

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

F14a



Prepared June 8, 2010 (for June 11, 2010 hearing)

To: Commissioners and Interested Persons

From: Dan Carl, District Manager
Jonathan Bishop, Coastal Planner

Subject: STAFF REPORT ADDENDUM for F14a
CDP Application Number A-3-SLO-09-055/069 (Los Osos Wastewater Project)

The purpose of this addendum is to modify the staff recommendation for the above-referenced item. In the time since the staff report was distributed, additional clarifying information was identified and has been added to the findings and conditions of the staff report. These changes do not substantively affect the staff recommendation. Thus, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~striketrough~~ format indicates text to be deleted):

1. Revise Findings on page 16 of the Staff Report as follows:

In this respect the Commission notes that there has been substantial local debate regarding whether to use a STEP or a gravity collection system, and to a somewhat lesser degree a question in some minds regarding treatment plant siting. The Commission does not believe that there is an LCP or Coastal Act need to revisit treatment plant siting in terms of an evaluation of alternative sites or to revisit the collection system debate between STEP and gravity. A detailed constraints and alternatives analysis was used to identify a gravity system as the least environmentally damaging feasible alternative collection system (see Viable Project Alternatives Rough Screening Report of March 2007 and Fine Screening Report of August 2007). A cost comparison between a STEP collection system and a gravity system is included in the Fine Screening Report for the wastewater project. The report found that the cost associated with construction of both collection systems were substantially the same. In addition, the project EIR includes a detailed analysis of both STEP and gravity systems with regards to resource impacts (see Final Environmental Impact Report, September 2009).

In terms of overall ground disturbance, the analysis concluded that the difference in ground disturbance quantities associated with STEP and a gravity system would not be significant. While a STEP system can be directionally drilled, thereby possibly avoiding the impacts associated with trenching or “deep” excavation, even that technique involves large amounts of ground disturbance. For example, directional drilling requires bore pits at both ends, receiving pits, and lateral service connections (most will need to be trenched). The installation of new STEP tanks also requires excavations (roughly 8 feet deep) that match the majority of the gravity system depth. Excavations for new STEP tanks would likely require substantial excavation areas confined to small front yard areas. Therefore, the STEP alternative provides minimal opportunity to avoid resources if they are located within these areas.

The issue of sludge production and biosolids hauling is also analyzed. The studies performed by the County estimate the gravity system will produce about 4,000 lbs of sludge per day (at buildout), whereas



a STEP system would produce about 1,000 lbs per day (at buildout). For the gravity system this means there would be four truck trips per week (two loaded, two empty) hauling dewatered sludge to the landfill from the treatment plant. For the STEP system, sludge would be pumped from individual tanks at the rate of about 20 tanks per week, or 4 per day, trucked to the treatment plant, and then run through the full treatment system, dewatered, and then hauled to the landfill once or twice per week (but in smaller loads than with a gravity system). The timing of the hauling is established at once or twice per week, regardless of volume, because the sludge is still biologically active and has the capability to produce odors if not disposed of or treated further. Therefore, STEP would generate 2-4 trips per week to the landfill (loaded and empty), and 20 in town trips per day to collect sludge from STEP tanks in town. Although there is a reduction in sludge volume using a STEP collection system, there is also an increase in greenhouse gas emission. The reduction of sludge generation with the STEP system comes from the fact that at a pumping rate of once per five years, each tank will generate a bacterial colony that, after about year 3, breaks down some of the solids producing methane gas (a greenhouse gas), and releasing it to the atmosphere. Therefore, although there is an overall reduction in sludge volume, there is an increase in greenhouse gas emissions at each tank, and the sludge that is delivered to the treatment facility is relatively low in carbon relative to the nitrogen in the sludge. This is problematic because carbon is an important element in the de-nitrification process, and the County would need to add carbon to the sludge from the STEP tanks (likely in the form of methanol) to complete the de-nitrification treatment process, resulting in an additional increase in the carbon footprint from trucking in a carbon source. The County estimated the carbon footprint for these two project alternatives (assuming methanol was used as the additional carbon source to treat STEP (and storage pond) effluent) and found that a STEP system would produce greater amounts of greenhouse gas than a gravity system.

A common cause of sewer system overflows is due to the infiltration of groundwater and rainwater into sewer pipes, commonly referred to as inflow and infiltration (I/I). To address this issue, the County selected a “sealed system” using elastomeric/bell and spigot pipes which is not anticipated to leak under appropriate installation practices. According to the County, the materials used are subject to standards which specify zero leakage. However, the County also will use fusion welded or chemically sealed pipes and will do additional inspections in the field during construction to ensure proper installation in areas of high groundwater to further reduce I/I (see County condition 98, Exhibit 2). In other words, the project includes appropriate safeguards to address I/I. That said, it should be noted that any system, including pressurized systems, constructed in the field and subjected to various environmental factors, over time has some potential for failures of various kinds. According to the County, conservative design parameters for wastewater treatment plants include designing for infiltration, even when the potential for such flows to occur is low, and with modern operational requirements applied, will be insignificant. In short, the project recognizes I/I and takes appropriate precautions to protect coastal resources, including the Los Osos Groundwater Basin and Morro Bay, from potential I/I and sewer overflow impacts.

Issues have also been raised that additional increases in water conservation approved by the County (a roughly 25% reduction from current usage) would reduce the flows needed for proper gravity system function and may undermine efforts to balance the groundwater basin. However, the project is



conditioned to appropriately mitigate impacts related to reduced septic flows (see County conditions 88, 97, 101, and 103). In addition, County condition 111 requires the use of recycled water for typical routine flushing. Moreover, the concern that the use of treated effluent or potable water for system flushing is an unnecessary waste of water does not appear on point because all water that is sent through the wastewater system will be re-used within the Los Osos Basin, as required by the project conditions of approval.

It is also fair to note a number of issues raised by the County related to feasibility of construction and operations. For instance, the County notes that STEP likely has higher in-lot costs (borne by the individual without benefit of public financing opportunities) for electrical hookups and yard restoration. Right-of-way issues can also be problematic, including because the RWQCB will require the County to own and operate all STEP tanks. To do that, the tanks must be accessible in the front yard and within a County-owned easement. Securing such easements may be difficult, and according to the County may result in substantial additional costs and delays. While every home currently has some sort of septic tank, there are areas where installing new tanks, even in the same spot as the existing tank, could be problematic from a space/size perspective. While it may be simple to install a STEP tank on a vacant, undeveloped property, doing so in a space already developed with a house can be much more difficult, especially with infrastructure present (other underground lines, overhead lines, fences, garages, concrete walks and patio space, etc.). In short, the County concluded that the process of the County managing and handling waste from over 4,000 individual STEP tanks, along with a wastewater treatment plant and disposal system, was fraught with potential operational and maintenance issues, and would not result in significant reduction of environmental impacts. In sum, there does not appear to be a significant difference in terms of coastal resource protection by switching to a STEP based collection system.

In addition to the extensive alternatives analysis of the STEP versus gravity systems, the County analyzed various alternatives for the treatment plant location. Technical Appendices B-1: Alternatives Development and Descriptions and B-2: Systems Component Evaluation, and the Fine Screening Report (Corollo Engineers 2007) and Rough Screening Report (Corollo Engineers 2007) summarize the process the County followed to identify the four alternative project locations analyzed in detail in the EIR, while dismissing other alternatives from further consideration. The four location alternatives evaluated in the EIR include: 1) Cemetery/Giacomazzi/Branin; 2) Giacomazzi; 3) Giacomazzi/Branin; and 4) Tonini.

Originally, the County selected the Tonini site as the preferred treatment plant location. All of the alternative sites analyzed included some impact to agricultural resources. However, due to significant visual resource impacts at the Tonini site, including a shift away from sprayfields as an effluent disposal option, the County ultimately selected the Giacomazzi site for the treatment plant. The Cemetery/Giacomazzi/Branin and the Giacomazzi/Branin alternatives were dismissed because use of these combined sites would convert more than one agricultural parcel to non-agricultural public facility use and unnecessarily fragment agricultural lands. The County found that the Giacomazzi site alone better avoided significant public viewshed impacts, better avoided sensitive wetlands and other ESHA's, better avoided known archaeological resources, and would better accommodate a treated effluent



urban/agriculture reuse program. The CCC concurs with the County’s conclusion that the Giacomazzi site is the least environmentally damaging feasible alternative location for the treatment plant.

It is clear, as will be shown in the findings that follow, that there are certain project modifications necessary, but that the proposed treatment plant site and the proposed gravity collection system are appropriate from an LCP and Coastal Act standpoint. Thus, the findings that follow are premised on evaluating the site proposed and the collection system proposed for LCP and Coastal Act consistency. Such analysis does not require, and does not purport to cover, a co-equal evaluation of STEP versus gravity collection, or co-equal evaluation for a different treatment plant site. The Commission does not believe that such analysis is required inasmuch as the proposed project before the Commission, with certain modifications as are discussed below, meets LCP and Coastal Act requirements.

2. Insert the following footnote at the end of second full paragraph on page 43 after the word “project”:

The Commission recognizes that, as with all undeveloped properties in Los Osos that are sensitive habitat, non-resource dependent land uses may be considered in the future for the Midtown site as part of the HCP evaluation and LCP amendment processes that are part of the proposed project (and part of the Commission’s approval – see special condition 6), and that such evaluation of the Midtown site could raise questions regarding whether considering any such use of the Midtown site is appropriate given the restoration and mitigation requirements for Midtown that are part of this CDP. The Commission believes that any future planning efforts should not be required to avoid evaluating the Midtown site in that way due to it being used as mitigation for the LOWWP. Thus, the Commission’s action here does not preclude a different action by the Commission in the future related to the Midtown site. In making this finding, however, the Commission notes that because the Midtown site is mitigation for the LOWWP, any future HCP/LCP amendment process that would allow for non-resource dependent development at Midtown would necessarily need to at least double the offsetting habitat mitigation that might ordinarily be considered for impacts at the Midtown site (i.e., once to offset the mitigation for the LOWWP CDP that accrues to Midtown, and once for any HCP/LCP amendment that might allow for non-resource dependent land use and development), and this would need to be reflected in the HCP, the LCP amendment, and in an amendment to this CDP.

