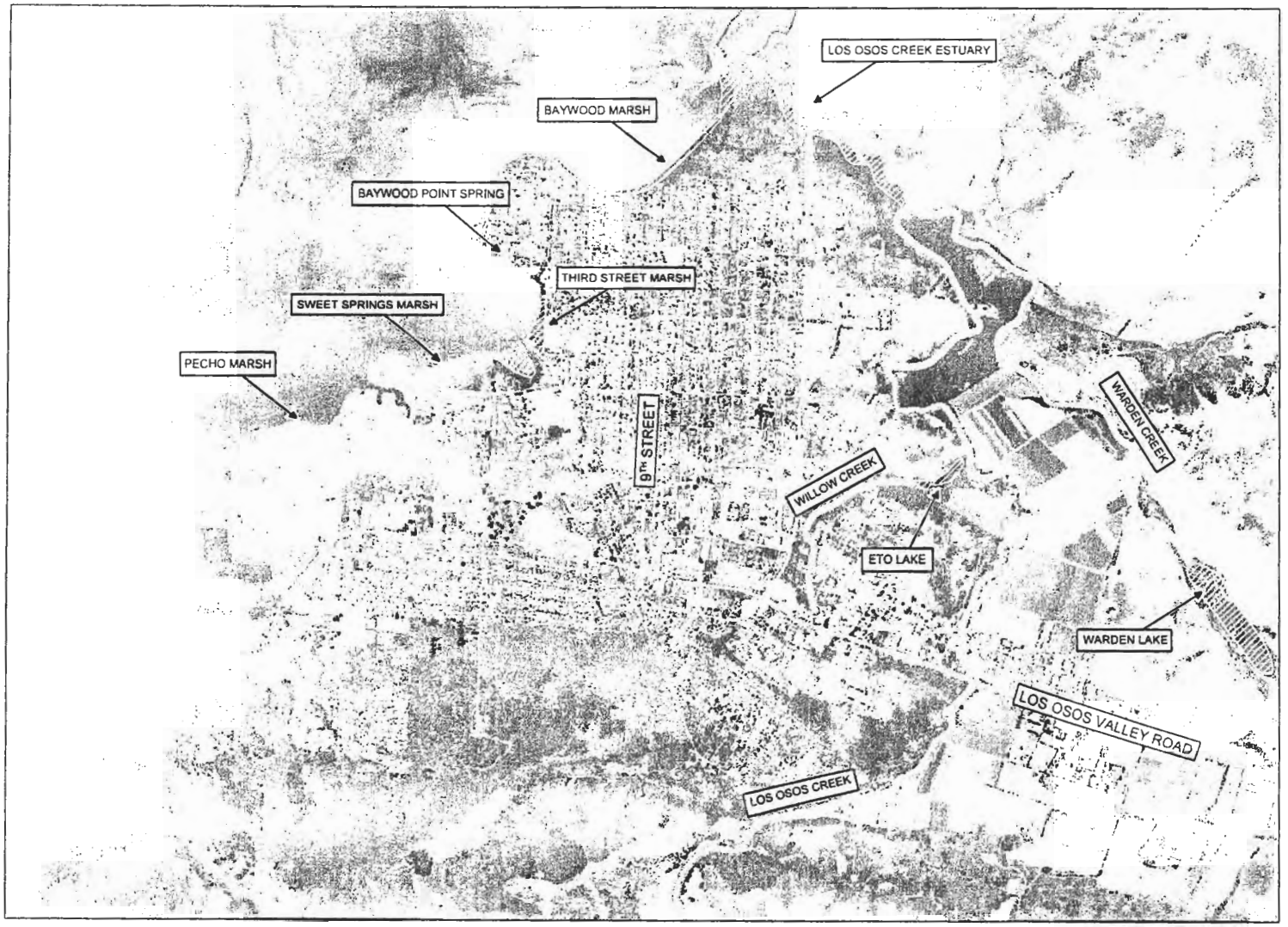
- APPROXIMATE DRAINAGE AREA BOUNDARY
- LOS OSOS CREEK

NORTH
0 250 500
FEET

WILLOW CREEK DRAINAGE
Hydrogeological Impacts Analysis
LOWWP Draft EIR
San Luis Obispo County
Los Osos, California

PLATE A2

Attachment 11



SURFACE WATER FEATURES LOCATION MAP
Hydrogeological Impacts Analysis
LOWWP Draft EIR
San Luis Obispo County
Los Osos, California

PLATE A1

Attachment 11e

Attachment 12a
Yates and Williams
Study 2003

The with-project steady-state flow system formed the basis of the 30 year with-project solute transport simulation. This simulation used with the same initial conditions as the existing-condition simulation. No increase in the number of animals was assumed, nor was the recharge file changed to reflect increased urbanization and population that would presumably accompany the 400 af/yr of additional water use, as the locations and amounts of those changes are speculative. Treated wastewater percolated at the effluent disposal sites had a nitrogen concentration of 7 mg/l, as stated by the treatment plant design engineers. Wastewater percolation was incorporated into the recharge values by creating eight new recharge zones at the effluent disposal site locations.

The recharge rates, nitrogen loads and nitrogen concentrations for all of the recharge zones in the with-project simulation are shown in Table 9. The table is comparable to the one presented earlier for existing conditions (Table 4), except for additional zones representing the percolation sites (zones 301 through 308) and a new column for wastewater percolation in each zone. A comparison of individual zones with existing conditions confirms that zones outside the sewer service area or with no septic systems have the same recharge and nitrogen values as under existing conditions. Also note that the perching clay layer disperses the recharge and nitrogen loading from three of the percolation sites.

Table 10 provides a summary comparison of nitrogen loading under existing and with-project conditions. Under existing conditions, 47% of the basinwide nitrogen load comes from septic systems. Septic system leachate also has the highest nitrogen concentration of any of the recharge sources, followed closely by recharge from cropland. The high mass and concentration for cropland are probably erroneous because they reflect a questionable assumption that fertilizer application on non-irrigated pasture and cropland is the same as on irrigated cropland. Because recharge rates are much smaller for non-irrigated fields, the calculated concentration is high (22 mg/l versus 13 mg/l). By coincidence, recharge in developed areas – excluding septic recharge and nitrogen from animals -- has the same concentration as recharge in natural areas. Developed areas include a moderate percentage of non-irrigated natural vegetation, but they also include irrigated landscaping, turf and weeds, all of which have higher nitrogen loading rates. It appears that the extra loading from those sources is diluted by runoff from impervious areas, which contains negligible nitrogen and most of which percolates through pervious soils adjacent to the impervious surfaces, thereby diluting the nitrogen load.

*. This supports that LID can lower nitrate concentrations.

The total basinwide nitrogen load under existing conditions is 121,400 lb/yr, with an average recharge concentration of 11.0 mg/l. With the sewer project at buildout, the total load would be 98,500 lb/yr, with an average concentration of 8.1 mg/l. This represents a 19% decrease in basinwide nitrogen load. However, the buildout condition includes 400 af/yr more wastewater generation than under the existing condition. If treated effluent percolation in the buildout scenario is decreased by 400 af/yr for the purposes of comparison with existing conditions, the total load would be 91,000 lb/yr, or 25% less than under existing conditions.

Results

Figure 20 shows contours of simulated water levels in model layers 2, 4 and 5 with the

Attachment 126
Yates and Williams
Study 2003

sewer project. The effects of the project can be seen by comparing these maps with the corresponding maps for existing (no-project) conditions (Figure 12). Because groundwater flow is simulated as steady-state, time is not a variable. Thus, there are only two flow regimes and two corresponding sets of water levels: with-project and no-project. There is no change in water levels during the 1983-2002 simulation or the 2003-2032 simulation; the only transient variable is nitrate concentration. The effects of the project are most noticeable in layer 2, where a large groundwater mound develops beneath the Broderson recharge site. Simulated groundwater elevations away from the Broderson site are generally lower under the with-project alternative, reflecting the increased pumping (from existing municipal wells plus the proposed harvest wells), and the decreased recharge from septic systems. Water levels at some locations are more than 10 feet lower than under the existing condition, which causes model layer 1 to go dry at those locations. Although perfectly realistic from a hydraulics standpoint, the dry areas cause abnormalities in the nitrate contour plots. *

The four maps in Figure 21 show the simulated distributions of nitrate in Layers 1 and 2 after 30 years of simulation for the no-project and with-project alternatives. A comparison of the maps confirms that the sewer project results in lower nitrate concentrations throughout the sewered area in both layers. The white areas in layer 1 under with-project conditions (Figure 21B) are where layer 1 cells are dry. As discussed earlier, concentrations in layer 1 closely mirror the concentration of recharge, even if the recharge volume is small. For example, the "hot spot" near the end of Ferrell Avenue is in a low-density residential area (recharge zone 107, which also includes the residential area east of South Bay Boulevard), which has relatively high fixed loads (horses, dogs and cats) combined with only a small amount of recharge enhancement from infiltration of impervious area runoff. The no-project alternative results in a large area with nitrate concentrations above the maximum contaminant level (MCL) of 10 mg/l as N. With the exception of a few small areas, nitrate concentrations within the sewered area are reduced to concentrations below 10 mg/l with the sewer project in place. Nitrate variability is attenuated by dispersion as recharge moves down to layer 2, and hot spots are generally more subdued (Figure 21C).

The effect of the project on nitrate concentration in layer 2 is shown more explicitly in Figure 22, which is a contour map of differences in nitrate concentration between the no-project and with-project alternatives after 30 years of simulation. As expected, nitrate concentrations decrease throughout the sewered area. The one area of increased nitrate concentration west of Cabrillo Estates resulted from the Broderson recharge mound, which shifted the water-level gradient near the affected area to a westward direction, allowing existing nitrate-containing groundwater to flow into an area previously unaffected by Cabrillo Estates recharge.

Finally, Figure 23 shows the effects of the project on nitrate concentrations in municipal wells, most of which are deep (layers 4 and 5). The well are grouped by purveyor into three graphs for clarity. The results indicate that over the first 30 years of project operation, nitrate concentrations would likely decrease in some wells and rise in others. These mixed results reflect the complex interaction between the existing nitrate distribution, each well's future pumping rate, and the influence of nearby wells. As an example, the Cal-Cities Cabrillo well pumps considerably

Attachment 13a

Condition 20. Groundwater Monitoring (For previous project)

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit to the County of San Luis Obispo and the Executive Director for review and approval a Groundwater Level Monitoring and Management Plan that details methods for measuring and responding to changes in groundwater levels that could affect wetland hydrology and habitat values. In accordance with the monitoring and action plan proposed by the LOCSD and attached as pages 30 and 31 of Exhibit 6, the Plan shall include provisions for monitoring groundwater levels, surveys for wetland plant and animals, monitoring wetland hydrology and water quality, appropriate response procedures should impacts be identified, annual reporting, and an education program to encourage property owners to convert septic systems into areas capable of groundwater recharge.

Evidence of compliance: Attached is a Groundwater Level Monitoring and Management Plan which is consistent with and builds upon the LOCSD materials included as pages 30 and 31 of Exhibit 6 of the staff report. This includes an education program for septic system decommissioning.

NOTE: Compliance with Condition 18 was acknowledged by CCC staff on January 19, 2005

Attachment 13b

Los Osos Wastewater Treatment Facility (Previous project)
Groundwater Level Monitoring and Management Plan

Per Coastal Development Permit condition 20

Introduction

Individual on-site septic systems artificially augment a naturally occurring supply of freshwater to existing wetlands located in the community of Los Osos. Ending their use as a consequence of the Wastewater Project may alter the extent and composition of existing wetlands.

Wetlands in Los Osos are located mostly along the fringe of Morro Bay and composed of freshwater, brackish and saltwater plant and animal species. The boundaries among these (ie, the composition of the wetlands) change from year to year as a result of weather and other natural factors. For example, reduced rainfall can lower freshwater inflow. Winds can increase erosion from wave action and increase aeolian deposition along the Bay edge. Other variables affecting these wetlands include changes to the Bay bathymetry due to subsidence, earthquakes, changes to sea level, and deposition of sediments from alluvial sources.

Wetlands and riparian resources in Los Osos in 2003 are shown on Figure 1. There are several freshwater springs in the Los Osos area which support wetlands. The most notable is Sweet Springs located north of the intersection of Ramona and Fourth Street.

To provide a context for considering the potential effects of septic tank use on wetlands resources in Los Osos, it is useful to compare the extent of such resources as they existed prior to the widespread use of septic tanks with current conditions in which there are as many as 5,000 such systems. Figure 2 is an aerial photograph of Los Osos taken in 1949 showing wetlands along the Bay fringe, Sweet Springs, and along Los Osos Creek. Two things are worth pointing out on the 1949 image. First, it is clear that extensive wetlands were present in Los Osos before significant urbanization and the use of septic systems. Second, although changes to the composition of the wetland species from 1949 to 2003 are difficult to assess, a comparison of the aerial extent of these resources (Figure 3) reveals that wetlands have decreased significantly due to urbanization.

Changes to the Groundwater Regime

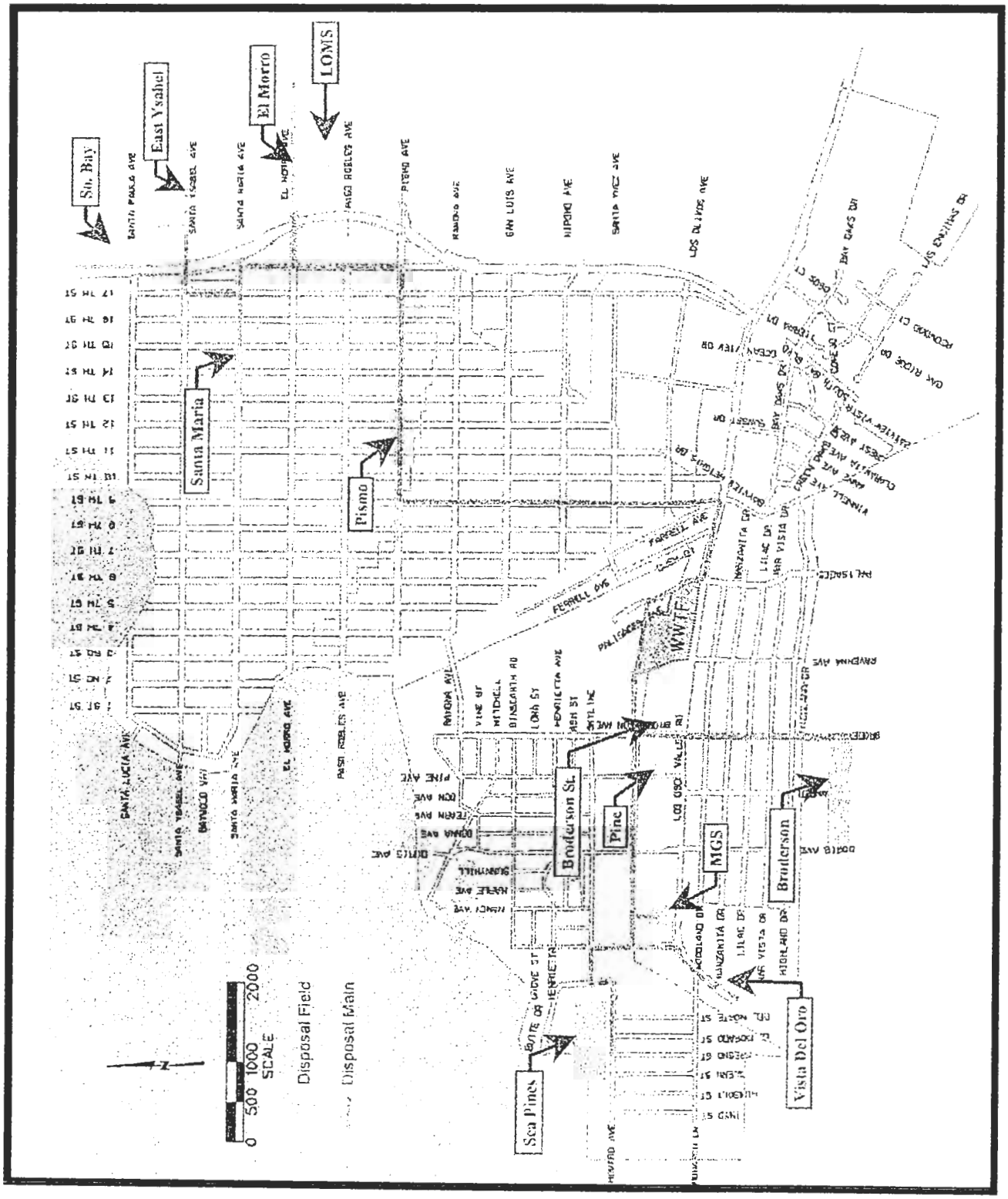
The process of decommissioning 4,751 septic systems within the Prohibition Zone is expected to occur over two periods of six months or more as the collection lines become available for service. Assuming 250 working days per year, about 20 systems per day will be taken out of service (assuming contractor service is available). Thus, the lowering of groundwater levels will occur gradually and will be spread throughout the Prohibition Zone.

Eventually all of these septic systems will be taken out of service and their contribution to the groundwater regime will be replaced by the effluent disposal system which calls for the bulk of treated wastewater (about 800,000 gallons per day) to be re-introduced at the Broderson property and another 400,000 gallons per day distributed to disposal leach fields located on Santa Maria Avenue, Pismo Street and elsewhere (see Figure 4).

The groundwater model prepared for the project predicts that it will take about 18 months for groundwater levels to begin to rise again downslope from the Broderson disposal field in the vicinity of Morro Bay.

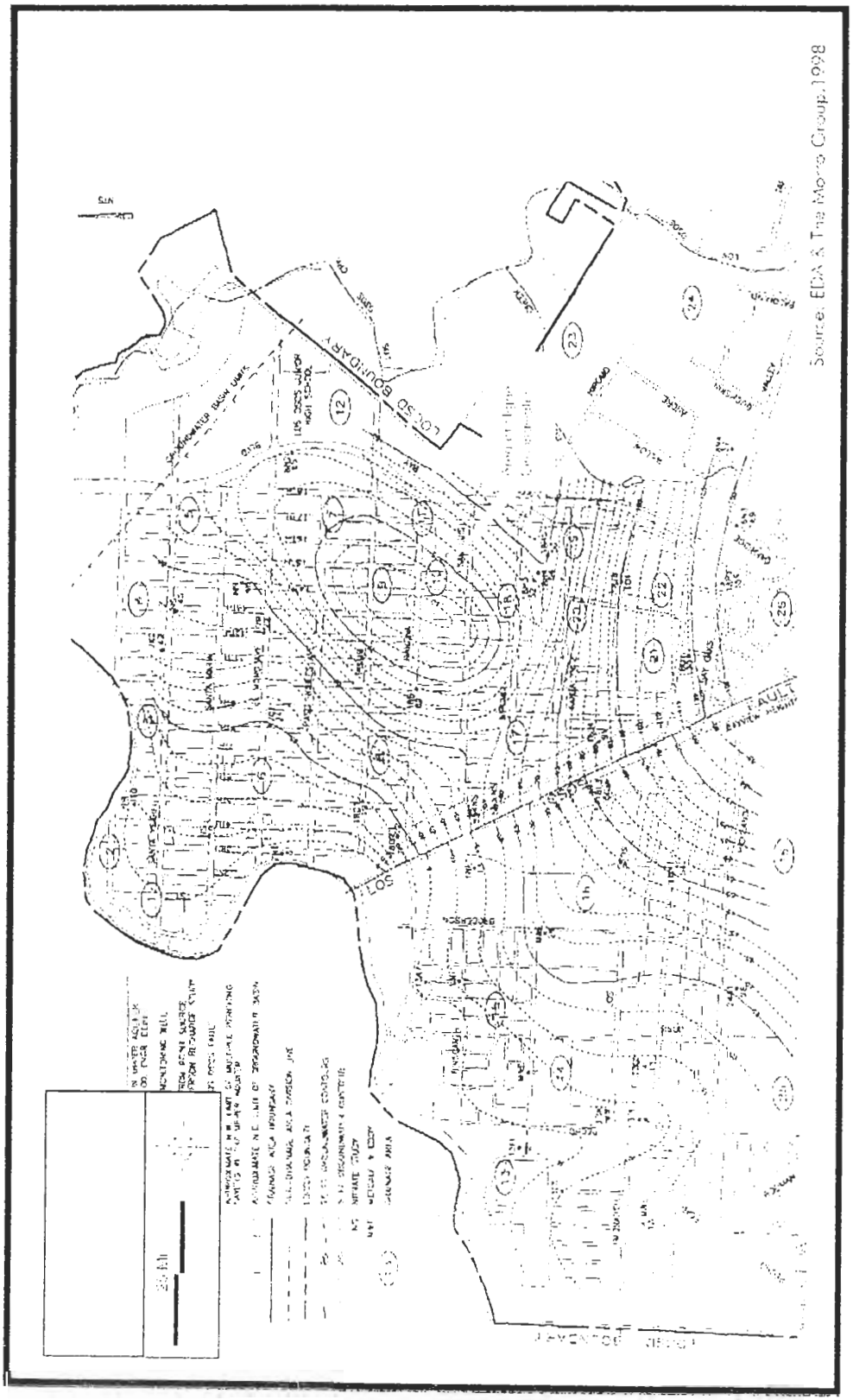
condition 20 Attachment 13c

Figure 4 – Wastewater Disposal System (previous project)



Attachment 13d
(previous project)
Condition 20

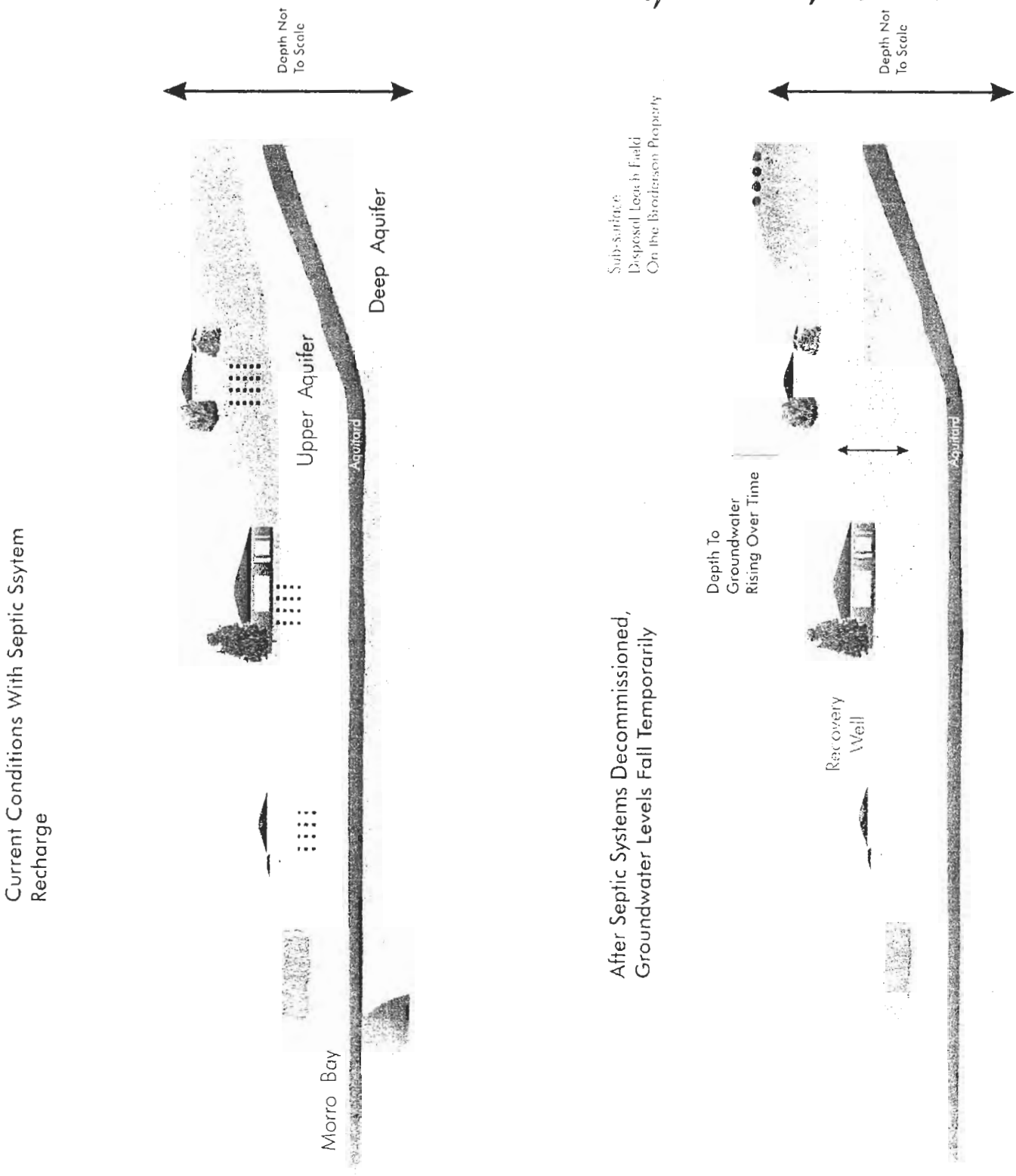
Figure 6 – Groundwater Elevations



Attachment 13e

Condition 20 (previous project)

Figure 7 – Change in Groundwater Levels Over Time



Condition 20 Attachment 13F (previous project)

From the onset of wastewater operations, groundwater will initially decline as septic systems go off line. Groundwater levels will be continuously monitored by a series of monitoring wells located throughout the community (see Figure 5). As treated water is returned to the aquifer at the Broderson disposal site and elsewhere, water levels begin to rise (Figure 7). A system of harvest wells will be used to prevent groundwater from surfacing in low lying areas of the community. The depths of the groundwater will be balanced by the disposal/harvest system to stabilize at about five feet below the shallowest areas of the developed portion of the community. The harvesting of groundwater will be managed to achieve three objectives:

- To ensure that groundwater re-introduced into the upper aquifer does not begin to surface downslope;
- To protect property and public health by alleviating the persistent ponding problem associated with shallow groundwater levels, especially in the vicinity of 8th Street and El Moro, and along Pismo Street and 16th Street; groundwater levels will be managed to maintain about 5 foot depth throughout low-lying areas of the community; and
- To ensure the long-term stability of wetlands resources.

Impacts to Wetlands Along the Bay Fringe (3rd Street, Sweet Springs Marsh)

Especially during the period after septic system decommissioning and before groundwater levels begin to stabilize in a state of equilibrium, the potential exists for adverse affects on the extent and composition of wetland resources in this area. The extent of the effects on these wetlands resources will be temporary (18 months to two years) after which groundwater levels will be stabilized by the groundwater management program described above.

The magnitude of this short term effect will be difficult to distinguish from those that occur naturally from factors such as:

- The seasonal variation of sunlight and rainfall;
- Changes in water quality and salinity;
- The severity of storms and resulting wave action;
- The nutrient content of the water supply;
- The extent and aggressiveness of invasive plant species.

There are several areas of fresh water springs along the Baywood-Los Osos shoreline. These areas have been studied by Dr. Don Asquith in the June 1990 "Freshwater Influences on Morro Bay" document. The areas include Sweet Springs, Pecho, Third Street and the Baywood marsh. Dr. Asquith estimated that observable flow from springs in these areas totaled 300 acre-feet per year, of which the vast majority of flow (292 acre-feet per year) occurs at Sweet Springs. This flow estimate is for a composite of natural spring flow and on-site wastewater disposal. Because of minimal development since that time, no significant human-induced changes in this flow are assumed to have occurred over the past 14 years.

One consequence of the lowering the groundwater under the community may be an increase in the influence of salt water from Morro Bay with a corresponding increase in the salt marsh or brackish composition of the wetlands along the Bay fringe. However, even with the temporary lowering of groundwater levels, vegetative areas along the Bay fringe will remain inundated as they are now. Thus, the extent of wetlands will not likely change, although the mix of fresh,

Attachment 13g
Condition 20 (previous project)

brackish and salt water species could be affected. Again, these changes, if any, are expected to be small and temporary.

Wetlands could also be affected by changes to the re-charge regime of the upper aquifer. The Wastewater Project will change the way in which water is re-introduced to the upper aquifer from the decentralized use of on-site septic systems to a more centralized system of disposal leach fields. Once groundwater levels return following septic system decommissioning, the monitoring and management program is designed to maintain stable groundwater levels at about five feet of depth in the shallowest areas of town. Another consequence of the disposal system is that recharge will actually increase on the west side of town (east of the so-called Strand B of the Los Osos fault) from the current conditions, and decrease on the east side. This could result in an increase in freshwater wetlands along the Bay fringe to the west. Overall, the net change in wetlands along the Bay fringe is expected to be slight and difficult to distinguish from natural variation.

With respect to Sweet Springs, it should be noted that this is an artesian well fed by water introduced upslope that travels underground and emerges at the spring. Sweet Springs existed long before the urbanization of Los Osos and the widespread use of septic systems. Therefore, the decommissioning of septic system is not likely to have a significant adverse effect on the Spring and surrounding vegetation.

Other Wetland Areas – Los Olivos/Mountainview Area/Eto Creek

Other wetland and riparian resources exist in the community of Los Osos near the intersection of Mountain View Avenue and Los Olivos. Septic system decommissioning is not expected to affect groundwater levels in this area to the same extent as low-lying areas along the Bay fringe because the existing septic systems on properties surrounding these wetlands will remain in operation, being outside the Prohibition Zone. Nonetheless, these areas will be subject to the same temporary lowering of groundwater levels as experienced on the west side of the Strand B 'fault'.

Los Osos Creek

At present, most of the wastewater returned to the groundwater basin from septic systems east of the so-called Strand B of the Los Osos fault flows toward Morro Bay. However, a sizeable portion flows east toward Los Osos Creek due primarily to the pronounced "mound" of groundwater that has been mapped in the vicinity of Pismo Avenue and 14th Street (see Figure 6). Generally, the higher groundwater causes areas east of 15th Street to flow toward the Creek where the freshwater helps support riparian and wetland vegetation in that area.

The disposal locations on Santa Maria Avenue and Pismo Avenue and El Moro Avenue were chosen in part to help ensure that quantity of treated wastewater reintroduced to the basin maintains balance between the east and west sides of the 'fault'. Note that these disposal sites are estimated to have a total capacity of about 320,000 gallons per day. Assuming 300 gallons per day of wastewater per single family residence, this is roughly equivalent to 1,066 dwelling units which is well in excess of the number of units east of 15th Street and south of El Moro Avenue. This suggests that these disposal lines will approximately maintain existing subsurface flows toward Los Osos Creek, (albeit through a less dispersed method than individual septic systems).

Attachment 13h
Condition 20, Previous project)

Plan Requirements and Strategy (revised January 19, 2005)

At its meeting of August 11, 2004, The California Coastal Commission included the following condition for the wastewater treatment facility in Los Osos:

> 20. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit to the County of San Luis Obispo and the Executive Director for review and approval a Groundwater Level Monitoring and Management Plan that details methods for measuring and responding to changes in groundwater levels that could affect wetland hydrology and habitat values. In accordance with the monitoring and action plan proposed by the LOCSD and attached as pages 30 and 31 of Exhibit 6, the Plan shall include provisions for monitoring groundwater levels, surveys for wetland plant and animals, monitoring wetland hydrology and water quality, appropriate response procedures should impacts be identified, annual reporting, and an education program to encourage property owners to convert septic systems into areas capable of groundwater recharge.

To address potential affects of wetlands associated with septic system decommissioning,[1] the Los Osos CSD proposed the following Wetlands Monitoring Program prior to the Commission hearing, which would consist of at least the following components:

1. Provisions for ongoing independent monitoring of wetlands resources after completion of the wastewater project. The intent is to continue monitoring until the goal of stabilizing the extent and composition of wetlands resources has been met.

2. Repetitive surveys for plants and animals (including species of special concern) throughout the various wetland and riparian habitats. The surveys will use techniques that permit a determination of species composition and abundance. Both terrestrial and aquatic organisms should be surveyed. Timing of the surveys will be chosen to account for the variability in the abundance of plant and animal species over the seasons. To provide a baseline, surveys sufficient to characterize these resources will be completed prior to project construction.

3. Monitoring of hydrology. For tidal wetlands along the Bay, this would include a determination of the areas inundated at high and low tide, tidal prism, and water velocity. For non-tidal wetlands, this would include determination of permanent and seasonal patterns of inundation and water sources.

4. Monitoring of water quality. Repetitive sampling of various chemical and physical constituents such as salinity, pH, nutrient concentration, dissolved oxygen, temperature, and turbidity throughout the year. The sampling pattern may vary throughout the year and may include more intensive sampling over several tidal cycles to determine short-term salinity patterns.

[1] For the purposes of this report, "decommissiong" of the septic systems refers to the time when the laterals are connected from the house to the sewer, and the wastewater no longer flows into the septic system. The final disposition of the septic system (e.g. removal) will occur after the reconnection.

Attachment 13 i
Condition 20 (previous project)

5. Monitoring of soil chemistry. This will serve primarily to document trends in soil salinity in tidal wetlands, but may include measurements of other constituents as required.

6. Ongoing procedures for the identification and correction of problems as they arise. Such problems may be related to the physical, chemical, or biological attributes of the resource. These procedures will include specific remedies, including (but not limited to):

   a. Artificially watering wetlands using domestic drinking water, harvest water or disposal water;
   b. Reducing the amount of groundwater harvested.

7. Provisions for timely analysis and production of annual reports. These reports will be distributed to the Department of Fish and Game, California Coastal Commission and other interested parties, including the Morro Bay National Estuary Program. The final monitoring report, submitted upon completion of the monitoring program, should analyze all monitoring data and presents different management options.

Artificially watering wetlands along the Bay fringe has at least two drawbacks. First, the water introduced at the Bay fringe would be an additional 'loss' from the groundwater basin to the Bay that would effectively lower the safe yield. Secondly, (to the extent that wetlands on the Bay fringe are currently being supplied by water from other than the upper aquifer (which may be the case for Sweet Springs and vicinity) the wastewater project could have no effect and artificial watering would not be necessary. And lastly, it should be kept in mind that it will be difficult to distinguish changes in the amount and composition of wetlands resulting from the project from those resulting from natural factors.

Although reducing the amount of harvested groundwater could maintain groundwater levels for wetlands, this practice would also lower the basin's safe yield and may result in the periodic surfacing of groundwater/runoff which has public health and safety implications. The potential public health implications of standing water are especially problematic in light of the spread of West Nile virus.

Attachment 14
DEIR, Appendix D

Table 5.2-4: Disposal Capacity

Component	Disposal or Conservation Capacity (afy)		Seawater Intrusion Reduction (afy)	
	Buildout	Current	Buildout	Current
Sprayfields (175-acres)	842	549	0	0
Broderson Disposal	448	448	99	99
Conservation	160	160	88	88
Total LOWWP Disposal	**1,290**	**997**	**187**	**187**

The total treated effluent disposal volume from the LOWWP is anticipated to be 1,290 AFY at buildout. Under current conditions the disposal volume is anticipated to be 997 AFY. Groundwater inflow removed from the hydrologic budget (septic system percolation) by the LOWWP collection system will affect both the upper aquifer zones, which are directly recharged by this source, and the lower aquifer zones which receive leakage from the upper aquifers. However, the disposal component of the project would ensure that there would not be a net loss in groundwater recharge to the aquifers that support overlying beneficial land uses and associated impacts would be less than significant. Furthermore, the proposed disposal of treated effluent at Broderson would reduce the current rate of seawater intrusion into the lower aquifer, thus resulting in a beneficial impact.

Modeling results indicate that the impact of this operation will be to restore groundwater levels in the upper aquifer system (Zones B and C) to elevations that are comparable to existing conditions. The study results indicate that Broderson disposal will provide beneficial impacts that restore groundwater recharge and maintain a balance in the hydrologic budget that provides outflows for local well production and freshwater features (marshes and springs) around the bay. Implementation of the proposed project would reduce septic effluent discharge into the perched aquifer (Zone A). Therefore, the project would reduce the quantity of groundwater within the perched aquifer. However, the exact quantity of reduction within the perched aquifer is unknown, and the potential impact on groundwater flow to surrounding surface water features is speculative given that the amount of perched groundwater currently flowing to surface water features is not known.

* Contradicted by Appendix D-2, pp. 9, 24, 25 41

(Attachments 11a - 11e)

Proposed Project 2

Project 2 includes a gravity sewerage collection system and an Oxidation Ditch/Biolac wastewater treatment facility at the Giacomazzi site that provides secondary level treatment. The raw wastewater conveyance system carries collected wastewater from the Mid-Town pump station to the Giacomazzi wastewater treatment plant site. Treated effluent can be sent directly through the treated effluent conveyance system to the Broderson leachfield. Alternatively, some or all of the treated effluent can be sent through the eastern end of the treated effluent conveyance system to the Tonini sprayfields or the seasonal storage pond on the Tonini site.

Also contradicted by Condition 20

(Attachments 13a - 13h)

Transcript

Hearing Topic: Discussion of LOWWP CDP Conditions 92 and 86, which cite Coastal Commission conditions for the prior Los Osos wastewater project. The prior conditions required a sustainable water supply, an HCP, and LCP prior to development to ensure the project did not induce unsustainable growth. The discussion includes the need to have these three plans in place, in order to have a successful second Proposition 218 assessment. It also covers the difficulty of having the plans in place by the time the project is constructed—and the need to develop another funding source, i.e., rates and charges for owners of existing properties, in addition to the current assessment. The discussion results in adding language to CDP Condition 86 (a reference to Coastal Commission Condition 34 from the prior project), which requires a comprehensive management plan that "identifies management strategies for achieving a sustainable water supply").

Times: From 9:50:00 into hearing to 10:15:30

9:50:00—Supv. Gibson—We talked a good bit about seawater intrusion but in particular, I think a condition that is particularly important as we look toward what happens once this plant starts up and the development of undeveloped properties starts to proceed in Los Osos having to do with assurances that future development does not exceed a sustainable water supply and I talked to staff—we've been talking informally about three basic things that need to happen before new development can be hooked up to the sewer—a very important issue. I know the Coastal Commission cares very much about this—the matter of limiting in (sic) growth inducement and the...(interrupted by Supv. Aschajian)

9:50:54—Supv. Aschajian—We addressed that under the new 97.

Supv. Gibson—Well, we did that in terms of no water for non-ag development outside the URL. Now we're talking inside the URL undeveloped lots and Condition 86, which is at the bottom of p. 60, "to prevent the wastewater system from inducing growth that cannot be safely sustained, the sewer authority is prohibited from providing service to existing and undeveloped parcels unless and until the Estero Area Plan is amended to incorporate a sustainable buildout target that indicates there is water available." I had always heard it said that we were actually going (9:51:35) to be looking at a groundwater basin management plan to assure that there is a sustainable water supply for Los Osos. In conversations with staff—I am well—three things that needed to happen in general before development inside the URL could hook up (9:51:50) 1. The HCP needs to be completed for the endangered species of concern; second, that we have a basin-wide water management plan; and, third, that the Estero Area Plan is amended (9:52:03) and I'm suggesting, after conversations with staff, that a modification to Condition 86 might be appropriate to simply indicate that, in order to update the Estero Area Plan, which is part of our Local Coastal Program, we're going to need to show a groundwater basin that's in balance and a sustainable water supply for the amount of future development that is going to occur there. It's really—I think—practically speaking—we won't get the Estero Area Plan amended—we won't get it through Coastal Commission until we show that—but I think it's important to speak to the public about this that no undeveloped lots will be developed until we have (9:52:47) a groundwater basin management plan that shows a balanced basin, so staff had ideas as to how that might be incorporated into a slight modification of 86, that would be—I think that would be helpful. I take that the HCP issues are—and I know they are in a different condition.

Supv. Mechum—You're suggesting there's going to be no more building until a basin management plan is...

Supv. Gibson—Correct, and that is de facto what 86 says right now. I'm just making it a little bit more explicit because I don't think the Coastal Commission—and I stand to be corrected by those who've spoken more directly with them—that until they see a sustainable water supply, they won't be permitting new hookups to this sewer.

9:53:40—Paavo Ogren—Certainly I agree, the condition that Chairman Gibson is talking about was, I believe, explicitly in the prior Coastal Development Permit for Los Osos and I think that the lack of specificity on our

part was just sort of an oversight. I don't see Coastal Commission modifying the LCP without a balanced water management plan, so this is not uncharted territory, that there's a precedence established (9:54:06) previously, I think is clear. I would like also to address—there was one individual in the public who asked why didn't (sic) our Proposition 218 vote include undeveloped property, and that's for this exact reason. He asked the question that undeveloped (9:54:26) properties have been included in all other prior project proposals, but it was the Coastal Development Permit issued by the Commission for the LOCSD project with these specific requirements that the LCP, HCP, and a water management plan that shows sustainability, that those all had (9:54:45) to be developed and approved prior to the connection of the infill lots and that's when we went into the Proposition 218 proceedings in 2007. We said "Look, there's new evidence here that never existed before and the question is, 'Will undeveloped properties really benefit from the wastewater project without getting the LCP, HCP, and water management plan done?'" (9:55:10) Ah...so that's why the undeveloped properties weren't included because of that big question mark. The policy approval process that provided for the second Prop 218 vote to address the undeveloped properties was also expanded, again by policy, that says that the second Proposition 218 can include undeveloped properties' proportional share of the wastewater project costs, a formula that would be the exact same as the developed properties, plus costs associated with the water supply infrastructure that's necessary to make sure there is water for the undeveloped properties, (9:55:46) plus any of the costs associated with the HCP that might be appropriate. That way when the undeveloped property owners are looking at the second Prop 218 vote, they're not just voting on a wastewater project they're voting on a resource project that will mean they have the wastewater facilities, a water supply, and the HCP issues all addressed, so that they know that if they vote "yes" on it, then they have the resources and they have all the approvals necessary to be able to develop their lots.

9:56:14—Mecham—Is there a timeframe in which this is specified?

Paavo Ogren—Well, the timeframe is prior to them (sic) getting hooked up.

Mecham—I know that but the basin management plan...

Paavo Ogren—And so under the work with the purveyors and the ISJ our goal right now is to have a basin management plan drafted by the end of this calendar year, but there's not specific permit requirements for this deadline. Our incentive is to get that second Prop 218 done because we want to secure the assessments for the undeveloped lots and the incentive of the water purveyors is that then that will help to make sure they have the cost associated with getting the water infrastructure all done, so we both have a lot of incentives to proceed with the water management plan and develop the conclusions and physical solutions for the ISJ, but there's not a permit timeline requirement associated with it.