3. Add Findings after the first full paragraph on page 47 as follows:

Under Special Condition 1, submittal of Final Project Plans for the approved treatment plant site and the collection and disposal systems can be phased separately. The reason is to allow construction of the effluent collection and disposal system to begin while plans for the treatment plant site are further developed by the County. Thus, the Coastal Commission intends Special Condition 1 to allow for the phasing of these different project elements.



4. Revise Findings in the first full paragraph on page 63 as follows:

... As specified in Special Condition 5, this plan would require the County to ensure that the service area, location and timing of the wastewater disposal component of the LOWWP project maximizes long-term ground and surface water, and resources health and sustainability (wetlands, streams, creeks, lakes, riparian corridors, marshes, etc.), including with respect to offsetting seawater intrusion as much as possible within the Los Osos Groundwater Basin.

5. Revise Paragraph 2 on page 64 as follows:

Implementing the components of the Los Osos Basin Recycled Water Management Plan will also complement on-going efforts in Los Osos to address the large seawater intrusion program. Under Special Condition 5, the Los Osos Basin Recycled Water Management Plan must be prepared by persons known to the Executive Director to be experienced with and expert in the fields of knowledge applicable to the Los Osos Basin Recycled Water Management Plan components (e.g., groundwater monitoring and assessment components must be prepared with input from licensed and certified hydrologists), should be prepared in coordination with all Los Osos area water purveyors to the maximum degree possible, must be accompanied by all supporting documentation regarding Los Osos Basin Recycled Water Management Plan components (including assumptions and data underlying its methodologies, assessment criteria, and related measures), and must include enforceable mechanisms designed to ensure its successful implementation (e.g., legal agreements, ordinances, etc.). Currently there is a group of parties, including water purveyors in Los Osos, working under the auspices of an Interlocutory Stipulated Judgment (ISJ) in the Los Osos Groundwater Basin to draft a Basin Management Plan. This ISJ Working Group recently released an update on the Basin that summarizes various goals of the group, the status of seawater intrusion, etc. (see Exhibit 4, pgs 138 through 167 of 318). Anticipated goals of the Basin Management Plan include addressing the future sustainable water supply for existing and future development, stopping seawater intrusion into the lower aquifer, managing contamination of the upper aquifer, and establishing a strategy for maximizing the reasonable and beneficial use of Basin resources. Notably, the recent update recognizes the importance of various wastewater discharge components of the LOWWP that would be governed by Special Condition 5, including the disposal at Broderon and Bayridge leach fields, indoor water conservation, and agricultural and urban reuse to addressing the needs of the Basin. The ISJ Working Group states:

The ISJ Working Group recognizes the above-listed LOWWP actions are crucial to mitigating the negative impacts with which the Los Osos community is faced and that implementation of these measure should be pursued as soon as possible. (Los Osos Groundwater Basin Update, ISJ Working Group, pg.5, May 4, 2010).

6. Cite the Los Osos Valley Scenic Corridor areawide standard as an applicable Public Views LCP policy on page 77 as follows:

B. Irish Hills Scenic Backdrop Critical Viewshed and Los Osos Valley Road Scenic Corridor. The Irish Hills Scenic Backdrop Critical Viewshed and the Los Osos Valley Road Scenic



Corridor (see Figure 7-7) are established with the primary purpose of protecting the following: important views of scenic backdrops, background vistas and foreground areas from Los Osos Valley Road; important plant and animal habitats; and watershed resources. All applicable standards in the Coastal Zone Land Use Ordinance apply within this area (e.g. those in Chapter 23.04).

7. Add Special Condition 1(l) as follows:

1. Construction. All construction staging and related areas shall be identified, and all development associated with such areas shown on a site plan. All such areas within which construction staging are to take place shall be minimized to the maximum extent feasible in order to minimize impacts on resources (e.g., terrestrial habitat, wetlands, creeks, riparian areas, or other sensitive resource areas, etc.). All measures to be taken to minimize impacts associated with construction staging and related areas shall be identified, including but not limited to screening, fencing, landscaping, signage, and designation of various activity and storage areas on the site. If additional construction staging and related areas are needed following approval of Final Plans, such areas shall be identified in a plan and submitted for Executive Director review and approval. The Final Plans shall require that copies of the signed CDP be maintained in a conspicuous location at the construction staging area at all times, and that such copies be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP, and the public review requirements applicable to them, prior to commencement of construction. The Final Plans shall also require that a primary construction coordinator be designated for public inquiries regarding the construction, and that their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number available 24 hours a day for the duration of construction, be conspicuously posted at the construction staging area and at individual construction sites where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

8. Revise the first full paragraph on Page 96 as follows:

The County, acting as the lead CEQA agency, certified an Environmental Impact Report for this project on September 29, 2009. The EIR included a substantial alternatives analysis as summarized above in this report. The County concluded that ...



F14a

**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.)

Monday, June 7, 2010, 8:54 a.m.

RECEIVED

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

JUN 08 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Person(s) initiating communication:

Alon Perlman

Person(s) receiving communication:

Commissioner Bonnie Neely

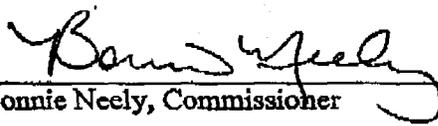
Name or description of project:

June Agenda Item Th7.b. - Application of San Luis Obispo County to construct and operate community sewer system in unincorporated coastal community of Los Osos adjacent to Morro Bay in central San Luis Obispo County.

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

See attached e-mail communication.

Date: June 7, 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.

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

Chair, Commission, Staff. Now is the time that you take the project before you and follow the Staff recommendation to Approve with Conditions.

The primary reason that you will do so is because Salt water intrusion severity has significantly increased during the Year and a half since the DEIR comments deadline. An acceleration of a LOCALIZED intrusion finger that is pointed at a key production well. SWI has moved salts a larger distance in these last 18 months than in the previous five years and in those previous five years more than in the 20 before them. There is no remaining aspect of this project that can justify delay in face of the ruin of LO water supply.

There is now an underground salty stream that has essentially knocked a primary production well out of production. Conditions widely known since 2005 have accelerated PREDICTABLY and manifested. During that time Control of the Pumping well Location and control over a (limited) ability to institute Conservation measures was in the hands of the LOCSD. No less than 3 Appellants to this project had control of those parameters. Pumping well location is not in the hands of the Applicant (County) though once 1.4 mgd of water, are available, the County transforms into the basin's primary water purveyor.

You have by now received an amount of Public comment that should have alerted you to one of the reasons why the Project contains 103 "Old" conditions; some contradictory. Some poorly integrated and some completely superfluous. (For Example; Those of you with "Clean air" backgrounds may wonder why SLO Planning Commission included a condition that directs a (CDPF) filter to be used on the piece of equipment that estimated to generate the greatest emissions, when the SLO APCD CAMP is superior and recognizes the entire area to be "sensitive receptors" with maximal mitigation (PC condition 75 Mitigation 5.9-C2)). That correction was not made due to the overwriting and lack of process that took place. The Applicant's desire to move the project out of town, to where the litigation wasn't, instigating a project reversal had a lot to do with the need for . But it must be clear to you that the processed was Jammed. It has suffered through the Planning Commission, at the same time that the essentials of water return to the basin were amended. It is being Jammed now.

This is a consequence of the length of this process. There is a lot of information out there. New individuals can come up to date in a manner of weeks without the benefit of a science/engineering background. You have been receiving requests for the development of BMP's from individuals who have never worked in an industry where BMPs were used. The cadre of Cal Poly Professors who were included in the mix in earlier manifestations, have evaporated. The two recognized Environmental Groups currently involved are receiving inputs from the same individuals. There are very few individuals who are scientifically trained or engineer background left.

At this stage of the process the real environmental Stakeholders need to be brought in for consultation on restoration mitigation's. CNPS (Native Plant Society). MCAS (Morro Coast Audubon) Managers of Sweet Springs Preserve. SWAP (Elfin forest preserve). I can tell you that the Broderson Leachfield site is low value, hardly Chapparal and is surrounded by veldt Grass held in check by eucalyptus duff. Similarly the Walker site is completely surrounded by veldt. Removal of the 30 or so Pampus Grass Clumps will have a significant mitigating affect. This is where the focus should be.

I've read the EIR. I hope the members of the commission have done so. Reading portions as directed by comments from groups or individuals does not constitute reading in due diligence. This is as good a project as Los Osos will get. Elements will require additional work, The project will be amended. At this time the project is top heavy. Your staff, Peter Douglas, has a significant experience in this Area. He has seen a similar project 8 years ago. Trust in his wisdom. Your Staff has crafted a flexible solution that the applicant can work with.

Everyone who has touched the Los Osos Sewer Saga has failed it, and failed the residents of Los Osos.. The regulatory agencies failed Los Osos, All levels of Government failed Los Osos. Now public and NGO input has failed Los Osos, and now it is your turn again.

Alon Perlman Los Osos WWP CDP A-3-SLO-09-055/069 for 6/11/10

F14a

CALIF. COASTAL Commission
CENTRAL COASTAL DISTRICT OFFICE

Change location of hearing to San Luis Obispo

Sunday, May 30, 2010 7:38 PM

PERMIT # A-3-SLO-09-055 + 069

RECEIVED

JUN 03 2010

Honorable commissioners, 5/29/10

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: Los Osos hearing location.

Many of us find it unbelievable that such an important matter is being heard over 200 miles away from San Luis Obispo. Supervisor Gibson and Head of project Paavo Ogren could not wait another month for the hearing to be here in this County. Surely you can see that very few will show up to your hearing.

This project will eventually cost this little Community over \$ 200 million dollars causing several thousand property owners and their families to have to move away from this little Village of Los Osos.

Mr. Gibson's insistence for this expensive expensive unaffordable Gravity collection system is the reason.

There are 2 alternative off-the-shelf proven systems that could be used satisfactory for many years at HALF THE COST. But, Gibson and Ogren having spent over \$ 7.5 million dollars studying only Gravity will not study study the affordable proven alternatives of Low Pressure or Vacuum collection.

With the new projection's of monthly cost to property owner's the Gravity collection will amount to over \$ 300 dollars a month. it's easy to see it will be unaffordable to several thousand property owners and renters on fixed incomes,welfare,retiree's and disabled occupants.

Being an economy distressed little town a study done a few years ago reported that several thousand people can only afford \$ 78 dollars a month. That was when the economy was good.

Today's economy is near disasterous and would cause a depression in Los Osos that would ripple thro-out this County.