Mecham—I can see clearly where someone may have an undeveloped lot. They may be looking to go in that direction, with the knowledge that there's going to be a sewer system (9:57:22) put in place. They may then benefit by getting in on that early and from a construction standpoint—I mean they may be able to do that with more cost savings...I mean we're putting a prohibition on certain things but not giving a timeframe in which we're going to be able to fulfill the basin management plan.

9:57:47—Paavo Ogren—Yea—and I would say, it's not so much your Board that's putting the prohibition on it, I mean that is clear direction that came from the Coastal Commission on the last Coastal Development Permit. So it's our job as the County to try to tackle those challenges on the water management issues with the water purveyors, on the HCP with the Planning Department, and also on the LCP update with the Planning Department. so those are a couple of issues again. We have to be realistic in expecting that condition from the Coastal Commission, and at the same time we have to be diligent in tackling those challenges as quickly as we can.

9:58:18—Supv. Gibson—And we have been working on them, Supv. Mecham. The HCP is on its track, the basin plan on its track, and as soon as the sewer project's on its way, we'll be working on the Estero Area Plan. We tried to parallel track these as much as we can because we certainly know...

Paavo Ogren—You know the area where this is really going to come to a focus again—to an area where your Board can deliver operations is when we bring forward the rates and chargers hearing for the wastewater project because there's really going to be two scenarios: one scenario is that if (9:59:04)if the second 218 is done, then the rates and charges will be lower; if the second 218 isn't going to be done, then the rates and charges are going to be incrementally higher...and it's just those two scenarios and we know there are a number of individuals who are very well in tuned with those different scenarios because of the fact that they were scenarios developed in the revenue program for the CSD when they submitted their funding application for the State Revolving Fund to the State Water Board.

9:59:30—Supv. Gibson—I don't think we need to get too far down this path as there's going to be plenty of work on this—this matter's going to be carried forward.

9:59:44—Supv. Patterson—Yea, I was just curious really, as Supervisor Mecham was, regarding the timing of all this because if the 218 is approved as you said Mr. Ogren, it will contribute funding to these various needs, the HCP, the basin plan, and so forth. So isn't it reasonable to want to have that 218 vote a.s.a.p—and another concern, you spoke of having the basin management plan completed by the end of this calendar year but the HCP and the Estero Area Plan update and all the rest of that, that could take years. And if the HCP is a condition required by the Coastal Commission before we allow additional hook ups, it could be quite some time.

10:00:33—Paavo Ogren—Yea, the—so there's a couple of issues—one is the second Prop. 218, we really have to get it done before construction is done and before the rates and charges ordinances go into effect because rates and charges don't start until you start providing service and you don't start providing service until construction is done. (10:00:57) That means, at a minimum, the water management plan has to be done with the physical solutions identified because it's really the wastewater project and the water management plan that is the substance of the basis for the second 218 (10:01:15). If the HCP is included or excluded, you know, that's more or less optional and the second Prop. 218 doesn't need to be dependent on the modifications to the LCP. So there's a number of different variables that are involved there and certainly same policy issues and timing issues that we're going to have to follow up with your Board. (10:01:32). Even though today's been a long hearing on the LOWWP, there will still be many more action items ahead of us.

10:01:42—Supv. Aschajian—This morning when we were talking about the size and all that part of the discussion was the buildout and now we're introducing the moratorium if I can put it that way.

10:01:58 Supervisor Gibson—I wouldn't quite put it that way, but go ahead.

Aschajian—But that's where the confusion is for me because the reason we separated Los Osos from Paso...and Cambria to get their approved because the HCP would have been in place and I'm thinking that now we're introducing this new idea. Is it fair for the public at large who would have otherwise been here to discuss this new proposal? That's a concern for me—what we do—I don't mind doing something as we've done in Nipomo as well no new general plan amendments. That's understood, but with the 218 and everything else in place, I think this is something that the public has to be notified as an item on our agenda.

10:02:56—Tim McNulty (County Counsel, Planning Department)—I worked on the last version of the sewer project that went forward, the one that the applicant was the LOCSD, and this condition that required no new hookups for undeveloped properties until such time as the HCP was approved was something that your board added to the last project and the reason was that we anticipated that the project wouldn't survive the appeal without it. The idea that you are using that as a carburetor to prevent hook ups of undeveloped lots until you have any is something that's been around for a very long time now probably for 5 or 6 years, however long ago it was that we saw the last version of the project.(10:33:41) The only thing that I see that is new—and because they overlap it doesn't really make any difference—is the language in 86 that requires the groundwater basin plan. I think that was a condition that was added by the Coastal Commission the last time

around if I remember right. I don't believe that we actually had it. I could be wrong. I think that was something that didn't originate here. The HDP did originate here.

10:04:12—Supv. Gibson—I don't see in 86 a groundwater management plan and let me make a fairly minor suggestion to 86 that I think simply makes explicit what we can expect to be the position of the Coastal Commission without any doubt at all. Starting at the (10:04:25) bottom of Page 60—and I'll just jump in the middle of the sentence—" The sewer authority is prohibited from providing services to existing undeveloped parcels in the service area unless and until the Estero Area Plan is amended to incorporate a sustainable buildout (10:04:52) target that indicates that there is a sustainable water supply available to support such development without impacts to wetlands and habitat."

10:04:48—Supv. Aschajian —So what if it's properties outside the prohibition zone and the water purveyors give them a will-serve letter?

Supv. Gibson—Then they are subject to...first of all they are not hooking up to the sewer so there's not an authority here—they are subject to our conservation ordinances or any provisions of the ground water litigation that's going forward.

Supv. Aschajian —So they can still develop their property?

10:05:15—Supv. Gibson—Yes, subject to retrofit to build issues and other provisions of our land use ordinances and the conditions of the litigation.

Supv. Aschajian —So if you're within the prohibition zone—outside the prohibition zone you have a way out, but if you're within you're penalized because of your location?

10:05:40—Supv. Gibson—And that's not—that's basically not our imposition, I don't think, but rather that of the Coastal Commission.

Mr. McNulty—And I would add that, Supv. Asajian, if your development is of any size whatsoever, you're not going to be able to proceed without the approval of the community wide agency. There have been very few individuals with smaller individual type projects that have managed to get approvals to move forward without the community wide agency, but any thing large like the subdivision (10:06:07) that Mr. Visnic (spelling?) is representing would require the adoption of a community-wide agency. Of course...

10:06:19—Supv. Aschajian —If you recall the last time we had a gentleman who was to build his dream house in this subdivided area that is already subdivided and he was one of the last to build, and we added a condition and it got 5-0 approval here. It was appealed to the Coastal Commission and the Coastal staff recommended approval simply because we had a water conservation plan in place and, with that plan applied to that, it went through. Now whatever we're doing here, is this going to impact what we have in place?

10:06:50—Gibson—The instance, if I'm remembering right, was in Cabrillo Estates. It was not to be connected to the sewer and they did show the retrofit to build—you know, they we're willing to agree to the retrofit to build, so they have satisfied our requirements, and I think it's completely consistent with (10:07:11) what we're talking about because the reality is within the prohibition zone the necessity to get this permit and the necessity to protect coastal resources have collided to make it very difficult because of this permitting issue and within the URL—within the prohibition zone the necessity to connect to the sewer is the driving issue.

10:07:43—Supv. Aschajian —I just wanted verification from staff that it is what it is and that's something the Coastal Commission did put in place—and my concern again Mr. Chair, if this is something new coming into the picture, do we owe it to the public to have a public discussion or a public hearing.

Supv. Gibson—Mr. Jansen (Planning staff), do you want to speak to the newness of this?

10:08:15—Jansen—I remember very similar to Mr. McNulty's recollection, it was toward the end of the processing of the original CDP or at least the most recent CDP at Tri-W, Mr. McNulty and staff were in negotiations with Coastal staff and we created two of the three components. We created the amendment to the Estero Plan and the HCP requirement and they came back on appeal with the groundwater basin. So that's where (10:08:43) that third component came in, and our creation of the first two was to try to bullet proof the project, if you will, so that on appeal to them, and at the last minute, they threw in the groundwater basin issue. So this is nothing new. This has been around for years.

Supv. Aschajian —So that's the assurance I need to hear we're not doing something new at this hour without giving the public a say in what it…

10:09:06—Mr. McNulty—What happened was that when the LOCSD prepared their EIR for the project and came with their proposal for the project, they actually had a condition that said no one will hookup to the sewer until such time as there is an approved HCP in the community, and we caught it at the meeting, and we said you're going to have people paying an assessment and building this thing and no one's going to be able to hook up to it, so the (10:09:30) amendment was no undeveloped lots can hook up to it and that's how we got to that point, so we…anyways…it's been around a long, long time.

10:09:44—Supv. Mecham—Okay, that's fine. That's what I'm looking for as well because it did give the impression that we're slappin—whether you want to call it a moratorium or not—that's what it sure sounded like.

10:09:58—Paavo Ogren—In the prior coastal development permit it was Condition 34.

Mr. Wilson—Planning staff would also like to confirm that the habitat conservation condition is in the current conditions of approval. It's Condition #92 and I have captured the suggested language that Chairperson Gibson suggested, and am prepared to include that in the record if your Board so desires.

10:10:27—Gibson—We…

Supv. Aschajian —To simplify can we say "According to Coastal Commission's requirement"…it's nothing new we're doing here, it's making a reference to the requirements or a condition that came back to us from the Coastal…

10:10:46—Mr. Wilson—I would suggest that we describe what that requirement is.

Mr. McNulty—Maybe we could just say "Consistent with the prior CDC and give the number that Paavo has.

10:10:50—Gibson—Yea, so one more modification to 86, to start 86 we say "Consistent with previous permit conditions…" What do you want to say? Do you want a specific reference to Coastal 34 and a certain CDP?

(Staff discusses how to reference the Condition 34.)

10:11:20—Supv. Gibson—No, well we're looking at our…you know I think the record will amply show that this is not a new thing. I think that's the key. The record will amply show and anyone who asks we can refer. (10:11:30). So I would suggest we don't need to do this and I would prefer not to reference the Coastal Commission as reason for us to do this, that, or the other thing. We have a locally certified local coastal program. We are the stewards of that, we are the deciding body on that LCP. We certainly work as a partner with the Coastal Commission, and I think that we understand very well there needs to be assurance of a sustainable water supply, so I would submit that the condition as originally written is good. The three words I might add to it I think only make it explicit as to what the expectations is going to be in terms of coastal protection.

10:12:19—Mecham—I disagree somewhat because we just got through saying that they're the ones who actually put these conditions in there, so why couldn't we...why couldn't we...I can understand leaving this here but just referencing in some respect those requirements.

10:12:36—Supv. Gibson—Do we have the CDP number from the previous one? (Paavo in background saying something about "hydrology.") ...What I was going to say was "Consistent with Condition # 34 of the CDP number...

10:12:50—Supv. Mecham—Because if somebody wants to know and they look at this, at least they have some reference.

Supv. Gibson—Okay, that's fine. Add that. (Discussion of CDP numbers among staff.) I think that will put off all but the most dedicated...or attorneys. We'll wait for Mr. Wilson to ah...

10:14:00—Mr. Wilson—What I got was adding to the beginning of Condition # 86 "Consistent with Condition of approval #34 for Coastal Development Permit (CDP A-3-SLO-03-113), but if there's a more appropriate number...That's correct...we could also reference our land use permit number in there...

10:14:35 (Clerk) I believe it's (and states a number).

Mr. Wilson—...would be 020283 and that will capture both the Coastal Permit number and the County permit file number.

10:14:53—Gibson—And then with colleague's concurrence, to add that there is a sustainable water supply available to support We take that as a suggested modification to Condition of approval #86...I don't want to see one nod, which suggests someone's head I want multiple nods from multiple colleagues (laughter).

10:15:21—Supv. Mecham—Why sustainable? And who's going to define that?

10:15:25—Mr. Ogren—Condition 34 that we're referencing includes the reference to a sustainable water supply, John...

10:15:30—Supv. Mecham—Well, then you don't need to put it in there.

10:15:30—Supv. Gibson—Okay, fine. I'll withdraw that if that makes colleagues comfortable. The inspiration for the condition is sufficient, so we have the simple introductory phrase and no change to the substance of that condition.

Attachment 16a

Hand Delivery

April 16, 2009

Ms. Kerry Brown
Planning Department
San Luis Obispo County
County Government Center, Room 208
San Luis Obispo, CA 93408

Subject: Revised Comments on Los Osos Wastewater Project

Dear Ms. Brown:

The Board of Directors of the Los Osos Community Services District ("District") has authorized the submission of the following comments on the Final Environmental Impact Report ("FEIR") for the proposed Los Osos Wastewater Project as well as the project itself.

Introduction

The District is supportive of a project designed to alleviate the current significant groundwater issues in Los Osos.

The following discussion identifies issues related to the scope of services that the District provides that should be addressed in the project approval process either as mitigation measures or conditions of approval. These comments are in addition to those previously submitted related to the Draft Environmental Impact Report in the letter from the District dated January 30, 2009.

Affordability

All of the conditions of approval attached to the wastewater project must take into account the expense to the property owners within the prohibitions zone. The most cost effective mitigation measures must be identified and implemented to alleviate the strain of the already expensive wastewater project. Any conditions and mitigation measures must be specific to impacts created by the project. The costs of any features above the minimum requirements of the Regional Water Quality Control Board must be borne by all users of the groundwater basin. The wastewater project must not be viewed as an opportunity to attach non-related costs to the wastewater project at the expense of property owners within the prohibition zone.

Sustainability

In terms of the avoidance of adverse groundwater impacts, our primary recommendation is that the wastewater project includes tertiary treatment.

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LOCSD letter to Planning Commission Attachment 16b 4/16/09

The District is concerned about any potential removal of water from the groundwater basin. Return of treated effluent to the Los Osos groundwater compartment must take priority. After the initial startup period of the wastewater facility, water dedicated to agricultural and environmental mitigation should not exceed ten percent (10%) of the treated effluent for each category. *

Tertiary treatment will help the District and the other water purveyors in the community by returning sufficient treated effluent to the basin for a variety of beneficial uses and innovative disposal opportunities such as urban/agricultural exchange, in lieu, or "purple pipe" programs.

Wastewater Treatment Design Flows

The District has a vested interest in the effluent design flows used to determine the capacity of the wastewater treatment facilities. The capacity must be consistent with the most current water usage data available. In order to provide the most current data available, the District is attaching water usage for the properties served by it for Fiscal Year 04-05 until the present. When this information is combined with comparable data from the other water purveyors within the prohibition zone, the design flows for the wastewater project can be calculated. The District supports the use of wet-weather water usage as the basis for determining effluent design flows.

Drainage and Dewatering

Construction may affect a large volume of natural storm water drainage. Although the FEIR concludes that the proposed projects would not substantially alter the existing drainage patterns in the district, any such changes identified during the design and construction process must be addressed and Low Impact Development ("LID") techniques implemented.

The project should include conditions of approval to address construction impacts adequate dewatering measures including the utilization of existing drainage basins throughout the district as well as other LID techniques. This measure must be included to avoid negative impacts to the upper groundwater aquifer and minimize potential impacts on marine resources.

Emergency Services

The District recommends that the County include measures in the project to address impacts on emergency services during and after the construction of the wastewater project.

The District believes that if the following measures are included that response time to emergency incidents will be significantly reduced, vehicle safety for all drivers would be increased, wear and tear on emergency service vehicles would be decreased and, in some cases, defensible space for homes and firefighters would be increased allowing a safe area for firefighters to fight vegetation, vehicle and structural fires.

- All roads in Los Osos that are impacted by the construction of the wastewater project should be made all-weather passable. Even if the road is unpaved but has an all-weather surface, the District believes that the most direct route to any incident can save valuable time during an emergency response, particularly Fairchild between Los Olivos and Santa Ynez.

Table 11 - Effluent Water Limitations from Previous Discharge Requirements (Order No. R3-2003-0007)

EFFLUENT LIMITATIONS			
CONSTITUENT	UNITS	MONTHLY AVERAGE	DAILY MAXIMUM
SETTLEABLE SOLIDS	MG/L	0.1	0.5
BOD*, 5-DAY	MG/L	60	100
SUSPENDED SOLIDS	MG/L	60	100
TOTAL NITROGEN (AS N)	MG/L	7	10

*Biological Oxygen Demand

The treatment facilities are being designed to produce an effluent that will have an average NO_3-N concentration of 7 mg/l and an estimated TDS concentration of 620 mg/l (Carollo, 2007b). The average nitrate concentration presently in the Los Osos Basin in the proximity of the prohibition zone groundwater is on the order of 10 mg/L (NO_3-N) (Y&W, 2003) and the average TDS concentration is approximately 330 mg/l (C&A, 2005c).

Effluent disposed at Broderson would have a positive affect on slowing the current conditions of seawater intrusion in the lower aquifer zones and flushing nitrate laden water from upper aquifer zones. The slow turnover rate of groundwater has been identified as the single most important basin characteristic affecting water-quality trends in the Los Osos Basin (Y&W, 2003). This occurs because the volume of groundwater in storage is relatively large compared to annual inflows and outflows. The result is that any action to decrease nitrogen loading (i.e., the LOWWP) will take a relatively long time to have an effect. As a result, nitrate concentrations in some deep wells may continue to increase for many years before the effect of septage removal reaches the lower aquifer system. Recent study has concluded that the shallow aquifer system may take on the order of three decades to equilibrate to a change in nitrate loading (Y&W, 2003). Regardless of the time frame required to realize a reduction in nitrate concentrations across the Los Osos Basin this impact is considered a beneficial impact to the basin.

To assess the impacts of TDS and NO3-N concentrations in the Los Osos Basin caused by effluent disposal at Broderson, a mass balance calculation was performed using septic return flows, precipitation, irrigation, subsurface cross flows and effluent disposed at Broderson at a rate of 448 AFY. The hydrologic budget

summarized in Appendix C of this study was utilized for the purpose of comparing current conditions and conditions estimated for the viable project alternatives (C&A, 2008b). A summary of the mass balance calculation results is provided in Appendix D – Water Quality Mass Balance Summary. Combining the average effluent concentration of 7 mg/l with all the other nitrogen sources in the Los Osos Basin the average NO3-N concentrations in the upper aquifer after LOWWP completion will be approximately 8.3 mg/l, and is below the drinking water standard. The nitrate concentration calculation results are included in Table 12 – Summary of Upper Aquifer Nitrate Loading and Average Concentrations.

The resulting average TDS concentration calculated for the upper aquifer zones with the operation of Broderson is provided in Table 13 – Summary of Upper Aquifer Average Total Dissolved Solids Concentration. Both of these results indicate Broderson will provide a beneficial water quality impact on the Los Osos Basin.

Table 12 – Summary of Upper Aquifer Nitrate Loading and Average Concentrations

BASIN CONDITION	TOTAL SURFACE RECHARGE TO LOS OSOS BASIN (AFY)	TOTAL NITROGEN LOAD (TONS)	ESTIMATED AVERAGE CONCENTRATION (MG/L)
CURRENT	3,525	52.1	10.9
BRODERSON 448 AFY	3,337	37.9	8.3
BRODERSON 896 AFY	3,785	42.1	8.2

CONCENTRATION ESTIMATE WITH NO SUBSURFACE DENITRIFICATION FOLLOWING WASTEWATER DISPOSAL

Table 13 – Summary of Upper Aquifer Average Total Dissolved Solids Concentration

BASIN CONDITION	BRODERSON DISCHARGE (AFY)	TOTAL SALTS LOAD (TONS)	ESTIMATED AVERAGE CONCENTRATION (MG/L)
CURRENT	0	1,378	352
VPA 2a	448	1,073	296
VPA 2b	448	1,097	299
VPA 2a	896	1,450	343
VPA 2b	896	1,475	345

Attachment 18a

FINAL

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AUG 05 2008
SAN LUIS OBISPO SUPERIOR COURT
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN LUIS OBISPO

LOS OSOS COMMUNITY SERVICES DISTRICT,

Plaintiff,

vs.

GOLDEN STATE WATER COMPANY, S&T MUTUAL WATER COMPANY, COUNTY OF SAN LUIS OBISPO, SEA PINES GOLF COURSE, DOES 1 THROUGH 500, INCLUSIVE,

Defendants.

CASE NO. GIN 040126

[Assigned for All Purposes to the Honorable Teresa Estrada-Mullaney]

INTERLOCUTORY STIPULATED JUDGMENT

[COMPLAINT FILED 02/13/04]

Attachment 186

PRELIMINARY FINDINGS

A. Complaint

On or about February 13, 2004, Los Osos Community Services District ("LOCSD") filed a complaint in the San Luis Obispo County Superior Court, Case No. GIN 040126 ("Complaint"), against Golden State Water Company ("GSWC"), formerly known as Cal Cities Water Company, S&T Mutual Water Company ("S&T"), Sea Pines Golf Course ("Sea Pines"), the County of San Luis Obispo ("County"), and others, seeking a declaration of the Parties' relative rights to use water resources of the Los Osos Valley Groundwater Basin ("Basin") located in San Luis Obispo County, California. The Parties entered into a Stipulation of Parties As to Standstill Agreement, which was approved by the Court on May 25, 2004 and stayed all pleadings in the litigation to allow the Parties to hold settlement discussions. No defendant has filed with the Court a responsive pleading pursuant to California Code of Civil Procedure section 430.10. GSWC filed a Motion to Transfer Action to a Neutral County or for Assignment of a Disinterested Judge from a Neutral County on March 26, 2004. That motion was not heard by the Court, but was subject to the stipulation described above. The Court held several Case Management Conferences at which the Court extended the effectiveness of the standstill period under the Stipulation of Parties As to Standstill Agreement through the effective date of this Interlocutory Stipulated Judgment ("ISJ"). On or about December 19, 2006, Sea Pines was dismissed as a defendant to the Complaint.

B. Assembly Bill 2701

On September 20, 2006, the Governor of the State of California signed Assembly Bill 2701. AB 2701 added, *inter alia*, section 25825.5 to the Government Code, subsection (c) of which provides that:

> The [County] may undertake any efforts necessary to construct and operate a community wastewater collection and treatment system to meet the wastewater collection and treatment needs within [LOCSD]. These efforts may include programs and projects for recharging aquifers, preventing saltwater intrusion, and managing groundwater

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Attachment 18c
* clearly stopping SWI is related to the project.

resources to the extent that they are related to the construction and operation of the community wastewater collection and treatment system. These efforts shall include any services that the [County] deems necessary, including, but not be limited to, any planning, design, engineering, financial analysis, pursuit of grants to mitigate affordability issues, administrative support, project management, and environmental review and compliance services. The [County] shall not exercise any powers authorized by this section outside [LOCSD].

Pursuant to that statutory authorization, the County is proceeding with efforts necessary to construct and operate a community wastewater collection and treatment system in the Los Osos area.

C. Resource Management System

On March 27, 2007, the County certified a Severity Level III for water resources of the Basin pursuant to the County's Resource Management System. Under that County system, Level III indicates an "Unavoidable Resource Deficiency," defined as follows: "This is the most critical level of concern. Level III occurs when the capacity (maximum safe yield) of a resource has been met or exceeded. At Level III there is a deficiency of sufficient magnitude that drastic actions may be needed to protect public health and safety."

D. Jurisdiction

This Court has jurisdiction to enter this ISJ declaring the Plaintiff's and Defendants' ("the Parties") agreement for resource preservation and management of the Basin pursuant to the California Constitution, Article X, Section 2.

E. Parties

1. LOCSD is a public agency organized under the Community Services District Law, codified at California Government Code sections 61000 *et seq.*, that provides water to its water customers for municipal and industrial uses within its water service area in the unincorporated community of Los Osos.

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2. GSWC is a California corporation regulated by the California Public Utilities Commission ("CPUC") that provides water to its customers for municipal and industrial uses within its certificated service area in the unincorporated community of Los Osos.

3. S&T is a California corporation organized as a mutual water company that provides water to its shareholders for municipal and industrial uses within the unincorporated community of Los Osos.

4. The County is a California County that utilizes water from the Basin for irrigation of a park in the unincorporated community of Los Osos. The County is the agency that has land use authority within the unincorporated areas of the County, including those lands that overlie the Basin or otherwise receive water from the Basin. Additionally, the County is authorized pursuant to Government Code section 25825.5, as described above, to undertake efforts necessary to construct and operate a community wastewater collection and treatment system within LOCSD, including prevention of seawater intrusion and management of groundwater resources. *

5. There are numerous other persons who extract groundwater from the Basin, primarily for domestic or irrigation purposes. These persons have been named as Does 1 through 500 in the Complaint, but have not been served.

6. LOCSD, GSWC, and S&T (collectively "the Purveyors") are dependent on the Basin as their sole source of water. In carrying out its planning duties, and its land use and development duties, the County relies on the Basin as the sole source of water for the area overlying the Basin.

7. For purposes of implementation of the ISJ, the Basin Management Plan and the Interconnection Plan, the County, LOCSD, GSWC and S&T are designated as the "Parties."

F. **Importance of Groundwater**

Groundwater is an important water supply source for businesses, individuals and public agencies that overlie or extract groundwater from the Basin. The Parties have a mutual and collective interest in the resource preservation and management of the Basin.

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G. Settlement Negotiations

The Parties have an interest in the efficient and coordinated management of groundwater, and have stipulated to the entry of this ISJ. Each of the Parties stipulates that this ISJ will establish a process for developing and implementing a Basin Management Plan ("BMP") that includes the components described in Section II below.

JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I. TERM

This ISJ shall become effective on the date it is approved by the Court (the "Effective Date") and shall remain in effect until terminated as otherwise provided in this ISJ.

II. PURPOSE AND CONTENT

The purpose of this ISJ is to establish a process for developing and implementing a BMP that will serve as a physical solution for the management of Basin water resources, resolving all issues raised in the Complaint. Unless otherwise agreed, the BMP shall include, but shall not be limited to the following components:

A. A hydrologic assessment of the Basin, its water resources and safe yield;

B. A strategy for maximizing the reasonable and beneficial use of Basin water resources while ensuring: the long-term integrity and viability of the Basin as a potable water supply for the Parties collectively and each Party individually, including water quantity and water quality; and the sustainability of environmentally sensitive areas within or influenced by the Basin hydrology;

C. Equitable sharing of costs related to data gathering and analysis, and development and implementation of the BMP;

D. Quantification of each Party's rights to rely on the Basin water resources;

E. Strategies to maximize the grant funding opportunities for ongoing BMP implementation;

F. Administration of a well abandonment and well construction program;

G. Setting water conservation goals;

Does not even require conservation.

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H. Additional components as added by the mutual consent of the Parties and other parties within the BMP who rely on Basin water resources; and

I. Consideration of Purveyor contributions toward funding of County-executed programs and projects for recharging aquifers, preventing or mitigating saltwater intrusion and managing groundwater resources to the extent that they are related to the County's construction and operation of the community wastewater collection and treatment system pursuant to AB 2701.

III. INITIAL STUDIES

A. **Basin Model.** Through efforts pre-dating the Complaint, LOCSD, GSWC and S&T have developed a preliminary computer groundwater flow model of the Basin (the "Model"). The Parties agree that the Model requires further development, including, but not limited to, calibration and peer review. Further improvement of the Model may also include the development of solute transport modeling capability, refinement of the Basin boundaries, quantification of the Basin's operational safe yield and confirmation of the total consumptive water demands within the Basin.

B. **Seawater Intrusion and Lower Aquifer Studies.** LOCSD received a $220,000 grant from the State of California to fund a study assessing the threat to the Basin of seawater intrusion and the origination of water that recharges the lower portions of the Basin (the "Aquifer Studies"). The results of the Aquifer Studies final report shall be integrated by the Parties into their overall data assessment, the Model and the BMP, to the extent appropriate. LOCSD has made the data and analysis from the Aquifer Studies available for use in the development of the Model and BMP.

C. **Additional Studies.** The Parties agree to consider developing and funding additional studies that may be necessary to characterize the Basin sufficiently to support development of the BMP. The decision to participate in and fund any particular additional study shall be at the sole discretion of each Party. The scope of any additional studies and the consultant(s) retained to complete any additional studies shall be determined by the agreement of the Parties. The Parties agree to participate in any additional study in good faith.

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D. Peer Review. The Parties agree that they will collectively retain an additional hydrogeologic expert to conduct a peer review of the Model. The scope of the peer review will be defined by mutual agreement of the Parties.

E. Access to the Model. The Parties agree that each of them will have full and complete access to the Model data and all associated computer codes, including any modifications made during the term of this ISJ, and that none of the Parties may claim the Model that is developed through this ISJ is protected as confidential or proprietary relative to the other Parties, whether through the attorney-client privilege or otherwise. Further, if the Parties collectively retain an expert consultant or consultants to assist in developing or reviewing the Model, the Parties agree that each Party will have full and complete access to all collectively retained consultants performing any and all work on the Model during the term of this ISJ, and no Party may claim any communication with a consultant regarding the Model is protected as confidential or proprietary relative to the other Parties, whether through the attorney-client privilege or otherwise. The preceding sentence shall not apply to any consultants retained by one or more Parties separate from this ISJ, including any consultants retained to review the work of the consultants retained by the Parties collectively.

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IV. BASIN PLAN DEVELOPMENT

A. The LOCSD has approved a consultant-prepared basin management plan ("LOCSD Plan"). The Parties intend to use the LOCSD Plan as the starting point in developing the BMP. Each of the Parties will have full and complete access to persons performing any and all work on the LOCSD Plan at the Working Group meetings referenced in Section IX below. The Parties' goal is to have a fully executed BMP within twelve (12) months of the effective date of this ISJ. Aug. 2009

B. The objective is to develop a BMP that contains the elements described in Section II above, which will (potentially in conjunction with a County groundwater management ordinance) serve as a physical solution for the management of Basin water resources, resolving all issues raised in the Complaint. In addition to the purposes listed in Section II above, the BMP may function as the basis for a final stipulated judgment in this lawsuit, including provisions for a watermaster whose responsibility is to oversee the ongoing implementation of and compliance with the BMP.

see Resource Capacity Study for Level III action requirements and recommendations: including SWI assessment, mandatory retrofits, ordinance for metering, etc.

* County has authority to adopt and enforce a groundwater management ordinance.

Attachment 18g

V. COUNTY GROUNDWATER MANAGEMENT

A. The other Parties agree to work cooperatively with the County to implement its Resource Management System with respect to the Basin. The County agrees to consult the other Parties prior to taking any action related to its Resource Management System. For purposes of this agreement, such consultation shall, at a minimum, consist of reasonable advance notice by the County of any such proposed actions; reasonable consideration by the County of the viewpoints of the other Parties with respect to any such proposed actions; and a reasonable opportunity for the other Parties to provide comments, objections and suggested alternative courses of action to the County prior to final action by the County. Except as otherwise provided in this ISJ, or as otherwise provided in agreements executed pursuant to this ISJ, nothing in this ISJ shall diminish the County's authority to regulate land use and development within the lands that overlie the Basin. *

B. The other Parties agree that this ISJ shall not preclude the County from adopting and enforcing a groundwater management ordinance with respect to the area overlying the Basin, to the extent that such ordinance is consistent with the BMP. To the extent such County ordinance may be inconsistent with the BMP, the other Parties retain the ability to object to the ordinance by all applicable methods. Prior to adopting an ordinance, the County shall consult the other Parties, with consultation to include the measures described in Section V.A. above.

VI. INTERCONNECTION PLAN

The Purveyors agree that they will promptly develop plans to improve existing interconnections and install additional interconnections between the GSWC, LOCSD and/or S&T water distribution systems so that in the event GSWC, LOCSD or S&T experience water quality problems or loss of groundwater production capacity in the Basin, the other Purveyors, to the extent practical, shall provide mutual assistance as necessary in responding to water quality or water quantity constraints impacting any individual system ("Interconnection Plan"). The Purveyors shall develop an agreement on the cost allocation associated with implementing the Interconnection Plan. The Purveyors shall also establish a mutually acceptable wholesale water rate for water provided through the interconnections, subject to the approvals of Section VIII below. The Purveyors shall

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* The County can and should negotiate the provisions of an ordinance to stop SWI

process, if the dispute has not been resolved within thirty (30) days after commencement of mediation.

C. If the Parties are unable to agree on the Court which will retain reserved jurisdiction, the Parties agree to have the San Luis Obispo County Superior Court make a determination on the GSWC motion filed on March 26, 2004. The result of that determination shall be final and binding and determine the venue for the court which shall retain jurisdiction under the BMP. The Parties agree that no appeal on that issue shall be taken.

D. Once a BMP is agreed to and approved by the court as determined in Section XI.C, that court shall maintain jurisdiction to enforce the BMP in accordance with its terms.

XII. GENERAL PROVISIONS

A. **Successors and Assigns.** This ISJ shall be binding upon and inure to the benefit of the Parties' respective successors and assigns.

B. **Authority.** Each Party to this ISJ represents and warrants to the other Parties that it has the authority to enter into this ISJ and perform all acts required by this ISJ.

C. **Applicable Law.** This ISJ shall be governed by and interpreted in accordance with the laws of the State of California. Nothing herein shall be construed to abridge the rights and obligations of the CPUC to review any action by GSWC.

D. **Good Faith.** The Parties agree to exercise their reasonable best efforts and good faith to effectuate all the terms and conditions of this ISJ and to execute such further instruments and documents, as necessary or appropriate, to effectuate all of the terms and conditions of this ISJ.

E. **Further Documents.** The Parties agree that they shall cooperate fully in negotiating and executing additional instruments as may be needed to implement this ISJ, or to define and delineate the responsibilities of any Party under any other agreement among the Parties in furtherance of their common interest. The Parties also agree that concurrent with the execution of this ISJ, they shall execute a confidentiality agreement, consistent with the provisions of the federal Bioterrorism Act of 2002.

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F. **Opinions and Determinations.** Where the terms of this ISJ provide for action to be based upon opinion, judgment, approval, review or determination of any party hereto, such terms are not intended to and shall never be construed to permit such opinion, judgment, approval, review or determination to be arbitrary, capricious or unreasonable.

G. **Parties Independent.** This ISJ does not modify the authority of the Parties under their respective enabling legislation so long as the exercise of such authority does not frustrate the purpose of this ISJ or contradict the terms and conditions of a Court-approved BMP.

H. **Notices.** All notices, requests, demands and other communications under this ISJ shall be in writing and served in accordance with Code of Civil Procedure sections 1011 or 1013. Service shall be made upon the following Parties. Any Party may change its mailing address or contact person for purposes of this paragraph by giving the other Parties written notice of the new address in the manner set forth above.

LOCSD:

General Manager
Los Osos Community Services District
P.O. Box 6064
Los Osos, California 93412

Jon Seitz, Special Counsel
Shipsey & Seitz, Inc.
1066 Palm Street
San Luis Obispo, California 93401

GSWC:

Patrick Scanlon
Vice President of Operations
Golden State Water Company
1920 W. Corporate Way
Anaheim, California 92801

C. Wesley Strickland
Hatch & Parent
21 E. Carrillo Street
Santa Barbara, California 93101

S&T:

David Tolley, President
Board of Directors
S&T Mutual Water Company
P.O. Box 6391
Los Osos, California 93412

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Attachment 19

Coastal Development Permit, Condition 34
California Coastal Commission Staff Report (July 29, 2004)

Prior to operation, the Los Osos Community Services District shall prepare and implement a comprehensive water management plan for the Los Osos Groundwater basin that identifies management strategies for achieving a sustainable water supply. To prevent the wastewater treatment system from inducing growth that cannot be safely sustained by available water supplies, the District is prohibited from providing service to undeveloped parcels unless and until the Estero Area Plan is amended to incorporate a sustainable buildout target that indicates that there is water available to support such development.

Attachment 20

Date: Tuesday, October 27, 2009 8:30 AM

From: mhutchinson@co.slo.ca.us

To: kwimer1@charter.net

Subject: Re: Condition 87--Groundwater Plan

Keith,

Since the permit has not yet been approved by coastal, we have not finaled any of the condition compliance items. However, the CSD did have a version that was approved by the coastal commission. Would you like a copy of that one?

Mark Hutchinson
Environmental Programs Manager
Department of Public Works

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Attachment 21a

Coastal Act Section 30001: "Legislative findings and declarations; ecological balance"
The Legislature hereby finds and declares:
(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.
(d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

Coastal Act Section 30001.5: "Legislative findings and declarations; goals"
The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:
(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources
(b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state."

Coastal Act Section 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Section 30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Coastal Act Section 30253: New development shall... (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Attachment 216

CZLUO 23.04.430: Availability of water supply and sewage disposal services.
A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section.

CZLUO Section 23.07.174 "Streams and riparian vegetation"
The provisions of this section apply to development proposed within or adjacent to (within one hundred feet of the boundary of) an environmentally sensitive habitat as defined by Chapter 23.11 of this title, and as mapped by the land use element combining designation maps.
(1) Application Content. A land use permit application for a project on a site located within or adjacent to an environmentally sensitive habitat shall also include a report by a biologist approved by the environmental coordinator that:
(A) Evaluates the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures;
(B) Recommends conditions of approval for the restoration of damaged habitats, where feasible…

LCP Coastal Watershed Policy #1: "Preservation of Groundwater Basins"
"The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted."

LCP Environmentally Sensitive Habitat Policy #2 "As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat.

LCP Coastal Watershed Policy #3: "Monitoring of Resources"
In basins where extractions are approaching groundwater limitations, the county shall require applicants to install monitoring devices and participate in water monitoring management programs.

Attachment 21c

LCP Coastal Watershed Policy #5: "Los Osos Groundwater Management"
The county Planning and Engineering Departments should work with communities, property owners and the Regional Water Quality Control Board to develop and implement a basin-wide water management program for the Los Osos groundwater basin which addresses:

-existing and potential agricultural demand
-urban expansion in relation to water availability
- groundwater quality
-possible need for alternative liquid waste disposal

-protection of aquatic habitats including coastal waters, streams and wetlands.

The Resource Management System of the Land Use Element provides a framework for implementing this policy and an interim alert process for timely identification of potential resource deficiencies, so that sufficient lead time is allowed for correcting or avoiding a problem."

LCP Environmentally Sensitive Habitat Policy #7: "Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored."

2007 Resource Capacity Study Attachment 22a

Level III may also exist if the time required to correct the problem is longer than the time available before the dependable supply is reached."

Table 6 RESOURCE DEFICIENCY CRITERIA FOR LEVELS OF SEVERITY		
Level I	**Level II**	**Level III**
Projected consumption estimated to exceed dependable supply within 9 years	7 year lead time to develop supplementary water for delivery to users	Resource is being used at or beyond its estimated dependable supply or will deplete dependable supply before new supplies can be developed

This Resource Capacity Study confirms that for the Los Osos community, water demand presently exceeds the dependable yield. Therefore, Level of Severity III is recommended for the water resources in Los Osos.

9. Recommended Actions

The Resource Management System includes three "action requirements" that accompany a Level of Severity III determination:

If Level III is found to exist, the board shall make formal findings to that effect, citing the basis for the findings, and shall:

1. *Institute appropriate measures (including capital programs) to correct the critical resource deficiency, or at least restore Level II so that severe restrictions will be unnecessary.*
2. *Adopt growth management or other urgency measures to initiate whatever restrictions are necessary to minimize or halt further resource depletion.* ✶
3. *Enact a moratorium on land development, or other appropriate measures, in the area that is affected by the resource problem until such time that the project provides additional resource capacity to support such development.* ✶

The following measures are recommended for implementation:

1. Measures to correct the resource deficiency.

The county can initiate measures that involve the land use and building permitting process. However, since the county is not a water purveyor in Los Osos, some of these measures will need to be undertaken by the LOCSD, Golden State Water Company and S&T, acting separately or as part of a coordinated effort.

The County can do more as a party to the ISJ, with special authority under the ISJ.

Measures to be undertaken by water purveyors:

2007 Resource Capacity Study Attachment 226

a. Continue to immediately implement the measures recommended in the Sea Water Intrusion Assessment.
b. S&T Mutual Water Co. should install meters and adopt an ascending water rate structure as described above.
c. All water purveyors should immediately adopt an ascending water rate structure as described above.
d. All water purveyors should adopt mandatory retrofit measures that will reduce water demand by 15% by the year 2010 compared to 2001 usage. *
e. Secure supplemental water supplies in sufficient quantity, when combined with conservation measures, to meet demand at projected buildout.

2. Land development measures:

Measures to be undertaken by the County:

f. Prohibit new subdivisions that result in the net increase in water usage from the basin.
g. Institute water conservation requirements for parcels outside of water purveyor service areas that mirror the efforts undertaken by purveyors within their service areas.
h. Adopt an ordinance requiring all water purveyors with 5 or more connections to meter individual connection water use. *
i. Reduce the build out figure for Los Osos in the Estero Area plan. From the present 28,000 to 19,713.

References:

Los Osos Community Services District. *Sea Water Intrusion Assessment and Low Aquifer Source Investigation of the Los Osos Valley Ground Water Basin San Luis Obispo County, California.* October, 2005.

Los Osos Community Services District. *Water Management Plan for the Los Osos Valley Ground Water Basin.* July 2005

San Luis Obispo County Department of Planning and Building. *Resource Capacity Study: Water Supply in the Nipomo Mesa Area.* October, 2004.

Attachment 23a

7

Department of Planning and Building
San Luis Obispo County

Alex Hinds, Director
Bryce Tingle, Assistant Director
Barney McCay, Chief Building Official
Norma Salisbury, Administrative Services Officer

DATE: JUNE 25, 1992

TO: PLANNING COMMISSION

FROM: JOHN HAND, ADVANCE PLANNING JH.

VIA: ALEX HINDS, AH DIRECTOR, PLANNING & BUILDING DEPARTMENT

SUBJECT: LOS OSOS VALLEY GROUNDWATER BASIN
RESOURCE CAPACITY STUDY

SUMMARY

The capacity of water systems in the Los Osos Valley groundwater basin is exceeded by demand, based upon analysis of current use patterns and the basin's estimated long-term sustainable yield.

In accordance with procedures specified by the Resource Management System, this information was communicated to the Board of Supervisors via the Annual Resource Summary Reports for 1990 and 1991. The 1990 report included a recommended level of severity II for the groundwater basin. The 1991 report recommended that the level II be changed to level III, based upon further evaluation of the data.

In approving the 1990 report on March 12, 1991, the Board directed staff to prepare a resource capacity study for the purpose of confirming the recommended level of severity. On January 14, 1992, the Board approved a proposed work program for the resource capacity study, a copy of which is attached. RMS procedures require that the Planning Commission hold a public hearing on the resource capacity study and transmit the study to the Board of Supervisors with appropriate recommendations. The resource capacity study is transmitted herewith for consideration by the Planning Commission.