Commissioners, i plead to you to change the location to San Luis Obispo so that you may hear the concerns from many people instead of misinformation from Gibson and Ogren.

Thank you, if you have any questions please call me anytime.

805-235-4849. Ben DiFatta, 2170 buckskin dr. Los Osos,ca. 93402

Ben F. DiFatta

Jonathan Bishop

From: al barrow [a.barrow@charter.net]
Sent: Thursday, June 03, 2010 4:16 PM
To: Julie Tacker; 'Keith Wimer'; 'Elaine Watson'; 'Marty Goldin'; 'C Cesena'; 'Lana Adams'; 'Sarah Damron'; 'Marshall'; 'flywaco'; 'Andrew Christie'; 'Piper Reilly'; 'lindeowen: sbcglobal.net'; alonatwork@email.com; 'Bo and Lacey Cooper'; Fjaunion@aol.com; dabearden@charter.net; 'Scott Kimura'; 'patrick sparks'; Peter Douglas; Dan Carl; Jonathan Bishop
Cc: abarrow@charter.net
Subject: Re: Courtesy Notice: LOWWP Hearing Date Change

To Appellants and CCC staff and Commissioners:

Just got the CD the CCC staff report US Mail. This process is soo flawed. The SLO County staff report was finished May 27, which was never sent and I received it yesterday. Then they changed the date. So we have almost 1000 pages to get on top of as well as the ISJ report. There is not enough time to make an intelligible response. My attorney has a scheduling conflict that was not considered. Mr. Douglas will not allow testimony for both appeals by me, so standing will be lost on Los Osos Legal Defense Fund. Truly an illegal and unfair process.

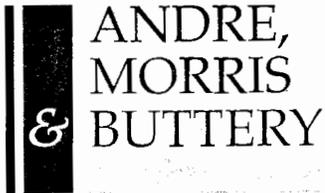
So what will the CCC do to remedy this? How much time will the shrinking appalants get to comment? I called the Santa Cruz office and got no response!

Thank You,
Al Barrow Coalition for Low income Housing

Hello –

You are being sent this email notification because you have submitted comments and/or corresponded with our office regarding the Los Osos Wastewater Project (LOWWP) in the recent past. This email notification is not intended to and should not be construed as serving as the regular public hearing notice for the upcoming hearing on the LOWWP scheduled for the Commission's June meeting in Marina del Rey. Rather, we are providing this email notification as a public service and as a courtesy to inform you that **the public hearing date for the Los Osos Wastewater Project (LOWWP) has been changed to Friday, June 11, 2010.** Please find attached a pdf copy of the revised hearing notice that replaces and supercedes the prior notice dated May 25, 2010. The revised hearing notice is being mailed to our LOWWP mailing list. If you have any questions about submitting comments, the mailing list, or related matters, please do not hesitate to contact our front office at 831-427-4863. If you have any substantive questions regarding the proposed LOWWP, please do not hesitate to contact me at the same number. Thanks for your continued interest in this matter.

Sincerely,
Jonathan Bishop



Taking Care of Business for 60 Years.

RECEIVED

JUN 07 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

F14a Peter R. Andre (1918 - 2000)

Michael J. Morris
James C. Buttery
Dennis D. Law
J. Todd Mirolla
Scott W. Wall
Kathryn M. Eppright
Kevin D. Morris
William V. Douglass
Lisa LaBarbera Toke
Jean A. St. Martin
Beth A. Marino
Melissa McGann Babu
Karen Gjerdrum Fothergill
Collette A. Hillier
Christopher W. Carruthers

June 3, 2010

Via Facsimile

Jonathan Bishop
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Los Osos Valley Memorial Park

Dear Mr. Bishop:

This office represents Los Osos Valley Memorial Park. I am writing to address the proposed Los Osos Wastewater Facility that is on the agenda for the Commission meeting scheduled for June 10th and 11th, 2010 (Application No. A3-SLO-09-055-069; agenda item 14.a). My client owns the cemetery located adjacent to the site of the proposed Wastewater Facility.

You and I spoke on the telephone approximately ten days ago. My client is concerned about recently proposed changes to the road which will provide access to the Wastewater Facility. These proposed changes appear in plans that were posted on the County of San Luis Obispo's website in April of this year. The plan modifications show the access road as running adjacent to the undeveloped portion of the cemetery. The access road shown in the plans approved by the County of San Luis Obispo was *not* located adjacent to any portion of the cemetery property. Enclosed is a copy of plans showing the County approved access, and a copy of the recently revised plans. I understand that further changes may be in store that will locate the access road adjacent to the entire stretch of cemetery property from Los Osos Valley Road to the Wastewater Facility.

My client is concerned about the current plan changes and possible further changes that locate the access road proximate to the cemetery property. Following is a list of concerns:

1. Location of the access road adjacent to the undeveloped portion of the cemetery will unreasonably interfere with use of the property once it is developed into a cemetery.

202930.doc

2739 Santa Maria Way, 3rd Floor
P.O. Box 1430
Santa Maria, CA 93456-1430
ph 805/937-1400 fx 805/937-1444

1102 Laurel Lane
P.O. Box 730
San Luis Obispo, CA 93406-0730
ph 805/543-4171 fx 805/543-0752

1337 Vine Street
P.O. Box 5300
Paso Robles, CA 93447-5300
ph 805/591-3000 fx 805/591-3001

www.amblaw.com

Jonathan Bishop
June 3, 2010
Page 2

2. The area along the undeveloped portion has an existing drainage ditch. The planned road appears to be located adjacent to this ditch. My client is concerned that its cemetery property will be used to construct drainage facilities. It opposes the taking of its property for this purpose, and the County authority to force a taking is limited because this property is a dedicated cemetery.
3. Any further changes that would locate the road adjacent to the existing cemetery will unreasonably interfere with the tranquility and the ambiance of the cemetery. It will also interfere with the main access driveway located near the corner of Los Osos Valley Road and the potentially proposed access road.

Please pass this letter along to members of the Coastal Commission. If you have any questions, please do not hesitate to give me a call.

Very truly yours,



Dennis D. Law

DDL/jk

Jonathan Bishop

From: Dennis Law [dlaw@amblaw.com]
Sent: Thursday, June 03, 2010 11:13 AM
To: Jonathan Bishop
Attachments: H&S Code 8560.pdf

Jonathan,

Attached is a copy of Health & Safety Code section 8560 with annotations. The annotations contains cites to cases that have held that this code section limits a public agencies authority to exercise the power of eminent domain on property dedicated to a cemetery. The Los Osos Valley Memorial Park is a dedicated cemetery; both the developed portion and nearly all of the undeveloped portion.

Please let me know if you have any further questions.

Dennis

Dennis D. Law

Andre, Morris & Buttery,

A Professional Law Corporation

1102 Laurel Lane

San Luis Obispo, CA 93401

☎ Voice (805) 543-4171

☎ Fax (805) 543-0752

Additional Offices in

Paso Robles & Santa Maria, CA

www.amblaw.com

FOCUS™ Terms

Search Within Original Results (1 - 1)

Go → Advanced...

Service: Get by LEXSTAT®

TOC: Deering's California Code Annotated > /.../ > Article 3. Dedication > § 8560. Consent required for public thoroughfare or utility

Citation: ca health & safety code 8560

Cal Health & Saf Code § 8560

Retrieve State Legislative Impact@ (\$) [?]

Practitioner's Toolbox [?]

DEERING'S CALIFORNIA CODES ANNOTATED
Copyright (c) 2010 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.

History
Notes
Notes of Decisions

*** THIS DOCUMENT IS CURRENT THROUGH 2009-2010 EXTRAORDINARY SESSIONS 1-5, ***
7, AND 8, AND URGENCY LEGISLATION THROUGH CH 19 OF THE 2010 REGULAR SESSION

HEALTH AND SAFETY CODE
Division 8. Cemeteries
Part 3. Private Cemeteries
Chapter 3. Acquisition, Dedication and Sale
Article 3. Dedication

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Health & Saf Code § 8560 (2010)

§ 8560. Consent required for public thoroughfare or utility

After dedication pursuant to this chapter, and as long as the property remains dedicated to cemetery purposes, no railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall be laid out, through, over, or across any part of it without the consent of the cemetery authority owning and operating it or of not less than two-thirds of the owners of interment plots.

History:

Enacted Stats 1939 ch 60.

Notes:

Historical Derivation:

Stats 1931 ch 1148 § 9.

Collateral References:

Cal. Points & Authorities (Matthew Bender(R)) ch 95 "Eminent Domain," § 95.61.

8 Witkin Summary (10th ed) Constitutional Law §§ 1113, 1116.

Cal Jur 3d (Rev) Cemeteries § 21.

Law Review Articles:

Special treatment of cemeteries; land use problems. 40 SCLR 724.

Hierarchy Notes:

Div. 8 Note

Div. 8, Pt. 3 Note

8

Div. 8, Pt. 3, Ch. 3, Art. 3 Note

Notes of Decisions:

- ± 1. Eminent Domain
- ± 2. Relief

1. Eminent Domain

In view of this section State could not exercise power of eminent domain so as to take for freeway purposes lands which had been theretofore dedicated exclusively to cemetery purposes, since effect of that statute is to exempt such property dedicated for cemetery uses from classes of property that may be taken under CCP § 1240. Eden Memorial Park Asso. v. Superior Court of Los Angeles County (1961, Cal App 2d Dist) 189 Cal App 2d 421, 11 Cal Rptr 189, 1961 Cal App LEXIS 2197.

2. Relief

Relief under this section, sought in State court, enjoining State officials from taking possession of land in question, entering into contracts with road builders to construct highway facilities, and expanding State money on project, did not interfere with any right to possess and use land United States gained or expected to gain as result of condemnation proceedings. Eden Memorial Park Asso. v. United States (1962, 9th Cir Cal) 300 F2d 432, 1962 US App LEXIS 5883.

Service: **Get by LEXSTAT®**

TOC: Deering's California Code Annotated > Law / > Article 3, Dedication > § 8560. Consent required for public thoroughfare or utility

Citation: ca health & safety code 8560

View: Full

Date/Time: Thursday, June 3, 2010 - 1:53 PM EDT

[My Lexis™](#) | [Search](#) | [Research Tasks](#) | [Get a Document](#) | [Shepard's®](#) | [Alerts](#) | [Total Litigator](#) | [Transactional Advisor](#) | [Counsel Selector](#)
[History](#) | [Delivery Manager](#) | [Dossier](#) | [Switch Client](#) | [Preferences](#) | [Sign Out](#) | [Help](#)

 **LexisNexis®** [About LexisNexis](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2010 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

F14a

Jonathan Bishop

From: Marshall E. Ochylski [MOchylski@SLOlegal.com]
Sent: Friday, June 04, 2010 8:38 AM
To: Dan Carl
Cc: Peter Douglas; Jonathan Bishop; Charles Lester
Subject: LOWWP Hearing

Dan,

As you know, I am President of the Los Osos Community Services District which includes the entire area to be served by the LOWWP. My Board last night approved a letter to be sent to the Commission regarding the project. I will be emailing a copy of that letter to you later today.

But first, I would like to thank you for your detailed response to Mr. Barrow's email as you know open communication is critical, especially with the LOWWP and the passions it incites in the community.

I do have one request. Since I will be representing the CSD at the meeting, I would like to be given additional time to address the Commission. The District would greatly appreciate it if staff would support this request because I know that 2 to 3 minutes will not be adequate time for me to present and explain our position on the LOWWP and the proposed Special Conditions. I believe that if the District is given additional time it may actually help speed up the entire process by addressing some of the community's concerns in a very efficient and cogent manner.

Thank you.



Marshall E. Ochylski,
 Attorney at Law

The Law Office of Marshall E. Ochylski
 1026 Palm Street, Suite 210 · San Luis Obispo, CA 93401
 Post Office Box 14327 · San Luis Obispo, CA 93406
 Telephone: 805-544-4546
 Facsimile: 805-544-4594

Email: MOchylski@SLOlegal.com
Website: www.SLOlegal.com

CONFIDENTIALITY NOTICE AND DISCLAIMER: *This e-mail message and any attachments are intended solely for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete the original e-mail message from your system and notify us immediately by reply e-mail or telephone at (805) 544-4546. Thank you.*

Internet communication cannot be guaranteed to be secure since information could be intercepted, corrupted, delayed, lost, destroyed, or contain viruses. As a result, we do not accept any responsibility for any errors or omissions that are present in this email or any attachment that have arisen as a result of e-mail transmission. If verification is required, please request a hard copy version.

6/7/2010

10



SIERRA
CLUB
FOUNDED 1892

F14a

Santa Lucia Chapter
P.O. Box 15755
San Luis Obispo, CA 93406
(805) 543-8717
www.santalucia.sierraclub.org

June 4, 2010

TO: California Coastal Commission

RE: 6/11/10 meeting, Item 14A – A-3-SLO-09-055/069, Los Osos Wastewater Project

Dear Commissioners,

The Santa Lucia Chapter of the Sierra Club agrees with the staff report's observation that the proposed project "raises a series of interrelated and complicated issues relating to the manner in which this community can both cost-effectively meet its water and wastewater needs and protect the rich coastal resource areas within and around the Community. The seven identified issue areas all relate to these questions and each other in such a way to make it difficult to address these seven issues without addressing the project more comprehensively." We also agree that the proposed project "will also significantly affect groundwater and thus water supply, and the two issues are not readily separated. Nor should they be."

Because we agree with these observations, we do not agree with the staff report's conclusion that there "is no feasible, less-environmentally damaging wastewater treatment project" or that "the project does entail certain impacts, but it is hard to conceive of a treatment project at this scale for this area that would not have such impacts."

We note the following (citations listed in our appeal):

- Dr. George Tchobanoglous, the dean of wastewater engineering in the United States and author of a dozen of the standard text books and references in the field, did not seem to find it hard to conceive of a project that would not have such impacts when he wrote that "the minimum flows required for gravity-flow sewers to operate make them problematic...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."
- The County's project consultant, Carollo Engineers, did not seem to find it hard to conceive of reduced impacts when they wrote, in the project's 2007 Fine Screening Report that "If a STEP/STEG system is selected, it is anticipated that there will be minimal I/I, since the system is sealed and under pressure. If a gravity 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."
- US EPA did not seem to find it hard to conceive of project with lesser impacts when they noted that the advantages of a STEP system include "shallowly buried plastic pipes, low-cost cleanouts instead of frequent/costly manholes, and a minimum number (if any) of lift stations. They have 40 years of successful experience in the US and worldwide, less inflow and infiltration,

exfiltration, construction duration and disruption. Their management requirements are equal to or lower than conventional gravity sewers.”

- Elizabeth Deitzmann of AquaLaw, one the nation’s premier legal firms in the practice of water law, did not seem to find it hard to conceive of this when she wrote “STEP collection is one of the most undervalued, underutilized technologies the wastewater engineering community has at its disposal. First, STEP is the only collection system that provides primary treatment prior to the treatment plant. Second, the fact that it is watertight saves on costs of conveyance and treatment and virtually eliminates the I&I problems associated with traditional gravity sewers.”

These are the pronouncements of the experts in the field, the accepted wisdom in the wastewater engineering community. They are at odds with the analysis of this project by the San Luis Obispo County Department of Public Works, and its assertions as presented to your staff.

The Commission staff report's repetition of the County's assurance of a gravity “sealed system” that is “not anticipated to leak under appropriate installation practices” is a description of the condition of brand new pipes at installation, not 10 and 20 years out, and certainly not over the life of the system. In mixing terms such as “sealed system” and “fusion welded,” the staff report creates the impression that the entire gravity collection system will be fusion welded. Only five percent of the 45 miles of pipe is proposed for this permanent watertight seal; the rest of the system will consist of standard bell & spigot joints which will loosen over time and incur increasing I/I whenever it rains, further aggravated by I/I introduced via manhole covers, manhole grade rings, manhole joints, manhole pipe connections, clean outs, lift station joints, lift station pipe connections, and other such appurtenances of a gravity collection system. Sealing all 45 miles of gravity pipe, as noted, would be financially infeasible under any conceivable scenario of assessments, grants and loans. The small diameter pipe of a STEP system is manufactured to be fusion welded or chemically sealed.

The increased I&I that is attendant upon a gravity system will be comprised mostly of rainwater that would have replenished the groundwater table but will instead be conveyed to the treatment plant. The water needed to flush the lines of the gravity system due to an aggressive water conservation regime would constitute a percentage of the treated effluent the project has earmarked for ag reuse and environmental needs, effluent that is supposed to go toward the purpose of reducing pumping of the aquifer but which will be unavailable for that purpose, instead permanently dedicated to flushing the lines of a gravity system. The dewatering incurred by gravity pipe trenches excavated up to 23 feet deep could remove an amount of groundwater equivalent to or greater than the entire annual septic flow that protects the aquifer from seawater intrusion. The County has not accurately characterized the difference in the required dewatering of a STEP tank excavation (minor, and generally above the water table) and gravity pipe trenches (major, and many below the water table), nor quantified these impacts to groundwater.

For the above reasons and others stated in our appeal, it is not hard for us “to conceive of a treatment project at this scale for this area that would not have such impacts” and “can both cost-effectively meet its water and wastewater needs and protect the rich coastal resource areas within and around the Community.”

Thank you for your attention to these concerns,



Andrew Christie
Chapter Director

F14a

Jonathan Bishop

From: C Cesena [ccesena@charter.net]
Sent: Friday, June 04, 2010 8:51 AM
To: Paavo Ogren; Jim Patterson; Katcho Achadjian; Adam Hill; Bruce Gibson; Frank Mecham
Cc: Dan Carl; Jonathan Bishop; pdouglass@coastal.ca.gov
Subject: Fw: Paavo Ogren Comments April 27th, SLO County Board of Supervisors Meeting

Attachments: LO Econ Ltr 1.31.08.pdf



LO Econ Ltr
1.31.08.pdf (138 K..)

Dear SLO County Board of Supervisors,

Mr. Cagle was kind enough to forward this correspondence from Mr. Ogren.

I find it hard to believe that you could have observed the proceedings of the past two years and not have some doubts regarding the claims from your Public Works Department that the project selection process was fair and unbiased. Please remember that I sat in the room with County staff and consultants when Dr. Tchobanoglous of the NWRI peer review panel stated that he was having a hard time not using the words gravity bias to describe the work of Carollo Engineering, your consultant of choice for way too long. The really interesting thing about that comment is that the NWRI receives much of its funding support from the conventional sewer industry interests, such as Carollo Engineering and Montgomery Watson Harza. So he had to select his words carefully and perhaps could only utter them over the phone and not put it in the written report. Even those who wish to speak the truth are mindful of biting the hand that feeds them!

Given this bias, the only way that you could have avoided much of the controversy surrounding the project, and avoided at least one of the appeals to the Coastal Commission, was to have that fair and open process that would have included the Lyles team on the RFP short list. In addition to having the project cost estimate developed by the experts at STEP technology rather than the gravity familiar consultants you prefer, we would have had a guaranteed fixed cost for a project as this was part of the Lyles proposal.

Are any of your gravity teams will to make that offer?

This evident gravity bias has allowed several very important factors to be ignored or devalued. One is that the gravity collection system is a direct odds with the goal of water conservation. The shallow grades of the pipes necessary in our particular topographic and geographic setting will cause clogging of the pipes without an abundance of water to keep the lines free of obstruction. Given that salt water intrusion is the real environmental disaster in this community, it is insult to injury to build a collection system that will require extra water to maintain adequate flows. This problem will only be exacerbated when the non-fusion welded gravity collection system starts leaking when the pipes settle and shift in our sandy soils after earthquakes. Of course all of the leakage into the system won't matter to the designers and builders of the system, they won't be paying the bill for treating extra water unnecessarily. And the fines for leakage from the system into our National Marine Estuary and State Marine Reserve? They will just be passed on the residents as well. It is difficult to understand how the Coastal Commission can put so much emphasis on water conservation and reuse and then allow a collection system that requires wasting water to operate.

But they are not sewer project experts, that is your charge. And it is obvious that you had one strategy in mind and did everything possible to preclude options. As has been pointed out, the Lyles team was "disqualified" for reasons that were not even on your ranking criteria to begin with! The most galling fact of all is that they guaranteed a project that would be tens of millions of dollars cheaper (you can't argue that without allowing them to submit a proposal) and yet you insist that the Coastal Commission must act now rather than wait for a local August

hearing so that you are not accused for being fiscally irresponsible for the possible loss of federal stimulus money. As the attached letter from Mr. Cagle demonstrates, had you run a clean and fair Design/Build process from the start, that project could have been under construction by now with the federal money put toward a cheaper project. A double victory for Los Osos. You are stepping over dollar bills to save dimes.