RECOMMENDATION

The Planning Commission should recommend to the Board of Supervisors that:

1. The recommended level of severity III for the water system serving the Los Osos Valley groundwater basin should be certified;

1992 Resource Capacity Study

Attachment 23b

7.

2. The recommended level of severity II for the basin's water supply should be certified;

3. The three major water purveyors in the Los Osos area should cooperatively implement conservation measures, as specified in the resource capacity study;

4. The County, through CSA #9, and the other major water purveyors, should cooperatively perform additional investigations, as specified in the resource capacity study, to provide more definitive information upon which to base future recommendations;

5. The County should estimate the effect of relocating coastal wells on the current seawater intrusion problem and prepare a schedule for implementing the relocation;

6. The water supply for the Los Osos area should be increased by an amount which would assure the necessary ocean outflow to prevent seawater intrusion, less the annual reduction in extractions attributable to conservation measures implemented by the basin's water purveyors in response to recommendation 3., above. Within one year of the acceptance of this resource capacity study, a commitment should be made to some method, or combination of methods, for achieving this result;

7. A moratorium should be enacted which would apply to all land divisions within the South Bay Urban Reserve Line. While residential building permits could continue to be accepted for processing, it should be noted that most of the land area within the URL is already subject to the sewer moratorium.

8. The Planning and Engineering Departments should review additional water level data when it becomes available and advise the Board of Supervisors if changes to these recommendations would be appropriate, based upon the new information.

DISCUSSION

See attached resource capacity study.

OTHER AGENCY INVOLVEMENT

This study was prepared by the Planning Department, with significant collaboration with the Engineering Department. Implementation of the study's recommendations will be the responsibility of both departments.

1992 Resource Capacity Study — Attachment 23c —

The USGS and DWR reports

Hydrogeology and Water Resources of the Los Osos Valley Groundwater Basin, San Luis Obispo County, California, U.S. Geological Survey, Water Resources Investigations Report 88-4081 is referred to as the "USGS" report.

Geohydrology and Management of Los Osos Valley Ground Water Basin, San Luis Obispo County, State of California Department of Water Resources, July, 1989 is referred to as the "DWR" report.

The primary purpose of the USGS and DWR reports was to identify and evaluate alternative management scenarios for water supply and wastewater disposal in the Los Osos area. An additional objective of the DWR report was to estimate the groundwater basin's long-term sustainable yield.

The alternative management scenarios in the two reports are based upon estimated demand for the year 2010, whereas this resource capacity study is concerned with current water supply and demand. Discussion of the management alternatives is of limited usefulness when considering existing conditions. Thus, references to the USGS and DWR reports are limited to the issues of seawater intrusion and long-term sustainable yield, which are the primary concerns of this resource capacity study.

Water Supply and Demand

Long-term sustainable yield. Water supply is equivalent to the long-term sustainable yield of the basin. The DWR study defines the long-term sustainable yield as:

> *"the amount of water that can be extracted from the basin each year without causing average water levels to drop below sea level in the western part of the basin. It is equivalent to the long-term average annual recharge, including recharge from natural and imported sources."* (DWR, p. 53)

For the Los Osos Valley groundwater basin, the most recent estimate of long-term sustainable yield is the estimate of 2,200 acre-feet per year contained in the DWR report. Recharge from rainfall is estimated to be about 2,180 AFY. Imported sources are zero under present conditions.

Overdraft. The term "overdraft" is used to describe the condition when extractions from a groundwater basin exceed the long-term sustainable yield. In groundwater basins with a large volume of water in storage, it is considered acceptable practice to overdraft the basin in periods of drought, because the basin can be fully recharged in only one or two seasons of above-average rainfall (Groundwater and Wells, Fletcher G. Driscoll, Ph.D., p. 850). However, this is not the case with a smaller basin such as the Los Osos Valley basin, where

Basin

1992 Resource Capacity Study

Attachment 23d

total usable storage may be only four or five times the annual yield. Nor, should temporary overdrafting be practiced in a basin that is already at or near capacity under conditions of average rainfall. The DWR report states:

> *"The long-term sustainable yield of the ground water basin when ground water is the only source of supply and waste water is disposed of through septic tanks is about 2,200 acre-feet per year. Because ground water extractions in 1986 were about 3,400 acre-feet, the basin is in overdraft."* (DWR, pp. 2-3)

Since 1986, extractions have increased. Total extractions for the year ended June 30, 1991 are estimated to be 3,500 AF. The current overdraft is, therefore, approximately 1,300 acre-feet per year. This estimate of the magnitude of overdraft does not take into account the fact that much of the extracted water is returned to the basin, rather than being consumed. This issue is discussed in the following sections on water budgets.

Extractions from Los Osos Valley Groundwater Basin
July 1, 1990 - June 30, 1991

Purveyor/user	Extractions (acre-feet)
CSA No. 9	1118.2
Cal Cities	1086.5
S & T Mutual	105.5
Agriculture	970 (est)
Private wells	220 (est)
Total	3500.2

Water budget. Another way to portray the relationship between water supply and demand is by means of a water budget. In a water budget, the sum of the basin's inflows and outflows results in a net flow figure, which is positive if inflow exceeds outflow and negative if outflow is greater. Inflows include rainfall recharge, groundwater inflow, septic percolation and irrigation return flow. Outflows include agricultural and municipal pumping, phreatophyte transpiration and perched water runoff. For a coastal basin, another component of outflow is outflow to the ocean. This component is important because a certain amount of ocean outflow is necessary in order to prevent seawater intrusion. Thus, even though a water budget may indicate the existence of positive net flow, the basin may still be in an overdraft condition if the ocean outflow component is insufficient to prevent seawater intrusion. The DWR report indicates that an outflow of approximately 1,100 AFY must be maintained in order to prevent seawater intrusion in the Los Osos Valley groundwater basin. (DWR, pp.40-41, Table 11, p.43)

The USGS and DWR reports contain water budgets for the Los Osos Valley basin for the 1970-77 period and for 1986. The 1970-77 period was dryer than normal. Yearly rainfall

Attachment 24

Wastewater pretreatment. The objective of wastewater pretreatment is to remove solids, oil and grease, and other floatable or settleable materials so that the remaining wastewater can be treated effectively and reused or disposed of safely. For example, the use of individual septic tanks at the point of origin can be considered an integral part of DWM because it manages the solids separately from the septic tank effluent.

Wastewater collection. Where the density of residential development has increased to the point that continued use of individual onsite systems for effluent treatment and disposal is no longer feasible, some form of wastewater collection is often needed. Although the use of conventional gravity-flow sewers for the collection of wastewater continues to be the accepted norm for sewerage practice in the United States, alternative collection systems that are consistent with DWM are becoming increasingly popular. In some areas the use of conventional gravity sewers is becoming counterproductive because the use of water conservation devices continues to increase. The minimum flows required for gravity-flow sewers to operate make them problematic where development occurs slowly in a large development or where water conservation reduces the wastewater flows significantly. In many cases, the water used to flush conventional gravity-flow collection systems for the removal of accumulated solids far exceeds the water saved through water conservation measures.

Wastewater treatment. Representative wastewater treatment facilities that have been used for small and decentralized systems are presented in Table 1-2. In the past, removal of biochemical oxygen demand (BOD), suspended solids, and pathogens was the focus of treatment. Today, nutrient removal, removal of toxics, and beneficial reuse are of increasing importance. Detailed discussions of wastewater treatment are provided in Chaps. 5 and 7 through 12.

Reuse or disposal. The methods of wastewater reuse and/or disposal are presented in Table 1-3. As the level of treatment increases, the potential for beneficial reuse of the treated water also increases. As described in Chap. 12, reuse of treated effluent requires that water quality criteria are met rigorously. For rural DWM systems, agricultural and landscape irrigation will be the most likely form of reuse. In humid areas, land treatment and groundwater recharge will be more common.

In urban areas, a number of self-contained recycle systems have been developed to take sanitary wastewater from buildings, treat it, and return the bulk of the treated effluent for reuse as toilet and urinal flushing. One such unit involves three treatment steps: (1) the solids in the wastewater are collected and treated aerobically, (2) the effluent from the biological treatment unit is then passed through a self-cleaning ultrafiltration step where residual organics, microorganisms, and suspended solids are removed, and (3) the effluent is then passed through an activated carbon column for polishing (see Chap. 12). The material removed in the ultrafiltration step is returned to the first processing step for further treatment. The effluent from the carbon filters is disinfected with ozone or UV light before it is reused for toilet-flushing water. Although such processes are expensive, they have been used for office buildings located in unsewered areas and where water for domestic use is in short supply

Lower [illegible] Screening Report, [illegible] 2007 Attachment 25

The environmental and economic consequences of energy consumption will be given special consideration to develop projects where they are minimized. In Addition, options for individual homeowners to help mitigate the environmental and economic impact of the wastewater project include gray water systems, rain water catchment in existing septic tanks, water conserving landscape, and solar power to offset additional energy consumption.

1.3 FLOW PROJECTIONS

Estimates of the projected wastewater flows and loads were outlined in the Rough Screening Report. The load estimates have not changed, but the flows estimates have been further reviewed in this report due to increased estimates of Inflow/Infiltration. The estimate for the dry weather flow at buildout without conservation remains at 1.2 MGD.

Inflow/infiltration (I/I) estimates for the collection system alternatives were the main source of uncertainty in calculating the future treatment facility influent flow volume. If a STEP/STEG collection system is selected it is anticipated that there will be minimal I/I since the system is sealed and under pressure. If a gravity collection system is selected, only a system that was constructed of fusion-welded PVC piping could be operated with as little I/I as a STEP/STEG system. However, fusion welded PVC sewers are a new technology with little long-term operating history, and can be significantly more costly to install than traditional bell-and-spigot gravity sewers.

Properly installed bell-and-spigot sewers will be watertight at first, and then slowly lose their integrity as the surrounding soils shift, compressing the pipes, and compromising their seals at the joints. The water-tightness of a bell-and-spigot sewer can be preserved if a maintenance program is conducted on an ongoing basis to detect and repair leaks. This program would add to the cost of a gravity sewer compared to a STEP/STEG sewer with similar levels of I/I.

As discussed in the Rough Screening Report, previous studies used standard collection system textbook models[1] to estimate the I/I per mile per inch diameter of pipe of gravity sewer. The total predicted I/I of the system was divided by the estimated population in order to calculate the projected I/I per capita. During wet weather, a conservative estimate for a conventional system I/I of 17 gpcd was given, which corresponded to a total potential wet weather flow of 1.5 MGD for Los Osos. However, it was pointed out that the true value would probably be much lower due to the sandy soils in the region that tend to direct water past a pipe and trench, and due to the presumed water-tightness of a new collection system. Using the textbook models, Montgomery Watson Americas, Inc., anticipated that

[1] From *Wastewater Engineering, Collection and Pumping of Wastewater*, Metcalf and Eddy (1981), and *Gravity Sanitary Sewer Design and Construction*, American Society of Civil Engineers (1982).

From: Linde Owen <lindeowen@sbcglobal.net>
Subject: **Appeals on LO sewer: to all commissioners**
Date: January 12, 2010 12:18:55 PM PST
To: Sarah Christie <schristie@coastal.ca.gov>, www.coastal.ca.gov
Bcc: Gail McPherson <mcp@charter.net>
▶ 1 Attachment, 44.8 KB

Dear Commissioner Neely,

Please distribute to all Commissioners and add to my appeal as an addendum the following and attached pdf. I'm enclosing nformation that disputes the 'urgency' of recommending approval for a project that has no clear design.

Also please accept these other concerns about funding and bid-rigging that fall under your purview for denial of our appeals. It is important to be clear about what you are approving and I request a DeNovo hearing to address the substantial issues that are being ignored with the argument of expediency for funding opportunities. Thank you, Linde Owen.

CC staff rep....pdf (44.8 KB)

I introduce comments from Gail McPherson (below). There are serious questions that appear to remain unanswered, I believe the Commission must look beyond the physical issues of coastal purview and consider staff's recommendation of a project that hasn't followed appropriate process. Thankyou.

I admit I haven't read the entire EIR or followed the appeal process closely, so I don't know all the issues. However, remember permits can be revoked based upon the permittee obtaining the permit based on intentional false or misleading information. It is the duty of the CC to confirm information, question and investigate issues raised. They must demonstrate their due diligence to assure their decision is proper based on confirmed facts.

Here are just two areas I believe the County provided false and misleading information requiring the CC to look further:

1) The county has represented there is actually a specific known "design" for the CC to determine its' consistency with the LCP and to approve the project.
2) The county has represented that funding is dependent upon this "known design" with a funding deadline of February 2010. Any changes required would cause a loss of funding.

Both areas of issue are dependent upon understanding the definition of a "designed project." Design refers to the developed plans and specifications, including engineered drawings and written technical specifications that reach certain levels of accuracy and completeness expressed as a percentage. A level of accuracy or completeness is scored as A-B-C or 1-2-3 level (30%; 50%; & 90%) Bidding occurs with 100% complete project design documents.

1. The Project Design:

A. The County provided false and misleading information to the CC that the project was already designed:

It is clear that there is a much less than 30% (or lowest level) plan in front of the CC. In fact the fine screening and the EIR provided several co-equal options for a project for the EIR to address—and NOT a specific "design" as represented by Ogren and Gibson to cc staff and commissioners. The County (Ogren et.al) notes the MWH design is 90%+ complete in the fine screening. But the county has stated MWH design is not being used for the project in the Design Build process. The MWH design of 2005 cannot be relied upon to sell the project to commissioners.

I believe if the County has presented the MWH design as the selected design to CC staff and lobbied commissioners with the rationale that the MWH "design" as already approved by them, and needs no further review they have definitely provided "false and misleading" information. NOT only does the EIR present the several possible "options" This co-equal approach allows vast deviations to less environmentally protective options after the permit is approved. The least protective set of options has to be presented and considered for impacts and consistency with the LCP and other CC purview.

B. Changes and deviations allowed and provided in the plan may not provide the level of protection represented to the CC.

Segmented project violates the ability for the CC to render decisions on the total impacts of the project.

The plant site, and lift stations, the disposal site and disposal quantity is loosely defined; the decision to chose high impact---GRAVITY----deep trenching, unsealed with manhole inspection openings (predictable sewage spill points) for the collection system; and increasing the level of treatment from secondary to tertiary without cost or energy & chemical consumption etc. However, some of the appeals involve the many unknowns that will affect the environment because they have been purposely segmented to be implemented in stages, without holistic environmental permit review. This approach is a substantial issue, as it deprives the CC of informed oversight and LCP enforcement. These include, among other issues, insufficient winter storage or water reuse, adequate ground water recharge sites, a final energy footprint, additional environmental impacts of possible selected technology, true life cycle costs for potential options, environmental impacts & costs of the deep trench collection system decision versus small pipe and STEP/STEG, AND environmental justice issues related to the many, many unknowns that will affect cost. It appears the County is rolling the dice on this one and B.S.'ing their way through it. Perhaps their 7 inch thick EIR is much like the federal health care bill that remains for the most part unread.

C. Design Build---The county design Build process has not progressed to RFP for design.

The current contracting approach requires a competitive design (to 30%) from all the 3 possible shortlisted firms---This has not yet occurred, so there IS NO "design" at this point, just a series of co-equal options. There is growing concern that if the county position differs that the whole county design build SOQ process conducted 13 months ago was fraudulent.

D. Even the infamous favored gravity system now requires major redesign to meet the new "planning commission guidelines" for the county permit.

How can the CC approve this project when a major required redesign is required by the county permit? How can the Co submit the project to the CC without the UPDATED environmental and cost impacts? Where is that "design"? ---It simply hasn't been written—UNLESS, and this is important—MWH old defunct collection design is being proffered as the basis for permitting and approval.

If this is the case, the State contracting statutes for design build has been violated by the County, and although not within the direct purview of the CC, that disqualifies MWH from bidding, and the current "design".

2. The Funding:

A. False and misleading information-Urgency for Funding; (this isn't the first time they've done this)

Remember in January 2009, Supervisor Gibson unilaterally tossed out the viable option for STEP/STEG and all other possible collection system options during the in-progress design-build RFQ process. The result was to short list only contractors proposing a gravity system. This now proven bogus claim that grant funding would be awarded to a shovel ready collection design was false and misleading. The deadline of September 2009 was cited and the project never qualified. The project was always ineligible because of a lack of permits.

During this shift in the selection of viable options foreclosing on anything except for the deep trenched gravity collection, the MWH design was supposedly selected on a vote by the BOS, but that selection violated the state statute on the design build contracts by short listing MWH. That and other "irregularities and fairness issues had contractors challenging the process, the short list, plus the making complaints to various government agencies and officials.

The RFP has not been defined for design, and any promises of funding based a design ready project is false.

B. Funding sources are speculative even if they appear promising- and independent permitting decisions MUST not be entangled with possibly false deadlines. The exception is in the Environmental Justice issues, where a true lack of honest cost analysis and financial impact exists and this IS a substantial issue.

i. The CC must confirm if USDA Low Income grant is based on a bid ready project status. If the funding is tied to the February stimulus deadline.

ii. Environmental justice ---The community requires grants based on arguments of mass displacement and financial hardship of minorities-substantial issue exists if the County cannot demonstrate actual facts to the CC about COMMITTED grants that can be confirmed.

iii. Where is WRDA grant of $35 mil? According to Lois Capps a bid-able designed and permitted project is required to obtain such funding and is not tied to the funding discussed.

iv. Where is stimulus funding reimbursement for the $7 mil already spent by the for the study, analysis and EIR?

v. The project is segmented, (substantial issue) and cost will likely double with additional required solutions for wastewater/reuse issues NOT included in this plan. Some funding is based on approval of an additional 218 vote. What is the funding scenario to complete the project if the 218 assessment fails?

vi. Low interest SRF funding IS now part of the 'stimulus funding'. The SRF funding available is adequate to cover for the entire project. This does not include the funding approval by voters for about $35 mil addition costs to complete the project.

Linde Owen ~ PDF ~ 4 pages

Dear Commissioners, some of the staff's background info is incorrectly presented. You should understand that the

B. Findings and Declarations
The Commission finds and declares as follows:

1. Background

Beginning in the early 1970's, the Central Coast Regional Water Quality Control Board (RWQCB) and other health agencies became concerned with the use of individual disposal systems (i.e., septic systems) in Los Osos when it was identified that the depth to groundwater is shallow enough in some areas to flood leach fields in wet weather, posing adverse impacts to Morro Bay associated with surface flow and lateral seepage of inadequately treated wastewater. All leach pits in high groundwater were approved by SLO County and the RWQCB when issuing the construction permits. **Significant concern was also raised regarding the impacts of septic systems on groundwater resources.** Seawater intrusion and nitrate increase impact data were clearly ignored when the County allowed 1240 NEW homes to be built in the 5 years before the 'moratorium' in December 1988. RWQCB allowed the 1/3 new housing growth to be permitted then penalized a portion of the community for nitrate pollution by making a 'Prohibition Zone' enforcement plan. This makes the RWQCB an accomplice with the County by 'creating customers' for a future sewer project's funding. Porter Cologne Act prohibits this approach.... 'pollute so you can fund the clean-up'. **Groundwater contamination issues were compounded by the fact that the Los Osos area obtains its potable water supply from local groundwater aquifers. In the Baywood Park area for example, few of the septic systems can meet the RWQCB's**

Page 5

criteria for separation between the bottom of a leach field and groundwater. In addition, many of the smaller lots in Los Osos are too small for leach fields, and as a result, they utilize deeper seepage pits which may discharge directly to groundwater. (All approved by SLO County and the RWQCB when issuing the construction permits). **To address these concerns, an Interim Basin Plan adopted by the RWQCB in June 1971** (hardly updated & out of deadline compliance by many years) **contained a provision prohibiting septic system discharges in much of the urban area of Los Osos after 1974.** (Still all approved by SLO County and the RWQCB when issuing the construction permits).
The RWQCB determined in 1983 that contamination in excess of State standards had occurred in the groundwater basin (upper aquifer) at least partially due to the use of septic systems throughout the community. The nitrate pollution from septic systems data is questionable/debatable and concern should be focused on the areas of high groundwater where the leach systems are suspected of failing. That consists of 1/3 of the community.

A **phased collection area** needs examination. The average Prohibition Zone nitrate level is 1 mg over drinking standard. We are doing exceptionally well compared to all of our neighbors. This NOT A CRISIS. The RWQCB is unreasonably targeting Los Osos with full collection.

A **phased approach** that would address current failing leach pits and leach fields in high groundwater areas would protect water resources and protect wetlands currently dependent on leach water. The

vii. Missing false deadline is a lie that allows the County to blame the CC for a "loss Of funding" that may not even exist. if a de Novo is granted, and is an easy out for the county to blame others. The CC has an obligation for due diligence, The CC must not be intimidated by this ruse.

viii. This project is subject to federal audits, investigations and lawsuits. The CC won't want to be caught up this, however; FED audits have been promised---based both on violations of State contracting statutes, fraud in information provided to obtain permits and funding are subject to additional federal audits, especially in such a high profile and costly project as Los Osos. This alone should justify a prudent approach granting a de Novo. It is possible that if the CC lays down on these issues that they then become culpable. Commissioners and the staff must think twice about blind approval without to assure the questions and claims are fully answered.

whereby a simple majority of the property owners had to approve the property assessment. The Proposition 218 vote was held in October 2007 and was approved by the voters authorizing $127 million in LOWWP funding, with 80% in favor of the assessment of approximately $24,941.19 per single-family residence in the Prohibition Zone. These assessments may be paid in full now (and some property owners have) or may be paid over 20-40 years (depending on the funding source) on property tax bills. The number one concern from community polling was **cost**. The Engineers Report, brochures and information leading up to the 218 vote promised a fair evaluation between STEP/Ponding technology and any other viable technology in a side by side comparison. The County team clearly preferred the more expensive Gravity/BioLac technology and in a questionable Design/Build process, eliminated Lyles Construction (highly rated STEP builder, Californian company) thereby ending any possibility of determining the least expensive technology. **Since that time, the County has been exploring other funding possibilities to reduce local costs, and at least three potential funding opportunities show promise. The USDA has announced that the project is eligible to apply for funding through their Rural Utilities Program, and has invited the County to apply for an $80 million funding package (a $16 million grant and a $64 million low interest loan on a 40-year term), which represents nearly half of the estimated project costs. The extraordinary size of this package is made possible by ARRA (federal stimulus) funds. The Project's eligibility to apply was made possible by a Congressional waiver secured by federal legislators (Representatives Capps and McCarthy, and Senator Feinstein). Due to the source of this funding, the project is under considerable time pressure: USDA will allocate these ARRA-based funds on a first-come first-served and competitive basis. To date just over half of the original $3 billion dollars have been committed. The County is also anticipating participation in the State Water Resource Control Board's (SWRCB's) State Revolving Fund (SRF) Program, and may receive additional Federal funds through the Water Resources Development Act. Altogether, these funding sources could significantly reduce local costs.4**

The County's task was to find the most affordable and green technology. Instead they have eliminated the competitive possibility and have focused on how to get government funding for a project that will run way beyond the $167 Million estimated. There are investigations on the bid rigging complaints and whistle blower actions on the funding irregularities, currently underway. Please look at the multitude of substantial issues with this sewer project and send this to a DeNovo Hearing so that significant impacts can be better addressed. Funding for a good project will be available, hasty approval of this poorly described design in a rush for federal money is not a good act for you to approve.

Thankyou, Linde Owen

tive project involving a conventional treatment system at the Tri-W site. In August 2002, the Commission approved an LCP amendment (SLO-MAJ-3-01) that authorized wastewater treatment and associated facilities as allowable uses on the Tri-W site. Peter Douglas, when touring the Tri-W location site after the CC approval, stated that had he seen the location earlier, he would never have approved it. **After approval of a CDP from the Coastal Commission on appeal (CDP number A-3-SLO-03-113) project construction commenced in 2005. In the fall of 2005, however, voters recalled a majority of the LOCSD board members** (for malfeasance in designing a cadillac sewer in the middle of town, next to community center, park, library, upwind of downtown) **in a special election and the new board immediately suspended construction on the wastewater project.2 In August 2006, the LOCSD rescinded certification of the 2001 FEIR and filed for federal bankruptcy protection due to default on State grants and loans.** The newly seated CSD Board also hired Ripley and Associates to do a preliminary design for a STEP collection and green treatment/disposal plan at the cost of $500,000. They were well on their way to implementing a full design process and EIR when Assemblyman Blakesly stepped in and ended our local control by issuing AB2701 which took the project from the LOCSD and gave it to the County. SLO County recently finished an upgraded treatment plant at the Men's Colony, using the same consultants and Carollo Engineering. The plant has been fined numerous times for spills and operational failure.
On September 20, 2006, Governor Arnold Schwarzenegger signed Assembly Bill (AB) 2701, which authorized transfer of wastewater authority from the LOCSD to the County. The County has since
2 To this date, the Tri-W site continues to show the effects of early and since abandoned LOCSD site preparation activities, all of which would have been avoided had the SRF been responsible and withheld funding for 10 working days until the outcome of the Sept 27 Recall vote. The newly elected CSD Board paid $10,000 to Whitaker Cnstruction to knock down the high points but they did no compaction, allowing the disturbed site to further degrade with stormwater damage. Now Fish and Wildlife have halted reparation efforts due to discovery of re-established endangered snail habitat, **and is subject of ongoing enforcement monitoring at both the Commission and County levels.**

Page 6

embarked on a process to develop a community wastewater project in Los Osos. The process included numerous actions; detailed engineering of various options and sites for wastewater treatment and processes; creation of a community Technical Advisory Committee; creation of an inter-disciplinary team of County staff; and creation of a team of consultants familiar with conditions in Los Osos. The process produced a Rough Screening Report and a Fine Screening Report that identified various options for treatment technologies, sites for treatment plants, and other options that may be pursued by the County (see summary of these efforts below in Section 4 on page 8 of this report). Instead, request to hear the extensive public testimony challenging TAC review. This would include noting that the TAC was stacked with pro-mega sewer community members while eliminating top soil scientist Dr. Thomas Ruehr and others who had years of education to share.
The County's early process and the screening reports focused on identifying a set of viable project alternatives that were the basis for cost estimates to be used in later stages of the project development, including a Proposition 218 vote as required by AB 2701. These proceedings and reports were wrought with errors and unfair bias against Ripley's and other STEP numbers to the point of embarrasment, yet continued to be used. **3 The County anticipated funding the project with bond funds paid by a property assessment on the properties that would receive benefit of the wastewater improvements (the focus is on the properties in the designated Prohibition Zone). AB 2701 mandated adherence with the provisions of Proposition 218**

proposed project's Gravity collection will likely require flushing once conservation efforts and greywater get under way. To waste the resource we are attempting to save because we can't get the solids to flow without using outside water is a serious flaw and has a negative impact on air quality, a coastal resource.

Also, a Ponding treatment plant would offer all pluses: Low maintenance and energy cost, less chemical use, NO SLUDGE FOR 20 YEARS, provide local septic tank pumping disposal AND provide terciary treated water for HALF the carbon footprint and cost of the County's project. By using Pond technology instead of the County proposed chemical treatment over 2000 round trips by tankers to distant disposal sites will be eliminated during the first 20 years. This is a significant air quality impact that would be eliminated with a more appropriate and affordable technology.

Please... DO NOT minimalize the giant side effects of this non-green project on Los Osos. Allowing this flawed project to go through puts every other small community in California into peril. Clean water and supply can be achieved here, but NOT WITH THIS PROJECT. Were STEP and Vaccum allowed to compete in a new, full oversight review using the Design/Build process correctly we would find the right project. That is my only request to all of you on Thursday the 14th. We need full sunshine on the appealed project flaws that affect coastal resources.

Asking the RWQCB to grant a waiver for a **phased system** along with a Septic Management Program would be more responsible and allow a much safer approach to Basin Management and balance without the serious negative impacts that the County project proposes.

In September 1983, the RWQCB adopted Resolution 83-13, approving a discharge moratorium for a portion of the Los Osos area known as the RWQCB Prohibition Zone (see Exhibit 1 for a map of the prohibition zone area). The County and RWQCB then allowed 1240 homes to be built in the 5 years before the'moratorium' began in 1989).
Since these actions by the RWQCB, there have been many attempts to address the pollution of Morro Bay and the groundwater basin through construction and operation of a wastewater project. The RWQCB Res. 83-12 (September 1983 also) mandating a Septic Management District was NEVER implemented. Passive negligence. **In the late 1980's, the County developed a wastewater collection and treatment project and prepared an Environmental Impact Report (EIR) (1987). After preparing a Supplemental EIR (1988), the County began a detailed design process. In 1990, the Coastal Commission approved an amendment to the Estero Area Plan allowing a wastewater treatment plant proposed by the County on rural agricultural land off Turri Road. The County later abandoned this site in favor of an alternative site, located at South Bay Boulevard and Pismo Avenue. The County approved a wastewater treatment plant at that site in 1997. The locally approved CDP authorizing the County project was appealed to the Coastal Commission, and the Commission conducted four public hearings on the project between 1997 and 1998. The Commission continued action on the County project at least in part to provide the community with an opportunity to pursue alternatives.**
A November 1998 local ballot measure formed the Los Osos Community Services District (LOCSD). At that time, the project favored by the elected district members was a ponding system at the downtown Tri-W site (now referred to as the Mid-town site) located at Ravenna Avenue and Los Osos Valley Road. The ponding system was later rejected. The current County project manager Paavo Ogren was then acting as interim manager for the CSD and brought in Montgomery Watson Harza. MWH completely dumped the community's green ponding project and pursued what has morphed into the current 'project': Gravity collection, MBR treatment, at least 50% higher in cost and energy use. **On March 1, 2001, the LOCSD certified a Final EIR for an alterna-**

RECEIVED
JAN 12 2010
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Th8a and Th8b

1/11/10

To the Coastal Commissioners and Staff
Dear Friends

In regards to the Los Osos Sewer, the San Luis County Supervisors and public works say that they have talked enough. The problem is that they have only talked about one system, which is not the right system for Los Osos. It will not save our precious water and will not stop saltwater intrusion. It will do nothing to keep Morro Bay clean.

It is far too expensive for the average resident and homeowner, especially when many people are hanging on to their homes by only a thread. We want to keep our homes. They say it will cost us $200.00 per month or more. Who can afford a bill like that? We cannot.

Another problem with this system is that it is not "green" in that it will be too expensive to operate, and the removal of sludge through the county and other cities will be a horrendous task.

Please do not approve this old fashioned system. There are much better systems and they know it

Sincerely,

Marlene McQueen
709 Highland Dr.
Los Osos, Ca 93402
805 528 7332.

Th 8a and Th 8b

Central Coast Dist Office
725 Front St. Ste 300
Santa Cruz, Ca 95060

attn: Dan Carl- los Osos Sewer Jan 14, 2010

I have lived in Los Osos for 29 years and I urge the Coastal Comm. to support staff's recommendation on Appeal Items A-3-SLO-09-55 and A-3-SLO-09-69. The sewer issue has gone on for years now. And every delay has just increased the cost of the sewer.

Sincerely

Michael G. Matus
1339 El Moro Ave
Los Osos, Ca 93402

Agenda items TH8A & TH8B – Mimi & Gene Kalland

1182 Seventh Street
Los Osos, CA 93402
January 8, 2010

Dan Carl
District Manager
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Mr. Carl:

As homeowners in the Los Osos 'prohibition zone,' we are requesting that you include this letter in the Coastal Commission packet for their January 14 meeting.

The Los Osos sewer project, under the outstanding leadership of the San Luis Obispo County Supervisors, has undergone thoughtful and meticulous planning with extensive public input during the past three years. The majority of our community support the project as it currently stands. In a 218 vote, property owners agreed to a substantial self-assessment, supporting the project by almost 80%. A community survey indicated strong support for the type and location of the sewer plant and associated land use. After over twenty years of delay, the consensus is clear that there are no remaining "substantial issues."

The remaining issue is cost to individual homeowners. Some Federal grants and low-cost loans are available which could reduce the ultimate expense for homeowners. Further delays may reduce eligibility for these grants and loans. We urge the Coastal Commissioners to approve the project at their January meeting.

Sincerely,

Dr. Gene Kalland and Dr. Mimi Kalland

RE: AGENDA ITEMS TH8A & TH8B
JUNE WRIGHT, LOS OSOS

Central Coast District Office
Charles Lester, Senior Deputy Director
Dan Carl, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear California Coastal Commissioners and Staff:

I am a senior citizen in Los Osos who has watched the 'sewer war' for 20 years – and have been greatly distressed by it. Please, please approve the plans by the county of San Luis Obispo for installation of a sewer plant as presented under the above agenda items.

There is absolutely no location or technology that will please those in our community who, I suspect, are against any sewer at all. Of course they deny it. We are in a sensitive location being a community on the shores of Morro Bay and in many areas a septic tank is in a high ground water location. Many people in my neighborhood are in favor of the county's plan but are afraid to speak out due to fears of intimidation. Indeed, I stopped being active with the pro-sewer 'side' several years ago due to that intimidation which did harm to several health issues I face.

We need to deal with a number of water issues and recharge of the ground water basin can be accomplished by discharge of treated effluent from the sewer plant. Will the cost factor, which has increased thanks to the misguided attempts to stop any sewer project, personally affect me? A resounding **YES,** but I understand that further delay will only make the cost increase. And for the sake of our community's health, feel it is necessary. By your approval at this meeting, we have the possibility of obtaining grants and favorable financing that would help on total costs. Some 20 to 30 years ago the cost of a sewer would have been well funded by grants available at that time but said misguided and successful opposition by a noisy but minority group stopped any project from going forward. Which they are still trying to do.

We can't redo the past but must learn from it and keep this current project going forward. Your approval is urgently needed. Thank you for your consideration

Sincerely yours,

June Wright

June Wright
P.O. Box 7016
Los Osos, CA 93412
805-528-6525
jocean31@charter.net

IF POSSIBLE, PLEASE INCLUDE IN ALL PACKETS. THANK YOU.

Th8a and Th8b

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 950060-4508

ATTN: DAN CARL – DISTRICT MANAGER

COMMISSIONERS:

MY WIFE AND I HAVE BEEN HOMEOWNERS AND RESIDENTS OF LOS OSOS FOR FIFTEEN (15) YEARS.

WE ARE WRITING TO ENCOURAGE YOU TO SUPPORT THE LOS OSOS WASTE WATER SYSTEM AS PROPOSED BY THE COUNTY STAFF.

THIS HAS BEEN A LONG AND DIFFICULT PROCESS, BUT WE FEEL SO CLOSE NOW. WE JUST NEED YOUR HELP TO PUT US OVER THE TOP. THIS PROPOSED SYSTEM OF HANDLING WASTE WATER IS FOR THE BENEFIT OF ONE AND ALL.

SINCERELY,

GEORGE A. CALL

Florence L. Call

FLORENCE L.CALL

The Calls
1351 Nipomo Avenue
Los Osos, CA 93402

Th8a and Th8b

8 January, 2010
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
Attn: Dan Carl - District Manager

Subject: Los Osos Wastewater Project - Hearing on Substantial Issue - 14 January 2010
Comments for inclusion to Staff & Commissioners

From:
Joe Sparks, Prohibition Zone Homeowner, and Director and past President, LOCSD

Dear Staff & Commissioners,

I am a 14 year resident of Los Osos, a homeowner in the Prohibition Zone, and a Director for the Los Osos Community Services District (LOCSD) since December 2006. I was the past President of the LOCSD in 2009 and Vice-President in 2007. I am writing you today in regards to the hearing to be conducted on January 14 on the Wastewater Project. My comments are as a citizen, homeowner, and as an individual Director of the LOCSD.

I want to express my appreciation for Staff's effort and review of the Wastewater Project. I want to convey my support for the Commission to unanimously approve Staff's recommendation.

I also want to convey to you a perspective on the potential harmful ramifications and unintended consequences that would result from the Commission making a 'Substantial Issue' determination for consideration.

Issue #1: Mitigation of septic discharge into and Restoration of, groundwater in the Los Osos Basin requires a finding of No Substantial Issue

Protecting the Los Osos groundwater is the main State resource on which your decision should be based. Many of the appellants bring forth valid points that could potentially, and I emphasize potentially, improve the Project in the abstract. However, none of them rise to the level that would warrant reconsideration of the Project and the associated continued negative impact on the Basin caused by the present condition of dense septic systems in Los Osos. A finding contrary to Staff's recommendation will prolong the present conditions indefinitely, and delay the restoration of the upper aquifer. Any argument to the contrary is not supported by the appellants.

Issue #2: Planning and actions by the Los Osos Water Purveyors that are directed towards mitigation of salt water intrusion is dependant on a finding of No Substantial Issue

There is an on-going financial commitment from both the County of San Luis Obispo and the LOCSD towards a Basin Management Plan for Los Osos. Those resources include budgeted expenses and future rate increases to support capital expenditure and development of reserves in anticipation of implementation of the Basin Management Plan. The Wastewater Project is a lynchpin of the Basin Management Plan. A finding contrary to Staff's recommendation will

- delay updates to the Basin Management Plan
- re-direct limited financial resources of both the LOCSD and County of San Luis Obispo towards a total uncertain project
- create significant uncertainty for both the County of San Luis Obispo and LOCSD, thereby inhibiting their ability to move forward and mitigate salt water intrusion

Issue #3: Project Cost Avoidance for the Homeowners in the Prohibition Zone and Cost Avoidance for Taxpayers in the LOCSD Chapter 9 Bankruptcy require a finding of No Substantial Issue

Cost Avoidance for Los Osos Taxpayers improves their ability to protect coastal resources by maximizing the financial ability for the community to protect groundwater and support water sustainability.

Presently, the LOCSD is in Federal Chapter 9 Bankruptcy protection. It is limited towards finalizing a plan of debt adjustment until the County of San Luis Obispo passes a resolution on completion of due diligence. A finding contrary to Staff's recommendation will jeopardize the completion of that resolution by the County, thereby putting future Project planning and funding at risk. It would leave the LOCSD in a state of financial limbo and subject to indeterminate and unfunded legal expenditures, and which would further limit the ability of the agencies to protect coastal resources.

Presently, the County of San Luis Obispo has targeted numerous grants and financing options, all of which have near term deadlines or may sunset. A finding contrary to Staff's recommendation will jeopardize the funding and cost avoidance for the homeowners, as well as potentially delay the ability to take advantage of the current economic climate to benefit from competitive and low contractor costs.

As a State agency, I would remind the Commission of the unprecedented financial commitment of each individual homeowner ($25,000) who voted to protect coastal resources via their 218 assessment approval in 2007 on top of the assessment approval in 2001 for a terminated project. Additionally, the homeowners, who protect the coastal resources, with that assessment, had no vote in the termination of the prior project.

Issue #4: History. It is incumbent upon the Commissioners, individually and collectively as a body, to examine their own actions and consequences in the failure to protect coastal resources within the Los Osos Basin.

In 1998, the Commission's actions, individually and collectively, in contradiction to their Staff recommendation and reports, facilitated indefinite delays in the project. As a body, although perhaps well intended, the Commission acted in an activist fashion, with the result now of over $30 million spent and with no improvement to the groundwater and no improvement to our coastal resources.

In 2004, the Commission actions individually and collectively, in part facilitated delays which led to higher construction costs for a project. In a 2005 revocation hearing, the comments of individual commissioners, seemingly in contradiction to their vote to deny revocation, could be construed as tacit non-approval of that project.

In short, as a homeowner and taxpayer who has twice assessed themselves and made the enormous financial commitment to protecting groundwater and coastal resources, *I find the collective Coastal Commission history towards completion of the Los Osos Wastewater Project to date to be personally and environmentally reprehensible.* While these comments are harsh, certainly the perspective of the homeowners assessing themselves to complete an unfunded mandate by the State, under the reality of distressful economic circumstances, should be considered.

For these reasons provided, I strongly urge the Commission to unanimously support Staff's recommendation.

Respectfully,
Joe Sparks, Los Osos

Joe SPARKS
PO Box 7131
Los Osos, CA 93412

Joseph and Yolanda Waddell
1235 13th Street
Los Osos, CA 93402
Jan. 8, 2010

To:
California Coastal Commission
Central Coast District Office
725 Front Street
Santa Cruz, CA 95060 – 4508

Re: Agenda items TH8A and TH8B
Joseph Waddell
Yolanda Waddell

Attn.: Dan Carl, District Manager

Please include in the Jan. 14, 2010 meeting packet.

Dear Commissioners:

We encourage you to vote in favor of the Los Osos Waste Water Project as presented to you by San Luis Obispo County in your January 14, 2010 meeting.

We have confidence in the County's combined study, design and review process that was followed. Input from county design staff as well as concerned citizens and our SLO County Planning Commission has yielded an excellent project that addresses the Coastal Commission's requirement to design and build a sewer system as soon as possible.

There are other water concerns in our Los Osos community, but they need to be addressed in separate projects and water-saving campaigns.

We are grateful to our County Supervisorial District representative, Mr. Bruce Gibson, who has worked extremely hard to realize this project in time to take advantage of possible federal funding that might lighten our share of the high dollar cost to be paid by us in the community.

Thank you for your consideration.

Joseph Waddell

Yolanda C. Waddell

Joseph and Yolanda Waddell

Th8a and Th8b

January 4, 2010

Central Coast District Office
Charles Lester, Senior Deputy Director
Dan Carl, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
(831) 427-4863
FAX (831) 427-4877

Dear California Coastal Commissioners and Staff,

Happy New Year!

It is with great hope that I write to you regarding the Coastal Commission's January meeting regarding Los Osos' proposed sewer project.

It is certainly time for us to install a sewer, and I therefore support this project. However, I would be remiss if I did not state my full view of the situation.

It is still my sincere belief that the original (Tri-W) project is faster and superior in every way. And that even using its advanced technology, the project would be cheaper, since we own all the land. In this economic downturn, finances are even more of a consideration than in the past. Los Osos—as has been made abundantly clear—has a large portion of citizens on low incomes, and we will all be greatly burdened by the expense.

There is also a concern-- which may or may not have been brought up--that Sam Blakeslee's bill specifies the project be constructed within the jurisdiction of the Los Osos Community Services District. The recommended project is not. I presume you are prepared to address that and have it covered so that there will be no chance of sewer opponents filing an injunction at the beginning of construction.

In the end, the best way is the way that most efficiently and quickly refurbishes our groundwater at the lowest expense.

We appreciate your efforts on behalf of Los Osos and sincerely hope to have a project launched before the end of this year.

Sincerely,

Joyce Albright
597 Woodland Drive
Los Osos,CA 93402

Cc: Bonnie Neely
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone, Supervisor
Khatchik Achadjian
Richard Bloom, Councilmember
Esther Sanchez, Councilmember
Peter M. Douglas

Bonnie Neely (Chair)
825 Fifth Street, Room 111
Eureka, CA 95501

Steve Blank
45 Fremont St.
Suite 2000
San Francisco, CA 94105

Sara Wan
22350 Carbon Mesa Rd
Malibu, CA 90265

Dr. William A. Burke
45 Fremont St.
Suite 2000
San Francisco, CA 94105

Steven Kram
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Mary K. Shallenberger
45 Fremont. St.
Suite 2000
San Francisco, CA 94105

Patrick Kruer
The Monarch Group
7727 Herschel Ave.
La jolla, CA. 92037

Ross Mirkarimi
Supervisor
City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place, Room 282
San Francisco, CA. 94102

Mark W. Stone, Supervisor
Board of Supervisors
County Government Center
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Khatchik Achadjian
Board of Supervisors
1055 Monterey St. Room D-430
San Luis Obispo, CA 93408

Richard Bloom, Councilmember
Santa Monica City Council's Office
PO Box 2200
Santa Monica, CA 90407-2200

Esther Sanchez, Councilmember
Oceanside City Council
City of Oceanside
300 North Coast Hwy
Oceanside, CA 92054

Staff

Peter M. Douglas, Executive Director
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219
(415) 904-5200
FAX (415) 904-5400

Agenda Items: Th 8a + Th 8b

Central Coast District Office
Charles Lester, Senior Deputy Director
Dan Carl, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
(831) 427-4863
FAX (831) 427-4877

RECEIVED
JAN 11 2010
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

January 1, 2010

Dear California Coastal Commissioners and Staff,

I am a resident of Los Osos and I live in the prohibition zone as established by the RWQCB in 1983. It is imperative that when this issue comes before you that you allow the community to "do the right thing" and join with many of us in our support for the Public Works Department of San Luis Obispo County and the proposed Waste Water Project for Los Osos.

Our community passed a 218 to assess ourselves. We have participated in informational sessions. We have elected decision makers that support the county process. We need to be in the front of the line for any potential funding sources that will support those in the community who will experience financial hardship due to the increasing costs of this enormous retrofit project.

The project coming before you is a good project and it serves the community of Los Osos well. I have personally served on the Technical Advisory Committee and am currently a member of the Los Osos Community Services Board of Directors, and as a participant in the process, I believe that the water supply challenges before us cannot be addressed until the LOWWP is on track to be built. It is time for this project to be brought to a resolution as it potentially addresses groundwater quality, community peace of mind and water supply challenges.

From a resource management perspective, the delay in the installation of a waste water treatment facility has exponentially compounded the degradation of our local water supply. The waste water project will be a piece of the "story" in the management of the basin and the project should not be delayed further as I believe it to be the fulcrum for balancing the basin.

I respectfully request that you concur with the staff report and find no substantial issues with the project.

Sincerely,

Maria M. Kelly

Maria M. Kelly
1480 17th Street
Los Osos, CA 93402

LOCSD Board member: 2008-2012

cc Commissioners and Staff:

Th8a and Th8b

Becca Carsel
1443 Ninth Street
Los Osos, CA 93402
January 2, 2010

California Coastal Commission, Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear California Coastal Commissioners and Staff:

I am writing in support of the sewer system proposed by the County of San Luis Obispo for the Los Osos community. A long-time resident and property owner, I am tired of watching the cost of the system escalate while we continue to pollute the bay with thousands of septic systems on 25-foot wide lots. I would just like a decision to be made so the community can move forward and seek funding to assist the project.

After decades of turmoil, we are finally near to a resolution. Please help to facilitate this process, rather than becoming one more obstacle in its path. We need you to stay focused on achieving the goal of a sewer system for the community, which will greatly improve environmental quality along our coastline. I urge you to approve the project and work with the silent majority in Los Osos to move the process forward.

Sincerely,

Becca Carsel

Becca Carsel

cc: Commissioners and Staff:
Bonnie Neely (Chair)
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone
Khatchik Achadjian
Richard Bloom
Esther Sanchez
Peter M. Douglas, Executive Director

Th 8a and Th 8b

January 4, 2010

Central Coast District Office
Charles Lester, Senior Deputy Director
Dan Carl, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
(831) 427-4863
FAX (831) 427-4877

Dear California Coastal Commissioners and Staff,

Happy New Year!

It is with great hope that we write to you regarding the Coastal Commission's January meeting regarding Los Osos proposed sewer project.

It is certainly time for us to install a sewer, and we therefore **support this project.**

The best way is the way that most efficiently and quickly refurbishes our groundwater at the lowest expense.

We appreciate your efforts on behalf of Los Osos and sincerely hope to have a project launched before the end of this year.

Sincerely,

Marc Alexander

2200 Alexander Ave.

Los Osos,CA 93402

Cc Commissioners and Staff

Th8a and Th8b

1341 16th Street
Los Osos, California 93402

January 4, 2010

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, California 95060-4508

Re: Los Osos Wastewater Project, Agenda Items Th8a and Th8b, January 14, 2010

Dear California Coastal Commissioners and Staff:

Thank you for getting the Los Osos Wastewater Project on your calendar so quickly, as federal assistance funding and reasonable construction prices depend on approval in a timely manner.

We are hoping that you will agree with your staff's report that there are no substantial issues to be found in the many appeals. We were fans of the Tri-W project that received your prior approval, and are grateful for Mr. Bearden's appeal defending it, but as much as we wish that project had been built, we completely support the project before you as submitted by San Luis Obispo County. This project has undergone months of scrutiny in a very public process and we feel it requires no further modifications.

Please do not be swayed by the impassioned pleas of STEP/STEG supporters. The inherent flaw in that method is the easement issue, which has the possibility of tying up the building of a sewer in court indefinitely, to the detriment of our coastal waters and Los Osos' drinking water supply.

Thank you for your consideration of our thoughts.

Sincerely,

Lou Tornatzky
Los Osos resident, college professor

Lynette Tornatzky
Los Osos resident, community volunteer

Cc:
Commissioners: Khatchik Achadjian; Steve Blank; Richard Bloom; Dr. William A. Burke; Steven Kram; Patrick Kruer; Ross Mirkarimi; Bonnie Neely; Esther Sanchez; Mary K. Shallenberger; Mark W. Stone; Sara Wan

Staff: Peter M. Douglas; Charles Lester; Dan Carl

Th9a and Th9b

January 4, 2010

Central Coast District Office
Charles Lester, Senior Deputy Director
Dan Carl, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
(831) 427-4863
FAX (831) 427-4877

Dear California Coastal Commissioners and Staff,

Happy New Year!

It is with great hope that we write to you regarding the Coastal Commission's January meeting regarding Los Osos proposed sewer project.

It is certainly time for us to install a sewer, and we therefore **support this project**.

The best way is the way that most efficiently and quickly refurbishes our groundwater at the lowest expense.

We appreciate your efforts on behalf of Los Osos and sincerely hope to have a project launched before the end of this year.

Sincerely,

Dale & Susie Robertson
1235 3rd Street
Los Osos,CA 93402

Cc: Bonnie Neely
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone, Supervisor
Khatchik Achadjian
Richard Bloom, Councilmember
Esther Sanchez, Councilmember
Peter M. Douglas

Th 8a and Th 8b

Central Coast District Office
Charles Lester, Senior Deputy Director
Dan Carl, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
(831) 427-4863
FAX (831) 427-4877

Dear California Coastal Commissioners and Staff,

We are writing to you regarding the Waste Water Project in Los Osos, California. We moved to Los Osos in 2005 because we retired and chose this area for its beauty and small town ambience. At that time we heard "we will be getting a sewer and a waste water plant". Then the project was halted and we learned that this issue has been around for over 30 years. Since that time we have seen how this issue has divided our community. But finally it seems like progress has been made and we are on track to get the project underway.

We live in such a beautiful area and it is painful to see it threatened by pollution that our community can prevent. We feel it is extremely important to get this project done now.
The environment has suffered here as a result of the delays. The Technical Advisory Committee has done an amazing job researching the various sites and methods for the treatment project. We have confidence that this plan is the best solution and should be approved. We believe that the majority of the community wants to get this project done but we are thwarted by a handful of malcontents.

Sincerely,
Janet Swanson and Steve Sumii
2200 El Dorado Street
Los Osos, CA 93402

cc Commissioners and Staff:

Th 9a and Th 9b

January 3, 2010

Central Coast District Office
Charles Lester, Sr. Deputy Director
Dan Carl, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear California Coastal Commission and Staff,

We look forward to your January Meeting re. Los Osos proposed sewer project.
We feel that the time is now for a project approval and that funding and location hurdles have been addressed to the best interests of the community.

Thank you,
Russell and Mary Stone
1240 16th St.
Los Osos, CA 93402

Th 8a and Th 8b

January 5, 2010

Central Coast District Office
Charles Lester, Senior Deputy Director
Dan Carl, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
(831) 427-4863
FAX (831) 427-4877

Dear California Coastal Commissioners and Staff,

I am writing to you regarding the Coastal Commission's January meeting regarding Los Osos proposed sewer project.

It is clearly time for us to install a sewer system, and we are in support of this project.

The best way is the way that most efficiently and quickly refurbishes our groundwater at the lowest expense.

We appreciate your efforts on behalf of Los Osos and sincerely hope to have a project launched before the end of this year.

Sincerely,

Dan & Diane Book
1279 4th Street
1936 7th Street
1940 7th Street
Los Osos,CA 93402

Cc: Bonnie Neely
Steve Blank
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Patrick Kruer
Ross Mirkarimi
Mark W. Stone, Supervisor
Khatchik Achadjian
Richard Bloom, Councilmember
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Bonnie Neely (Chair)
825 Fifth Street, Room 111
Eureka, CA 95501

Steve Blank
45 Fremont St.
Suite 2000
San Francisco, CA 94105

Sara Wan
22350 Carbon Mesa Rd
Malibu, CA 90265

Dr. William A. Burke
45 Fremont St.
Suite 2000
San Francisco, CA 94105

Steven Kram
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Mary K. Shallenberger
45 Fremont. St.
Suite 2000
San Francisco, CA 94105

Patrick Kruer
The Monarch Group
7727 Herschel Ave.
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Ross Mirkarimi
Supervisor
City and County of San Francisco
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San Francisco, CA. 94102

Mark W. Stone, Supervisor
Board of Supervisors
County Government Center
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Khatchik Achadjian
Board of Supervisors
1055 Monterey St. Room D-430
San Luis Obispo, CA 93408

Richard Bloom, Councilmember
Santa Monica City Council's Office
PO Box 2200
Santa Monica, CA 90407-2200

Esther Sanchez, Councilmember
Oceanside City Council
City of Oceanside
300 North Coast Hwy
Oceanside, CA 92054

Staff

Peter M. Douglas, Executive Director
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219
(415) 904-5200
FAX (415) 904-5400

January 7, 2010

California Coastal Commission
Central Coast District Office
Attn: Mr. Jonathan Bishop
725 Front Street
Suite #300
Santa Cruz, CA 95060-4508

Re: Appeal Nos. A-3-SLO-09-55 and A-3-SLO-09-69 (Los Osos Wastewater Project, San Luis Obispo County, CA)

Dear Mr. Bishop:

Pursuant to the above referenced appeals on file with the Commission, a major concern has been found regarding the consistency of the approved coastal development permit for the above referenced project pursuant to Section(s) 30412, 30254, 30254.5 of the Public Resources Code and Article XIII D of the California Constitution.

There is also a substantial issue that the project is not consistent with Public Works Policies 1 and 9 of the Coastal Plan and Policies document of the Local Coastal Plan.

The County of San Luis Obispo has verified that the presently vacant legal parcels within the proposed service area of the sewer treatment plant are not "entitled" to connect because they were not specially assessed in order to receive the special benefit conferred by the approved 218 Supplemental District required by AB 2701.

Proposition 218 amended the California Constitution in 1996 to require local government to have a vote of the "affected property owners" for any proposed new or increased assessment before it could be levied, such as for this subject project.

The owners of the vacant parcels within the established "prohibition zone" were not a party to the 218 assessment vote as mandated by AB 2701. The vacant parcels are subject to Central Coast Regional Water Quality Control Board (RWQCB) Resolution 83-13 which approved a discharge moratorium for a portion of the Los Osos area known as the Prohibition Zone, which is the boundaries of the approved 218 action mandated by AB 2701.

Simply put, the presently vacant parcels within the prohibition zone moratorium adopted by the RWQCB cannot develop their subject properties with the use of a septic system or individual private disposal system. Absent of connection to sewer, any proposed development within the prohibition zone within the coastal zone, cannot establish that there is adequate service capacity available to serve the proposed project. (Public Works Policy No. 1)

I have verified with the County of San Luis Obispo that any presently vacant parcels cannot connect to the proposed sewer treatment plant because they do not have a benefit right and are not eligible or entitled to connect under the Supplemental District.

This would not be consistent with Public Resources Code Section(s) 30412, 30254, 30254.5 which require "new or expanded" public works facilities shall be designed and limited to "accommodate" needs generated by development or uses permitted consistent with the provision of this division: and that the commission "may not" impose any term and condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by the plant consistent with this division.

The coastal development permit for this project approved by the County of San Luis Obispo states that the "county has committed to rectifying buildout issues through an LCP amendment following the construction of the Los Osos Wastewater Project. Specifically special condition #86 states: *consistent with condition of approval #34 from CDP A-3-SLO-03-113, in order to prevent wastewater treatment system from inducing growth that cannot be safely sustained by available water supplies, the sewer authority is prohibited from providing service to existing undeveloped parcels within the service area, unless and until the Estero Area Plan is amended to incorporate a sustainable buildout target that indicates that there is water available to support such development without impacts to wetlands and habitats.*

Simply put, any presently vacant parcel is prohibited from obtaining sewer service from approved service provider until such time as the area plan contains a buildout target and that there is water available to support such development that does not impact wetlands and habitats. It is clear that currently there is not a Habitat Conservation Plan that is approved, adopted, that would allow for the state to enforce this condition, and that condition #86 violates Article XII D of the California Constitution.

Section 30412 of the Pubic Resources Code states that the Coastal Commission, State Water Resources Control Board, and the regional water quality control boards are the state agencies with "primary" responsibility for the coordination and control of water quality. The Resources Control Board primary responsibility is the administration of water rights, the Coastal Commission primary responsibility is to assure that proposed development "shall not" frustrate this section. The commission shall not, except provided in subsection (c), modify, adopt conditions, or take any action in conflict with any determination by any state California regional water quality control board in matters relating to water quality or the administration of water rights.

It is clear that the approval of this coastal development permit is in conflict with the legislative intent of Resolution 83-13 relating to the presently vacant lots within the proposed service area of the established prohibition zone who are excluded from connection to the sewer treatment plant and prohibited from a private disposal system by the regional board resolution.

In effect, the presently vacant parcel owners cannot access their "benefit right" to sewer that was guaranteed under the "original sewer special assessment" established and funded by the Los Osos Community Services District. That special assessment was for their proportional share of the cost of the same proposed Los Osos Wastewater Treatment Plant. The original assessment was levied, funded, and is paid by both the existing developed properties and the presently vacant parcel owners within the improvement district boundary and is within the prohibition zone of Resolution 83-13.

On September 20, 2006, Governor Schwarzenegger signed Assembly Bill (AB) 2701 under their legislative intent to authorize the transfer of wastewater authority from the Los Osos Community Services District (LOCSD) to the County of San Luis Obispo. The County anticipated funding the proposed project with bond funds paid by a property assessment on the properties that would receive benefit of the wastewater improvements (the focus is on the properties in the designated Prohibition Zone). AB 2701 mandated adherence with the provisions of Proposition 218 whereby a simple majority of the property owners had to approve the property assessment.

It is important to note that the Proposition 218 vote was held in October 2007 and was approved by the existing residential owners and not the presently vacant landowners of record. The special assessment of approximately $24, 941.19 per single-family residence in the Prohibition Zone only confers a special benefit to those property owner who were assessed and not the presently vacant landowners who were excluded under the Supplemental District, even though they (vacant landowners) have paid their proportionate share of the Original District along with the existing residential owners.

The original assessment district mandates that the assessed owners must pay their share of costs of operation to maintain the public facility that was subject to the special assessment under the "original district" proceedings terms and conditions in order to receive their guaranteed special benefit.

The LOCSD is still the current sewer function provider to properties within the improvement district(s) boundaries and the Local Agency Formation Commission has not approved the County of San Luis Obispo to be the sewer function provider within the existing prohibition and improvement district boundaries as required by the Cortese-Knox-Herzberg Act.

It is with great concern and puzzlement that the presently vacant landowners are not "entitled" to connect to the proposed sewer treatment plant to be built and operated by the County of San Luis Obispo as envisioned by AB 2701, and still subject to the moratorium under the adoption of the Central Coast Regional Boards Resolution #83-13.

It is of great concern that the presently vacant landowner are not "eligible" or "entitled" to be served by the proposed public works project (sewer treatment plant) pursuant to the required determination by the Coastal Commission of the geographic limits of service area within the coastal zone which is to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for

phasing of development and use of facilities consistent with this division.(Public Resources Code section 30412. The coastal commission shall make these determinations (Section 30412) in accordance with the policies of this division (Coastal Act) and shall make a determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works and the final decision of the SWRCB shall be final and binding upon the commission.

At issue is the "binding determinations" on the coastal commission as approved by the State Water Resources Control Board under CDP A-3-SLO-03-113, which was subsequently funded in part by the improvement district that included all the specially assessed parcels within the prohibition zone the was then subject to the Safe Water Drinking Act loan. The plant was to be funded and built by the LOCSD.

Condition #34 was part of the approval conditions of the original coastal development permit, with the presently vacant landowners "entitled and eligible" to connect to the sewer treatment plant, but the presently vacant landowners are not entitled or eligible to connect to sewer under the proposed project by the County of San Luis Obispo pursuant to the provisions of AB 2701.

It is crystal clear that the present vacant lots are "entitled" and eligible" for connection to the sewer treatment plant to be built by the LOCSD, but not by the County of San Luis Obispo, and that the Local Formation Commission would not allow for the construction of two separate public sewer treatment facilities within the same geographical boundaries encompassing the same parcels to be served by two different sewer function providers.

It is not logical that the presently vacant landowners would not be subject to the county's 2007 Proposition 218 improvement bond proceedings in light of the fact that all required sewer related facilities shall constructed and installed fronting and abutting their subject properties. State law requires the vacant landowner shall connect to the sewer system if it is within 200 feet and is available for connection.

It is not logical that the presently vacant landowners are not eligible or entitled to connect to the public sewer facilities when the existing RWQCB prohibition is a constraint against developing the subject properties for over 26 years. It seems that the county's determination not to serve the subject vacant lots is both arbitrary and capricious and establishes a class of owners who have rights to sewer, and eliminates the rights of those specially assessed owners to public sewer under the previously funded improvement district transferred to the county under AB 2701. This just doesn't pass a smell test and the courts are crystal clear on the question of the right to special benefit as part of a special assessment proceeding.

Proposition 218, the 1996 initiative that added article XIII to the California Constitution. The Supreme Court explained the nature of a special assessment in *Knox v, City of Orland* (1992) 4 Cal.4th 132, a pre-Proposition 218 case. A special assessment is levied against a real property particularly and directly benefited by a local improvement in order

to pay the cost of that improvement. The essential feature of the special assessment is that public improvement financed through it confers a special benefit on the property assessed beyond that conferred generally. A tax is different from a special assessment.

Unlike a special assessment, a tax may be levied without regard to whether the property or person subject to the tax receives a particular benefit. (*Knox v. City of Orland*)

The voters approved Proposition 218, the Right to Vote on Taxes Act, in November 1996. Proposition 218 can best be understood as the progeny of Proposition 13, the landmark initiative measure adopted in 1978 with the purpose of cutting local property taxes. Local governments found a way around Proposition 13's limitations, owing in part to a determination that a "special assessment" was not a "special tax" within the meaning of Proposition 13. As a consequence, a special assessment could be imposed without the two-thirds vote required by Proposition 13.

To address these concerns, the electorate approved Proposition 218, adding articles XIII C and XIII D to the California Constitution. Proposition 21 allows only four types of local property taxes: (1) an ad valorem property tax; (2) a special tax; (3) an assessment; and (4) a fee or charge. It buttresses Proposition 13's limitations on ad valorem property taxes and special taxes by placing analogous restrictions on assessments, fees, and charges.

Article XIII D imposes both procedural and substantive limitations on a public agency's ability to impose assessments. A public agency must comply with certain notice and hearing requirements before it may adopt a special assessment. Also, an assessment may only be imposed if it is supported by an engineer's report and receives a vote of a least half of the owners of the affected parcels.

In the case of the 2007 218 proceedings conducted by the County of San Luis Obispo, the presently vacant landowners were not part of the voters that voted for the proposed supplemental special assessment even though they had an already existing benefit; and had paid a proportionate share of the cost of the improvements by way of the original assessment district and not what we perceive to be the supplemental district. Clearly the owners of the presently vacant parcels are "affected" by the proceedings and do not share in the "newly" funded proportionate share of the cost of the public improvement.

A valid assessment under Proposition 218 must also satisfy the substantive requirements of section 4, subdivision (a) of article XIII D. In particular, article XIII D: tightens the definition of the two key findings necessary to support an assessment: "special benefit and proportionality". (*Silicon Valley Taxpayers" Assn, Inc. v. Santa Clara County Open Space Authority* (2008) 44 Cal. 4th 431, 443

An assessment can only be imposed only for a "special benefit" conferred on a particular property.(Art XIII D) A special benefit is "a particular and distinct benefit over and above the public at large".... Further, an assessment on any given parcel must be in proportion to the special benefit conferred on that parcel: No assessment shall be

p5

imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel (*Silicon Valley, supra*, 44 Cal 4th at p.433)

Before Proposition 218 passed, the courts reviewed quasi-legislative acts of local government agencies, such as the formation of an assessment district, under a deferential abuse of discretion standard. The courts presumed an assessment valid, and a plaintiff challenging it had to show that the record before the legislative body clearly did not support the underlying determinations of benefit and proportionality.

The drafters of Proposition 218 specifically targeted this deferential standard of review for change. If any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question. (*Silicon Valley, supra*, 44 Cal 4th at p.444)

This standard of review applies because "after Proposition 218 passed, an assessment's validity, including the substantive requirements, is now a constitutional question.

In relationship that if a Supplemental District concerns the same project as did the Original District and employs the same special benefit formulas, boundaries, zones, and methodology, the evidence concerning special district benefit determinations and proportionality analyses in the Original District administrative record bears directly upon the validity of the Supplemental District, which is merely an extension of the Original District.

Simply put, does the administrative record of the Original District support a finding of a special benefit to be conferred on those properties that were subject to the proceedings, and does the Supplemental District meet the required standard of proportionality.

Did the engineer's report of the Supplemental District confer a special benefit to the presently vacant lots in determining the $24, 941.19 per parcel assessment? Did the engineers report factor the amount of the special assessment(s) and benefits conferred as levied under the Original District? Were the present vacant landowners allowed to vote for the Supplemental District that affected the Original District? Do the present vacant landowners have a right to connect to the County's new treatment works?

If examined by a court, did the county meet the burden to establish that properties in the Supplemental District receive a particular and distinct benefit not shared by the Original District in general or the public at large within the meaning of article XIII D?

Clearly the answer to this question is in the negative. How this happened is beyond belief!

7

Respectfully submitted to this administrative record on January 8, 2010.

Respectfully yours,

Gregg Allen Berge
UnCLog Los Osos

P7

Eagle Nest Realty & Mortgage Inc.

25014 Las Brisas Rd., Ste D
Murrieta, CA 92526
(951) 696-7770 office (951) 696-7718 fax

Send to: Jonathan Bishop	From: Gregg Berge
Office: Calif: Coastal Commission	Date: January 8, 2010
Total Pages: (8) eight	Time:
Fax number: (831)-427-4877	Phone number: (951)-696-9772

Urgent Reply ASAP Please Reply For Your Information

Jonathan Bishop:

Please review and submit as part of administrative record of file Nos

A-3-SLO-09-55
A-3-SLO-09-69
A-3-SLO-03-113.

Thank you.

Gregg Berge
Uncle Los Osos

Diana Chapman

From: Dan Carl
Sent: Saturday, January 09, 2010 4:15 PM
To: Diana Chapman
Subject: FW: FRAUD, TERRORISM LOS OSOS

for dd's

-----Original Message-----
From: Budd Sanford [mailto:gandalfone@sbcglobal.net]
Sent: Sat 1/9/2010 8:06 AM
To: Dan Carl
Cc:
Subject: FRAUD, TERRORISM LOS OSOS

Dear Mr. Carl:

Very soon you and the other Commissioners will be hearing testimony from a number of public and private individuals, pro and con, regarding a central sewer for Los Osos. The financial and political interests who are behind this movement will pour tons of sugar over a bowl of fraud and corruption, including falsified science, deliberate distortions of the public process and all out lies and deception.

Since 1985 a determined group of people have been trying to force this unneeded, unaffordable, unhealthy project on the backs of low and middle income individuals and families. Their intent is social genocide and a massive build out of the community.

I am not asking you to take my word for any of this because all of the evidence and support documentation is on a web site for you and your fellow Commissioners to reference.

As someone who swore to protect the coastal environment, I beg you to please go to the site at http://www.lososossentinel.com <http://www.lososossentinel.com/> and read the evidence. More than 3,000 pages have been condensed and more evidence is being uncovered.

I beg you to please pass this site address to all of your fellow Commissioners right away. I know that as soon as you see the evidence you will understand why this project must NEVER be allowed.

This project is based on fraud, fraught with criminal intent and guaranteed to destroy the beautiful environment of Los Osos and the central coast. The perpetrators have deliberately circumvented many laws, deprived the public of their legal rights, conducted illegal elections and used heir positions of elected and appointed authority to crush any and all resistance.

But more than a fight against local terrorism, this is a fight for Justice and Freedom. This is a fight against political and special interest corruption determined to stomp on that Freedom, one that reverberates across the nation.

The Los Osos Sentinel sight has had more than 1500 hits in its less than two months on line, many from across the world. The R.I.C.O. Civil Legal Action will go forward regardless of where the illegal process is and all those responsible will be named.

To grant CC permission to build this fraudulent vaccine resistant deadly pathogen producing factory in Los Osos is tantamount to sanctioning terrorism and an all out assault on Freedom.

If you truly care about the coastal environment and if you take your oath of office seriously you will NEVER allow this project to proceed. Please read the evidence and do not allow these terrorists to win.

Thank you very much.

Regards,

Landon Hastings

My e-mail: lososossentinel@gmail.com

January 4, 2010

Mr. Peter M. Douglas
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Douglas

As residents and property owners in Baywood Park, we have followed the spirited skirmishes, contentious debates, wrangling and setbacks that have kept a viable sewer project from becoming a reality here in Los Osos. My wife and I have supported the earlier efforts of the "recalled CSD" and now the county's balanced approach at engineering a wastewater collection and treatment facility for this conflicted and troubled community. We look forward with guarded optimism, hoping that the California Coastal Commission finds "no substantial issue" with the project as proposed by the San Luis Obispo County's Department of Public Works.

The appellants have presented their views dozens of times over the past several years, and to date their only accomplishment has been to foster delays, court costs and further delay.

It is our understanding that the Coastal Commission staff has recommended that the Commissioners support the staff's position of "no substantial issue", thus giving the project a green light to proceed. We urge the Commissioners to accept the staff's findings.

Sincerely,
Stephani Denker
and
Stuart Denker

1347 Pasadena Drive
Los Osos, CA 93402

Please forward to all of the Commissioners

Please include in your meeting packet for your January meeting

RECEIVED
JAN 11 2010
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Bill Hilton & Edna Cole
1778 12th St
Los Osos CA 93402-2206

Agenda Items
TH8A & TH8B

To the Coastal Commission
Att: Dan Carl, District Manager

Please make a favorable ruling for the Los Osos waste water Project.

My husband and I are retired and pushing 70. We'd like to see this thing finished in our lifetime.

Enough with the theatrics and delays from the nay-sayers
Let's move forward.

Edna Marie Cole and
Bill Hilton

12th St. Los Osos

A personal note: 1-6-10

RE. ITEMS TH8A & TH8B - DON CONE

C C C

MANAGER DAN CARL

THE LOS OSOS COMMUNITY HAS SUFFERED MORE THAN ENOUGH FROM A SMALL PERSISTENT MINORITY OF MALCONTENTS WHO ARE PRIMARILY RESPONSIBLE FOR OUR MULTI-MILLION DOLLAR BANKRUPTCY. IT'S WAY PAST TIME TO INSTALL & USE OUR LONG DELAYED SEWER SYSTEM.

THE CCC IS THE LAST ROADBLOCK TO BE OVERCOME IN PROCEEDING WITH THE LOWRP. WE NEED YOUR APPROVAL AT THE PENDING COMMISSION MEETING!

SINCERELY

Donald Cone
624 Santa Lucia Ave
Los Osos, CA 93402-1128

January 6, 2010

AGENDA ITEMS TH8A & TH8B
LEE R. FERRERO

Mr. Dan Carl, District Manager
CALIFORNIA COASTAL COMMISSION
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Mr. Carl,

I am a 21-year resident of Los Osos, CA. I have been active in supporting installation of a modern wastewater treatment system for this community for many years. I was a member of the "Technical Advisory Committee" (TAC) in the final two years of the planning process, prior to sending the plan forward for this hearing, and others.

Our household and many neighbors are supportive of a favorable ruling from the Commissioners to move forward with the project. I regret I am unable to be at the meeting to address you in person. Therefore, please accept this letter as part of the official meeting record.

Thank you very much.

Lee Ferrero

Lee Ferrero
1720 14th Street
Los Osos, CA 93402
(805) 528-5985
Lee.Ferrero4@gmail.com

California Coastal Commission

Central Coast District Office

725 Front St, STE 300

Santa Cruz, CA 95060

Attn: Dan Carl, District Manager

Agenda items TH8A &TH8B

Richard and Nancy Leslie

Richard E. Leslie
366 Mitchell Drive
Los Osos, CA 93402

Dear Sir: we wish to notify you that we are in support of the LOWWP and to have this letter be included in the agenda package.

Thank you for all your efforts in this very important project

Sincerely,

Richard E. Leslie

Nancy D Leslie

Richard Leslie

Nancy Leslie

Attention: Dan Carl, District Manager
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
Fax: 831-427-4877

Re: January 14, 2010 Hearing items 8 a and b (Appeal No. A-3-SLO-09-55 and Appeal No. A-3-SLO-09-69)

Dear Mr. Carl,
Please deliver this letter to the Central Commissioners. I urge the Coastal Commission to support staff's recommendation on Appeal Items A-3-SLO-09-55 and A-3-SLO-09-69. The delays in moving forward on this issue continue to raise the cost of the community's sewer system, ensuing hardship for all. Please determine no substantial issue regarding both of these appeals.

Thank you for your assistance with this matter.

Sincerely,
Merri Blum mblum
1387 15th Street
Los Osos, CA

Agenda items:
TH8A & TH8B
Toni Graham

TO: California Coastal Commission

I write to you today in support of the LOWWP and request that you include my letter in your meeting packet. I so appreciate your efforts to move this project forward. The need for a sewer in Los Osos is well known and has been held up for some 30 years by a small minority of people. The majority have already spoken with their votes in an overwhelming statement of support for this much needed project this last year.

Please move it forward out of respect for those of this community who know we must have this completed. Many residents here have voiced their concerns in favor of the project and have put in un told hours of committed work to see it through. The costs for a new sewer have escalated over the years of debate and argument and will only continue to do so if we do not get it done now. This project must go through if we are to protect our environment and the precious ecosystem of the Bay.

Help us to carry the ball over the finish line by passing a favorable ruling for the completion of this project.

We thank you all for your support in order to get the job done.

Sincerely,
Toni Graham

TONI GRAHAM
2321 EL DORADO ST.
LOS OSOS, CA 93402

January 11, 2010

California Coastal Commission
Central Coast District Office
725 Front Street, Ste. 300
Santa Cruz, CA 95060-4508
Attn: Dan Carl – District Manager

Re: Los Osos Sewer Project

Subject: Agenda Items "TH8A" and "TH8B"

Dear Commissioners:

I am a property owner in Los Osos (1360 15th Street), as well as a professional in the community (Registered Civil Engineer and Licensed Land Surveyor). It has come to my attention that the Sewer Project is now up against another appeal(s) (Appeal No.'s "A-3-SLO-09-55" and "A-3-SLO-09-69").

I support the sewer project, and strongly believe that a town of this size and density needs to have a sewer. It has been mandated by the State RWQCB, and eventually significant penalties will be levied. Yes, the project will be very expensive, but in the long run will serve to protect the environment, especially our groundwater supply. From what I have seen and heard, people are against the sewer project mainly due to the high cost. The problem is, the longer it is delayed, the less grant monies we will receive, which will result in an even higher out-of-pocket cost.

I urge you to vote in favor of the project. A sewer is imminent, and in my opinion further delays will be a disadvantage to the citizens of Los Osos.

Sincerely,

Matthew A. Beautz
Registered Civil Engineer No. 64163
Professional Land Surveyor No. 8557

8 January, 2010
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
Attn: Dan Carl - District Manager

Subject: Los Osos Wastewater Project - Hearing on Substantial Issue - 14 January 2010
Comments for inclusion to Staff & Commissioners

From:
Joe Sparks, Prohibition Zone Homeowner, and Director and past President, LOCSD

Dear Staff & Commissioners,

I am a 14 year resident of Los Osos, a homeowner in the Prohibition Zone, and a Director for the Los Osos Community Services District (LOCSD) since December 2006. I was the past President of the LOCSD in 2009 and Vice-President in 2007. I am writing you today in regards to the hearing to be conducted on January 14 on the Wastewater Project. My comments are as a citizen, homeowner, and as an individual Director of the LOCSD.

I want to express my appreciation for Staff's effort and review of the Wastewater Project. I want to convey my support for the Commission to unanimously approve Staff's recommendation.

I also want to convey to you a perspective on the potential harmful ramifications and unintended consequences that would result from the Commission making a 'Substantial Issue' determination for consideration.

Issue #1: Mitigation of septic discharge into and Restoration of groundwater in the Los Osos Basin requires a finding of No Substantial Issue

Protecting the Los Osos groundwater is the main State resource on which your decision should be based. Many of the appellants bring forth valid points that could potentially, and I emphasize potentially, improve the Project in the abstract. However, none of them rise to the level that would warrant reconsideration of the Project and the associated continued negative impact on the Basin caused by the present condition of dense septic systems in Los Osos. A finding contrary to Staff's recommendation will prolong the present conditions indefinitely, and delay the restoration of the upper aquifer. Any argument to the contrary is not supported by the appellants.

Issue #2: Planning and actions by the Los Osos Water Purveyors that are directed towards mitigation of salt water intrusion is dependant on a finding of No Substantial Issue

There is an on-going financial commitment from both the County of San Luis Obispo and the LOCSD towards a Basin Management Plan for Los Osos. Those resources include budgeted expenses and future rate increases to support capital expenditure and development of reserves in anticipation of implementation of the Basin Management Plan. The Wastewater Project is a lynchpin of the Basin Management Plan. A finding contrary to Staff's recommendation will

- delay updates to the Basin Management Plan
- re-direct limited financial resources of both the LOCSD and County of San Luis Obispo towards a total uncertain project
- create significant uncertainty for both the County of San Luis Obispo and LOCSD, thereby inhibiting their ability to move forward and mitigate salt water intrusion

Issue #3: Project Cost Avoidance for the Homeowners in the Prohibition Zone and Cost Avoidance for Taxpayers in the LOCSD Chapter 9 Bankruptcy require a finding of No Substantial Issue

Cost Avoidance for Los Osos Taxpayers improves their ability to protect coastal resources by maximizing the financial ability for the community to protect groundwater and support water sustainability.

Presently, the LOCSD is in Federal Chapter 9 Bankruptcy protection. It is limited towards finalizing a plan of debt adjustment until the County of San Luis Obispo passes a resolution on completion of due diligence. A finding contrary to Staff's recommendation will jeopardize the completion of that resolution by the County, thereby putting future Project planning and funding at risk. It would leave the LOCSD in a state of financial limbo and subject to indeterminate and unfunded legal expenditures, and which would further limit the ability of the agencies to protect coastal resources.

Presently, the County of San Luis Obispo has targeted numerous grants and financing options, all of which have near term deadlines or may sunset. A finding contrary to Staff's recommendation will jeopardize the funding and cost avoidance for the homeowners, as well as potentially delay the ability to take advantage of the current economic climate to benefit from competitive and low contractor costs.

As a State agency, I would remind the Commission of the unprecedented financial commitment of each individual homeowner ($25,000) who voted to protect coastal resources via their 218 assessment approval in 2007 on top of the assessment approval in 2001 for a terminated project. Additionally, the homeowners, who protect the coastal resources, with that assessment, had no vote in the termination of the prior project.

Issue #4: History. It is incumbent upon the Commissioners, individually and collectively as a body, to examine their own actions and consequences in the failure to protect coastal resources within the Los Osos Basin.

In 1998, the Commission's actions, individually and collectively, in contradiction to their Staff recommendation and reports, facilitated indefinite delays in the project. As a body, although perhaps well intended, the Commission acted in an activist fashion, with the result now of over $30 million spent and with no improvement to the groundwater and no improvement to our coastal resources.

In 2004, the Commission actions individually and collectively, in part facilitated delays which led to higher construction costs for a project. In a 2005 revocation hearing, the comments of individual commissioners, seemingly in contradiction to their vote to deny revocation, could be construed as tacit non-approval of that project.

In short, as a homeowner and taxpayer who has twice assessed themselves and made the enormous financial commitment to protecting groundwater and coastal resources, *I find the collective Coastal Commission history towards completion of the Los Osos Wastewater Project to date to be personally and environmentally reprehensible.* While these comments are harsh, certainly the perspective of the homeowners assessing themselves to complete an unfunded mandate by the State, under the reality of distressful economic circumstances, should be considered.

For these reasons provided, I strongly urge the Commission to unanimously support Staff's recommendation.

Respectfully,
Joe Sparks, Los Osos

MarthaJane D. Holcombe
1396 Fifteenth St.
Los Osos, CA. 93402

9January2010

Attn. Dan Carl, District Manager
Central Coast District Office
725 Front St., Suite 300
Santa Cruz, CA. 95969-4508

RE: 14January2010 Hearing Items 8a and b (Appeal No. A-3-SLO-09-55 and Appeal No. A-3-SLO-09-69)

Dear Mr. Carl

Please deliver this letter to the Coastal Commissioners.

As a homeowner in Los Osos, I am writing again to emphasize how important I feel the support of the Coastal Commission is to the expedient building of our sewer. In a previous letter I stated that I would have preferred to have the sewer built at the TriW site; this was an error on my part. I wish the sewer to be built at the site out of town—beginning as soon as possible. Delays continue to raise the cost and cause us to lose valuable aid funds. Please determine no substantial issue regarding both of these above-noted appeals to deter the progress of our much-needed sewer. Thank you for your assistance in this matter. I wish I could be present in person to emphasize my support; please consider this letter my presence.

Very truly yours,
Martha Jane D. Holcombe

Jeanette Di Leo
1370 15th Street
Los Osos, CA 93402

January 11, 2010

Attn: Dan Carl, District Manager
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
FAX (831) 427-4877

RE: January 14, 2010 Hearing Items 8 a and b (Appeal No. A-3-SLO-09-55 and Appeal No. A-3-SLO-09-69)

Dear Coastal Commissioners:

Over the years the community of Los Osos has delayed building a waste water facility for a number of reasons. We keep searching for the perfect site, the lowest cost alternative, and/or the environmentally superior alternative. Our delays have polluted our groundwater (our drinking water) and made the project more and more expensive.

I urge the Coastal Commission to support staff's recommendation on Appeal Items A-3-SLO-09-55 and A-3-SLO-09-69. Please determine no substantial issue regarding both of these appeals. Thank you for your assistance on this matter.

Sincerely,

Jeanette Di Leo

David Moran
1370 15th Street
Los Osos, CA 93402

January 11, 2010

Dan Carl, District Manager
Central Coast District Office
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
FAZ (831) 427-4877

RE: January 14, 2010 Hearing Items 8a and 8b (Appeals No. A-3-SLO-09-55 and A-3-SLO-09-69)

Honorable Chair and Members of the California Coastal Commission:

I strongly urge you to find No Substantial Issue and deny the two appeals referenced above relating to the Los Osos Wastewater Project. Further delays will only waste more time and money while the degradation of our water supply and the adjacent National Estuary continues. If you believe the main objective of the Coastal Act is to protect the sensitive and valuable resources along our coast, then you should let the project go forward and support your staff recommendation.

Sincerely,

David Moran

January 8, 2010

Members of the Commission

I provided staff support to the drafting of the 1976 Coastal Act. One of the legislature's key concerns was that the Commission should not become a Supreme Court for local land use decisions but should focus on protecting state resources. Local governments would draw up plans that would be certified by the Commission as properly protective of statewide interests. Appeals to the Commission would be filtered to assure they addressed substantial statewide concerns.

Bringing an end to thirty years of contamination of Morro Bay, an estuary of national and state importance is the fundamental concern. Deciding which engineering firm should be selected to do the work or which brands of pipes and tanks should be installed should not be a concern for the Commission. The exception would be if the decision-making process followed by local government was so flawed that it failed to consider impacts on important resources.

The evidence is overwhelming that San Luis Obispo County has taken every possible step to minimize the environmental impacts of this essential project. There are thousands of hours of public testimony and a massive library of consultant studies that demonstrate there are no issues that have not been considered and no potential impact not studied and mitigated. The appellants who are asking for a project delay and for additional studies have appeared again and again at public hearings, have written opinion pieces in the local press, and sponsored their own technical rebuttals. Their arguments are so familiar and repetitious that anyone who has followed the progress of the planning could restate them with accuracy.

I served on the project's Technical Advisory Committee, have listened to the arguments, have read the engineering and environmental studies and have participated in the Community's efforts to find the best possible solution to the water contamination problem. As a homeowner, I will share in the costs. I might add that I have a Ph.D. in environmental management and worked for the Coastal Commission for three years after completing my coursework at UCLA. I have a lifetime commitment to the protection of environmental resources. The County's solution has multiple negative environmental and cost impacts but I'm quite convinced that the proposed plan reflects the best possible resolution to a longstanding problem.