Sincerely angry,

Chuck Cesena
591 Ramona Ave.
Los Osos, CA 93402
(805) 534-1436

PS-Mr. Carl, would you please distribute this to the various coastal commissioners. Thank you

-----Original Message-----

From: pogren@co.slo.ca.us [mailto:pogren@co.slo.ca.us]
Sent: Thursday, June 03, 2010 11:16 AM
To: Bill Cagle
Cc: Supervisor Adam Hill; Supervisor Bruce Gibson; Chairman Frank Mecham; Supervisor Jim Patterson; Supervisor Katcho Achadjian
Subject: Re: Paavo Ogren Comments April 27th, SLO County Board of Supervisors Meeting

Board Members

Mr. Cagle has sent you some additional correspondence on the debate of STEP vs. Gravity. On April 7, 2009, your Board, as part of a regularly scheduled agenda item, which was noticed in accordance with the Brown Act, considered whether to direct staff to spend more time, and expend more funds, on the STEP issue. Since that time, the Planning Commission also considered STEP, choosing to approve a gravity collection system instead. The Coastal Commission, in it's appeal of your Board's project approvals in 2009, did not itself identify any substantial issues with the technology of gravity.

In the recently released Coastal staff report for the de-novo hearing next week, I could not find support for a STEP system. In fact, the staff report was as generally complimentary of the County's project and our efforts - as much as I might have hoped. The following are some quotes from the Coastal staff report (bold language is where emphasis has been added):

"In its January 14, 2010 action, the Commission was generally satisfied with the core elements of the project with respect to treatment plant siting, the gravity collection system, and the project's reuse concept overall." (Page #1)

"(Commission) staff notes that the project (not even including the prior incarnations raising similar issues) has been discussed and debated through over one hundred public hearings over the last four years, including through a well attended Commission hearing on the matter in January 2010, and it is hard to make a case that public participation has not been maximized in that process." (Page #3)

"The County embarked on a long and inclusive local process that included evaluation of treatment plant siting, collection system approaches (e.g. STEP versus gravity flow..." (Page #4)

The County's efforts culminated in 2009 with a series of ten County Planning Commission hearings (including two field trips) and multiple County Board of Supervisors' hearings leading to the Board approval..." (Page #4)

"(Commission) staff recommends a series of conditions that help refine

and better implement the proposed LOWWP" (Page 7)

As condition, (Commission) staff believes that there is not a feasible, less-environmentally damaging wastewater treatment project, including with respect to plant siting, and with respect to collection and effluent methodologies... as required by the LCP." (Page #7)

"(Commission) Staff Recommendation of Approval. Staff recommends a YES vote." (Page #8) - As a side note, the emphasis on the YES is actually in bold in the Coastal staff report.

In conclusion, I am glad to meet with Board members to discuss the correspondence from Mr. Cagle at a level of detail that you may individually wish to review, including the work of the Technical Advisory Committee, the Water Resource Advisory Committee, the PEER review panel (National Water Research Institute), the Planning Commission, the EIR, the Community Surveys, the criteria from the Virginia Tech study, Measure "B" approved by Los Osos, etc.... all of which in one way or another support your Board's decision of April 7, 2009. Obviously I don't agree with several of Mr. Cagle's statements in his most recent correspondence, which is why it was important to have the STEP issue as a point of focus last year. Hopefully the Coastal Commission will act next week consistent with their staff recommendations. The project that your Board approved, and which is now the jurisdiction of the Commission, is an excellent project for Los Osos, and the time has come to move forward.

Paavo Ogren
Director of Public Works
pogren@co.slo.ca.us
805-781-5291 (w)
805-781-1229 (fax)

----->
From: |
----->

----->
----->
|"Bill Cagle" <bcagle@orencoco.com>
|

----->
----->
To: |
----->

----->
----->
|"Chairman Frank Mecham" <fmecham@co.slo.ca.us>
|

----->
----->
Cc: |
----->

----->
----->
|<pogren@co.slo.ca.us>, "Supervisor Adam Hill" <ahill@co.slo.ca.us>,
"Supervisor Bruce Gibson" <bgibson@co.slo.ca.us>, "Supervisor Jim
|Patterson" <jpatterson@co.slo.ca.us>, "Supervisor Katcho Achadjian"
<Kachadjian@co.slo.ca.us> |

>----->
>----->
|----->
| Date: |
|----->

>----->
>----->
|----->
| 05/28/2010 04:50 PM
|

>----->
>----->
|----->
| Subject: |
|----->

>----->
>----->
|----->
| Paavo Ogren Comments April 27th, SLO County Board of Supervisors Meeting
|

Mr. Mecham,

In response to Mr. Ogren's comments during the April 27th, SLO County Board of Supervisors meeting, please find the attached letter with supporting documents for your review.

Respectfully,

Bill Cagle
National Accounts
Orenco Systems Inc.
www.orencosystems.com
bcagle@orencosystems.com
(P) 800.718.4046 direct
(C) 541.784.6421
(F) 541.459.2884

[attachment "Ogren Comments 4 27 10 final markup.pdf" deleted by Paavo Ogren/PubWorks/COSLO] [attachment "Press Release from WRAC LOWWP 4-4-09 (3).pdf" deleted by Paavo Ogren/PubWorks/COSLO] [attachment "7 Points to Eliminate STEP.PDF" deleted by Paavo Ogren/PubWorks/COSLO]

F14a



Orenco Systems[®]
Incorporated

January 31, 2008

Chuck Cesena
President Los Osos CSD
P.O. Box 6064
Los Osos, CA. 93412

814 AIRWAY AVENUE
SUTHERLIN, OREGON
97479

Subject: Project Delivery Method / Design Build Finance

TOLL FREE:
(800) 348-9843

Mr. Cesena and other CSD board members:

TELEPHONE:
(541) 459-4449

Happy New Year from the Ripley Pacific Design Build team! Congratulations on the successful 218 vote, it is our hope that the state and county recognize the community's desire to be solution oriented and not anti-sewer as some have tried to label you.

FACSIMILE:
(541) 459-2884

Some time has gone by since our October 10th presentation. We continue to stand by, ready to fully fund, design, and build a complete wastewater solution for Los Osos. Since our last meeting, there have been several major developments that should be taken seriously to hasten the change of the current project delivery method to Design Build Finance.

WEB SITE:
www.orenco.com

First the bad news:

- On Wednesday, Jan. 23rd the Tribune reported that SLO County was denied \$5 million funding. With a nation teetering on the edge of a recession, the war in Iraq, spending on homeland security, subprime mortgage crisis, and the personal credit crunch, federal funding will continue to tighten.
- California is running a \$14 billion deficit. State funding isn't in any better shape than federal.
- Based on these indicators, denials for public money especially in the form of grants etc. will be the norm for quite some time.
- A number of experts predict that inflation is lurking around the corner. SLO County and Carollo Engineering estimates that for every year the Los Osos sewer project is delayed, the cost of the project goes up \$6 million dollars. If we go into an inflationary period that number will increase dramatically.

All of these market pressures are working against the traditional Design Bid Build project delivery method that is currently being pursued, and will only increase the need to make the sewer project as affordable as possible. Each of these variables equate to an exponential impact on the citizens of Los Osos. Why? Because the citizens of Los Osos are already suffering from hyper depressed home values due to the sewer dilemma.

Ironically many of the same poor economic indicators actually benefit the Design Build Finance project delivery method.

The good news:

- As the Fed continues to drop interest rates, private finance interest rates are also following this trend. There may not be another time when private finance interest rates are this low. And best of all it's readily available to pay for the entire project.
- SB233 effectively allows public money to be used for Design Build projects. On October 13th, three days after our Los Osos presentation, Gov. Schwarzenegger signed SB233. This combined with California Government Code Sec. 5956 are direct efforts by California's leadership to promote cooperation between the public and private sector to work together to solve California's infrastructure problems.

Getting the best value project in the ground ASAP will mitigate the cost of inflation. Given just these two items above, an RFQ/RFP for Design Build Finance should not be delayed any longer. The parallel track of the EIR process and the RFQ/RFP needs to proceed concurrently and immediately. This is important since the Jan 1, 2011 compliance date still stands, and since the County does not officially assume the project until it votes to take it on (after "due diligence" period and EIR are complete).

The RFQ/RFP process can assist the BOS in a go/no go decision since hard numbers would be in front of them at that point in time. The best reason of all is that everyone who has a supposed solution gets to submit. The winner of the RFP will be contractually held liable for a guaranteed maximum price, systems performance, and construction timeline. This eliminates all of the arguing about who's system is better.

The strategy: implement the design/build/private finance project delivery method. Contract award can be accomplished in approximately 6-8 months. At this point, the project is at 30% design, with a guaranteed maximum price, and a timeline. Should public money in the form of grants or lower interest rate loans become available the private finance loan principle may be bought down to lower the monthly rates.

To conclude, we believe this will give the citizens of Los Osos a fighting chance to beat the impending inflation and worsening economic conditions. I look forward to working with you to get an affordable solution built quickly.

Feel free to call me anytime at 1-800-718-4046.

Sincerely,

William Cagle
Program Leader, National Accounts

Cc: Julie Tacker, Joe Sparks, Steve Senet, Lisa Schicker,

F14a



Oreco Systems®
Incorporated

September 14, 2007

814 AIRWAY AVENUE
SUTHERLIN, OREGON
97479-9012

Paavo Ogren
Deputy Director of Public Works
San Luis Obispo County Dept. of Public Works
County Government Center, Room 207
San Luis Obispo CA. 93408

TELEPHONE:
(541) 459-4449

FACSIMILE:
(541) 459-2884

Subject: Los Osos Wastewater Project - Design Build Clarification

Dear Mr. Ogren:

I would like to focus on the last paragraph in your email to Mike Saunders dated September 5th, 2007, regarding, "the lowest cost option is best identified through private industry competition."