The central problem for Los Osos has been that the enticing lure of technologies that are touted as being "cheaper, faster, and better" has repeatedly derailed projects that could have solved the water contamination problems. In 1999, the Coastal Commission was swept away by that Pied Piper refrain and halted a County wastewater project to allow time for the newly forming CSD to design that cheaper faster, better system. (Ironically, STEP technology was a key part of that vision). The classic fairy tale doesn't have the Pied Piper returning to the village of Hamlin. But the Commission is getting an encore performance of the discredited idea that, if you stop the county's project once again, it will permit the community to discover some miracle solution that has eluded the community, the County staff and consultants.

I am hopeful you will affirm the thousands of hours that the community and local government have expended in crafting a solution and realize that, while some people remain opposed to the solution crafted by local decision makers, that it raises no substantial issues with regard to issues of statewide concern.

David Dubbink
Los Osos, CA

From: Gail McPherson
Sent: Friday, January 08, 2010 7:38 PM
To: Frank Mecham ; kachadjian
Subject: Fwd: Homes to You

http://homestoyou.blogspot.com/2010/01/los-osos-sewer.html

What design?

There are no design or bidding documents for THIS project! Check it out---$7 mil was spent for studies and analysis and an EIR---The County has NO DESIGN---that is the point of the design build process that was put on hold because of bid rigging issues. Until the team(s) is selected and specifications defined in a RFP to produce the design, there is not a legitimate design ready for funding deadline of Feb. What exists is a series of concepts and options.

More False and misleading information?...and Ogren continues to misrepresent the project, and just lies through his teeth."If the commission required a major redesign, the project could be set back by several years or more, said Paavo Ogren, county public works director."

The County certainly can't "redesign "when a design doesn't exist in the first place! Is Ogren and Gibson actually now admitting to the violation of contracting statutes raised by ex CSD board president Schicker?

This violation concerns the contractor Montgomery Watson Harza. Of course documentation clearly shows that the county worked with MWH to develop the design build documents, which is a violation has already occurred in the RFQ design bid process, as it provides MWH unfair advantage. Therefore MWH must be disqualified from bidding.

But here the fraud that is perpetuated further by Gibson and Ogren presenting the Coastal Commission with false funding promises based a already designed project---(with the only possibility being MWH) in order to twist the Comissioners arms in a belief the Co can obtain funding. Supervisor Gibson, Ogren and legal staff all know this is a lie.

This contracting violation and lie to commissioners is a far greater threat to the citizens of Los Osos and a loss of the federal grant funding.

The coastal Commissioners should be apprised of this matter prior to determining their position on project issues. I believe Mr. Bishop has been duped by there two.

CALIF. COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT ST. STE. 300

SANTA CRUZ, CA. 95060-4508

Date 1/5/10

SUBJECT: LOS OSOS WASTEWATER PROJECT- TH8A, TH8B PLEASE INCLUDE IN MEETING PACKET

DEAR COMMISSIONER,

MY NAME IS BOB SEMONSEN. I AM WRITING TO SUPPORT YOUR STAFF'S RECOMMENDATION OF " NO SUBSTANTIAL ISSUE" REGARDING THE LOS OSOS WASTEWATER PROJECT. I HAVE BEEN INVOLVED IN THE LOS OSOS WASTEWATER ISSUES SINCE THE MID 1970'S. MY MORE RECENT INVOLVEMENT HAS BEEN AS A MEMBER OF THE SOLUTIONS GROUP(MID 1990'S), A LOS OSOS CSD BOARD MEMBER AND CHAIR OF THE WASTEWATER COMMITTEE (1999-2002), A 12 YEAR MEMBER OF THE LOS OSOS COMMUNITY ADVISORY COMMITTEE (1992-2004), AND MOST RECENTLY AS A MEMBER OF THE COUNTY TECHNICAL ADVISORY COMMITTEE ENGINEERING GROUP. AS A MEMBER OF THESE 4 GROUPS I HAVE BEEN INVOLVED WITH DETAILED ANALYSIS OF DIFFERENT ITERATIONS OF THE LOS OSOS WASTEWATER PROJECT 4 TIMES. I WANT TO COMMEND YOUR STAFF ON THEIR THOROUGH, DETAILED AND IN MY OPINION, CORRECT ANALYSIS OF THE COUNTY PROJECT. I AM INCLUDING SOME OF THE INFORMATION ON STEP/GRAVITY SYSTEMS THAT I HAVE COLLECTED OVER THE YEARS. ALL OF THIS INFORMATION WAS ACCUMULATED AS PART OF THE PROCESS THE COMMITTEES I WAS ON WENT THROUGH. I WOULD APPRECIATE YOUR VIEWING IT IF YOU ANY DOUBTS ABOUT STAFF'S CONCLUSIONS ON THE STEP/GRAVITY ISSUE.

SINCERELY YOURS

Bob Semonsen

BOB SEMONSEN

LOS OSOS WASTEWATER PROJECT

STEP VS. GRAVITY ISSUES

- IS LOS OSOS A GOOD APPLICATION OF STEP TECHNOLOGY?
  - 1996 VIRGINIA TECH. STUDY TO DETERMINE CRITERIA FOR ALTERNATIVE COLLECTION SYSTEMS (INCLUDING STEP SYSTEMS) FOR SMALL COMMUNITIES. SEE STUDY.
    CRITERIA FOR IMPLEMENTATION OF A SUCCESSFUL STEP SYSTEM

	LOS OSOS	
WASTEWATER SYSTEM SERVES 10,000 PEOPLE OR LESS	NO	15,000 NOW 18500 BUILDOUT
MANY PROPERTIES WITH EXISTING SEPTIC TANKS	YES	REQ. TO STOP USING
AVERAGE LOT GREATER THAN 1/2 ACRE	NO	AVG. 1/6 ACRE
FEWER THAN 100 HOMES PER MILE	NO	~ 240/ MILE
VERY HILLY TERRAIN	NO	SOME INCLINE
SUBSURFACE OBSTACLES (ROCKS, BEDROCK GROUNDWATER)	NO	GROUNDWATER LESS THAN 5%

  - INTERVIEW RESULTS- T.A.C. ENGINEERING GROUP INTERVIEWED MANAGERS OF THE 7 COMMUNITIES WITH STEP SYSTEMS REFERENCED IN THE ROUGH AND FINE SCREENING

    5 COMMUNITIES WERE SATISFIED, 2 HAD MORATORIUMS ON STEP SYSTEMS. THE 5 FIT THE ABOVE CRITERIA IN AT LEAST 3 CATEGORIES. THE 2 DID NOT MEET MORE THAN 1 CATEGORY

    SEE INTERVIEW SUMMARY AND AND OLYMPIA, WASH. DOCUMENTS

- PIPE DEPTH
  - SEE PLATE 4- PIPE DEPTH GRAPH

- PIPE LEAKAGE
  - SEE DOCUMENTS: "MAINTENANCE OF PVC SEWER PIPE", " PREDICTING THE RESIDUAL LIFE OF PVC SEWER PIPES", " OLD PVC GRAVITY SEWER PIPES: LONG TERM PERFORMANCE"
  - PVC FAILURES AT LATHROP, CA. WERE DUE TO FAULTY INSTALLATION, LAWSUITS HAVE BEEN FILED.
  - INTERVIEWED DIRECTOR OF THE UNIBELL ASSOC. (SETS STANDARDS FOR PVC PIPE AND INSTALLATION). BELL AND SPIGOT JOINTS HAVE TO MEET THE SAME STANDARDS FOR LEAKAGE AS FUSED JOINTS. INSTALLATION OF FUSED JOINTS IS MORE EXPENSIVE AND MUCH MORE DIFFICULT WITH NO LEAKAGE BENEFIT.

- ROAD IMPACTS-DIRECTIONAL BORING (STEP) VS. TRENCHING (GRAVITY)
  - INTERVIEW RESULTS- T.A.C. ENGINEERING GROUP INTERVIEWED MANAGERS OF THE 7 COMMUNITIES WITH STEP SYSTEMS REFERENCED IN THE ROUGH AND FINE SCREENING

    ALL COMMUNITIES TRENCHED LATERALS TO HOMES, SOME COMMUNITIES BORED MAINS.
    ALL COMMUNITIES, MOST SYTEMS WERE NEW CONSTRUCTION, ALL UTILITIES GOING IN AT THE SAME TIME.
    SEE DRAWING PLATES 1 THRU 3A.

- ON-SITE COSTS
  - INTERVIEW RESULTS- T.A.C. ENGINEERING GROUP INTERVIEWED MANAGERS OF THE 7 COMMUNITIES WITH STEP SYSTEMS REFERENCED IN THE ROUGH AND FINE SCREENING

    ACTUAL ON-SITE COSTS FOR ALL 7 COMMUNITIES ARE $5800 -10000. MOST IS NEW CONSTRUCTION. LOS OSOS IS A RETROFIT

    5800- 10000 DOLLARS PER UNIT TRANSLATES TO PROJECT COSTS OF 29,000,000 TO 50,000,00 DOLLARS FOR ON-SITE COSTS

- SEPTIC TANK REPLACEMENT
  - INTERVIEW RESULTS- T.A.C. ENGINEERING GROUP INTERVIEWED MANAGERS OF THE 7 COMMUNITIES WITH STEP SYSTEMS REFERENCED IN THE ROUGH AND FINE SCREENING

    ALL COMMUNITIES THAT HAD RETROFITS REPLACED 100% OF EXISTING TANKS

- SEPTIC TANK PUMPING INTERVAL
  - INTERVIEW RESULTS- T.A.C. ENGINEERING GROUP INTERVIEWED MANAGERS OF THE 7 COMMUNITIES WITH STEP SYSTEMS REFERENCED IN THE ROUGH AND FINE SCREENING

    ALL COMMUNITIES PUMPING PROGRAMS WERE 1-5 YEARS

STEP SYSTEM TOPICS

MUNICIPALITY-

GENERAL
- LOT SIZE-
- TOPOGRAPHY-
- SOIL TYPE-
- GROUNDWATER LEVELS-
- CULTURAL RESOURCES-
- # OF UNITS-
- FULL TIME/PART TIME USE-
- SIZE OF RIGHTS OF WAY-
- HOW LONG OPERATIONAL-
- WHY STEP CHOSEN-
- CONNECTION FEE-
- AREA CHARACTERIZATION-

SEPTIC TANKS
- NEW OR RETROFIT-
- REPLACE EXISTING TANKS-
- TANK OWNERSHIP-
- EASEMENTS ON PRIVATE PROPERTY-
- TANK PUMPING RESPONSIBILITY-
- PUMPING INTERVAL

COLLECTION SYSTEM
- OPEN TRENCH/DIRECTIONAL BORING-
- I&I-
- PIPE BREAKAGE-
- PUMP/LIFT STATIONS-
- ODOR-
- PIPE DEPTH-
- MAINTENANCE-

MANAGER COMMENTS-

MY COMMENTS-

SUMMARY OF INTERVIEWS W/ MANAGERS OF
MUNICIPALITIES W/STEP IN ROUGH SCREENING

COMMON GEOGRAPHIC CHARACTERISTICS- VERY LOW DENSITY (1 UNIT/ ACRE OR LESS), MEDIUM DENSITY (4-7 UNITS/ACRE) WITH LONG DISTANCES (1/2- 3 MILES) BETWEEN, HIGH GROUNDWATER (6' OR LESS THROUGHOUT)

REASONS FOR CHOOSING STEP SYSTEM- COSTS, DUE TO GEOGRAPHIC CONSTRAINTS

OF UNITS- 625- 7000

ON-SITE SYSTEM OWNERSHIP AND RESPONSIBILITY- MUNICIPALITY IN ALL CASES

ON-SITE INSTALLATION COSTS- $5800- $9800

CONNECTION FEES- $2000- $14000

MAINTENANCE COSTS- $31-39/MONTH

LENGTH OF OPERATION- 5- 27 YEARS

EXISTING SEPTIC TANK REPLACEMENT POLICY- 100%

SEPTIC TANK PUMPING INTERVAL POLICY- 1- 5 YRS.

INSTALLATION METHOD- TRENCHING IN HIGHER DENSITY AREAS. BORING IN LOW DENSITY AREAS AND BETWEEN AREAS OF HIGHER DENSITY. ALL LATERALS TRENCHED

INILTRATION AND INFLOW- MINIMAL, MAINLY AROUND SEPTIC TANK TO RISER CONNECTION

ODOR- MINIMAL, (PRIMARILY @ AIR RELEASE VALVES) WITH CARBON FILTRATION

OF AIR RELEASE VALVES- ~65- 135

EQUIPMENT USED- 4/ ORENCO 3/ DIFFERENT COMBINATIONS. ORENCO USERS SATISFIED WITH EQUIPMENT

SATISFACTION WITH SYSTEM- 5 SATISFIED 2 DISSATISFIED. SATISFIED MET VIRGINIA TECH. CRITERIA, DISSATIFIED DID NOT.

The Olympia City Council held a Public Hearing on July 19 to receive public comment on STEP (Septic Tank Effluent Tank) policy issues being considered for approval by City Council. Subsequent to the testimony, Council adopted the following new policies:

- Stop the permitting of STEP systems, except for vested and infill development. Begin planning and constructing for long-term conversion of STEP to gravity where it is feasible and efficient.
- Share the capital cost for the gravity extension with developers if doing so assists in the conversion of existing STEPs to gravity.

Background About STEP Systems: What is a STEP System? STEP (Septic Tank Effluent Pumping) sewer systems utilize septic tanks at each home for sewage collection. Solids sink to the bottom of the tanks for removal at a later date. Liquids are pumped in pressurized collector pipe systems to a central location and subsequently to publicly owned gravity pipe systems. Learn more about STEP systems by visiting our STEP systems basics page.

Why were STEP Systems Installed? The original policy intent of STEP systems was to provide a sewer alternative in challenging topography that would otherwise require deep and costly trenches for gravity sewer systems. STEP systems would encourage development infill on small vacant parcels difficult to serve with sewer. The small-diameter pipes associated with STEP systems can be installed shallowly at a low, up-front cost to developers.

Why is the City concerned about STEP systems? Because of low, upfront cost and sewer policies established in the 1990s, STEP systems have become a dominant form of sanitary sewer service in northeast and southeast Olympia and in its UGA. Approximately 1,200 STEPs are currently used in these areas. The City is responsible for all operation and maintenance of the systems, as well as side effects such as odors, potential for spills, and lack of back-up power. As currently administered, STEP systems require additional municipal costs and long-term liabilities. Without changes to City sewer policy, recent development patterns and subdivision applications would result in approximately 1,800 more STEP systems (150 percent increase) being permitted in northeast and southeast Olympia during the next few months.

What are some of the problems the City has experienced with STEP systems? Examples include the following:

- Frequently installed in areas that could be served by conventional gravity sewer systems.
- More costly to operate and maintain than conventional gravity

systems. City sewer utility rate payers carry the burden of the additional costs. STEP users do not pay more than users of conventional sewer systems.

- Create high number of homeowner calls to the City for service and troubleshooting. Approximately 90 percent of sewer utility service calls are STEP-related.
- Can lead to effluent leaks and groundwater contamination.
- Prone to failure as a result of power outages.
- Can create off-site odor problems that are difficult and expensive to solve.
- Not upgraded to gravity systems and unsupportive of efforts to bring regional gravity systems to future adjacent and outlying developments. STEP systems do not support regional infrastructure designs.

How can I get more information? Contact Andy Haub, Stormwater Engineering Supervisor with the Public Works Department by telephone at (360) 753-8475, or via e-mail .

For questions regarding the Public Works Department please contact publicworks@ci.olympia.wa.us.

Last updated: 4/21/2006 9:28:51 AM

The City of Olympia is committed to the non-discriminatory treatment of all persons
in employment and the delivery of services and resources.

City of Olympia, Washington
PO Box 1967
Olympia, WA 98507-1967

STEP Surcharge Proposal - Citizen Feedback

We have heard from many STEP wastewater customers over the past three weeks in preparation for the October 30, 2006 , Public Hearing on the Wastewater Management Plan and the potential STEP surcharge.

Comments will be forward to Council: We will be forwarding all written comments to City Council as well as summarizing both written and verbal comments.

What we have heard: If we have failed to capture the general intent of your comment, please let us know and we will try to include it in the summary. We have heard the following:

- The City made the decision to allow STEPs. The result is a poor public decision, not a need to correct financial inequity among ratepayers. When policymakers make poor decisions, the financial burden is best spread over the entire revenue base.
- The City understood its responsibility to maintain and eventually replace the systems. The City should not be attempting to pass on its responsibilities and costs.
- Homeowners did not choose the systems at the time of construction or purchase; nor do they have options now. Declining STEP systems was not, and is not, available.
- STEPs were used by the City and developers to spur development, not to save money or provide good sewer service. The City is responsible for the resultant quick-fix approach to sewer infrastructure.
- STEP systems are a lesser quality system than conventional gravity systems. It's not fair to penalize homeowners with both a substandard system and higher rates.
- Under the proposal, the City has no incentive to convert to more efficient gravity systems. The surcharge should be applied to converting the STEPs to conventional gravity systems. Some responders would be willing to provide rate funding for the conversions.
- The City enjoys the tax revenues and economic benefits of the homes built with STEPs. The costs are covered.
- Service needs associated with STEP have been minimal. The additional charge is not warranted.
- Instead of the surcharges, homeowners should be charged for misuse of the system and resultant service calls and/or high water use.
- City utility rates are high enough.
- Other areas of the City are not being charged for unique sewer problems such as aging pipes and infiltration/inflow mitigation.
- The proposed cost would be very burdensome for some rate payers.

Recommended changes going to Council: While City staff and the Public Works Utility Advisory Committee, a Council-appointed advisory group, continue to support maintenance and operations cost recovery from STEP users, we will recommend two changes to City Council on October 30th:

- Phase the surcharge for existing customers. We recommend that the surcharge be phased over a three-year period. In 2007, the surcharge could be limited to $4.00 per month. New utility customers with STEPs would incur the full surcharge.

- Reduce the surcharge by 20 percent. Staff have re-evaluated the cost analysis supporting the 2005 moratorium on STEP systems. As a result, the proposed surcharge can be reduced from $13 per month to $10.25 per month. Public costs of approximately $2.75 per month incurred by the LOTT Alliance for increased treatment costs of STEP effluent have appropriately been eliminated from the City's surcharge.

For more information, contact:

Andy Haub, Engineering & Planning Supervisor
Public Works Department
Phone: (360) 753-8475
Fax: (360) 753-8087
E-mail: publicworks@ci.olympia.wa.us

Last updated: 10/25/2006 3:52:30 PM

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Olympia, WA 98507-1967

Virginia Tech
VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

Virginia Cooperative Extension
Knowledge for the CommonWealth

VIRGINIA STATE UNIVERSITY

Small Community Wastewater Collection Systems

Author: The Water Quality Program Committee, Virginia Tech*

*Funding for this project was provided, in part, by Extension Service, USDA, under grant number 91-EWQI-1-9034, "Residential Watershed Management," and by the Virginia Department of Conservation and Recreation, under grant number 94-0612-10, "Residential Water Quality Management."

Publication Number 448-405, July 1996

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Introduction

An important consideration that is often neglected when small community wastewater systems are being designed is the type of sewer system that will be used to transport the wastewater to the treatment system. The collection system generally comprises 70 to 90% of the total construction costs for a new wastewater treatment system. Conventional gravity sewers were designed to serve high density urban/suburban areas. When used as part of a system that serves small or rural communities, conventional sewers often add significant and unnecessary costs. The U.S. Environmental Protection Agency recommends that small communities consider the use of an alternative wastewater collection system, or a combination of conventional and alternative systems.

Conventional sewer systems depend on gravity to deliver the sewage from each property to the treatment plant. Therefore the system's collection pipes must continuously slope downwards. Solids are not separated from the wastewater before it enters the network of collection pipes. To ensure that the pipes do not become clogged with solid material, the downward slope of the pipes must be at a steep gradient that is uniform throughout the system. The pipes must also be laid in straight alignments between manholes to ensure that when a stoppage does occur it can be readily accessed. For conventional sewer systems that serve a large area, there will likely be elevation differences within the network of collection pipes that will require a lift

station to transport the sewage to the higher elevation. These requirements can make conventional sewer systems very expensive to install.

The principal advantage that alternative collection systems have over conventional systems is the lower cost of installing the network of collection pipes. The network of piping for an alternative collection system can be laid in much shallower and narrower trenches. They also do not need to be laid in a straight line or with a uniform gradient. This means they can be laid in such a manner as to easily avoid obstacles. There can be disadvantages in using an alternative collection system. Some systems require the separation of solids before the liquid can enter the network of collection pipes, while others need the aid of a mechanical device to propel the sewage through the system. When the population density is high for an area, and the required length between service connections is short, the additional requirements of alternative systems can make them more costly than a conventional system. However, where the use of alternatives is appropriate, the EPA estimates that communities can reduce overall collection costs by 25 to 90%. The consideration of alternative collection systems is appropriate when:

- The wastewater treatment system will only be serving a small community of 10,000 people or less.
- Many of the properties currently have on-site systems such as septic tanks or aerobic treatment units.
- The average lot size per property is more than one-half acre.
- There will be fewer than 100 homes per mile of sewer pipe.
- The system will serve a community on very hilly terrain.
- There are subsurface obstacles, such as bedrock or groundwater, close to the ground's surface.

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Small Diameter Gravity Sewers

Small diameter gravity sewers use gravity to transport sewage, much like conventional sewers do. However, small diameter gravity sewers are always preceded by a septic tank. The settling that first occurs in the septic tank eliminates much of the solid matter from the wastewater. This enables the collection pipes to have a smaller diameter and a more gradual incline. The pipes used are made of light weight plastic and can be buried at a relatively shallow depth. Manholes are not required for small diameter gravity systems; instead, clean out ports are used to service collector pipes. When it is necessary for the flow to be directed upwards, effluent pumps can be utilized to move the wastewater to higher elevations. High water alarms are normally installed in the septic tanks to alert property owners of any potential problems with their part of the system.

Small diameter gravity sewers are well suited for communities where the houses are far apart, or where most houses are served by an existing septic tank. Areas with a high housing density or with extremely hilly terrain are not as conducive for the use of this type of system. Operation and maintenance costs for small diameter gravity sewer systems are compatible to that of conventional gravity systems. Depending on the size of the system, one to two persons can be employed on a part-time basis to handle operation and

maintenance, although at least one person should be on call at all times. The only additional maintenance requirement is the periodic pumpout of the septic tanks, which is usually done every three to five years by a contractor hired by the community.

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Pressure Sewers

Instead of relying on gravity, pressure sewers utilize the force supplied by pumps, which deliver the wastewater to the system from each property. Since pressure sewers do not rely on gravity, the systems network of piping can be laid in very shallow trenches that follow the contour of the land.

There are two kinds of pressure sewer systems, based upon the type of pump used to provide the pressure. Systems that use a septic tank effluent pump combination are referred to as STEP pressure sewers. Like the small diameter gravity system, STEP pressure sewers utilize septic tanks to settle out the solids; this allows for the use of piping that is extremely narrow in diameter. The effluent pump delivers the wastewater to the sewer pipes and provides the necessary pressure to move it through the system.

The other type of pressure sewer uses a grinder pump. Wastewater from each property goes to a tank containing a pump with grinder blades that shred the solids into tiny particles. Both solids and liquids are then pumped into the sewer system. Because the effluent contains a mixture of solids as well as liquids, the diameter of the pipes must be slightly larger. However, grinder pumps eliminate the need to periodically pump the septic tanks for all the properties connected to the system. Both the STEP and grinder systems are installed with high water alarms. Because of the addition of the pumps, pressure sewers tend to require more operation and maintenance than small diameter gravity sewers. Operators can usually be hired on a part time basis, as long as someone is on call at all times. Operators will need training on both the plumbing and electrical aspects of the system.

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Vacuum Sewers

Wastewater from one or more homes flows by gravity to a holding tank known as the valve pit. When the wastewater level reaches a certain level, sensors within the holding tank open a vacuum valve that allows the contents of the tank to be sucked into the network of collection piping. There are no manholes with a vacuum system; instead, access can be obtained at each valve pit. The vacuum or draw within the system is created at a vacuum station. Vacuum stations are small buildings that house a large storage tank and a system of vacuum pumps.

Vacuum sewer systems are limited to an extent by elevation changes of the land. Rolling terrain with small elevation changes can be accommodated, yet steep terrain would require the addition of lift stations like those used for conventional sewer systems. It is generally recommended that there be at least 75 properties per pump station, for the use of a vacuum sewer system to be cost effective. This minimum property requirement tends to make vacuum sewers most conducive for small communities with a relatively high

density of properties per acre. The maintenance and operation of this system requires a full-time system operator with the necessary training. This can make the operation and maintenance costs of vacuum sewers exceed those of other systems.

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Conclusion

Some communities may find that their wastewater collection needs cannot be adequately met by any one particular system. It is often the case that a combination of various systems, including conventional systems, will be needed to overcome all the site limitations for the lowest cost. An important fact to remember when considering alternative systems is that they tend to require a greater amount of participation by the homeowner. Therefore, the need for community involvement in the choice of systems is important. Questions concerning homeowner maintenance requirements, or the possibility of hiring a contractor to routinely service the system for the community, need to be discussed before any final decisions are made.

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Visit Virginia Cooperative Extension

MAINTENANCE OF PVC SEWER PIPE

UNI-TR-3-03

A technical report prepared by the:

PVC PIPE ASSOCIATION
FOUNDED IN 1971 • NUMBER 1 PIPE USED TODAY

ABSTRACT

The Technical Report provides review and evaluation of maintenance requirements for PVC sewer pipe manufactured to meet ASTM D 3034 (SDR 35). PVC sewer pipe response to aggressive environments typical in gravity-flow sanitary sewer systems is evaluated. Recommendations are provided for cost-effective maintenance procedures for PVC sewer pipe systems. Information and recommendations were obtained from system managers, maintenance personnel, pipe manufacturers and equipment manufacturers. Supporting data were obtained from field evaluation and laboratory research. Experience and research demonstrate that PVC sewer pipe provides viable solutions to many common maintenance problems.

Prepared by the

UNI-BELL PVC PIPE ASSOCIATION*

MEMBERS:**

BRISTOLPIPE

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More information concerning Member Companies can be obtained by calling or writing Uni-Bell.

The statements contained in this technical report are those of the Uni-Bell PVC Pipe Association and are not warranties, nor are they intended to be warranties. Inquiries for information on specific products, their attributes and recommended uses and the manufacturer's warranty should be directed to member companies.

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* *Originally published as UNI-TR-3-82. Last previous edition UNI-TR-3-82*

** *Regular members as of May 2003. A complete and current member list can be obtained at our web-site www.uni-bell.org.*

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MAINTENANCE OF PVC SEWER PIPE

INTRODUCTION

Sanitary sewer system operators today cannot yield to the false security derived from the antiquated philosophy, "bought, buried and forgotten." Without question, wastewater collection and treatment have become a huge and vital industry throughout the civilized world. Such big business demands a big effort in cost effective management.

The design, installation and operation of sanitary sewer systems must assure predictable and affordable long-term performance cost. An essential element of long-term performance cost is the cost of system maintenance -- both scheduled preventive maintenance and unscheduled emergency repairs.

This technical report is dedicated to the review and evaluation of maintenance requirements for PVC sewer pipe manufactured to meet ASTM D 3034 (SDR 35 and SDR 26). The principal objectives in this analysis are as follows:

- Evaluate PVC sewer pipe response to aggressive environments typical in gravity-flow sanitary sewer systems.
- Provide recommendations on cost-effective maintenance procedures for PVC sewer pipe systems.

In pursuit of these objectives, information and data were obtained from the following sources:

Sanitary sewer system managers
Sanitary sewer maintenance personnel
Field evaluation
Laboratory research
Equipment manufacturers
Pipe manufacturers

AGGRESSIVE ENVIRONMENTS

A sanitary sewer system is commonly considered to be a harsh environment. Various aggressive elements work together ceaselessly in the attempt to compromise the integrity of a sanitary wastewater collection system. Essentially, all system maintenance is designed to provide the following:

1. A clear, unobstructed pipe bore.
2. A seal in pipe and joints which limits infiltration/exfiltration to minimum levels.
3. Effective collection and transport of wastewater.

System integrity and capacity in most sanitary sewers is commonly challenged by a number of aggressive environments including the following:

Root intrusion	Abrasion
Infiltration	Grease deposition
Excessive slime accumulation	Grit accumulation
Corrosion	

Problems in some sewer pipes can force the need for emergency repairs:

Shear breakage	Obstruction
Beam breakage	Severe deterioration
Cracking	Collapse

In summary of potential aggressive environments, it should be reported that the greatest concerns commonly reported were as follows:

1. Root intrusion
2. Excessive infiltration
3. Corrosion

RESPONSE TO AGGRESSIVE ENVIRONMENTS

Root Intrusion. When considering root intrusion, it is commonly conceded by engineers and operators that prevention of root intrusion is imperative in modern wastewater collection systems. Such a requirement dictates (1) that pipe joints must not leak and (2) that pipe must not crack. Any opening in the pipe or its joints which can permit leakage can provide access for tree roots.

The manager of collection system operations for a major sanitary district in California discussed the problem, "My first concern is the pipe product's joint. Will it leak? Is it root proof? Will debris hang-up on it?" He explained that the biggest problem experienced in his system maintenance is caused by root entry at pipe joints.

The manager's concerns are typical. His experience with PVC sewer pipe with gasket joints is also typical. He had found no root intrusion problems with PVC sewer lines. It is commonly recognized that PVC sewer pipe with gasket joints as commonly installed is not vulnerable to root intrusion.

A PVC sewer pipeline which had been in service in Oregon for over six years without cleaning was recently televised. The system manager was particularly concerned about root intrusion since must of his system was plagued by root problems. The line was surprisingly clean. No roots, no significant grease deposition and no significant sliming were noted in the PVC sewer line.

Research was conducted in Pell City, Alabama to evaluate the integrity and root resistance of PVC sewer pipe gasket joints manufactured in accordance with ASTM D 3212. In July 1977, six PVC sewer pipe joints (6" diameter, ASTM D 3034, DR 35) were assembled in a continuous piping assembly and then installed in a soil box. A seven-foot weeping-willow

tree was then planted directly over the pipe joint assembly. (See Figure 1.) A constant flow of well water through the pipe joint assembly was provided for the duration of the test. After 15 months of exposure, the test was concluded when the tree died due to lack of water. Pipe joints were examined at the conclusion of the test. No root penetration occurred in the joints even though numerous "hair fine" roots were embedded in the soil around the lip of each bell.

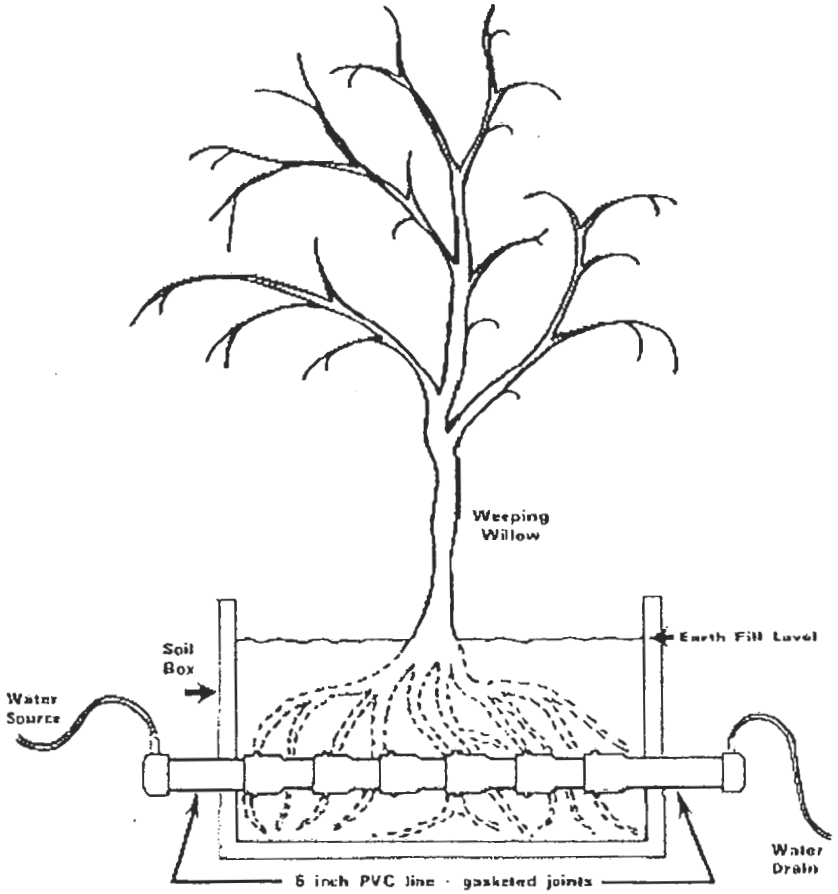

FIGURE 1
ROOT RESISTANCE RESEARCH

Concern has been expressed by some sanitary sewer system operators that PVC sewer pipe joints could leak and permit root intrusion if subjected to "excessive deflection." Research was conducted at the Utah State University Buried Structures Laboratory to evaluate the performance of integral bell gasket joints when deflected by severe earth loading conditions. The gasket joints tested were manufactured to meet the requirements of ASTM D 3212.

Tests were conducted on eight inch PVC sewer pipe (ASTM D 3034, SDR 35) with integral bell gasket joints. Test specimens were installed in sandy silt. Soil densities were measured using a nuclear density gauge. Tests were conducted in embedment soils placed

with 85 percent standard Proctor density and in embedment soils with 65 percent standard Proctor density (AASHTO T-99). Specimens were tested under loads equivalent to buried depths greater than 35 feet. Abusive conditions were created by placing a 10-pound rock on the male spigot end next to the bell joint. (See Figure 2.) Joints were tested with 3.5 psi air pressure held for five minutes. Results obtained in this research are summarized in Table 1.

Both field experience and laboratory data clearly demonstrate that PVC sewer pipe with gasket joints, properly installed, is not subject to root intrusion. Obviously, use of saws or augers for root removal in PVC sewer pipe cannot be considered necessary. The division engineer for a major metropolitan district in Connecticut advised, "We have no record of root infiltration in PVC pipe. Keep in mind that all (of our PVC) joints are made with compressed rubber rings and these joints are more or less common with all piping materials used today. We believe, however, that the types of joints used on PVC pipe utilizing rubber gaskets are the best we can obtain."

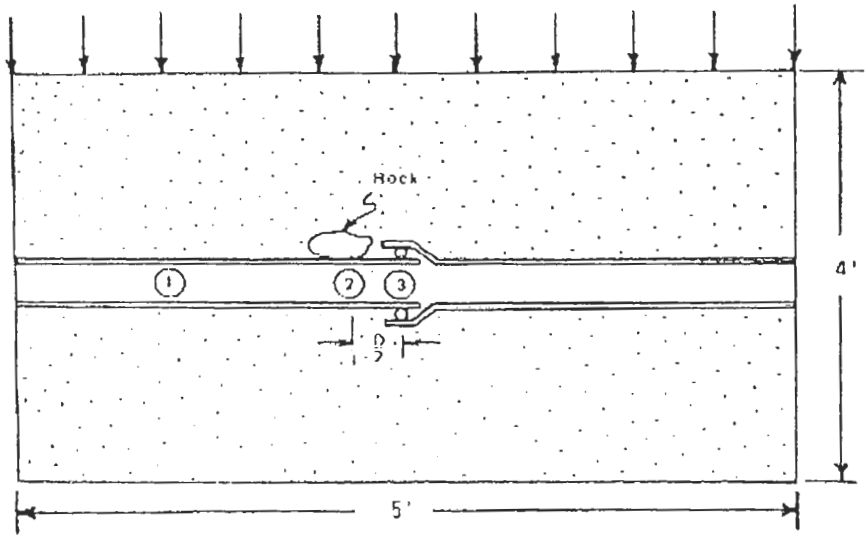

FIGURE 2
ABUSIVE TEST CONDITION FOR PVC JOINT TEST
IN SOIL CELL WITH TEN POUND ROCK ON SPIGOT END

TABLE 1
RESULTS OF PVC JOINT TEST

Test No.	Test Description	Percent Deflection When Test Terminated			Comments*
		1	2	3	
1	85% soil density no rock	33		27	No leakage at 11,700 lb/ft² (H = 97 ft)
4	65% soil density no rock	30		25	No leakage at 5,840 lb/ft² (H = 48 ft)
		43			No leakage at 11,687 lb/ft² (H = 97 ft)
2	85% soil density with rock	33	43	32	No leakage at 11,700 lb/ft² (H = 97 ft)
3	65% soil density with rock	20	43	18	Joint leaked at 4,370 lb/ft² (H = 36 ft)

* Leakage test conducted with 3.5 psi air pressure held for five (5) minutes>

Infiltration. When system integrity precludes the possibility of root intrusion in sewer pipe, another major problem, infiltration, is effectively eliminated. PVC sewer pipe with gasket joints can easily satisfy a maximum infiltration limit of 50 gallons per inch of diameter per mile per day. The superintendent of a large sewer system in Illinois reported that severe infiltration problems influenced his decision to try PVC sewer pipe seven years ago. He advised that "PVC sewer pipe greatly reduced infiltration problems" in his system. As a result, in the last there years he has used nothing but PVC sewer pipe in his system.

Slime Accumulation and Corrosion. Evaluation of slime accumulation in PVC sewer pipe has been difficult. Sliming conditions vary with changes in wastewater, ambient temperature, flow velocities and flow volumes. We have not received reports on wastewater collection systems where sliming has proven to be a problem in PVC sewer pipe.

Perhaps, the greatest concern regarding slime accumulation in sanitary sewer pipe relates to the generation of sulfuric acid (H_2SO_4). In a sanitary sewer the generation of sulfides principally occurs within the slime layer that can accumulate on the inner wall. Severe corrosive conditions can occur in some sewer pipes when sulfuric corrosive conditions can occur in some sewer pipes when sulfuric acid is derived through the oxidation of hydrogen sulfide by bacterial action on the exposed sewer pipe wall above the wastewater flow level.

Polyvinyl chloride (PVC) is essentially inert in the presence of dilute sulfuric acid. In consequence, the advent of severe corrosive conditions subsequent to slime accumulation is not a problem in PVC sewer pipe.

When wastewater system operators have considered it necessary to perform maintenance on PVC sewer pipe to remove accumulated slime, they commonly use high-pressure hydraulic cleaners, "pigs" or "balls."

Occasionally, system operators have expressed concern regarding use of "pigs" or "balls" in maintenance of a sewer pipe that is designed to deflect. No difficulties have been reported in use of "pigs" in cleaning of PVC sewers. One wastewater district reported that in the cleaning of a "deflected" PVC sewer pipe they found it desirable, for optimum efficiency, to remove some air pressure (about 4 psi) from their inflatable cleaning ball.

The operations manager of a California sanitary district offered his comments on cleaning deflected pipe:

"After 30 years of maintaining a collection system of (mostly) round pipe, the thought of permitting something out-of-round to become a part of that system was disturbing. We questioned whether we could clean and maintain a deflected, thin-walled plastic pipe with the equipment and techniques available to us. Could we do it without tearing up the pipeline or the equipment -- Our answer turned out be to 'yes'."

Grease Deposition. Occasionally, in sanitary sewers excessive grease deposition can create problems. Of course, in the most severe cases the accumulated grease will be present in hard-packed deposits. In some cases, high-pressure hydraulic cleaners can remove grease deposits; however, occasionally mechanical cleaning tools (e.g., cutting blades) are required. Such tools have been used without difficulty in PVC sewer lines.

A major California sanitary district reported that the potential for grease build-up, because of irregular grade and low flows, is "just as great in PVC as other products." However, they reaffirmed the common opinion that grease accumulation in a properly designed and installed PVC sewer system is not significant. The operations manager of a wastewater system in a major Texas city reported that grease deposition in sewer pipes, in his opinion, varies considerably according to conditions. He noted that he had experienced no particular problems in cleaning PVC sewer pipe with grease deposits over a period of about 10 years. A major metropolitan district in Connecticut reported that they have no record of grease buildup in any plastic sanitary sewer pipes over a period of 17 years. The district reported that they have records of continuing grease buildup in some non-plastic lines that have grades, flow velocities and wastewaters comparable to those experienced in PVC sewer lines.

Obstructions. Perhaps, it is inevitable that, on occasion, maintenance procedures will be required to remove obstructions in sanitary sewer lines. Commonly, when this problem is experienced, mechanical cleaning devices are required.

Response to this potential crisis is similar in most sanitary district. The scenario is typical. An angry homeowner calls with unflattering opinions of the city sanitary system management and urgent concerns over a stoppage in a sewer line. The maintenance crew is dispatched with rodding equipment. Perhaps, they find the stoppage in an eight-inch mainline. They immediately run a four-inch root auger through the line. Having broken up the stoppage, they then flush the line clean. The crew returns tired and dirty -- frequently without "thanks."

Obviously, the above described maintenance procedures will typically be effective in most sewer pipes -- VCP, concrete, A/C or PVC. However, on occasion, engineers and operators express concerns regarding the potential for damage to PVC pipe by rodding equipment, root augers, etc.

The first concerns regarding damage to PVC pipe by mechanical cleaning equipment were directed toward small diameter, "drain, waste and vent" PVC pipe used in house plumbing. In 1963 research was conduced in Aurora, Ohio, to determine the effects of cleaning this pipe with an electrical sewer-pipe auger. A four-inch diameter assembly made from PVC pipe and fittings (*e.g.*, wye, elbow) was plugged with debris (*e.g.*, rags, paper and rubber). The debris was rammed tightly into the pipe assembly. Water was poured into the assembly to verify stoppage and to simulate realistic conditions.

The four-inch piping assembly was then cleaned with a 3.5 inch coiled, saw-tooth edge cutting tool. The rotary cleaning tool was moved through pipe and fittings to the point of obstruction. After five minutes of forcing, the cutting tool broke through the hard-packed stoppage. At no time did the cleaning tool penetrate the wall of the PVC DWV pipe or fittings.

The pipe and fitting assembly was then cut along its length to permit inspection. After thorough examination it was reported:

> "The conclusive results of this test showed that a rotating cutter blade, although smaller in diameter and subjected to more whip and play, did not abrade, cut, scratch or physically mar the inside surface of the Schedule 40 PVC-1 Drain, Waste and Vent pipe or fittings."

Similar tests were conducted to evaluate the effect of standard rotary-blade sewer cleaning equipment on PVC sewer pipe. These tests were conducted in Newark, New Jersey, in 1975.

An assembly of PVC sewer pipe was prepared as shown in Figure 3. Blockages (about one foot in length) were placed as shown. Blockages were prepared using "compacted wet excelsior, paper diapers, sand, toilet tissue, soap pads, sanitary napkins, wooden sticks and sponges." In addition, the eight-inch diameter pipe was flexed with mechanical clamps at three locations as shown to develop deflections of 5, 10 and 15 percent. The pipe tested was manufactured to meet ASTM D 3034.

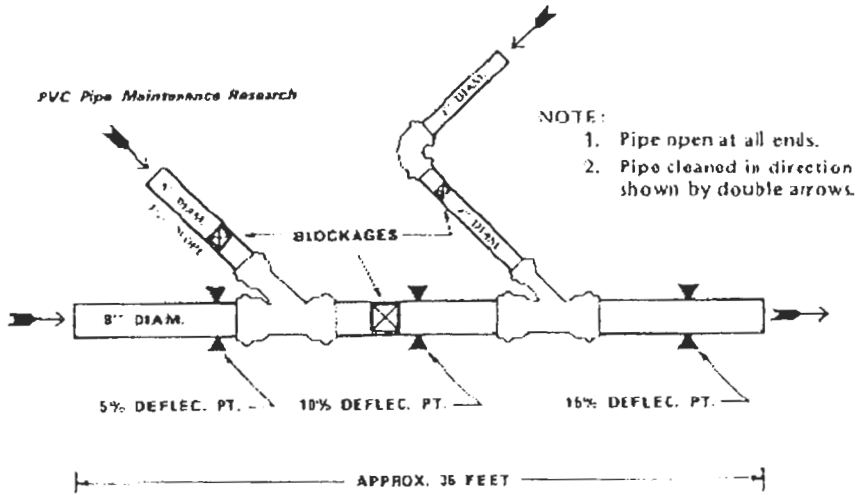

FIGURE 3

TEST APPARATUS SET-UP -- (PLAN VIEW)

(Not to Scale)

The pipe assembly was then cleaned using a Roto-Rooter® Sewer Cleaning Machine Model No. 55 with 5.5" cutting blade (for 8 and 6 inch lines) and 3" cutting blade (for 4 inch lines). The cleaning tool was rotated at approximately 175 RPM. The rotating blades were forced through all stoppages. The blades were then run in and out of each length of pipe and each fitting 15 times to stimulate repetitive cleaning procedures. At no time did the cleaning apparatus cut through the wall of the pipe or fittings.

After cleaning operations, the piping assembly was cut into numerous short lengths to facilitate inspection. Careful inspection revealed minor surface scratches and evidence of slight to moderate abrasion in several locations. At the point of 15 percent deflection, the testing laboratory reported, "surface scratches with moderate abrasion at point of deflection."

The laboratory reported minor "surface gouges" in the four-inch elbow. The testing laboratory's final conclusion was:

"Overall, wall thickness was not reduced an no section was damaged to any critical extent as a result of this test."

Although laboratory data and field experience demonstrate that PVC sewer pipe can be cleaned with mechanical devices without difficulty, reasonable care is advised. A California sanitary district reported one unfortunate experience in cleaning of a PVC sewer line. A maintenance crew when rodding a non-plastic sewer line, "inadvertently entered a PVC sewer line" without knowledge of change in the pipe material. In rodding, they "cut a hole through the side of a tee fitting." The district operations manager considered the circumstances extraordinary and does not fear reoccurrence. He has "not found cutting problems any other time in PVC sewer pipe or fittings when rodding." Other PVC sewer system maintenance personnel expressed surprised at this report.

The water and sewer superintendent of a city in Missouri reported, "We have PVC sewer pipe in our system which has been in service for 16 years. On rare occasions, we have removed blockages in our PVC sewers using an electric eel and a corkscrew. We have experienced no problems using this type of cleaning equipment in PVC sewer pipe."

Grit Accumulation. In some sanitary sewer collection systems grit accumulation can prove to be a problem. Frequently, preventive maintenance procedures using high-pressure hydraulic cleaners, "pigs" or "balls" can remove moderate grit deposits. If grit deposits are severe, "buckets" may be used. Of course, system managers strive to insure that their systems are designed, installed and regulated to prevent severe grit deposit problems.

An experienced manager of a large sanitary district advised: "Always get the best initial installation. That is the life and death of system maintenance." Proper installation can preclude most deposition problems. A sanitary sewer system manager in Texas advised that he had successfully removed a large deposit of rocks in a PVC sewer line (caused by children with misdirected energy) using a bucket. He noted evidence that he had scraped and scratched the inner wall of the pipe; however, the pipe remains in service without problem.

Abrasion. On occasion, concern is expressed regarding the potential damage that could be caused by abrasion. Engineers and operators may fear the effects of abrasion caused by moving sand and grit, as well as repetitive cleaning procedures in PVC sewer pipe. It should be noted that PVC, as well as some other solid wall plastic pipes, are commonly used in pneumatic conveyance systems for the transport of solids (*e.g.*, mill tailings, aggregates, ore, food materials, etc.). Such conveyance systems typically suffer under extremely abrasive conditions. PVC pipe is frequently selected because in such applications the pipe can out-wear many types of metal and non-plastic pipes. PVC pipe is well suited for gravity flow systems were abrasive conditions can be promoted by water transport of solids.

Research was conducted in 1972-73 at the Institute of Hydromechanic and Hydraulic Structures of the Technical University of Darmstadt (W. Germany). Testing was performed to evaluate the relative abrasion resistance of several pipe products used in sanitary sewers. A slurry of Rhine River sand and gravel mixed with water was placed in pipe specimens that were then mounted on "tipping racks." The incline of the pipe specimens was alternated repeatedly in a manner similar to a child's "teeter-totter." The amplitude of the up and down movement was selected to insure that abrasive material was moving even on the roughest surfaces. The sand and gravel slurry was replaced after every 200,000 alternating cycles. Results from their research were reported as follows:

- Concrete (without lining) - measurable wear at 150,000 cycles
- Concrete (with lining) - measurable but displaying less wear at 150,000 cycles
- Vitrified Clay (glaze lining) - minimal wear at 260,000 cycles (accelerated wear after glazing wore off at 260,000 cycles)

- PVC Pipe - minimal wear at 260,000 cycles (about equal to glazed vitrified clay, less than VCP after loss of VCP glazed lining)

It can be stated simply, that if severe abrasion is anticipated in a sanitary sewer, PVC sewer pipe is a good selection.

RECOMMENDED PROCEDURES FOR MAINTENANCE

Having reviewed and analyzed PVC sewer pipe response to common aggressive environments, it is not difficult to offer recommendations for proper maintenance.

Technology currently employed in the maintenance of most sanitary sewer systems (VCP, Concrete, A/C, PVC) is generally summarized as follows:

1. Periodic Inspection
   - Visual
   - Television
2. Scheduled Preventive Maintenance
   - Hydraulic Flushing
   - High-pressure hydraulic cleaning
   - Cleaning "balls"
   - Cleaning "pigs"
   - Rodding (occasional)
   - Bucket Cleaning (occasional)
   - Relining (occasional)
   - Grouting (occasional)
3. Unscheduled Emergency Maintenance
   - High-pressure hydraulic (occasional)
   - Rodding
     - root augers
     - root saws
     - blades
   - Buckets

Although some of the above listed cleaning methods may never be used in the maintenance of PVC sewer pipe, no characteristic of the pipe material renders common cleaning procedures impractical or uneconomical. In general, common sense prevails in the cleaning of PVC sewer pipe. Maintenance procedures, when required, are obvious and work well. No documented report has been received from a sanitary district that demonstrates exceptional problems or costs in the maintenance of PVC sewer pipe.

Today, many major sanitary sewer districts perform routine maintenance of PVC sewer pipe with high-pressure cleaners. The economies of this maintenance procedure are obvious when compared with the effective cost of rodding. However, high-pressure cleaning is not suitable in many cases for the maintenance of some sewer pipe materials which are extremely vulnerable to root intrusion and, therefore, does not typically require rodding.

Invariably, in the long term, scheduled preventative maintenance proves to be less expensive than unscheduled emergency maintenance.

A major factor in the cost of sanitary sewer maintenance relates to the selection of sanitary sewer pipe materials that do not require extensive maintenance. Many major municipal systems and sanitary districts are, today, selecting sanitary sewer pipe that assures reasonable and acceptable maintenance costs. PVC sewer pipe satisfies such needs.

When asked for specific information on cost of PVC sewer pipe maintenance, a California manager of system operations responded, "PVC sewer requires practically no maintenance. I have yet to find a severe maintenance problem in PVC sewers."

A Missouri city water and sewer superintendent advised, "Our maintenance problems with PVC sewer pipe in 16 years have been practically nil."

The public works department of a major Texas city advised that low maintenance cost has been a prime consideration in their decision to specify PVC sewer pipe.

A Connecticut city's division engineer reported, "We have found that PVC piping materials . . . do not need maintenance of any sort when the discharge of sewage meets with our ordinance requirements."

A city in Virginia reported that they specify PVC sewer because they can easily hold infiltration to reasonable limits.

No cities have expressed fears regarding bad experiences with PVC sewer in systems where severe sulfide corrosion is common.

CONCLUSION

An engineer or an operator would be ill advised to assume that any sanitary sewer pipe product can invariably offer maintenance free service. Reasonable inspection and proper preventive maintenance procedures for all sanitary sewer systems are generally well advised. PVC sewer pipe, of course, cannot be considered the perfect solution to all sanitary wastewater collection problems; however, experience demonstrates that it can solve many common maintenance problems.

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PREDICTING THE RESIDUAL LIFE OF PVC SEWER PIPES.

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ABSTRACT
Ipswich Water commenced reviewing the service lives of different pipe materials in its gravity sewer system. Unlike other pipe materials, PVC sewers did not have failure histories, or deterioration revealed in CCTV inspections, even after 25 years of service. Therefore establishing a realistic predicted life was not possible using statistical analysis of historical field failure data. The approach taken was to exhume a number of elastomeric seal jointed PVC sewer pipes that had been in service for periods of up to 25 years. The samples were tested for selected mechanical properties and joint performance characteristics which might be considered age dependant. The results indicated there had been no deterioration in the material and the joints continued to meet current performance specifications. Two methods of quantifying the condition of PVC sewer pipelines and predicting the residual life are suggested. Based on this analysis, the pipelines examined have not exhibited any significant deterioration and should provide many more years of service.

INTRODUCTION
A number of overseas studies have been made into the effects of ageing of PVC sewer pipes. Moser et al (1) examined the long-term creep characteristics and physical properties of PVC pipes buried over 14 years and found there was no change in stiffness or resistance to flattening. Bauer (2) examined 10 inch PVC sewer pipes that had been in service for 15 years. The pipes exhibited no evidence of loss of wall thickness due to abrasion and no deterioration of mechanical properties. Janson (3, 4) reported on the performance of PVC sewer pipe aged for over 9 years under controlled conditions and reported there was no reduction in the ability of the pipes to resist loads. Alferink et al (5) examined a number of exhumed sewer pipes. They found no evidence of reduction in yield strength, stiffness or wall thickness. Staining of PVC sewer pipes in the immersed part of the internal wall and the outside wall in acid soils has been reported (6) and shown to not adversely influence the mechanical properties of the pipe. The affect of sulphuric acid on PVC sewer pipes was studied by Hawkins and Mass (7). They concluded there was no basis for concerns about sewer-gas acids attacking the calcium carbonate filler.

In the present study PVC pipes, made to the Australian Standard applicable at the time of manufacture and subjected to Australian installation and service conditions, were exhumed and subjected to a range of mechanical tests on the material and joints. In addition, an assessment was made of any possible loss of wall thickness due to abrasion.

RESIDUAL LIFE OF THE PIPES
Sagrov (8) proposed a method of assessment of the durability of concrete sewer pipes. The method entailed measuring those characteristics of the pipe that are considered to influence its life. Each characteristic was assigned a reference value R_1 representing an acceptable value

and a weighting factor W_I dependant on the significance of the quality being considered. The actual test result was identified as M_i. The quality number Q was determined according to equation (1).

$$Q = \sum_{i=1}^{n} W_i \times \frac{M_i}{R_i} \qquad (1)$$

Where n = number of test methods

Sagrov nominated several quality number intervals including 0.8 – 1.0 (good), 0.6 – 0.8 (acceptable) and 0.4 – 0.6 (non-suitable). In this work, 0.8 – 1.0 has been designated as "acceptable". Pipes are assumed to have a quality number of 1 at the time of installation. In the case of PVC sewer pipes the characteristics that will determine the residual life of the pipe are expected to be joint integrity, loss of wall thickness or deterioration in strength or stiffness of the pipe matrix. In this work it is assumed the ovality of the buried pipe is largely determined by the installation conditions and can be monitored in situ. Whilst physical ageing of PVC would be expected to result in an increase in some of the strength characteristics it is proposed that the ratio $\frac{M_i}{R_i}$ be restricted to a maximum of one. This is intended to prevent the anomalous situation where a pipe that has been in service for a short time apparently has a longer residual life than when first installed. It must also be recognised that a catastrophic result in one characteristic should not be overridden by good results in others.

An alternative, mathematical technique using linear multivariate regression analysis has also been applied to the data. Again a lower acceptable limit of 0.8 has been arbitrarily applied to the quality number.

PIPE DETAILS AND OPERATING CONDITIONS

A total of seven pipes, as detailed in Table 1 were exhumed. Six of the pipes were received from Ipswich Water. The seventh was exhumed by Sydney Water at Winmalee in the Lower Blue Mountains. All pipes were class SH which is equivalent to an SDR of 38.

TESTING

The pipes were subjected to a series of tests to determine the condition of the pipe material, assess the integrity of the joints and ascertain whether there had been any loss of wall thickness due to abrasion.

The pipes samples were cut to length and mounted in a pressure test rig with restrained end enclosures. Each assembly was filled with water and subjected to an internal pressure of 80 + 5, -0 kPa for 60 +5, -0 minutes at 20°C. The joints were examined for any evidence of leakage. At the completion of the pressure test the assemblies were drained and subjected to an internal vacuum corresponding to a gauge pressure of –80 –5, +0 kPa for 60 +5, -0 minutes, also at 20°C. Again the joints were examined for any evidence of leakage.

TABLE 1. Details of Exhumed Pipes.

Parameter	Sample Number						
	00/1	00/2	00/3	00/4	00/5	00/6	00/7
Source	Ipswich						Winmalee
Nominal Diameter	150				225		150
Year Made	1975		1984		1989		1980 Est.
Burial Depth mm	1500	3500	1800	800	2250	800	2000
Depth of Flow %	15%	15%	15%	10%	20%	35%	Very low
Temp. of Flow ^{0}C	22.4	22.4	25.8	25.8	25.1	25.2	-
Sample Location	Private Property				Park		
Condition sample	Good			Damaged	Good		
Infiltration	None						
Evidence of Gas	None						-
Bedding	Sand				Gravel		-
Back Fill	Excavated Material				Lean Mix	Excavated Material	
Built-over?	No						
Type of surrounding Soil	Black soil		Clay and Crushed Rock		Black Soil		Silty gravel
Trees nearby?	One		No				Yes
Distance to trees m	>3.0		N/A				2

The profile of the interface pressure between the spigot and elastomeric seal was measured for each joint in accordance with the revised Australian/New Zealand Standard, AS/NZS1462:13. The flattening test was performed on each pipe sample by compressing a hoop of the pipe between parallel plates to 40% of its original diameter.

The pipe stiffness was measured at a deflection equal to 5% of the internal diameter in accordance with AS/NZS 1462:22. The flexural modulus was then calculated from the relationship between the pipe stiffness, diameter and wall thickness according to equation (2).

$$PS = \frac{EI}{D^3} \qquad (2)$$

Where PS is the pipe stiffness, E the flexural modulus, I the second moment of area of the pipe wall section and D the mean pipe diameter.

The resistance to impact was measured using an instrumented machine with an indentor of 12.5mm diameter travelling at a velocity of approximately 1.5m/s. The samples were tested by impacting half sections of pipe centred over a hole in the plate upon which the section was supported. The results were reported as either brittle or no fracture. The peak load, and in the case of brittle fracture, also the load at break were recorded. The yield strength, yield strain, ultimate tensile strength and ultimate elongation were measured to ASTM D638 with Type 1 specimens and a crosshead speed of 5mm/min. In each case the reported result is the average of at least 7 dumbbells.

The gelation level and processing temperature were determined by differential scanning calorimetry (DSC). Whilst these characteristics are not specified in any of the relevant

product standards, the results provide a means of comparing processing conditions between the exhumed pipes and contemporary product.

The wall thickness of each pipe was measured by micrometer at 45° intervals around the circumference, starting at the crown. The crown was identified by the markings made at the time of exhumation and was confirmed by the location of the black, sulphide staining at the invert of the pipe (Fig. 1).

RESULTS AND DISCUSSION

With the exception of sample 00/4, all the joints passed both the infiltration and exfiltration tests. Sample 00/4 leaked in both tests because of damage to the spigot that apparently caused by an excavator. There was a long score mark along the top of the spigot which ended at the socket which was also damaged. The stress that had been applied to the top of the pipe was sufficient to permanently distort the spigot (Figs. 2 – 3). There was also damage evident on the socket of 00/6 (Fig. 4) that looked like a crowbar or tooth from an excavator had caught the lip of the socket. This did not cause failure in either the pressure or vacuum test. It was observed that many of the pipes exhibited a staining pattern that had the appearance of tree roots in contact with the pipe (Fig.5). The results show that except in the case of the damaged spigot, the joints have maintained their integrity for up to 25 years and continue to meet the infiltration and exfiltration requirements of new pipe as specified in AS/NZS1260.1999

Only the DN225 joints exhibit an interface pressure that meets the minimum requirements of the product Standard, AS1260-1984 (Table 2). That is, an initial interface pressure of not less than 0.55 MPa over a continuous length of at least 7mm. All the DN150 joints, except the damaged 00/4, exceeded the interface pressure of 0.4MPa over at least 4mm, as required by the current version of AS/NZS1260. When the joints were disassembled for the interface pressure test, there was no evidence of microbiological attack on the rubber. Nor was there any suggestion of tree root intrusion despite the external staining pattern that implied tree roots were in close proximity to many of the pipes.

All samples of exhumed pipe withstood the flattening test without any cracking or breaking. The flattening test suggests there were no major flaws in the pipe such as weaknesses in the weld lines that are formed in the extruder die-head..

TABLE 2. Interface Pressures for Elastomeric Seal Joints.

Identification	Maximum Interface Pressure MPa	Continuous width with interface pressure higher than :-			
		0.55 MPa	0.4 MPa	0.3 MPa	0.2 MPa
00/1	>0.84	4.7	6.8	8	8.8
00/2	0.8	4.4	7.1	8.2	9.8
00/3	0.74	4.3	6.6	8.9	10.8
00/4	0.8	1.6	2.7	4.8	7.0
00/5	>0.84	8.2	11.8	14.2	15.9
00/6	>0.84	8.8	11.5	13.6	15.0
00/7	0.75	2.8	4.3	5.5	7

The Pipe Stiffness determined for each of the exhumed pipes is shown in Table 3. The results represent the mean of three tests obtained on specimens oriented at 120° to each other. The bending modulus, calculated from the pipe stiffness, is also shown in the Table. As an amorphous material, PVC undergoes physical ageing following the quenching of the pipe in the manufacturing process. This ageing does not involve the breaking of bonds or a change in composition, as occurs in a chemical ageing process. Physical ageing involves a reduction of the free volume within the molecular structure and is accompanied by an increase in strength and modulus. As a consequence of physical ageing, the exhumed pipes are expected to be stiffer than when originally extruded.

TABLE 3. Pipe Stiffness and Flexural Modulus.

Identification	Pipe Stiffness N/m/m	Mean Wall Thickness mm	Modulus MPa
00/1	6047	4.17	3787
00/2	5905	4.19	3644
00/3	7309	4.44	3772
00/4	6834	4.36	3730
00/5	7785	6.98	3943
00/6	8759	7.04	4320
00/6	10350	4.84	4092

The instrumented impact test performed on the pipes is not a standard test but allowed an assessment to be made of the impact behaviour of the pipes. The impact resistance would not be expected to be as good as for new pipes for several reasons. Firstly, the test pipes were likely to have some surface damage as a consequence of transportation, installation and exhumation. Surface damage is expected to provide stress concentrators under impact loading. Also physical ageing results in a slightly denser and stronger material leading to a reduction in the toughness. It can be seen (Table 4) that with all the pipes tested there was a mixture of brittle and no-fracture results. In the case of the new pipes however, the amount of energy absorbed by the specimens that failed in a brittle manner was higher than for the exhumed pipes. This could be attributed to the combined effects of surface damage and physical ageing. Developments in processing and materials could also be a factor in the better performance of new pipes.

The yield strengths varied slightly but the results are consistent with those expected of a non-pressure PVC pipe formulation. There was no difference in the yield strength of the 25 and 16 year old pipes. The DN225 pipes are only 11 years old and had the lowest yield strength. The difference however is not so much due to the age of the pipes but the different formulations. The DN150 pipes have an SG of 1.465 and the DN225 have an SG of 1.522. This indicates the latter is likely to have a higher concentration of calcium carbonate which would cause a lower yield strength and a higher modulus as indicated in Table 5. The yield strain is similarly consistent and appears to be unrelated to age. The stress and strain at break is of less significance as the pipe material has lost its functionality once it is past the yield point. Nevertheless the stress at break appears to vary more with formulation than age. The strain at break varies significantly, being influenced by any flaws or damage in the necked zone of the tensile dumbbell.

TABLE 4. Instrumented Impact Test.

	Wall Thickness mm	Peak Load N	Energy to Break J	Result
00/1	4.07	5400	37.24	Brittle
	4.03	2867	-	Brittle
	4.12	2733	16.27	Brittle
	4.03	5800	40.13	Brittle
00/2	4.01	5400	40.67	Brittle
	4.09	8067		No Fracture
00/3	4.39	7533		No fracture
	4.35	5867		No fracture
	4.42	8400		No fracture
	4.44	6400	46.56	Brittle
00/5	7.16	7600	57.13	Brittle
	6.66	10600		
	6.99	10866		
	7.27	11400		
	7.15	11800	166	Brittle
	6.8	9000	95.5	Brittle
00/6	7.04	9133	107	Brittle
	7.07	11933		No fracture
	6.69	10733		No fracture
	7.11	11800		No fracture
	7.13	10933	137	Brittle
	6.74	10933		No fracture
Contemporary DN150 DWV	Mean 4.19		Mean 115 for brittle results.	6 Brittle 4 No Fracture
Contemporary DN225 DWV	Mean 6.56		Mean 225 for brittle results	2 Brittle 10 No Fracture

TABLE 5. Uniaxial Strength and Elongation.

Identification	Yield Stress MPa	Yield Strain %	Stress at Break MPa	Strain at Break %
00/1	42.2	3.8	37.8	18.3
00/2	43.2	3.8	37.9	28.9
00/3	43.9	4.2	38.9	84.5
00/4	43.0	3.9	39.3	117.2
00/5	39.1	3.8	34.9	56.5
00/6	39.4	3.9	34.9	79.4
00/7	41.7	3.9	36.3	63.8

The gelation properties are set at the time of manufacture and will not have altered in service. The results (Table 6) show a higher level of gelation and higher processing temperature has been achieved with the DN225 pipes than the DN150. The DSC processing temperatures and gelation levels recorded in a second laboratory showed similar trends but were consistently

higher. The differences might be due to sampling. It is known for example, the gelation varies through the pipe wall.

TABLE 6. Gelation and processing temperature.

Identification	Heat of Fusion J/g	Percent Gelation %	Processing Temperature °C
00/1	2.0	43	172
00/2	1.7	59	173
00/3	1.8	46	173
00/4	1.5	35	173
00/5	2.4	88	182
00/6	2.4	76	181
00/7	2.2	73	175

The wall thickness of each pipe, measured around the circumference at 45° intervals was plotted against the circumferential position (Fig 6). It can be seen that whilst there is some variation in wall thickness around the circumference, there is no indication that the wall thickness is systematically lower at the invert. Moreover, there is no suggestion of any difference between the pipes of different ages, as might be expected if there was a loss due to wear. Also, all the pipes still comply with the minimum wall thickness requirements of the appropriate product Standard.

RESIDUAL LIFE PREDICTION

The pipe characteristics chosen for determining the quality number are yield strength, bending modulus, wall thickness, joint performance and impact resistance. Because the outcome is influenced by the selection of weighting factors, two series of factors were selected (Table 7), one identified as the "worst case" and the other the "best case". The impact resistance has been given the lowest weighting of 0.1 because, once the pipe is buried, failure by impact is unlikely. Moreover, any change in impact resistance is unlikely to be significant if the pipe is struck by earth moving equipment. The joint performance has been further divided into interface pressure and resistance to infiltration / exfiltration. This has been done because tree root intrusion and leakage represent two different failure modes.

TABLE 7. Weighting factors applied to the "Best Case" and "Worst Case".

Characteristic	Weighting Factors	
	"Best Case"	"Worst Case"
Interface pressure / width of elastomeric seal	0.125	0.1
Bending modulus	0.225	0.15
Impact - Energy to break	0.1	0.15
Yield stress	0.225	0.2
Wall thickness	0.225	0.2
Resistance to infiltration and exfiltration	0.1	0.2

The principle, that values assigned to R_{1-5} can be no less than the measured values M_{1-5}, has been applied. The absence of any deterioration in strength or stiffness implies the ratio $\frac{M}{R} = 1$ for each of these qualities. The contribution of wall thickness to the quality number has been determined by dividing the thickness at the invert by the mean wall thickness. Again the ratio has not been allowed to exceed one. This approach would correctly discriminate against pipes in which abrasion was significant and loss of wall thickness a possible failure mode. It is not possible to determine whether the joints have deteriorated, only that they are not leaking and, except in one case, still satisfy the interface pressure requirements of the current Standard. The Quality Number for these pipes therefore exceeds 0.8 to beyond 120 years and according to the rating system used by Sagrov, the pipes are judged to be good, showing effectively no evidence of degradation.

The Quality Numbers for the exhumed pipes versus the number of year's service, are shown in Fig. 7 (a). The graph shows the minimum life expectancy of the PVC pipes tested to be in excess of 98 years. The "best value" weighting factors give a more optimistic predicted service life of almost 300 years. It should be noted that the number of samples tested is only seven and the program should be continued in order to predict the life expectancy with an even greater confidence.

Linear multivariate regression analysis has been applied to the test results and an alternative prediction of service life determined (Fig. 7 (b)). In this analysis, the ratios of *Measured Parameter:Reference Value* for the characteristics in Table 7 were used as independent variables and linear multiple regression analysis was undertaken with *Age* as the dependant variable. This analysis supports the outcome of the judgemental analysis.

CONCLUSIONS

- Seven exhumed pipes have been tested for a range of physical characteristics. The pipes from Ipswich varied in age from 11, 16 and 25 years according to the print messages that were still quite legible. The age of the pipe exhumed from Winmalee is estimated to be 20 years.

- There was no evidence of any erosion of the pipe wall during service and this would not seem to be a limiting factor in the life of these pipes.

- All of the elastomeric seal joints were free of tree root intrusions and there were no signs of degradation of the seals themselves. The joints were sound and functioned well enough to meet the requirements of the current DWV Standard. The interface contact pressures remain high and meet the current Standard. However, only the DN225 pipes still meet the contact width specified in the superseded sewer pipe standard from 1984.

- The stiffness of the pipes has, if anything, increased with time as result of physical ageing. Most of the increase in stiffness from the effects of physical ageing has already occurred for the exhumed pipes. Little further increase in stiffness can be expected.

- Similarly, the yield strength would have increased somewhat with time but further increases will not be substantial.

- There appears to be some reduction in the impact resistance of the pipes but this is of little consequence whilst the pipes remain undisturbed. Without being subjected to any more surface damage or significant increases in strength due to ageing, the impact resistance is not expected to change further.

- Overall, there is no evidence to suggest the pipes will have their service life limited by erosion of the wall or changes to the strength or stiffness of the material. Moreover, the joints continue to not only function, but also meet the requirements applied to new pipes. There is nothing in the test results to suggest the life of the pipes will be limited to 50 years. Given the pipes have been in service for 25 years and are in such good condition, there is no reason to suppose they will not achieve upwards of 100 years service.

- The Quality Number approach suggested by Sagrov for application to concrete pipes has been adapted for PVC and confirms there has been no significant deterioration in the pipes. The method needs further refinement in that an extremely low value for a critical characteristic should not be able to be over-ridden by all the other characteristic, however good they remain.

- Multivariate statistical analysis of the test data confirms the PVC sewer pipes are expected to have service lives in excess of 100years.

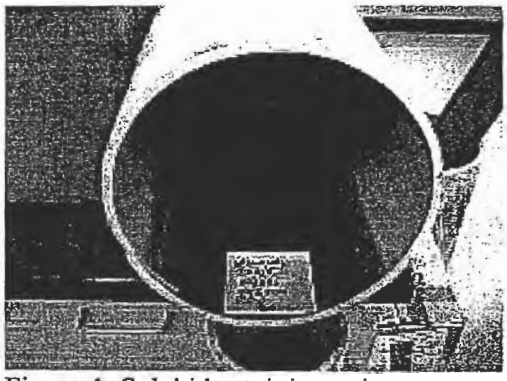


Figure 1. Sulphide staining at invert.

Figure 2. Damaged Sample 00/4.

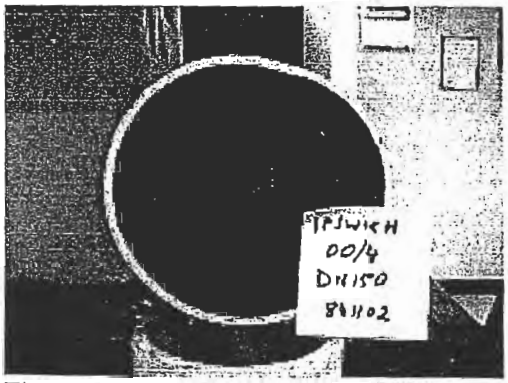


Figure 3. Distortion in spigot of 00/4.

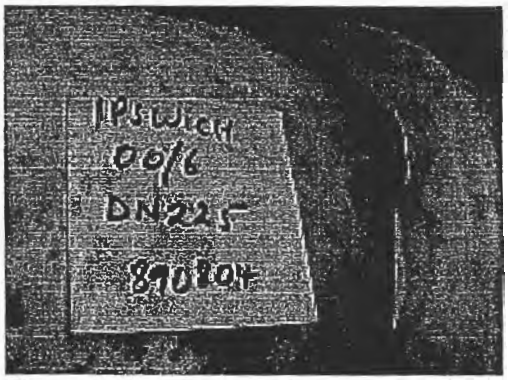


Figure 4. Damage to socket of 00/6.

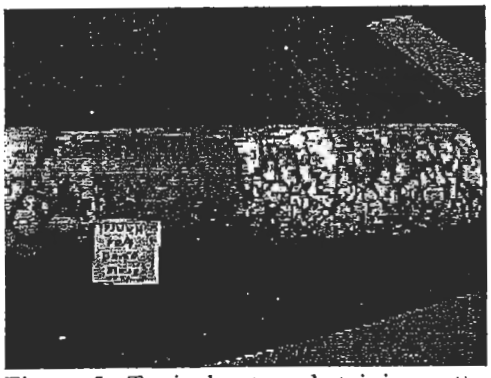


Figure 5. Typical external staining pattern.

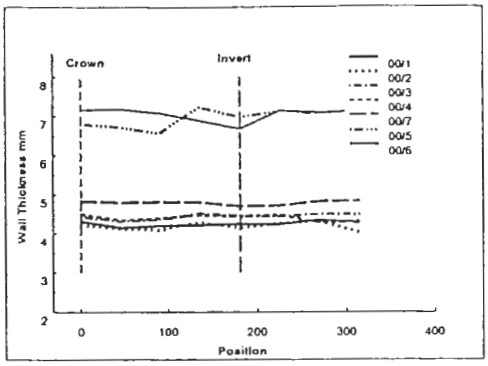
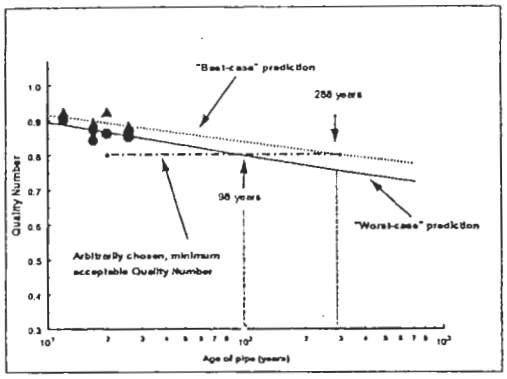


Figure 6. Wall thickness of individual pipes.



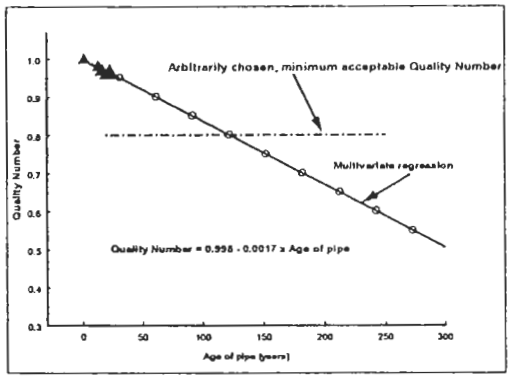


Figure 7 (a) Judgemental approach. Figure 7 (b) multivariate regression. analysis. Quality Number versus Years of Service.

Acknowledgments

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Old PVC gravity sewer pipes : Long term performance

by

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Synopsis

Wavin gained a lot of experience with operational PVC sewer pipes by monitoring installations and measuring pipe deflections over a period of about 35 years, as reflected in the database "PiPer". Some of the oldest pipes have been measured and dug up now to study the durability of these pipes. Furthermore the results are used to obtain a more accurate lifetime prediction of newly installed pipes.
Therefore, Wavin SA Varennes in France and Nordisk Wavin AS in Denmark cooperated closely with Wavin Marketing & Technology. At several locations pipes were measured before and after digging up by which the deformation and the recovery were determined. The pipes aged between 12 and 30 years. System owners were asked to select those sites from which they know that the pipes have been installed in a poor way or severely loaded by ground settlements. As a result, the deformations found in these severely loaded pipes are the upper level of what normally can be expected in the field.
The results of the functional tests showed that the pipes still fulfil the stiffness requirements, and their functional and structural integrity is still ensured.
The pipes will easily maintain their function for a much longer period than originally anticipated. Considering the fact that the raw material as well as the pipe production process have been improved since the early years, it can be expected that the currently produced PVC pipes fulfilling CEN requirements will last for several hundred years.

Introduction

Wavin gained a lot of experience with PVC sewer pipes by monitoring installations and measuring pipe deflection over a period of about 35 years, as reflected in the database "PiPer". Some of the oldest pipes have been measured and dug up now to study the durability of these pipes. Next the results are used to obtain a more accurate lifetime prediction of newly installed pipes. Firstly the state of deformation was determined by carrying out deformation measurements before and after digging up. Pipe samples were cut out and taken to Wavin Marketing & Technology's Sterlab certified laboratories where the pipes have been characterised from a raw material and production point of view. Then several mechanical tests have been carried out like stiffness tests and tightness tests of joints. The study has been conducted over a period of four years, starting as indicative only, to more detailed. As a result from this not all tests have been performed on all the pipe samples.

SITE INFORMATION

In order to find the extreme conditions, system owners were asked to select those sites from which they know that the pipes have been poorly installed or severely loaded. As a result the deformation and stresses found in these severely loaded pipes are the upper level of what normally can be expected in the field. If these pipes are able to fulfil their function, then there is no doubt on the functionality of the pipes installed according to national codes of practice. A general description of the sites is given below. The technical details are summarized in Annex 1, Table 1.

Project 1 : Gerzat, France

Gerzat is located in the centre of France close to Clermont Ferrand. In this town with a separate sewer system, since 1966, most of the foul water sewer pipes that are installed, are PVC ϕ 200 mm and today approximately 30 kms of such pipe have been installed with excellent performance and to the great satisfaction of the town authorities.
The section of pipe that has been studied in this particular case was of the SDR-class 51 and installed in the earliest days of using PVC in 1966 and is located in the centre of the town with a rather steep gradient. In 1991, after having being used for 25 years, the pipe was measured before digging up, half an hour after being cut out and 15 days afterwards, everytime at the same spots.

Project 2 : Montpellier, France

Completely in the South of France, in Juvignac Commune de Montpellier, PVC pipes have been applied in the sewerage network since the late sixties.
Although in general the local authorities are very content on the use of PVC, some sections proved to have somewhat high deformations. This was caused by insufficient care taken during installation. This particular section was dug up and studied.
The section in question, ϕ 315 mm SDR 51, was installed in 1968 without proper attention also; no preparation of the trechbottom (just a hard bed), several big stones in the embedment material, pipes badly cut off to sharp edges, etc.
Firstly the ovalisation of the complete sections were determined and then a length with 20% ovalisation was selected, which appeared to be caused by the presence of substantial amounts of stones in contact with the pipe. When digging up the pipe it showed that the ovalisation was at an angle of about 15° from the vertical axis, corresponding with the nearby location of the ϕ 800 mm concrete rainwater sewer which was installed at a later stage. It became obvious that in particular recommended installation practices here had not been followed.

Project 3 : Saint Agathe La Bouteresse, France

In this little village in the Loire Department close to Saint Etienne, it was decided in 1966 to extend the rainwater sewerage system. Because of the smoothness of bore, PVC pipes were adopted as the right products for this purpose. But not after careful consideration of the structural performance of PVC pipes. Before actually starting, first a test was carried out with ϕ 400 mm at a 40 cm depth of cover, just along a main road. With a recorded deformation of maximum 4%, the community got convinced that they made the right choice. Since, they have never regretted this choice and are now very content with PVC as material for their sewer system.

The section selected for studying the long term performance in closer detail was a ϕ 400 mm, SDR 41, installed in 1966 and located in the verge of a major road.

Project 4 : Courchevel, France

In the French Alps, at an altitude of 1600 m, PVC pipes were installed from the late seventies onwards to discharge the water coming from the mountains.
In this special high mountain area substantial amounts of proper embedment material have to be dragged upon the roads in order to install pipes. This procedure is required for PVC pipes as well as for pipes of traditional materials.
It is obvious that contractors like to only carry the very minimum amount of sand upon the mountains, as every truck load takes half a day or more. Now and then (or regularly), just the excavated soil material is applied for embedment of the pipes. It needs no saying that the presence of large pieces of rock can cause severe detrimental effects to rigid pipes and high deformations to flexible pipes like PVC pipes.
This was also evident at the site chosen to evaluate the performance of PVC pipes in these extremely severe conditions. During digging up of the pipe at points with the highest deformation, it became very clear that these deformations were caused by large rocks denting the pipes.

Project 5 : Odense Kommune, Bådvej, Denmark

The area is a typical housing estate development from the seventies. The site is located close to a small river the Odense Å . The soil is of an acid nature.
The PVC pipes were installed in 1970. The pipe is located in the bank of the river.
The soil consists of peat/moor. The pipe was partially embedded with sand. The installation conditions were difficult. The supervising engineer of Odense Kommune remembered having hesitated to install sewage lines under such conditions. Therefore, the decision was made to carry out CCTV inspection afterwards which indicated deformations of 10-15% at that time. In 1992 the deformation was found to be max. 17% on this particular line.
During the last 22 years, Odense Kommune has had no operational problems whatsoever with this line. After 22 years of operation, the PVC pipes and the joints (rubber rings) are still fully functional even though they have been subjected to both chemically and physically extreme impacts. They meet the requirements of a modern sewage system.

Project 6 : Sydfalster Kommune, Natuglevej, Denmark

Marielyst is a seaside (the Baltic) recreational area. Part of the area is old sea-bed consisting of sand with large methane deposits. The PVC pipes were installed in the autumn of 1963 at high groundwater levels. This level was not lowered during installation. To avoid collapse of the line, the installation was carried out at high speed, i.e. not very carefully. Couplers with cemented joints were used to join the pipes.
The pipeline has been in satisfactory operation since its installation. No exceptional cleaning measures have been required until now.
A CCTV inspection in 1993 showed a water level in the pipeline of 10-30% owing to low points in the pipeline which was to be expected following the extremely poor laying conditions. After 30 years of operation this pipeline has fulfilled its job in spite of the severe installation conditions, having been subjected to sewage water and aggressive soils and settlements.

Project 7 : Sydfalster Kommune, Bøtøvej, Denmark

The PVC pipes were installed in 1965. The Groundwater level was lowered during installation. The installation was carried out with some care. Couplers with cementing joints were used to join the pipes. The pipeline has been in satisfactory operation since its installation. A CCTV inspection in 1993 showed leaking cemented joints.

During the first 28 years of operation, this pipeline has fulfilled its job in spite of settlements. However, the joints of the cementing sockets did not fulfil the tightness requirements for sewage pipes with regard to infiltration and exfiltration. This is not due to material failure, but poor workmanship as far as the joints are concerned. Generally the lifetime of correctly cemented joints is the same as that of the PVC pipes.

Project 8 : Nøtterøy Kommune, Norway

Nøtterøy comprises a number of minor communities: Borheim, Støyten, Gipø, Skjerve and Vollen whose sewage water is collected in an interceptor. The interceptor (collector pipe) is established in a soft clay area along a stream. The ground water level depends on the time of the year. The PVC pipes were installed in February 1972 at a temperature of -5 degrees Centigrade at a laying depth of 2.0 m and with a gradient of 3 o/oo. Rubber rings were used to join the pipes. The pipes were embedded on a levelled bottom of soft clay without specially prepared bedding.

Whenever possible, clay mixed with black earth was used as backfill material, otherwise soft clay in layers on top of the pipe was used, tampted with a shovel and run over by a heavy vehicle from time to time. Extreme severe laying conditions!

The line has been cleaned once in 1990 by means of high-pressure jet cleaning equipment. The line was full of stones etc. which is, no doubt, due to the pipes being installed under such extreme conditions. The pipeline was not cleaned before it was taken into service. After 22 years of operation and with laying conditions being extremely poor, this pipeline has fulfilled its job in spite of large deformations and a low gradient. No operational failures occurred. The line is also tight; neither exfiltrations nor infiltrations have occurred.

Project 9 : Eskilstuna Kommune, Torshalla, Sweden

Torshalla is a typical housing estate development from the sixties on the outskirts of a large city (Eskilstuna). The area has its own sewer system. The area is old lake-ground, mainly clay. The PVC pipes were installed in 1970 in a combined trench, Swedish model, sewage line, rainwater and clean water in the same trench, at different depths. Bedding and backfill material is a well-graded sand. Differential settlements of up to 30 cm occurred in this area caused by significant ground water lowering after installation.