I'm not sure I see a clean Design Build using 5956 in any of the options presented to the regional board on September 7th. What I appear to see is a "bridged" approach to Design Build. A bridged approach is a project delivery method that lies somewhere between Design-Bid-Build and Design-Build. An example of a bridge is demonstrated in the project flow chart beginning in 2nd quarter 2008 "Prepare 30% Treatment Design: Value Engineering." (RWQCB update sept. 7, 2007.pdf)

My understanding of a true Design-Build-Private Finance option as described in the California Government Code Section 5956 would allow for the following:

1. Does not require special legislation.

5956.2. It is the intent of the Legislature that this chapter be construed as creating a new and independent authority for local governmental agencies to utilize private sector investment capital to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate, or any combination thereof, fee-producing infrastructure facilities. To that end, this authority is intended to supplement and be independent of any existing authority and does not limit, replace, or detract from existing authority.

- Significant Time Savings
- Effectively this streamlines and shortens the process by removing special legislation. Special legislation is only needed if Government money i.e. SRF funding is used.

2. Does not require Draft Engineer's Report or 30% Treatment Design: Value Engineering

3. Private Finance eliminates the red tape associated with SRF loan

4. RFQ /RFP can proceed concurrently with CEQA/EIR

5956.6.

(1) Compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). Neither the act of selecting a proposed project or a private entity, nor the execution of an agreement with a private entity, shall require prior compliance with the act. However, appropriate compliance with the act shall thereafter occur before project Development commences.

5. Creates a level playing field for all options. Decisions are made more from a business level, rather than political or technical.

Ripley Pacifics' team preference is a clean Design-Build-Private Finance under California Govt. Code section 5956.

By mid 2008 a DB team can be selected with a project design concept at 30%+, a budget with a guaranteed maximum price, and construction estimated to commence by 1st Quarter 2009. By contrast the guaranteed maximum price for Design-Bid-Build will only be known after the project is constructed sometime in 2012. The budget and

- Preliminary design can limit the innovative options for the DB team to save money for Los Osos.
- Preliminary design can open the county up to additional liability.
- 5956 can reduce liability by the DB team performing the design functions.

- Saves time by not having to negotiate separate power drops among other things.
- Grants can be utilized to buy down the loan principle.

- Saves Time
- Shaving 12-18 months off the project can result in significant savings, if you assume 5% escalation rate on \$120 million = \$6,250,000/year.

- Any entity can respond to the RFQ/RFP. This includes Mr. Murphy and Mr. Lombardo.
- If Carollo Engineering or MWH really believes their gravity sewer numbers than that's what they will propose, **with their own money**, not Los Osos' money.

timeline for a bridged approach using government money would probably conform more to a Design-Bid-Build timeline than Design Build under 5956.

The County's desire to "get it right," by being thorough and move at a safe pace, is understandable. However, it does appear possible for a clean 5956 to achieve the County's intent and also optimize timelines and limit risk exposure.

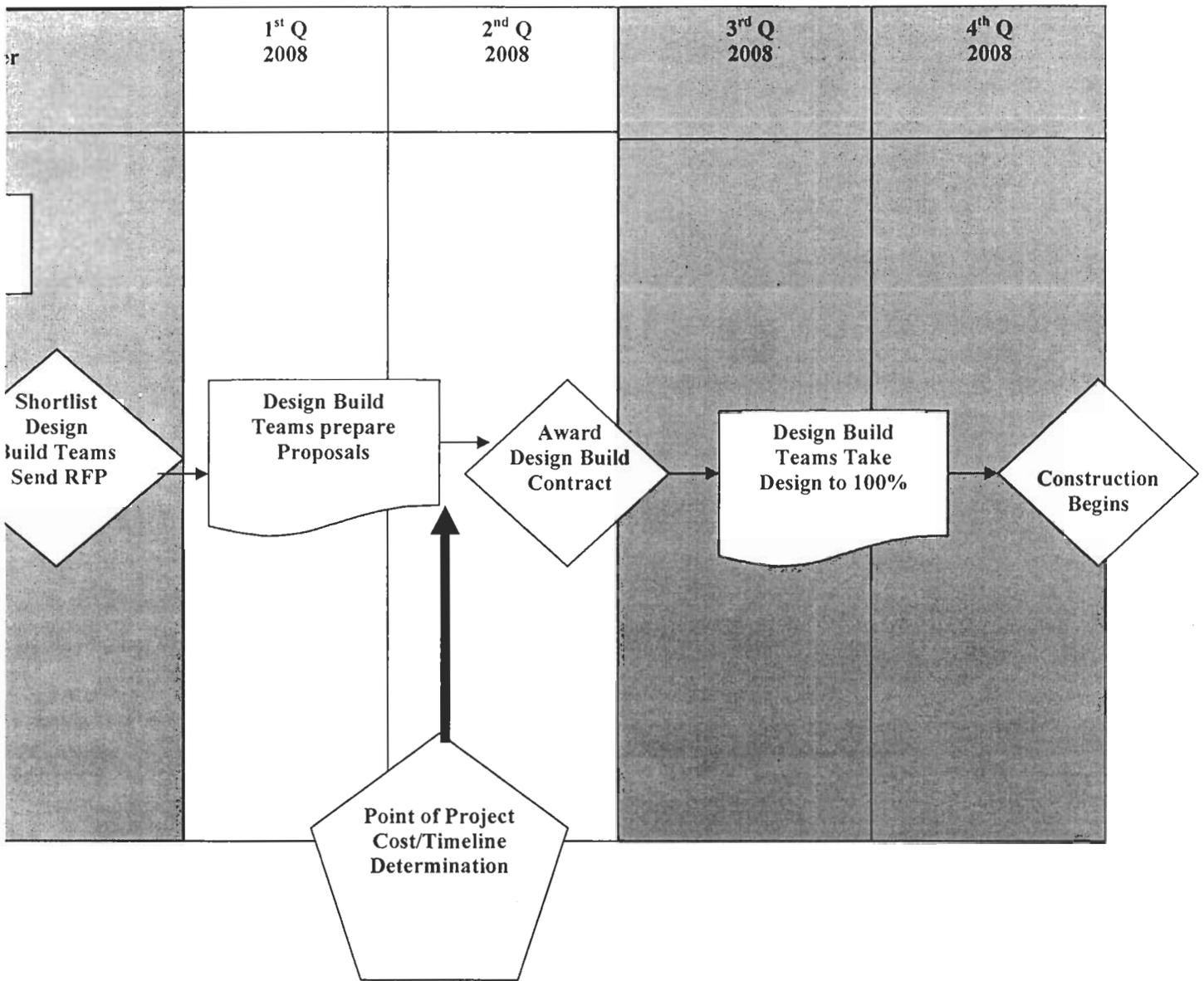
Look forward to speaking with. If you have any questions please don't hesitate to contact me.

Respectfully,

William Cagle
Program Leader, National Accounts
Orenco Systems Inc.
814 Airway Avenue
Sutherlin, O R. 97479

Ph: (541) 459-4449 ext. 326
Fax: (541) 459-2884

www.orenco.com
www.vericomm.net



F14a

Jonathan Bishop

From: alonatwork@email.com
Sent: Monday, June 07, 2010 8:54 AM
To: Jonathan Bishop; bneely@co.humboldt.ca.us; Peter Douglas
Cc: Dan Carl
Subject: Attachment to CCC Mtg LOWWP /Flow patterns in Los Osos
Attachments: Chair.doc

Mr. Bishop Mr Douglas. please distribute and include with the yet unposted ED report.
 Thank you

Chair, Commission, Staff. Now is the time that you take the project before you and follow the Staff recommendation to Approve with Conditions.

The primary reason that you will do so is because Salt water intrusion severity has significantly increased during the Year and a half since the DEIR comments deadline. An acceleration of a LOCALIZED intrusion finger that is pointed at a key production well. SW1 has moved salts a larger distance in these last 18 months than in the previous five years and in those previous five years more than in the 20 before them. There is no remaining aspect of this project that can justify delay in face of the ruin of LO water supply.

There is now an underground salty stream that has essentially knocked a primary production well out of production. Conditions widely known since 2005 have accelerated PREDICTABLY and manifested. During that time Control of the Pumping well Location and control over a (limited) ability to institute Conservation measures was in the hands of the LOCSO. No less than 3 Appellants to this project had control of those parameters. Pumping well location is not in the hands of the Applicant (County) though once 1.4 mgd of water, are available, the County transforms into the basin's primary water purveyor.

You have by now received an amount of Public comment that should have alerted you to one of the reasons why the Project contains 103 "Old" conditions; some contradictory. Some poorly integrated and some completely superfluous. (For Example; Those of you with "Clean air" backgrounds may wonder why SLO Planning Commission included a condition that directs a (CDPF) filter to be used on the piece of equipment that estimated to generate the greatest emissions, when the SLO APCD CAMP is superior and recognizes the entire area to be "sensitive receptors" with maximal mitigation (PC condition 75 Mitigation 5.9-C2)). That correction was not made due to the overwriting and lack of process that took place.

The Applicant's desire to move the project out of town, to where the litigation wasn't, instigating a project reversal had a lot to do with the need for . But it must be clear to you that the processed was Jammed. It has suffered through the Planning Commission, at the same time that the essentials of water return to the basin were amended. It is being Jammed now.

This is a consequence of the length of this process. There is a lot of information out there. New individuals can come up to date in a manner of weeks without the benefit of a science/engineering background. You have been receiving requests for the development of BMP's from individuals who have never worked in an industry where BMPs were used. The cadre of Cal Poly Professors who were included in the mix in earlier manifestations, have evaporated. The two recognized Environmental Groups currently involved are receiving inputs from the same individuals. There are very few individuals who are scientifically trained or engineer background left.

At this stage of the process the real environmental Stakeholders need to be brought in for consultation on restoration mitigation's. CNPS (Native Plant Society). MCAS (Morro Coast Audubon) Managers of Sweet Springs Preserve. SWAP (Elfin forest preserve). I can tell you that the Broderon Leachfield site is low value, hardly Chapparal and is surrounded by veldt Grass held in check by eucalyptus duff. Similarly the Walker site is completely surrounded by veldt. Removal of the 30 or so Pampus Grass Clumps will have a significant mitigating affect. This is where the focus should be.

I've read the EIR. I hope the members of the commission have done so. Reading portions as directed by comments from groups or individuals does not constitute reading in due diligence. This is as good a project as Los Osos will get. Elements will require additional work, The project will be amended. At this time the project is top heavy. Your staff, Peter Douglas, has a significant experience in this Area. He has seen a similar project 8 years ago. Trust in his wisdom. Your Staff has crafted a flexible solution that the applicant can work with.