This has caused for instance a negative slope in certain parts of the line, thus causing operational problems to some of the end-users. But there have been no actually cracked pipelines as they have been capable of absorbing these large settlements. The joints are still tight. After 24 years of operation this pipeline has fulfilled its job despite severe settlements.

METHODS

ial characterisation

tests were carried out for documentation purposes, and in order to characterize the aterial and production of the pipe. The results are compared with those of currently ced PVC pipes.

rial composition : Since the early years of PVC pipe production the chemical osition of PVC recipes have undergone substantial changes. Therefore, some tive tests were carried out to get some insight in these changes. For this the ash nt is determined indicating the amount of filler and/or stabilizer used. The chalk it is determined by FTIR measurements. The stabilizers are determined by means of (X-Ray Fluorescent) analyses.

e **of gelation** : This test is carried out in order to characterize the extrusion ss. The homogeneity of the network structure of PVC molecules which is formed g the processing of the material, is of great importance regarding the long term gth. This network structure, the so-called degree of gelation, should have a minimum to give a good long term strength to the pipes.
legree of gelation can be determined by means of a methylene chloride test which a global indication of the degree of gelation over the total wall thickness and the nference of the pipe, expressed as a percentage attack. This type of test is part of a al production control routine. According to PrEN 1401-1:1995 no attack is allowed rrently produced pipes.

ional tests

functional requirements for gravity sewer pipes can be summarized as follows: g able to discharge rain and foul water in a sound way over a long period of time ut infiltration or exfiltration". The latter means that the system should be tight. the above general requirements, many other sub requirements can be derived, such xibility, strainability, continuous discharge capacity and tightness of joints.
ll tests have been performed on all the pipe samples, for reasons as already mentio- n the introduction. Annex 1, Table 1 shows an overview of the pipes tested.

deformation
e pipes have been measured before digging up, in order to determine the actual pipe ction after so many years of service. Furthermore, measuring the deflection after ng up and by comparing with the in service pipe deflection indicates the stress in the The method of measurement has been discussed several times (Lit. 1,2).

time however, the strain is not determined from the change in curvature but from the -deflection relation :

$$\epsilon = Df^*(\delta/D)^*(s/D) \qquad \ldots\ldots\ldots (1)$$

In which :

ϵ	=	Tangential bending strain	[MPa]
δ/D	=	Pipe deflection	[-]
s	=	Pipe wallthickness	[mm]
D	=	Pipe diameter	[mm]
Df	=	Shape factor	[mm]

Here a shape factor of 6 is chosen. Earlier work on buried pipes proved that this is a conservative value (Lit.3)

Pipe stiffness

Although Wavin has proven over it's many years of field experience that pipe stiffness affects the pipe deflection in a minor way when considering proper installations and stiffnesses of 2 KPa and up, ring stiffness of the pipe is still used in many design methods as a factor of prime importance. Pipe stiffness is also used to classify pipes. Furthermore, questions are sometimes raised at the market place to where stiffness declines with age. Struik (Lit.4) and Janson (Lit.5) already discussed the effect of ageing on pipe stiffness. Still measuring the stiffness of pipes that have been in service for more than 25 years is probably the most supportive proof to the previous mentioned work.
The pipe stiffness has been determined on almost all the samples using the stiffness test as described by ISO 9969.

Strainability

One very important property of buried pipes is their flexibility. The most likely, but underestimated cause for pipe failure are the effects of longitudinal bending of pipes. This bending occurs as a result of uneven bedding, in case of poor installations, or as a result of soil settlements which can always occur after installation, for instance due to mining activities, lowering ground water level, by landslide during wet seasons or by partly installation in expansive partly in non-expansive soils. The ability of a pipe system to follow soil movements is a very benificial property of a buried thermoplastics pipe system. Therefore, tensile tests were carried out on the pipes that have been dug up in two more recent projects, those from Nϕtterϕy and Thorshalle.

RESULTS OF TESTS

Colour

Some of the pipes shows discoloration on the surface.
The discolouration is caused by the presence of Sulfuric acid, see also Table 1 of Annex 1.

Pipe deformation

The results are shown below in Table 1.

Table 1: Results of deformation measurements.

Pipe	In use [Yr]	Installation	(δ/D)_1 mean [%]	(δ/D)_2 mean [%]	(δ/D) max. [%]	(δ/D) PiPer [%]	ε buried [%]
Gerzat	25	Sand/B	2.5	1.6		2.5	.29
M.pellier	23	Rock/C	7.5	-	20.5	-	.89
St.Agathe	22	Sand/B	5.5	-	11.5	4.5	.81
Courchevel	12	Sand/C	7.5	-	20	8	1.1
Odense	22	Sand/C	13	7	17.5	8	1.32
Nykobing 1	30	Sand/B	2.5	-	6	3	.44
Nykobing 2	28	Sand/B	4	2	7	4	.59
Notteroy	22	Clay/C	10	5	16	-	1.17
Thorshalle	24	Sand/C	8	3.5	12.5	7.5	1.17

(δ/D)_1 = Deflection when installed.
(δ/D)_2 = Deflection measured 30 minutes after dug up.
(δ/D) PiPer = Deflection from field experience, as listed in Wavin's database.
\- = No data available.
B = moderate installation }
C = poor installation } sec (ref. 1, 2)

The allowable strain for PVC according to Lit. 5 is 2.5 % as a conservative value.
From the results the following observations can be made:

* The deflection and strain strongly depends on the type of installation. This is in accordance with the results as listed in PiPer. (Lit.1,2)
* Some of the deformation are rather high. The factor of safety against failure however is still considerably.
* Comparing the pipe deformation when installed, with those 30 minutes after dugup shows, that the pipes all recover quickly. This recovery process will continue, but at a slower rate, thsn during the first minutes. The pipe responds in the same way, as when the pipe is loaded for the first time. (Lit. 3)
* The deflection values were compared to those in Wavin's PiPer database. The results clearly shows that the values are comparable. Furthermore, it should be realized that the results in PiPer are gained in the range of 0-10 years after installation. The results confirm that the deflection does not increase with time after a first consolidation process after installation. (Lit. 1,2,5)

Pipe stiffness

In Figure 1 of Annex 1 the results are summarized. Also the minimum required stiffness according to the pipe class is shown.
The wall thickness of pipes is normally a little bigger than according to the SDR value. This also means that the stiffness is a little higher than according to the requirement. Therefore, the measured stiffness has been corrected for the wall thickness.
The ring stiffness is affected by the wall thickness in the 3rd power as follows:

$$Corr\_fac = [(D/SDR)/s\_true]^3 \quad \ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots (2)$$

in which : Corr_fac = Multiplication factor on measured stiffness. [-]
D = Nominal Outside diameter [mm]
SDR = Standard Dimension Ratio [-]

Figure 1 of Annex 1 clearly shows that the pipe stiffness does not show any significant change and still fulfils the minimum requirement.

Strainability
The results of the tensile tests are summarized in Table 2.

Table 2 : Results of tensile tests.

Pipe	Yield stress [MPa]	Strain at failure [%]
Nøtterøy	50	142
Thorshallle	46.1	33
Reference	50	170

The results show that the strain at failure and the yield stress of the pipe from Thorshalle are significantly lower than that of the reference pipe. This correlates with the poor gelation. Furthermore, in the pipe of Thorshalle a lot of impurities and a skin effect was found. Still, strains of 33 % are generally far sufficient.
The pipe from Nøtterøy is comparable to the reference pipe.

Resistance to abrasion
In a few cases (Nøtterøy and Thorshalle) the abrasion has been determined by measuring the wall thickness along the pipe circumference. Figure 2 of Annex 1 shows the results of the measurements.
When abrasion would have taken place, the bottom part should show a thinner wall. The graph shows that this is not the case. So, abrasion is not a big issue for plastics pipes. Remember from the site description, that in the Nøtterøy pipe a lot of stones have been found during cleaning.

Fitness of joints
In two dug up pipes, joints were included. One joint was tested on tightness for 48 hours at a pressure of .5 Bar. No leakage was found. Both rubber rings were tested on it's elasticity. No brittleness could be observed.

CONCLUSIONS

* The results of the deformation measurements shows that the majority of the pipes studied have been loaded in a severe way. This correlates with the information given on the sites. When the standard installation practices are used much lower deflections will be found. Still the pipes are not damaged nor failure has occurred.

* Some pipes showed to be black on the outside caused by an acid soil environment. This discolouration does not seem to affect the mechanical properties of the pipe.

* The results of MC tests showed that some of the pipes have a poor gelation level, as compared to the currently produced pipes.

* Two pipes were tested on strainability. One showed to be in the same order of magnitude as the reference pipe. The other poor gelated and impurities containing pipe showed less strainability and strength.

* Most of the pipes have been subjected to settlement differences, causing the slope of the pipe to change gradient or even to locally negative slopes. However, due to the excellent hydraulic properties of PVC no blokkage or other discharge problems leading to increased maintenance costs have occurred.

* The results of the functional tests showed that the pipes still fulfil the stiffness requirements, and their functional and structural integrity is still guaranteed.
  The pipes will easily maintain their function for a much longer period than originally, anticipated.
  Considering the fact that the raw material as well as the pipe production process has been improved a lot since the early years, it can be expected that the currently produced PVC pipes fulfilling CEN requirements will last for several hundred years.

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The authors wish to express their gratefullness to all pipeline system owners which were most helpful in making this study possible. Also to Michel Vignau and Xavier Valette from Wavin SA in France, who provided us with the necessary information on the pipes dug up and measured in France.

Literature

1. "The actual Perfomance of Buried Plastics Pipes in Europe over 25 years."
   W. J. Elzink and J. Molin
   Plastics Pipes 8, Eindhoven, The Netherlands 21-24 Sept. 1992

2. "Effects of Installation conditions on Buried Plastics Pipes: Results of specific Field Trials."
   F.J.M. Alferink and M. Wolters
   Plastics Pipes 8, Eindhoven, The Netherlands 21-24 Sept. 1992

3. "Some Experience with 30 years old Buried (uPVC) Pipes from the viewpoint of Stress and Strain." F.J.M. Alferink
Buried Plastics Pipes Technology, ASTM STP 1093, Dallas, 1990

4. "Physical Ageing in Amorhpous Polymers and other Materials."
L.C.E Struik, Elsevier SCI Publ. Amsterdam Netherlands

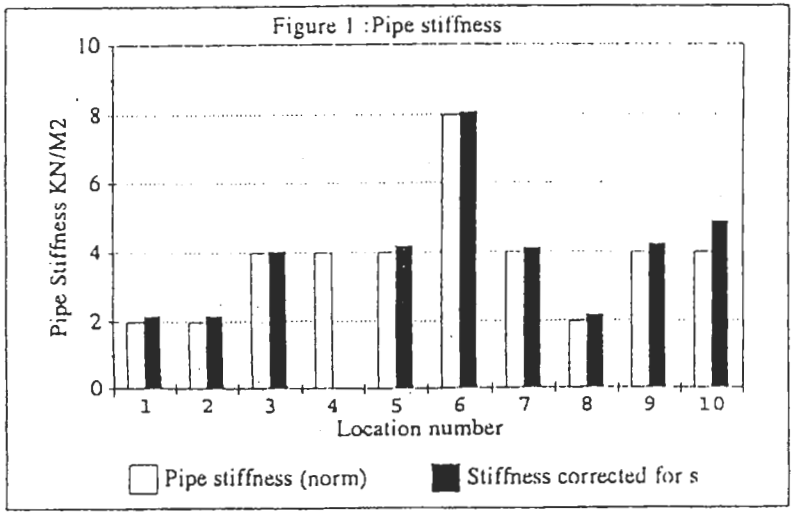
5. "Design and Installation of Buried Plastics Pipes."
L.E. Janson and J. Molin
Stockholm 1991, ISBN 87-983636-0-3

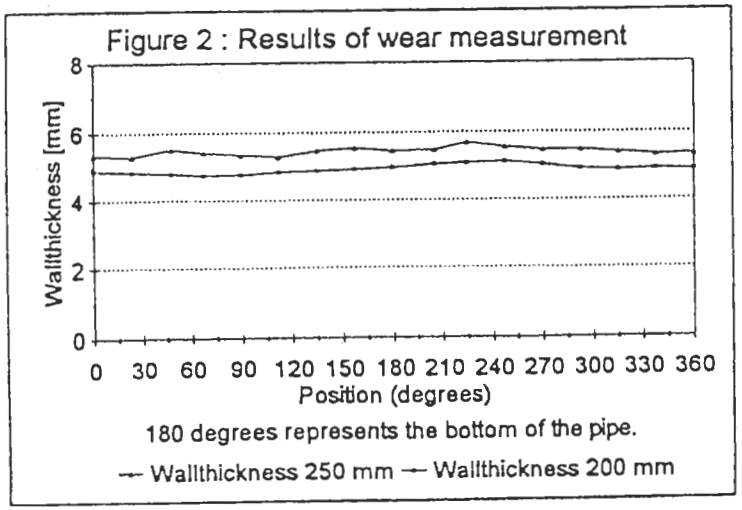
Annex 1

Table 1 : Overview of test sites and results of material characterisation tests.

No	Place	Diam. [mm]	Wallth. [mm]	SDR [%]	Installed	Digged up	Soil type	Installation	Depth [M]	colour	Ash [%]	Chalc [%]	PVC type	Gelation Champfer [%]	Gelation Circumf. [%]
1	Gerzat	200	3.50	51	1966	1991	Sand	Moderate	1.85	Grey	1.42	0.00	Emulsion	0	0
2	Montpellier	315	6.00	51	1968	1991	Rock	Poor	1.75	Grey	0.72	0.60	Emulsion	25	30
3	St. Agathe	400	9.80	41	1966	1991	Sand	Moderate	1.70	Yellow	0.43	0.00	Emulsion	100	100
4	Courchevel	315	7.90	41	1980	1992	Sand	Poor	1.10	Yellow					
5	Odense	160	3.90	41	1970	1993	Sand	Poor	1.20	Orange	0.97	0.50	Emulsion	75	100
6	Nykobing 1	200	6.20	34	1963	1993	Sand	Moderate/poo	2.00	Grey	0.86	0.00	Emulsion	65	100
7	Nykobing 2	200	5.40	41	1965	1993	Sand	Moderate	1.80	Cream	0.80	0.00	Emulsion	25	90
8	Notteroy	250	5.50	51	1972	1994	Clay	Poor	2.00	Brown	1.70	1.80		35	100
9	Thorshalle	200	4.90	41	1970	1994	Sand	Poor	2.00	Brown	1.10	0.83		50	100
10	Reference	250	6.20	41						Grey	2.00	2.30	Suspen.	0	0

All pipes are stabilised by lead





Annex 2 : Impressions of Digging up the old pipes.

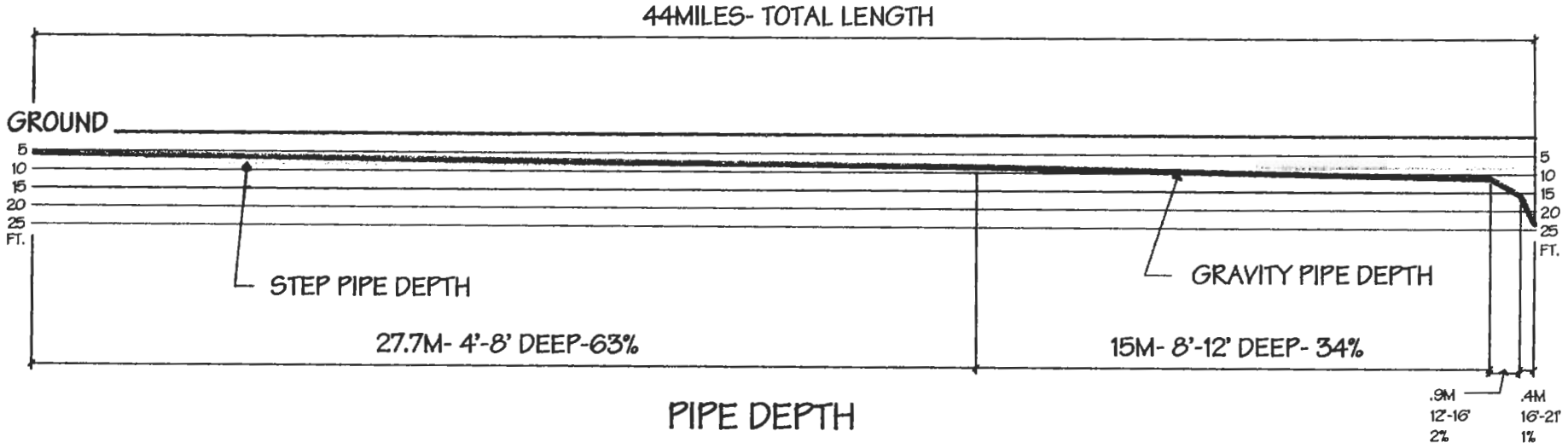
Digging in the French Alps, Courchevel.

Removal of big stone contacting the pipe.

"Patchwork" type of pavement due to settlements, Thorshalle, Sweden.

Cutting out part of the old pipe in Nøtterøy, Norway.

Remeasuring the digged up pipe in Nøtterøy, Norway.



PIPE DEPTH

PLATE 4

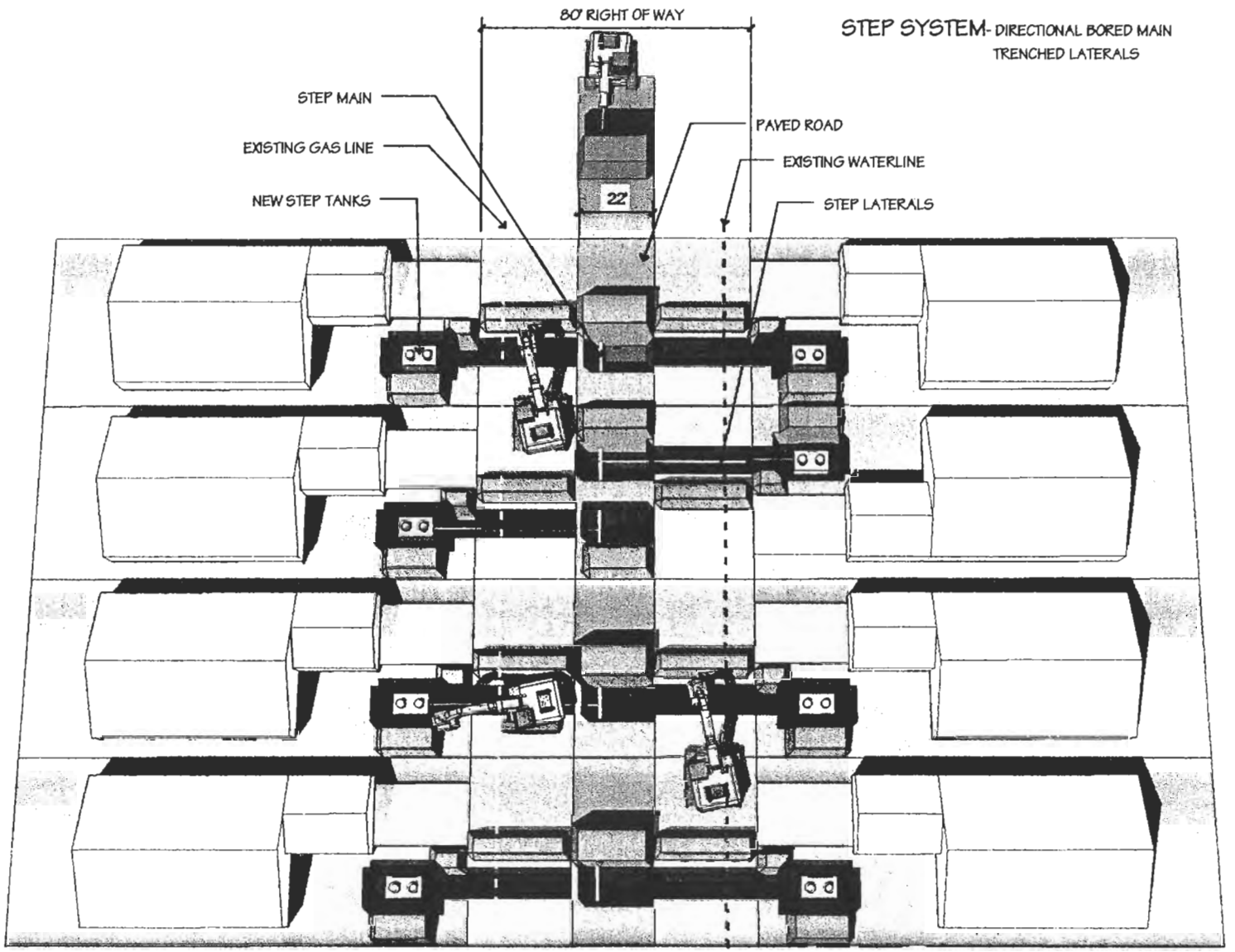

80' RIGHT OF WAY
STEP SYSTEM- DIRECTIONAL BORED MAIN
TRENCHED LATERALS
STEP MAIN
EXISTING GAS LINE
NEW STEP TANKS
PAVED ROAD
EXISTING WATERLINE
STEP LATERALS
22'

PLATE 1

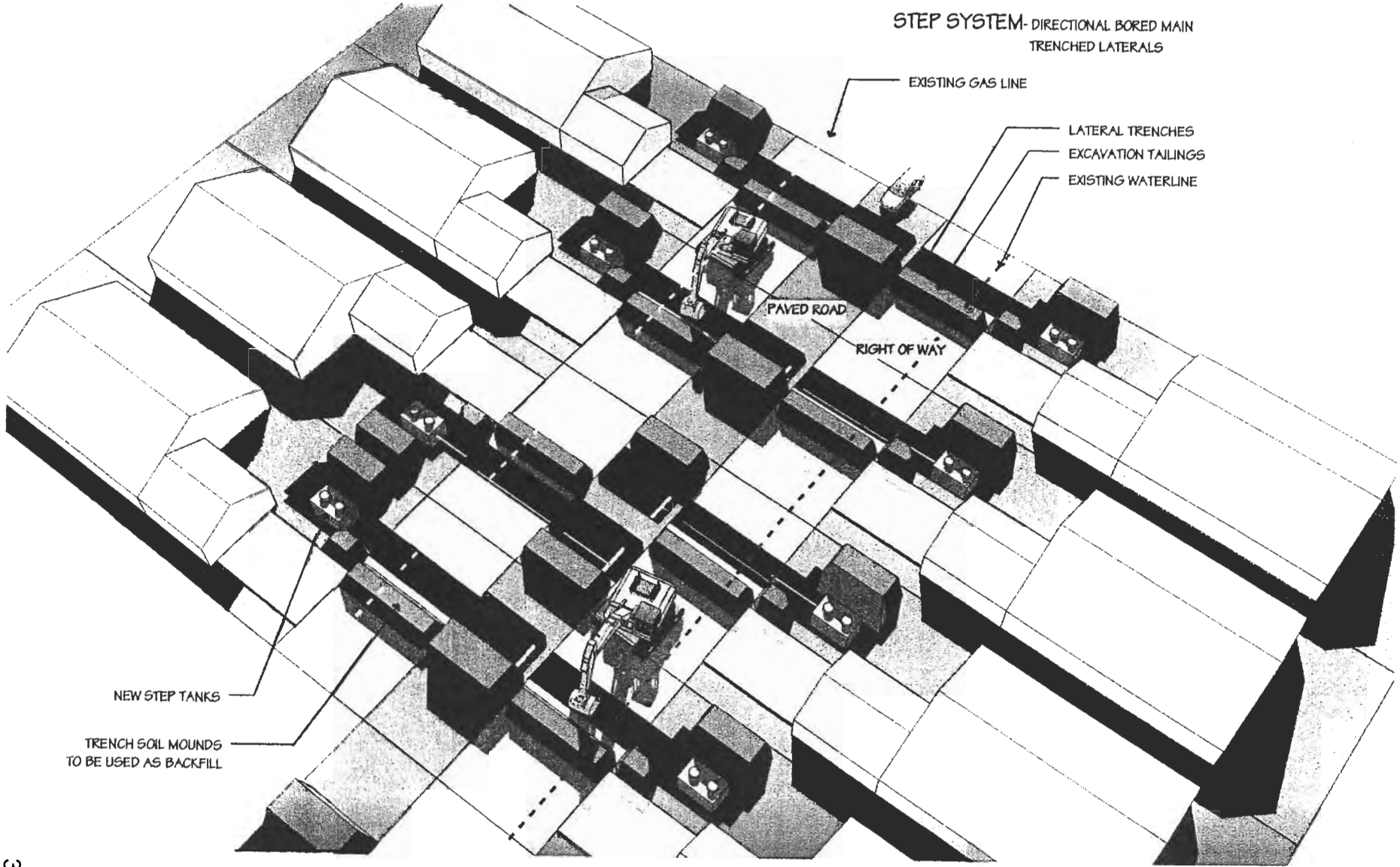

STEP SYSTEM- DIRECTIONAL BORED MAIN
TRENCHED LATERALS
EXISTING GAS LINE
LATERAL TRENCHES
EXCAVATION TAILINGS
EXISTING WATERLINE
PAVED ROAD
RIGHT OF WAY
NEW STEP TANKS
TRENCH SOIL MOUNDS
TO BE USED AS BACKFILL

PLATE 1A

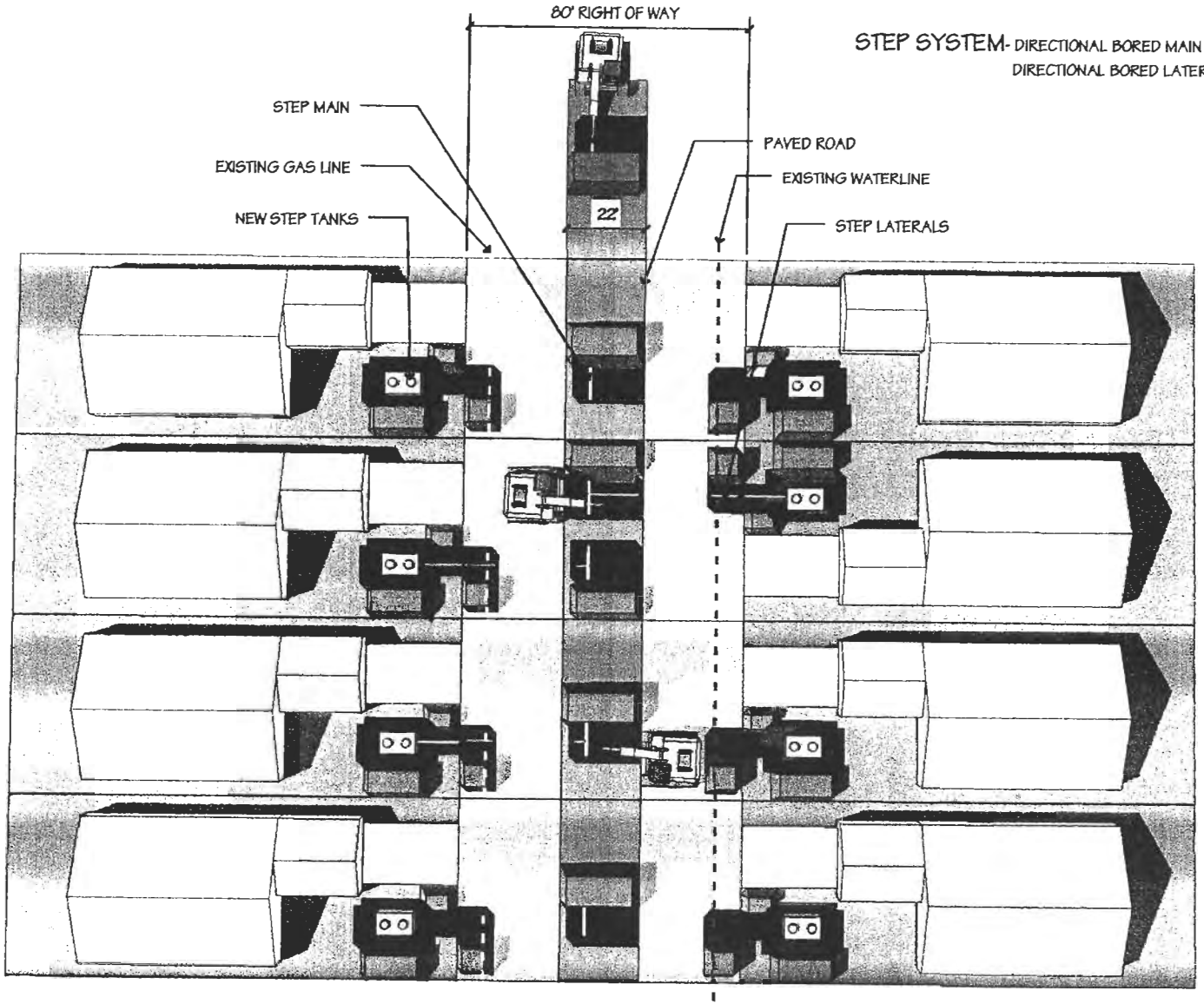

80' RIGHT OF WAY
STEP SYSTEM- DIRECTIONAL BORED MAIN
DIRECTIONAL BORED LATERALS
STEP MAIN
EXISTING GAS LINE
NEW STEP TANKS
PAVED ROAD
EXISTING WATERLINE
STEP LATERALS
22'

PLATE 2

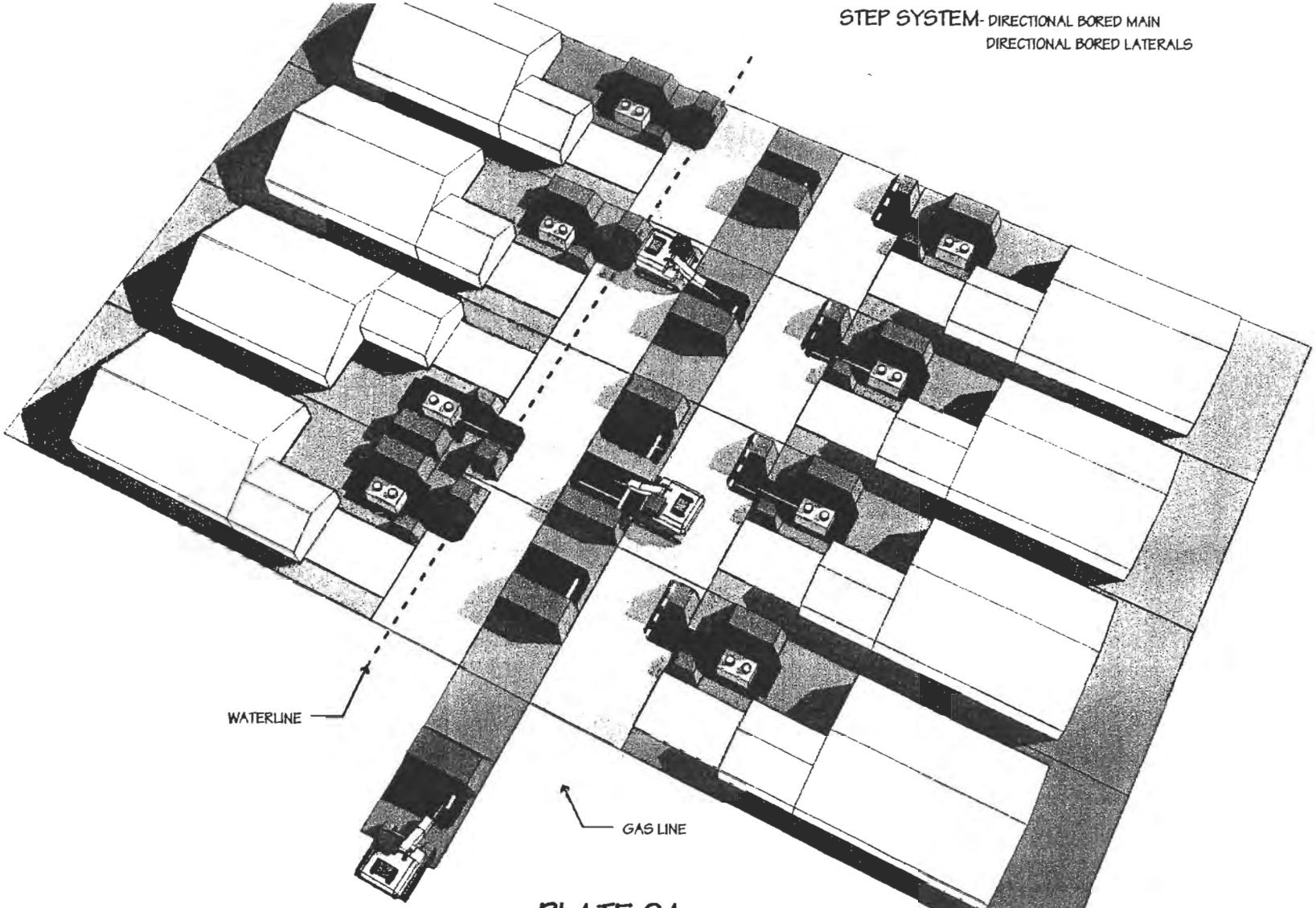

STEP SYSTEM- DIRECTIONAL BORED MAIN
DIRECTIONAL BORED LATERALS
WATERLINE
GAS LINE

PLATE 2A

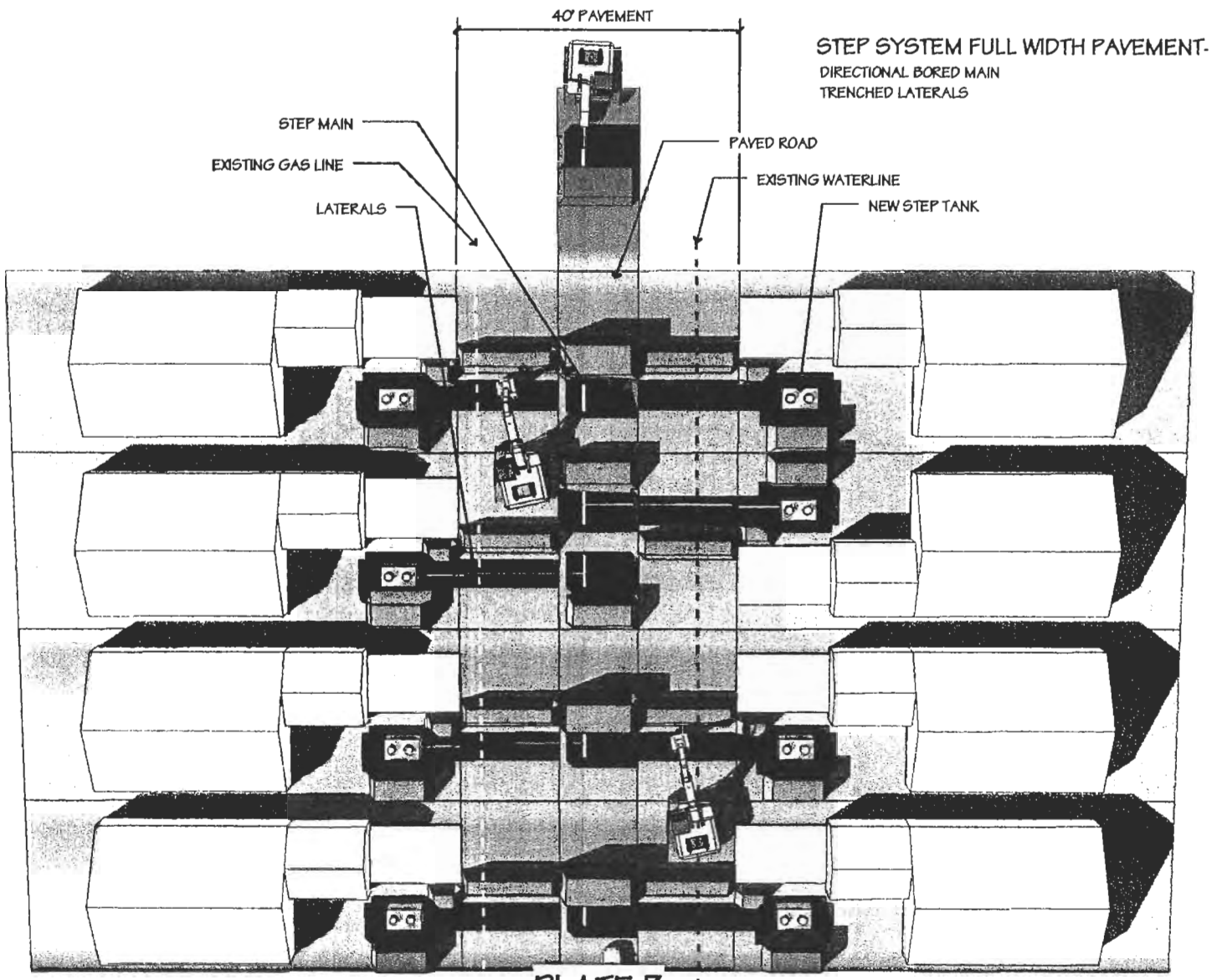

40' PAVEMENT
STEP SYSTEM FULL WIDTH PAVEMENT-
DIRECTIONAL BORED MAIN
TRENCHED LATERALS
STEP MAIN
EXISTING GAS LINE
LATERALS
PAVED ROAD
EXISTING WATERLINE
NEW STEP TANK

PLATE 3

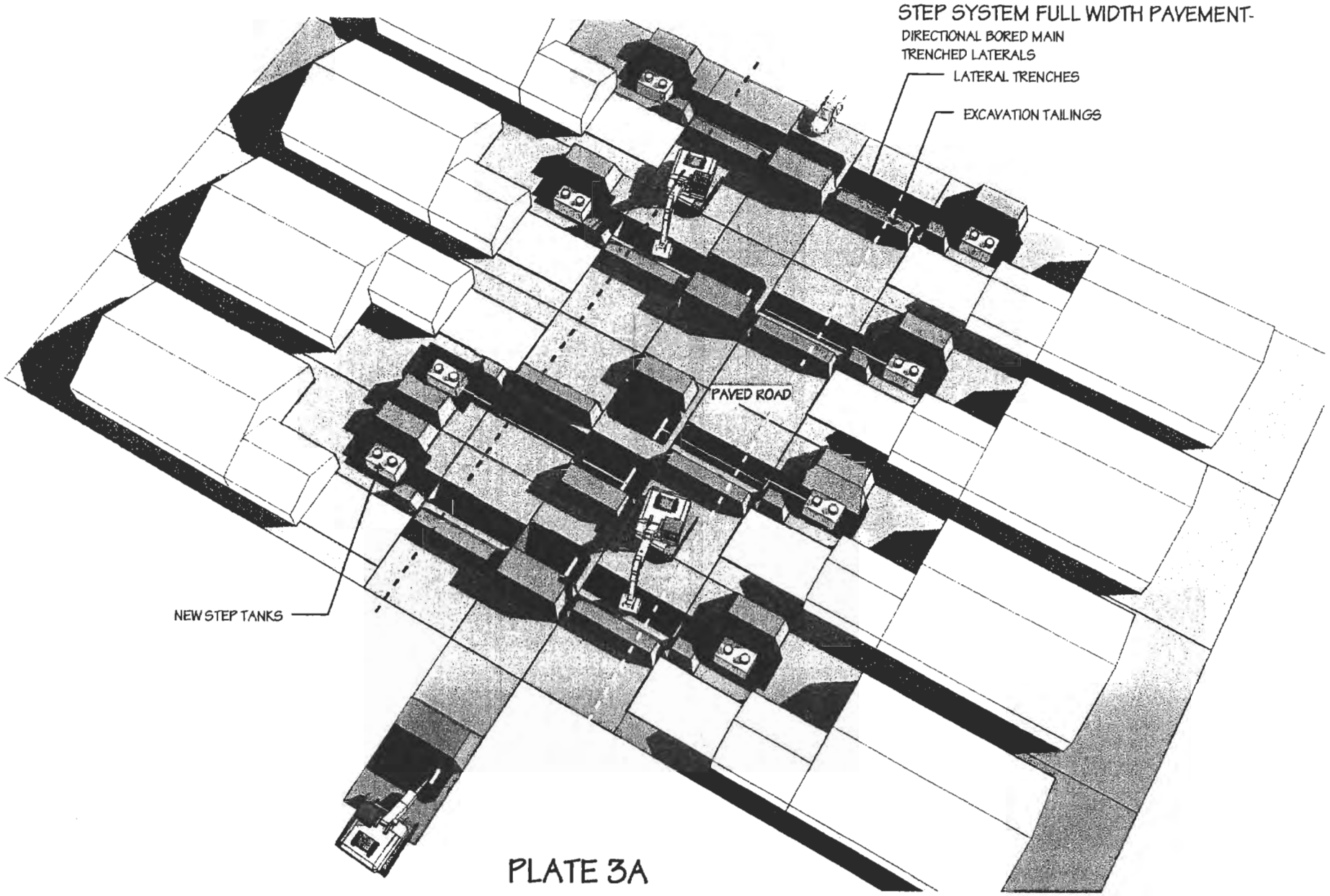

STEP SYSTEM FULL WIDTH PAVEMENT-
DIRECTIONAL BORED MAIN
TRENCHED LATERALS
LATERAL TRENCHES
EXCAVATION TAILINGS
PAVED ROAD
NEW STEP TANKS

PLATE 3A

AGENDA ITEMS
~~TH8A & TH8B~~ TH8A

Mr. & Mrs. John R. Saurwein III
1478 3rd St
Los Osos, CA 93402

1-6-2010

SIRS:

Please Approve the LCP/LUP as put before you on 1-14-2010. We NEED our sewers now.

Sincerely Yours,

John R. Saurwein

Joyce E. Saurwein

Thanks

RECEIVED

JAN 07 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

PANDORA & COMPANY
GRAPHIC DESIGN 350 Mitchell Drive, Los Osos, California 93402 V: 805/528-7014 F: 805/528-7033 www.PandoraAndCompany.com

January 4, 2010

Dan Carl
District Manager
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Re: January 2010 Agenda items TH8A & TH8B

Dear Mr. Carl,

As a past Los Osos Community Services District Director and former Chair of the LOCSD's Wastewater Committee, I am writing to urge the California Coastal Commission to support San Luis Obispo County's wastewater treatment project by denying all of the appeals. While I personally would have much preferred the original project designed for the Tri-W location, it is imperative we stop polluting our ground water and the Morro Bay Estuary.

It is ironic that many of the appeals are from the very people who insisted the project be moved "out of town," and now that it is out of town, they don't like this project either.

It is time to get this project approved and built, especially now with the potential of Federal money to help make it more affordable.

Please include my letter in the packet to the Commissioners.

Sincerely,

Pandora Nash-Karner
Property owner in the prohibition zone

cc: Bruce Gibson, Chair,
San Luis Obispo County Board of Supervisors

January 4, 2010

TH8A TH8B
H.A. Northington

California Coastal Commission
Central Coast Distric Office
725 Front Street Suite 300
Santa Cruz, CA 95060
Attn: Dan Carl

Dear Sirs,

This is a letter in favor of passing the Los Osos Sewer plan as presented by San Luis Obispo County. As a resident of Los Osos since 1975 I have witnessed first hand the many false start this project has experienced.

The majority of homeowner overwhelming voted in the new assessment to cover the funding of this project. The community supports this project!

Thank you for a favorable vote to allow this project to proceed.

Respectfully yours,

H A Northington

H.A. Northington

H. A. Northington
2130 Sombrero Dr.
Los Osos, CA 93402

Agenda Item TH8A&TH8B
Audrey T. Chamberlain
Please include in packet!.

Audrey Chamberlain
2264 Fresno ST
Los Osos CA 93402

January 4, 2010

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
Attn: Dan Carl - District Manager

Dear Dan Carl and members of the Costal Commission,

I am among the 80% of the silent majority who have supported the waste water treatment system plan that is proposed by the country with the LOWWP. In turn I hope we will be supported by the Coastal Commission when it comes time to vote for this improvement to our community for the sake of our environment.

Thank you for helping us achieve our goal.

Audrey Chamberlain

January 4, 2010 (Updated)
August 5, 2004

To: California Coastal Commission
725 Front St. Suite 300
Santa Cruz, CA 95060

From: The Dove Family

Subject: Finish the Los Osos Wastewater Project

As a resident of Los Osos for thirty-six years I have felt that our government has not always treated us fairly, especially concerning roads, drainage, and of course the sewer. One reason for this is that a few citizens make such an outcry over virtually anything and everything proposed, that important improvements for our community are never completed. There is a wish by some to freeze this community as a sleepy rural village as is was in the fifties. This is neither possible nor desirable.

Los Osos voted in the CSD in to take charge of some of these problems. The CSD board was recalled and the sewer project sabotaged. It is unfortunate that a few, self-appointed individuals are dividing our community with their negative propaganda. Please, let us complete this thing, as designed, and get on with our lives.

The Dove Family:

Gary Dove Los Osos Citizen of the year 2006
Past President Rotary Club of Los Osos
Past President Cabrillo Property Owners Los Osos
Exectutive Board Los Osos Advisory Council
Owner, Dove Lighting Systems Inc.
Cheryl Dove Teacher, Baywood Elementary School, Los Osos
Brandon Dove
Chelsea Dove
Sniffels the pug puppy

sewercce.wpd

Mr. and Mrs. Gary Dove
377 Travis Dr
Los Osos, CA 93402-4327

January 4, 2010

Mr. Dan Carl
District Manager
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Mr. Carl

As residents and property owners in Baywood Park, we have followed the spirited skirmishes, contentious debates, wrangling and setbacks that have kept a viable sewer project from becoming a reality here in Los Osos. My wife and I have supported the earlier efforts of the "recalled CSD" and now the county's balanced approach at engineering a wastewater collection and treatment facility for this conflicted and troubled community. We look forward with guarded optimism, hoping that the California Coastal Commission finds "no substantial issue" with the project as proposed by the San Luis Obispo County's Department of Public Works.

The appellants have presented their views dozens of times over the past several years, and to date their only accomplishment has been to foster delays, court costs and further delay.

It is our understanding that the Coastal Commission staff has recommended that the Commissioners support the staff's position of "no substantial issue", thus giving the project a green light to proceed. We urge the Commissioners to accept the staff's findings.

Sincerely,
Stephani Denker
and
Stuart Denker

1347 Pasadena Drive
Los Osos, CA 93402

California Coastal Commission
Central Coast District Office
Charles Lester, Senior Deputy Director
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Mr. Lester,

We are writing this letter to request that the Coastal Commission accept the Giaccamazzi site for the placement of the Los Osos sewage treatment facility. We feel that the San Luis Obispo County Commissioners have done an admirable job of defining the options for site placement with due regard for environmental and economic considerations.

The citizens of Los Osos share the Coastal Commission's commitment to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations. We feel that the proposed design and operation of the facility at the Giaccamazzi site will allow us to meet this commitment in a manner that allows Los Osos to continue as a viable community.

Please accept this request with the greatest respect for your mission and appreciation for your time.

Sincerely,
Elizabeth Will

Elizabeth Will

Benali Burgoa

B. Burgoa

471 Ash Street
Los Osos, CA

1335 16th Street
Los Osos, CA 93402

December 31, 2009

Khatchik Achadjian
California Coastal Commission
Board of Supervisors
County Government Center
1055 Monterey St., Room D-430
San Luis Obispo, CA 93408

RE: AGENDA ITEMS 8a AND 8b. JAN. 14TH CCC MEETING, LOS OSOS WASTEWATER PROJECT

Dear Mr. Achadjian,

As 15-year residents of Los Osos, we have always acknowledged the necessity of having a wastewater treatment system for our community. We are among the two-thirds majority of homeowners who approved taxation in the recent 218 vote.

We absolutely endorse the current San Luis Obispo County Public Works wastewater plan. We understand that the CCC's staff report has concluded there are no substantial issues regarding the current appeals before your board. We concur with that staff conclusion and urge the board to approve the plans as submitted so that we can proceed to bid and construction.

We are sending separate letters to each of the CCC's board members and trust that these documents will appear in the Commissioners' meeting packets for your scheduled January 14 meeting.

Sincerely,

Richard and Gretchen Clark
Homeowners, Los Osos

December 28, 2009

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
Attn: Jonathan Bishop

Re: Proposed Los Osos Wastewater Project

The trend toward the purchase of bottled drinking water reflects the reality that many of us simply don't trust what comes out of the tap. The proposed hybrid gravity system will have the capability of processing water to the highest water quality standard attainable and allow for future upgrades. This will become of critical importance, as we begin to address the toxic chemicals in the water supply. A high standard of water quality will eliminate the need to purchase water in plastic bottles furthering positive impacts to the environment.

No wastewater system will be able to guarantee avoidance of accidental sewage spills. Only a well-designed and well-constructed project, along with regular routine maintenance will be able to prevent potential catastrophes.

Routine maintenance required with the proposed hybrid gravity system would occur well away from homes and yards, whereas a step steg system would require maintenance onto private property where unanticipated system failures could potentially occur.

We support the proposed wastewater project, and treatment plant at the Giacomazzi site given that impacts can be adequately mitigated at that site. We urge the Coastal Commission to approve the project, and support any changes necessary in conditions that will enable the proposed hybrid gravity system to move forward toward completion. Any added cost associated with additional delays will become a greater financial hardship the longer the delay. It is to the advantage of the entire community of Los Osos and the California coastline to move ahead toward a sound, sustainable solution now.

Thank you.

Dora Barreto

Dora Barreto

Helen Barreto

Helen Barreto (homeowner)
489 Los Osos Valley Rd., Los Osos, CA 93402

cc: County of San Luis Obispo

Central Coast District Office
Charles Lester, Senior Deputy Director
Dan Carl, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
(831) 427-4863
FAX (831) 427-4877

Dear California Coastal Commissioners and Staff,

Thank you for your consideration of The LOS Osos Easte water project. The need for this has never been more urgent due to the need to stop sea water intrusion and other factors endangering our aquifer.

Sincerely, Richard and Nancy Leslie Richard and Nancy

366 Mitchell Dr, Los Osos, CA

cc Commissioners and Staff:

Bonnie Neely (Chair)
825 Fifth Street, Room 111
Eureka, CA 95501

Steve Blank
45 Fremont St.
Suite 2000
San Francisco, CA 94105

Sara Wan
22350 Carbon Mesa Rd
Malibu, CA 90265

Dr. William A. Burke
45 Fremont St.
Suite 2000
San Francisco, CA 94105

Steven Kram

45 Fremont Street, Suite 2000
San Francisco, CA 94105

Mary K. Shallenberger
45 Fremont. St.
Suite 2000
San Francisco, CA 94105

Patrick Kruer
The Monarch Group
7727 Herschel Ave.
La jolla, CA. 92037

Ross Mirkarimi
Supervisor
City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place, Room 282
San Francisco, CA. 94102

Mark W. Stone, Supervisor
Board of Supervisors
County Government Center
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Khatchik Achadjian
Board of Supervisors
1055 Monterey St. Room D-430
San Luis Obispo, CA 93408

Richard Bloom, Councilmember
Santa Monica City Council's Office
PO Box 2200
Santa Monica, CA 90407-2200

Esther Sanchez, Councilmember
Oceanside City Council
City of Oceanside
300 North Coast Hwy
Oceanside, CA 92054

Staff

Peter M. Douglas, Executive Director
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

(415) 904-5200
FAX (415) 904-5400

Th8a and Th8b

January 4, 2010

Los Osos Wastewater Project
Agenda items TH8a and TH8b
Jane Harrison

California Coastal Commission
Peter M. Douglas, Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Douglas,
As a resident of Los Osos, California, I am hopeful that you will determine that there is no substantial issue raised by our project. Our community has wrestled with this issue for a long time, and we are hopeful that your vote will enable us to complete our project.
The plan has had extensive review, and is supported by a large majority of the community.
Unfortunately, a very few negative voices have been instrumental in slowing down our project, and thus it has become even more costly.
Please approve our project and allow us to finally move forward.

Sincerely,

Jane Harrison
1701 Los Osos Valley Road,
Los Osos, CA 93402

Cc:

California Coastal Commission
Bonnie Neely (Chair)
825 Fifth Street, Room 111
Eureka, CA 95501

Esther Sanchez, Councilmember
Oceanside City Council
City of Oceanside
300 North Coast Hwy
Oceanside, CA 92054

Sara Wan
22350 Carbon Mesa Rd
Malibu, CA 90265

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45 Fremont Street, Suite 2000
San Francisco, CA 94105

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7727 Herschel Ave.
La Jolla, CA. 92037

Mark W. Stone, Supervisor
Board of Supervisors
County Government Center
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Richard Bloom, Councilmember
Santa Monica City Council's Office
PO Box 2200
Santa Monica, CA 90407-2200

Steve Blank
45 Fremont St., Suite 2000
San Francisco, CA 94105

Dr. William A. Burke
45 Fremont St., Suite 2000
San Francisco, CA 94105

Mary K. Shallenberger
45 Fremont. St., Suite 2000
San Francisco, CA 94105

Ross Mirkarimi, Supervisor
City and County of San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 282
San Francisco, CA. 94102

Khatchik Achadjian
Board of Supervisors
1055 Monterey St. Room D-430
San Luis Obispo, CA 93408

THURSDAY, ITEM 9A

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:
Permit No. A-3-SCO-05-073-A1 (Porter, Santa Cruz Co.). Request by William and Susan Porter to amend permit to allow construction of 31.5-ft. tall wind turbine, to modify glass requirements related to streetside second floor façade window unit, and to add permanent ladder on west side of residence at 3030 Pleasure Point Drive in Live Oak beach area of Santa Cruz County.

Date and time of receipt of communication:
January 8, 2010 at 12:00pm

Location of communication:
La Jolla

Type of communication:
In person

Person(s) in attendance at time of communication:
Susan McCabe

Person(s) receiving communication:
Pat Kruer

Detailed substantive description of the content of communication:
(Attach a copy of the complete text of any written material received.)
I received a briefing from the project representative in which she described the proposed amendment and expressed the applicants' objection to Special Condition 1 relating to relocation of the proposed wind turbine. As described by the representative, the project consists of three components: 1) installation of a wind turbine to augment other alternative energy sources (geothermal and photovoltaic), 2) allowance of clear low-reflective glass instead of opaque glass, and 3) installation of a permanent ladder to allow maintenance of a "living roof." She stated that the proposed wind turbine would provide approximately 16% of the power needed to serve the energy-efficient residence. She also states that the power generated by the wind turbine is necessary to supplement the other sources of power and would enable the applicants to stay "off the grid." The representative described the applicants' efforts to work with staff to site the wind turbine in a location that would minimize visual impacts, but stated that it must be sited above the roofline to be effective. According to the representative, the turbine must be sited above the roofline to capture sufficient wind flow and to avoid interference from surrounding buildings. She informed me that bird strike was not at issue with small residential turbines and referred me to a letter from the Audubon society addressing the issue. The applicants support staff's conclusion that there would be no adverse lighting impacts from the use of clear low-reflective glass and explained the necessity of the exterior ladder for maintenance of vegetation on the living deck.

Date: 1/8/2010

Signature of Commissioner: _____

Th 9a

THURSDAY, ITEM 9A

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:
Permit No. A-3-SCO-05-073-A1 (Porter, Santa Cruz Co.). Request by William and Susan Porter to amend permit to allow construction of 31.5-ft. tall wind turbine, to modify glass requirements related to streetside second floor façade window unit, and to add permanent ladder on west side of residence at 3030 Pleasure Point Drive in Live Oak beach area of Santa Cruz County.

Date and time of receipt of communication:
January 11, 2010 at 2:30 pm

Location of communication:
Phone

Type of communication:
Teleconference

Person(s) in attendance at time of communication:
Susan McCabe, Cove Britton, Anne Blemker

Person(s) receiving communication:
Bonnie Neely

Detailed substantive description of the content of communication:
(Attach a copy of the complete text of any written material received.)
I received a briefing from the project representatives in which they described the proposed amendment and expressed their objection to Special Condition 1 relating to relocation of the proposed wind turbine. As described by the representatives, the project consists of three components: 1) installation of a wind turbine to augment other alternative energy sources (geothermal and photovoltaic), 2) allowance of clear low-reflective glass instead of opaque glass, and 3) installation of a permanent ladder to allow maintenance of a "living roof." They stated that the proposed wind turbine would provide approximately 16% of the power needed to serve the energy-efficient residence. The power generated by the wind turbine is necessary to supplement the other sources of power and would enable the applicant to stay "off the grid." The representatives described their efforts to work with staff to site the wind turbine in a location that would minimize visual impacts, but stated that it must be sited above the roofline to be effective. According to the representatives, the turbine must be sited above the roofline to capture sufficient wind flow and to avoid interference from surrounding buildings (as shown in photosimulation sent via e-mail). They informed me that bird strike was not at issue with small residential turbines and referred me to a letter from the Audubon society addressing the issue. The representatives supported staff's conclusion that there would be no adverse lighting impacts from the use of clear low-reflective glass and explained the necessity of the exterior ladder for maintenance of vegetation on the living deck.

Date: January 11, 2010

Bonnie Neely, Commissioner: Bonnie Neely

Jan. Agenda Item Th 9a

Katie Morange

From: Charles Lester
Sent: Monday, January 04, 2010 2:05 PM
To: Dan Carl; Diana Chapman; Katie Morange
Subject: FW: wind turbines

Charles Lester
Senior Deputy Director

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
Ph: 831-427-4863 Fax: 831-427-4877
www.coastal.ca.gov

-----Original Message-----
From: Vanessa Miller
Sent: Monday, January 04, 2010 1:42 PM
To: Jeff Staben; Charles Lester
Subject: FW: wind turbines

-----Original Message-----
From: Sara Wan [mailto:lwan22350@aol.com]
Sent: Saturday, January 02, 2010 9:35 AM
To: Vanessa Miller
Subject: FW: wind turbines

ex-parte- Th 9a- Porter

From: Garry George [mailto:garrygeorge@laaudubon.org]
Sent: Saturday, January 02, 2010 8:26 AM
To: 'Sara Wan'
Subject: RE: wind turbines

Audubon does not support home turbines as a bird-safe alternative energy source that I know of. And I have seen no science that proves that claim. I have seen some marketing materials on the vertical blades that are supposed to be safer for birds, but again I've seen no peer-reviewed published science to support this claim, even though it seems intuitive that it would be safer.

Turbines might be ok on some rooftops but not on others so each project needs to be studied for potential impacts on species of birds that may be affected. One size does not fit all.

Garry George
1st VP, Conservation Chair
Los Angeles Audubon
PO Box 931057
Los Angeles, CA 900930-1057
garrygeorge@laaudubon.org

From: Sara Wan [mailto:lwan22350@aol.com]

Sent: Tuesday, December 29, 2009 3:26 PM
To: garrygeorge@laaudubon.org
Subject: wind turbines

Garry,

We have a proposal to install a wind turbine for a home.
Staff is contending that these type of turbines do not create a problem for birds and that "they are supported by the Audubon Society as a bird-safe alternative energy source". Is this correct? Seems to me that the speed of the blades will determine the danger to the birds and just becaswue there is ony one of them shouldn't mean there is no danger

Sara

Th9a

County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069
(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JOHN LEOPOLD	ELLEN PIRIE	NEAL COONERTY	TONY CAMPOS	MARK W. STONE
FIRST DISTRICT	SECOND DISTRICT	THIRD DISTRICT	FOURTH DISTRICT	FIFTH DISTRICT

January 11, 2010

Chair Neely and Members
California Coastal Commission
c/o Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Chair Neely and Members of the Commission:

This letter is in reference to application number A-3-SCO-05-073-A1, entitled Porter SFD Modifications, for the house at 3030 Pleasure Point Drive in the Pleasure Point neighborhood of Santa Cruz. Three issues are addressed in this application: the proposed installation of a wind turbine, the type of glass used in the large front facade windows, and the installation of a ladder to the roof on the side of the residence.

Previous approvals for this project have been long and involved, and most took place prior to the beginning of my term as County Supervisor for the First District. Regardless of how we reached this point, the resulting house that has been built appears to me to be clearly not compatible with the character of the surrounding Pleasure Point neighborhood. However, the project has been approved, and at this point all that can be done is to try to minimize additional visual and other impacts on the neighborhood.

Generally I am supportive of tapping wind energy along with other forms of clean alternative energy, and the applicant should be commended for the many efforts to incorporate alternative energy features into this house. However, with a house that already pushes neighborhood compatibility to the limit or beyond, I believe that we must listen to the concerns of the neighbors on this issue and not add to the compatibility problem.

The house is a prominent feature visible from the public walkway along East Cliff Drive to the east, and a wind turbine eight feet above the roof line would make this residence become more conspicuous and further prevent it from blending into the

neighborhood. Placing the turbine below the roof line would help protect the public viewshed, although it would add to existing incompatibility and possibly noise issues with the nearby neighbors. If the turbine is to be approved, I support the staff recommendation of placing it below the roof line.

The house features massive front windows facing the street. In response to neighbors' concerns about light pollution in the neighborhood, a previous condition of approval for this house by the County included the requirement of opaque glass in those windows. I feel that that condition of approval should be honored and not overturned by the Coastal Commission. Even though the applicant went ahead and installed clear glass, and a test with relatively low levels of lighting inside was conducted, and based on that test staff was convinced to recommend overturning this condition of approval, I would still recommend against removing this condition. Inside illumination levels can and often do change over time, and I believe that neighbors' concerns on this issue are valid.

Finally, a ladder on the side of the house would also add to the visual clutter. If it is to be approved, I would recommend that any ladder installed be required to be painted a color similar to the color of the house so that it does not unduly stand out.

In summary, each of these proposed changes will exacerbate the visual incompatibility of this house with the rest of the neighborhood. The neighbors already feel that their concerns have not been taken seriously, given the approvals that have occurred so far. Please act to not increase this incompatibility any further in the matters that are before you.

Thank you for your consideration.

Sincerely,

John Leopold

JOHN LEOPOLD, Supervisor
First District

JL:ted

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California Coastal Commission
Central Coast District
725 Front Street Suite 300
Santa Cruz, Ca. 95060

Re: January 14 meeting
Agenda # 9A Porter residence
Permit A-3-SCO-05-073-A1
Position: OPPOSED

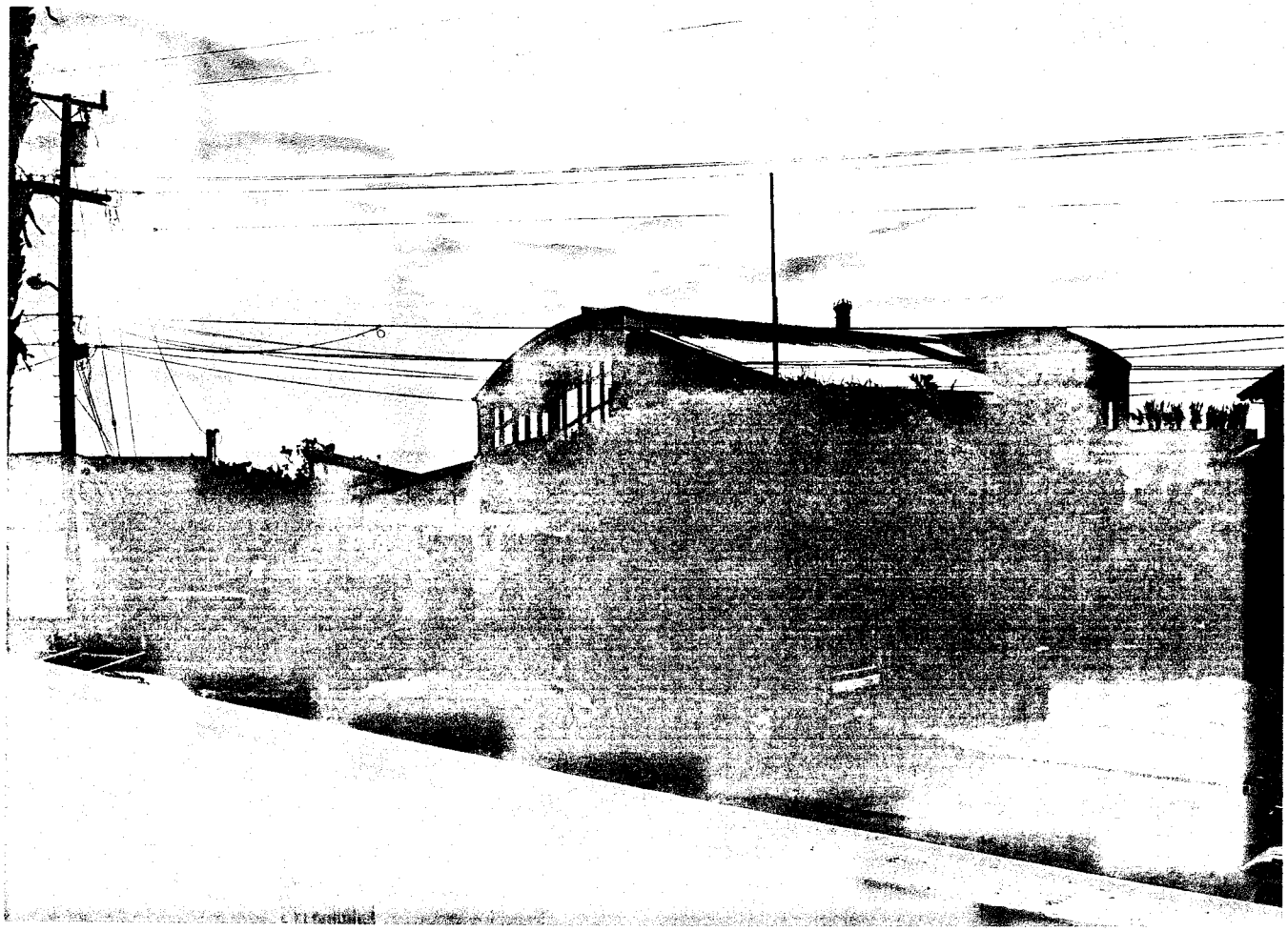
Dear Commissioners,

I live at 3021 Pleasure point Dr. My home is just across the street from the Porter home, and immediately behind the three story round tower house on E. Cliff drive. When it is lit up at night its as if our homes are bathed in floodlights. The planning commission agreed that coupled with the proposed oversized front window at the Porter residence it was too much. The Porter's were instructed to find a workable compromise either by reducing the size of the window or as finally agreed upon, use an opaque material with no light transmission. We were to see a sample of the proposed material . Mr. Britton never furnished it. Now the Porter's want a residential wind turbine on a 35 ' pole in front of the house. This is a popular beach neighborhood, on a street that gets lots of traffic from walkers, bike riders skateboarders, beach lovers, and surfers! We all want to enjoy the ambiance of air and ocean alike. This wind turbine will further degrade the viewshed and is incompatible with this residential neighborhood.

No one has considered the irritation of a constant sound . The human ear can detect differences as low as 3 decibels and the frequency is discernable above the ambient noise. We moved here as others did to enjoy the sound and air of the ocean not to hear the constant low noise factor of the neighbors 1 Kw wind turbine augmenting the full complement of solar arrays,geothermal heat transfer, and fuel cells. I applaud the Porter's zeal for the green movement but I hope the Coastal Commission will decide that if these wind generators are to be used for ocean front homes that they be on less busy streets with greater than 10 foot setbacks between parcels.

Thank you for your consideration.

Peter and Terry Vokos



VIEW OF PORTER RESIDENCE WITH PROPOSED POLE AT RIGHT FRONT

1-7-10

RECEIVED
JAN 0 7 2010
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

3030 Pleasure Point Drive
(APN 032-242-11)

This project ignores Neighborhood Compatibility; scale, bulk and style.
The size of this house was based on submerged land to calculate FAR.
The County has since changed the rules to prevent others from using submerged land as part of lot size to figure FAR, house size vs. lot size.

This house overwhelms the neighborhood and the coastal view.
The house was permitted to build across a coastal view from the 1st coastal road.
The addition of the motorcycle garage was built in the area that was open and provided this view.

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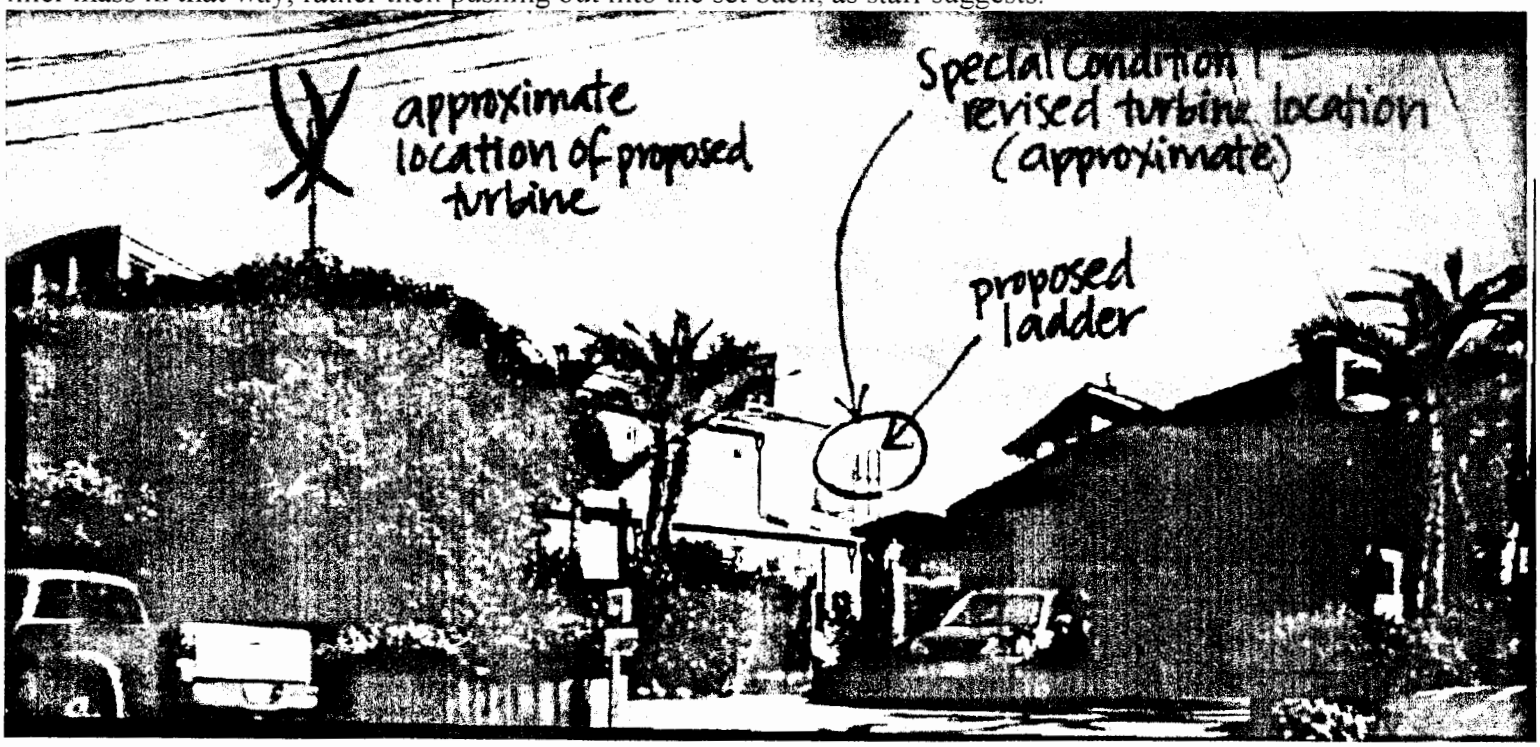
There was a great deal of concern expressed by the Pleasure Point Community.
The one concession the County made is that the windows not add to light pollution, and now they want to change the one condition the County and the Commission placed on this project. The windows were not built as specified by the permit.
Is this a case of its easier to get forgiveness then permission?
They say it will all be off the grid, so they will only use tiny lights.
Is this is the deed?
When will they come back with 1000-watt bulbs?
Enough never seems to be enough.
Will future owners be restricted by the low light requirement?

The County let them build a 28 ft wall and now they want to add a ladder into the 5 ft set back. Why was this not in the original plan? Why not put it on the East side? Do the owners think it is ugly, or are the workers unappealing?
If permitted in the neighborhood view, the ladder could be recessed into the great wall, thus adding variation to the liner mass in that way, rather then pushing out into the set back, as staff suggests.



The neighbors to the West sold they were so impacted by this wall.
The project does look like a warehouse on the West side.
The argument that the wall looked like a building, built miles away in a warehouse district, is a visual insult to the area.
Please do not add insult to injury

Green buildings are only as big as need for the housing requirements. What is the need for this giant house?

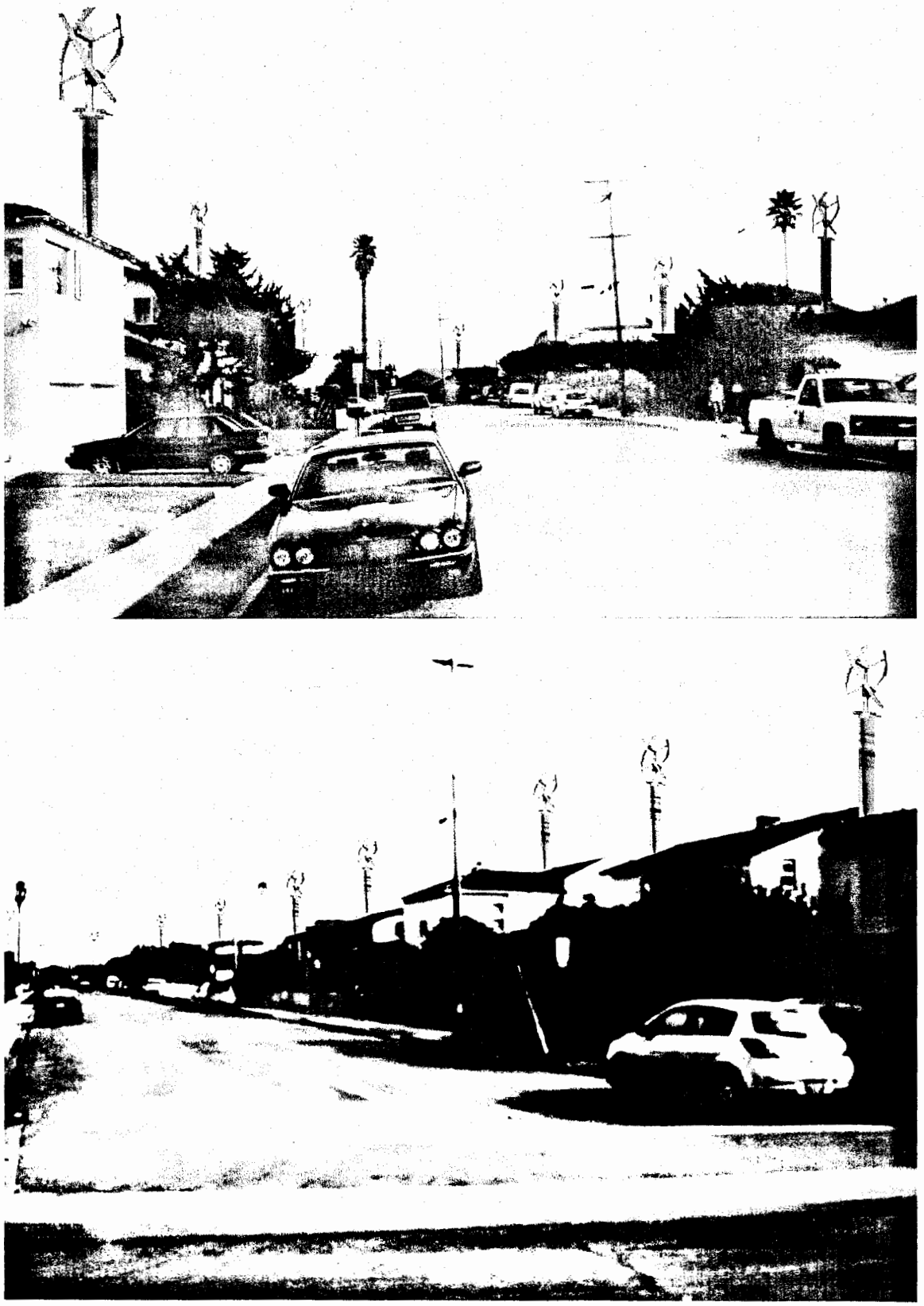
Now they want to add a 35 ft windmill on the front West side
The visual aspect of windmills is covered by staff and we agree that it is not in keeping with the areas visual resources.
What will be the visual impact when the whole neighborhood adds them to capture the slight and intermittent breeze in this area?
As an augmentation for the solar array, how often will the wind be blowing at night?

Both the ladder and the windmill need to be removed.
This seems to be very insensitive to the neighborhood or an insult to those who tried to protect their Community.

This Non-Compatible structure, that was called a "sore thumb" by one of the County Supervisors, is prominent on Pleasure Point Dr and East Cliff Dr.
The dominant style is Spanish Colonial on Pleasure Point Dr.
This is easily recognized by a quick look at the street.

Please do not change the one weak concession that the owners made to get this Non-Compatible structure approved by the County and the Coastal Commission.
The owners seems to have the goal of being the most prominent visual structure along the Coast in this area.
Do not let them add light pollution to Pleasure Point.
We would like to see the stars again and hope to remove streetlights, as seen in Carmel California
As mitigation for this project, they might underground the wires and remove the streetlights, or replace the streetlights with less industrial ones.
Please stay with the original conditions and do not add more visually discordant elements to the controversial project.

Approximation of what the visual impact might be for an 8-foot windmill on a 35-foot base on Pleasure Point Dr., a Neighborhood of Spanish Colonel Style homes



Approximation of what the visual impact might be for an 8-foot windmill on a 35-foot base on Pleasure Point Dr., a Neighborhood of Spanish Colonel Style homes

Katie Morange

From: Bill Beasley [papabeas@sbcglobal.net]
Sent: Wednesday, January 06, 2010 11:07 AM
To: Katie Morange
Cc: Gerri Beasley
Subject: Porter House 3031 Pleasure Point
Attachments: California Coastal Commission Re.doc

Hi Katie,

Attached is a letter I would like distributed to the commissioners.

If you need a signed original please let me know and I will drive it down toady or tomorrow.

Thank you for your assistance,

Bill Beasley

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, Ca 95060

Re: January 14 meeting
Agenda item 9 a
Permit A-3-SCO-05-073-A1
Position: OPPOSED

Dear Commissioners

I am the owner of the home at 3031 Pleasure Point in Santa Cruz, California. This is directly across the street from the Porters home and the permit in question.

A very brief background from my prospective if I may.

We and other neighbors met the Porters and Cove Britton on July 25, 2003 at an open house they hosted to announce their plans and ask for input. I expressed my concerns in writing and publicly at the Santa Cruz County Planning Commission.

My primary concerns at that time were design (very modern) incompatibility with neighborhood and a large glass window facing the street, i.e. our house.

The staff recommendation was "Denial without prejudice" in October 2003.

In early 2005 the Porters appealed the ruling of the planning commission. They also arranged for us to meet jointly with a facilitator, Kay Bowden. At those meetings they discussed replacing 30-40% on front glass with other material and using opaque glass. (Minutes of those meetings are available.) Cove Britton on September 8, 2005 was instructed by Susan Porter in an email, with copies to the neighbors, to provide a sample of the opaque glass. Despite many requests he never had a sample available.

On October 15, 2005 the appeal was denied since the plans still did not comply with the Planning Commission demands on changes to the front window size and glass.

On October 24, 2005 an appeal was filed with the California Coastal Commission.

Construction on the property began shortly thereafter based on what appear to be non approved plans at least as far as the front window goes.

In 2007 the County of Santa Cruz amended its definition of "Net Site Area" which also would have limited the size if this house.

That is enough history.

I oppose the current size and glass in the front window. It was built without compliance to direction given by the Planning Department, Board of Supervisors or Coastal Commission.

I oppose the addition of a wind turbine of any size. Thirty five feet (35') is gigantic on a residence with houses close together as they are on our street.

The wind turbine was a new feature never discussed with the Planning Department or neighbors. It will be if full view of the neighbors, noisy and a danger to birds. If even considered it definitely should be on the water side of the house.

Please step up and show us that the laws and procedures must be followed by all parties and ignoring them has financial consequences such as a rebuild to comply with previous given directions.

Thank you for your consideration and service,

William R. Beasley and G. L Beasley
650- 854-1262

154 26th Ave
Santa Cruz, CA 95062
December 31, 2009

Coastal Commission, Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Reference: Coastal Development Permit Amendment Application
A-3-SCO-05-073-A1, Porter SFD Modifications

Dear Sir or Madam:

I was appalled to read in the Sentinel about the proposed addition of a wind turbine to the residence at 3030 Pleasure Point Drive. Although I live out of visual range of this project, I highly object to the concept of adding visual clutter to an attractive coastal area. If this one is allowed, where does it stop? Do we want Pleasure Point to look like the Altamont Pass? I HOPE NOT! Being green is one thing, but destroying an area to reducing its carbon footprint is very short sighted.

Secondarily, I've read many concerns about these wind turbines killing birds. With the large number of shore birds that frequent the area, the addition of the wind turbine could negatively influence their population. Was an environmental study made about the possible impact on birds like the snowy plover?

Sincerely,

Robert Malbon
mrmikez28@hotmail.com

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

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Filed: 04/29/2009
180th day (extended): 10/26/2009
270th day: 1/24/2010
Staff report prepared: 12/22/2009
Staff report prepared by: Katie Morange
Staff report approved by: Dan Carl
Hearing date: 1/14/2010

COASTAL DEVELOPMENT PERMIT AMENDMENT APPLICATION

Application number..... **A-3-SCO-05-073-A1, Porter SFD Modifications**
Applicants ..... **William and Susan Porter**
Project location ..... 3030 Pleasure Point Drive (seaward side of Pleasure Point Drive) in the Pleasure Point region of the unincorporated Live Oak beach area of Santa Cruz County (APN 032-242-11).
Amendment description . (1) Installation of an almost 35-foot tall 1-kilowatt wind turbine on a pole, (2) change from zero light transmission, low-reflective glass to clear lowreflective glass for the second floor front facade window unit of the residence, and (3) installation of a permanent ladder on the western side of the residence.
Local approvals ..... None determined to be necessary by Santa Cruz County.
File documents..... Coastal Commission coastal development permit (CDP) file A-3-SCO-05-073; Santa Cruz County certified Local Coastal Program (LCP).
Staff recommendation ....**Approval with conditions**

In this case, staff believes that the wind turbine raises significant adverse character/public viewshed issues. One way of addressing these issues would be to deny the proposed wind turbine.

a. Permit No. A-3-SCO-05-073-A1 (Porter, Santa Cruz Co.). Request by William and Susan Porter to amend permit to allow construction of 31.5-ft. tall wind turbine, to modify glass requirements related to streetside second floor façade window unit, and to

Th 9a

Jay and Annette Pennock
3000 Pleasure Point Drive
Santa Cruz, CA 95062
831-479-8240

California Coastal Commission
Central Coast District Office
725 Front Street
Suite 300
Santa Cruz, CA 95060
Fax 831-427-4877

Re: Permit # A-3-SCO-05-073-A1
Applicant William and Susan Porter

12/29/09

Coastal Commissioners:

I will not be able to attend the public hearing regarding the Porter's application for a 35 foot wind turbine but I would like to express my absolute disapproval for this. We have lived on Pleasure Point Drive for 13 years and have ourselves remodeled our home and gone through Coastal Commission review.

At the time of our application, we had to make sure that our plans were in conformance with the neighborhood with regard to both size and style. We had to demolish a room that was deemed too close to the cliff edge, despite the fact that it had been there for decades. I was also forced into trimming back the edge of our ocean-front deck to comply with one of the local commission "inspectors" because he did not like the way it looked, although it had passed through planning without a problem.

The Potter's house is an affront to all who have complied with the rules governing coastal properties. The lot size that they were granted in order to build their monstrosity was generous to say the least. 2 of the amendments they are asking for have already been installed (the ladder and the window), so it is clear that they are asking for forgiveness rather than permission.

It is inconceivable that the coastal commission is even considering the turbine. It is set to tower over the house, significantly above the height limits set by the county and even if it were not industrial, but artistic, it would present an eyesore for the waterfront area. The staff report addresses the bird issue by lowering the height, but this portion of Pleasure Point has a constant flow of avian traffic that flies along the cliff. You just have to check the Porter's deck for bird droppings. There is no mention of the noise

that such a turbine would create, potentially disturbing wildlife and causing serious noise pollution for the neighborhood.

The Porters have shown a complete disregard for the impact that their project has had on the neighbors on Pleasure Point Drive. It is obvious that they have paid their way past rules and regulations that should be applied evenly regaldress of abilty to hire lawyers and architects with influence over the process.. It will be clear if this amendment is accepted that the rules only apply to those who cannot afford to buy our way to acceptance by the Coastal Commission. I for one will be reluctant to get a permit and instead act as the Porters and do as I wish and hope for forgiveness.

I would be happy to discuss this with any staff member or commissioner.

Thank you,

Jay Pennock