Everyone who has touched the Los Osos Sewer Saga has failed it, and failed the residents of Los Osos.. The regulatory agencies failed Los Osos, All levels of Government failed Los Osos. Now public and NGO input has failed Los Osos, and now it is your turn again.

Alon Perlman Los Osos WWP CDP A-3-SLO-09-055/069 for 6/11/10

This portion for Flows to sweet springs preserve

Note retention basin

October 2008

Project No. 07-016-01

G:\MBA\FINAL REPORT 10-30-08.DOC - 10 -

Sweet Spring

Sweet Spring is identified as the largest freshwater spring at the fringe of the bay during historical mapping of freshwater seepages and vegetation. The spring is located at the easterly end of two manmade ponds that contain the freshwater until it flows out the westerly end of the westerly pond. The spring flow is augmented by the flow from an old artesian well that is located at the south edge of the larger pond. The location of the artesian well, ponds, and Sweet Spring are shown in Appendix A (see Plate A3).

Reportedly the flow from this well appears substantially less than the flow into the west end of the pond from the spring, however, the flow rate is undocumented.

The estimated flow from Sweet Spring was documented as approximately 0.4 cfs (180 gpm) or 290 AFY (TMG & TES, 1990). The water quality in the ponds is reportedly dominated by the fresh water from the spring until salt water from the bay flows into the ponds during high tides. We recognize that the tidal influence in the ponds likely makes it difficult to accurately estimate the flow emanating from the well and the spring.

Sweet Spring Marsh

The salt marsh that receives flow from Sweet Spring also appears to receive flow from freshwater springs located in the marsh (TMG & TES, 1990) (see Plate B3). These apparent springs were identified from aerial photographs and distinguished from salt pans in the marsh based on a rounded shape feature with "dark spots" near the center. These features reportedly have defined outflow channels through the salt marsh to the open water of the bay. Groundwater outflow rates from these apparent features are undocumented. Sweet Spring has been recognized as the area having the most pronounced development of major freshwater springs at the bay fringe and is considered the most sensitive of any area along the southerly fringe of the bay because it includes Sweet Spring and is believed the most likely to be significantly affected by the South Bay sewer project (TMG & TES, 1990).

Sweet Spring reportedly appears to flow at a relatively uniform rate, while the springs in the salt marsh appear to be ephemeral. This observation may suggest a hydrologic separation between the springs. Explanations for this occurrence include the potential that Sweet Spring may be fed by groundwater from the eastern side of the Los Osos Fault Strand B, while the springs in the marsh are fed by groundwater on the western side. This previous hydrogeological interpretation was based on shallow water levels which are higher on the eastern side of the inferred Strand B Fault location by about 10 feet near the bay fringe. Groundwater levels are moderately higher near the inferred Strand B Fault, but they decline significantly to the west. An alternative explanation is that Sweet Spring is fed by rising groundwater from the shallow B Zone



F14a

Jonathan Bishop

From: Linde Owen [lindeowen@sbcglobal.net]
Sent: Monday, June 07, 2010 12:39 PM
Cc: Peter Douglas; Jonathan Bishop; Keith Wimer; Elaine Watson; Marty Goldin; C Cesena; Lana Adams; Sarah Damron; Marshall Ochylski; flywaco; Andrew Christie; Piper Reilly; Alon Perlman; Bo and Lacey Cooper; Frank Auselio; dabearde@charter.net; Scott Kimura; patrick sparks; Al Barrow
Subject: LOWWP Hearing Comments
Attachments: grens-mwh-gravity-bias-costing-los-osos-tens-of-millions.html; ATT354871.txt



grens-mwh-gravity-ATT354871.txt (74
 bias-costing... B)

Comments on Application No. A-3-SLO-09-055 & 069, Please distribute to Commissioners and Staff for inclusion in hearing packets. Am also Faxing.

June 7, 2010

Dear Coastal Commissioners and Staff,

I too, was frustrated by the late change in scheduling, but understand the circumstances. This 9 hr round trip is enough burden without changing the date. The Applicant's timeline pressure is trumped up also... the funding application date deadline is the end of September. The funding is even questionable as to whether it is the best funding... it looks to be 2% higher than the SWR loan.

What's wrong here is that the Gravity collection is an environmental disaster, the Treatment is low efficiency/high negative impact, and the Disposal is going to destroy our aquifer and wetlands as well as community-wide habitat.

In a different world you wouldn't have to be evaluating the impacts of such a flawed design and negotiating conditions with the applicant.

Instead, you would be evaluating a system design that should have been Design/Build-evaluated 3 years ago. The Ripley STEP design would have run head-to-head with the MWHarza current mode and left them in the dust. Other innovations would have been allowed to compete. The County wouldn't have wasted 3 years and \$7 million. By continually trying to kill competition, they basically have.

We currently face a no-competition, corporate sewer model, that will fail everyone ultimately, if allowed to continue as proposed.

If we are to protect the safe Basin supply and have a chance of making it sustainable, you must condition the project to address Sea Water Intrusion and an updated Basin Plan. Removing a million gallons a day without returning it properly will put our Basin supply and dependent habitat into a tail spin. Zero balance, die-off, and a non sustainable water source. Imported water is not an option. All that's available is Mercury-tainted Nacimiento Project water at an unaffordable price.

We understand the pressure that the Applicant has put on you but PLEASE... condition the permit to return to a de novo Design-Build competition to allow the Coastal Commission to review a valid project design. (Please see attached article on Applicant's flawed process).

Several of us are working with the RWQCB asking them to consider a waiver on the collection area (we propose a phased approach - collect the problem areas first). This would slow the un-mitagable components that the current Disposal poses. The Ripley design considered the pluses of going more slowly. And also offers the safest collection system.

27



June 6, 2010

SENT BY FAX (415) 904-5400

EXECUTIVE DIRECTOR

Hillary Hauser

BOARD OF DIRECTORS

Steve Halsted, Chairman

Jean-Michel Cousteau

Thomas Dabney

Star Harfenist

Hillary Hauser

Francoise Park

Ron Pulice

Charles Vinick

Jonathan Wygant

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

RECEIVED

JUN 07 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**Re: Hearing Date June 11, 2010; Agenda item # TH7b
 Application A-3-SLO-09-055/069; Los Osos Waste Water
 Treatment Plant and related facilities**

ADVISORY BOARD

John Robinson, Science Advisor

Jim DeArkland

Mike deGruy

Julia Louis-Dreyfus

Brian Hodges

Jack Johnson

Adam Rhodes

Ruston Slager

Heal the Ocean has had the opportunity to review the Coastal Commission Staff report and recommendation for the Los Osos Waste Water Treatment Plant and related facilities. From our beginnings, Heal the Ocean has been an advocate of minimizing or reducing ocean discharge from wastewater treatment plants. Our recent report, *California Ocean Wastewater Discharge Report and Inventory*, released March 15, 2010, details the reasons for improved wastewater treatment and water recycling. The Los Osos project will do both through enhanced wastewater treatment, and will also address longstanding and ongoing human and environmental health and safety problems while providing for water reuse.

We believe your staff has successfully addressed your questions relating to the manner in which Los Osos can both cost-effectively meet its water and wastewater needs while protecting the rich coastal resource areas within the area. We wholeheartedly agree with Staff in its conclusions:

As conditioned, staff believes that there is no feasible, less-environmentally damaging wastewater treatment project, including with respect to plant siting, and with respect to collection and effluent disposal methodologies and siting, as required by the LCP. In addition, the project has been conceived and designed to maximize the productive reuse of the effluent in the Los Osos basin, and to help improve groundwater health and sustainability. In short, the project as conditioned is a much needed and well-conceived beneficial coastal resource project that is essential to protect ground and surface waters in and near Los Osos, including the Morro Bay National Estuary and related habitats and resources, and to provide essential public services to the Los Osos area. Significant local and state resources have been dedicated towards addressing these needs

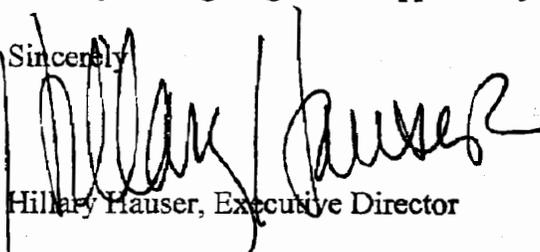
over a period of more than 30 years, and environmental impacts and project alternatives have been thoroughly considered. The resultant project represents an important environmental enhancement project of statewide importance that will greatly improve environmental health and safety associated with ground and surface water in and around Los Osos, including in Morro Bay, and including with respect to its related habitat resources. The project does entail certain impacts, but it is hard to conceive of a treatment project at this scale for this area that would not have such impacts. As conditioned, the LOWWP appropriately avoids such impacts where feasible, and appropriately mitigates for unavoidable impacts.

Heal the Ocean feels strongly that the Los Osos Waste Water Treatment Plant is a critical project that must begin as soon as possible, and we submit that your Staff has provided a solid basis for its successful implementation. After years of delay, it is time to get this project built!

We urge the Commission to approve the project as recommended by your Staff: please vote approval of the Los Osos Waste Water Treatment Plant project on June 11.

Thank you for giving us this opportunity to comment.

Sincerely,



Hillary Hauser, Executive Director

cc: **CCC Central Coast District Office**
Charles Lester, Senior Deputy Director
Dan Carl, District Manager

Public Works Dept., San Luis Obispo County
Pavo Ogren, Public Works Director
Mark Hutchinson, Environmental Coordinator

F14a

Comments on Application No. A-3-SLO-09-0521019
RECEIVED

JUN 07 2010

June 7, 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Coastal Commissioners and Staff,

I too, was frustrated by the late change in scheduling, but understand the circumstances. This 9 hr round trip is enough burden without changing the date. The Applicant's timeline pressure is trumped up also... the funding application date deadline is the end of September. The funding is even questionable as to whether it is the best funding... it looks to be 2% higher than the SWR loan.

What's wrong here is that the Gravity collection is an environmental disaster, the Treatment is low efficiency/high negative impact, and the Disposal is going to destroy our aquifer and wetlands as well as community-wide habitat.

In a different world you wouldn't have to be evaluating the impacts of such a flawed design and negotiating conditions with the applicant.

Instead, you would be evaluating a system design that should have been Design/Build-evaluated 3 years ago. The Ripley STEP design would have run head-to-head with the MWHarza current mode and left them in the dust. Other innovations would have been allowed to compete. The County wouldn't have wasted 3 years and \$7 million. By continually trying to kill competition, they basically have.

We currently face a no-competition, corporate sewer model, that will fail everyone ultimately, if allowed to continue as proposed.

If we are to protect the safe Basin supply and have a chance of making it sustainable, you must condition the project to address Sea Water Intrusion and an updated Basin Plan. Removing a million gallons a day without returning it properly will put our Basin supply and dependent habitat into a tail spin. Zero balance, die-off, and a non sustainable water source. Imported water is not an option. All that's available is Mercury-tainted Nacimiento Project water at an unaffordable price.

We understand the pressure that the Applicant has put on you but

PLEASE... condition the permit to return to a de novo Design-Build competition to allow the Coastal Commission to review a valid project design. (Please see attached article on Applicant's flawed process).

Several of us are working with the RWQCB asking them to consider a waiver on the collection area (we propose a phased approach ~ collect the problem areas first). This would slow the un-mitigable components that the current Disposal poses. The Ripley design considered the pluses of going more slowly. And also offers the safest collection system.

Between 1983 when the RWQCB proposed Res. 83-13 and 1988 when it was implemented (prohibition zone sewer moratorium) the County gave permits for 1140 new homes. Most of those new homes were permitted to install leach pits. Many of those pits went into the upper aquifer. These were all approved by the SLO County Building Department, the County Health Department and the RWQCB. The Porter Cologne Act prohibits 'creation of a problem in order to be able to then 'fix' it.

Current Los Osos monitoring data clearly shows that our overall nitrate pollution is barely 1 mg over drinking standard and has remained stable for 10 yrs. Neighboring communities, all conventionally gravity-sewered, are in much worse shape with contaminated wells and much higher nitrate levels. Morro Bay, Templeton, Arroyo Grande, etc, etc. They all have Gravity collection that has leaked and destroyed their drinking supply.

The Applicant's process has rendered a negative solution proposal that is not acceptable. I'm saddened to see the staff's conditioned approval. This does not match your mission statement but rather clarifies that you must bow under pressure. Please strengthen the Conditions.

We appreciate that you've tried and hope that you can help make this project meet its true objective: provide a safe drinking supply while addressing both nitrate and Chloride pollution. See you Friday!

**Sincerely, Linde Owen
21 yr resident and homeowner at
1935 10th B, Los Osos**

(805) 528-6403 lindeowen@sbcglobal.net

Print:

Written by Ed Ochs Saturday, 05 June 2010 16:12

Ogren's MWH Gravity Bias Costing Los Osos Tens of Millions

Why was the cheaper, environmentally-preferred STEP collection system suddenly dropped from the County's design-build process for the Los Osos Wastewater Project last year? Why didn't the only STEP design-build team in the mix appeal that decision?

In a fascinating glimpse into Public Works' dirty little secret war against STEP to promote MWH gravity collection, San Luis Obispo County Supervisor Frank Mecham, occasionally the lone dissenter on the Board of Supervisors when it comes to voting more money for County Public Works to spend on the Los Osos project, has served as middle man in recent behind-the-scenes correspondence from Orenco Systems' Bill Cagle and County Public Works Director Paavo Ogren. Their comments from this still-smoldering debate reveal some of the back story on Ogren's STEP vendetta, his vicious disregard for the truth, and the brutal price Los Osos "Prohibition Zone" homeowners and the people of Los Osos will have to pay for it.

In the first Los Osos update in over five months, Ogren spoke on several controversial topics during his far-ranging April 27 County Board of Supervisors LOWWP session – the U.S. Department of Agriculture (USDA) loan/grant package, bond sales, the \$7-plus million spent by the County thus far to develop the project, repayment of the prior \$6.5 million SRF loan, the second Prop 218 vote, due diligence, and a looming sewer rates and charges hearing, among others.

But even by Ogren's high standards of spinning facts beyond recognition, none of his myriad comments were more distorted and deceptive than those condemning the STEP collection system and STEP contractors WM Lyles and his team, which included Sutherlin, Oregon-based Orenco Systems Inc. and Dana Ripley, author, with his Ripley Pacific team, of the STEP-based Los Osos Plan Update.

Triggering Ogren's twisted rhetoric was one crisp, clearly worded question from Chairman Mecham, a question first raised in public comment:

Mecham: "What would be the cost to restart the design-build process?"

Ogren: "Well, if we were to re-issue the RFP that we've already issued that would be a relatively nominal cost. My concern would be, how would the contractors who are currently involved in the design-build respond, what would be our reason for re-starting design-build?"

"I'll point out that the single firm that did propose on a STEP system never appealed the decisions. The actual interviews and everything we've always treated as relatively confidential, so we haven't gone out there and explained why they weren't shortlisted, but again the contractor never appealed it so that's some evidence at least that – and I will say that the cost estimates that that particular contractor provided our (staff) don't resemble anything of what some of the individuals in the public are throwing out there. In fact their cost estimates for a STEP system were slightly higher than our cost estimates for a STEP system."

Naturally, Ogren's comments did not pass the WM Lyles team unnoticed. One month later, on May 28, Cagle, Program Leader, National Accounts for Orenco Systems, wrote a five-page letter to Board Chairman Mecham calling Ogren's April 27 assertions "incorrect" and improper. Point by point, line by line, Cagle explained to Mecham why STEP was eliminated from the design-build process, why WM Lyles did not appeal, how the design-build had been "adulterated," and the consequences for both Los Osos and the County.

Wrote Cagle to Mecham in response to Ogren's comments, in part:

"There is no mechanism in the Request for Qualification (RFQ) to eliminate STEP as a viable project alternative. The tight interrelation between eliminating STEP and the WM Lyles Design Build (DB) team is suspect, especially when the expressed reasons fall outside of the RFQ evaluation criteria. The evidence surrounding the short-listing process insinuates impropriety.

"Even if the Lyles team won the appeal, a DB team cannot function with an unwilling partner that misrepresented that STEP technology was both a viable collection alternative AND an acceptable alternative to SLO County. So far, the consequence of

32

Ogren's MWH Gravity Bias Costing Los Osos Tens of Millions ...

<http://www.rockofthecoast.com/news/local/868-ogrens-mwh-gra...>

removing innovation from the DB process is ongoing civil unrest and DB administrative cost overruns in excess of \$5 million. Both of which have the potential to escalate from this point forward. Design Build Institute of America (DBIA) warns of these consequences when a Design Build process is adulterated."

Responding to Ogren's comment that "the single firm that did propose on the STEP system never appealed on the decisions," Cagle said: "During the DB interview ... the owner (SLO County) sent a clear message that SLO County would not be a cooperative partner on a 'STEP' design build team... STEP and therefore the Lyles team was eliminated for reasons that fell outside the RFQ evaluation criteria."

Cagle also refers to Ogren's controversial ally, MWH, Public Works' top candidate on both project short lists – for collection and treatment facility.

"Montgomery Watson Harza was favored with their own outdated (2004) gravity sewer design, even with an apparent violation of California Public Contract Code 20139, that specifically states, "Any architect or engineer retained by the county to assist in the development of the project specific documents shall not be eligible to participate in the preparation of a bid with any design-build entity for that project." Stated in black and white on Carollo's SLO County contract are the MWH line items that contain verbiage about determining Viable Project Alternatives. Not only is "Determining Project Specific Alternatives" specific, but it gives the appearance that MWH was involved in steering the project alternatives selection."

Cagle also noted that "on 3/27/09 the day of the shortlist announcement, the first day of the appeal process, the chair of the appeal committee, Paavo Ogren [via John Waddell] sent out a press release stating that STEP (and thereby the only STEP DB team) was not welcome." In addition to the timely STEP-killing press release, Cagle refutes the Waddell memo in his detailed May 27, 2009 letter to the Planning Commission headed "7 reasons why STEP was eliminated."

Cagle explained that Lyles did not appeal the failure to shortlist because Lyles' two teams' Statements of Qualifications (SOQs) were both based on STEP collection, and the County made it very clear that STEP was not an acceptable collection alternative. Even though STEP was clearly identified as an acceptable alternative in the Request for Qualifications (RFQs) and in the Prop 218 Engineers Report, Public Works' Powerpoint presentation to the Board of Supervisors made it perfectly clear that that was not the case. Lyles wouldn't even attempt an appeal with that sort of bait-and-switch in play, and so Lyles made a decision to cut their losses. There was obviously no reason for Lyles to expend any further resources on an appeal given that STEP was in fact never really on the table.

"A STEP team cannot function when the main team player, SLO County, is unwilling. Design Build can only be successful when the primary parties are working in a trusting partnership," wrote Cagle. "Mr. Ogren understands this as he went through the Design Build Institute of America Boot Camp training at Cal Poly, SLO."

The County simply had to eliminate STEP from the design-build process to protect MWH: "Had a STEP design been allowed to advance," Cagle wrote, "it was obvious that these favored costs would have sealed the fate of the gravity sewer system."

Lyles was not, as Ogren put it – "the single firm that did propose on the STEP system" – Lyles was the only team that proposed a project using STEP technology.

"And there you have the crux of the problem," wrote Cagle. "Notwithstanding the fact that the STEP alternative would likely beat any gravity sewer proposal on cost and that the WM Lyles team represented the most qualified team to deliver the most sustainable solution, the RFQ evaluation committee did not include the WM Lyles STEP alternative on the shortlist. The only logical explanation to this suggests impropriety and a pre-determined outcome of the RFQ process."

Ogren responded to Cagle's letter in a June 3, 2010 email to go-between Mecham. Well, sort of. Ogren largely ignores Cagle's arguments, acknowledging him briefly in only one line: "Obviously I don't agree with several of Mr. Cagle's statements in his most recent correspondence, which is why it was important to have the STEP issue as a point of focus last year," wrote Ogren. Instead, he reminds Mecham that the STEP debate is ancient history, that the STEP ship sailed on April 7, 2009, and won't be coming back this way again. After touching on key project steppingstones and milestones achieved up to this point by the County, and with the key piece, the Coastal Development Permit, so close they can taste it, Ogren attempts to steamroll his critics as well as Mecham, declaring that momentum is clearly with the County.

"The project that your Board approved, and which is now the jurisdiction of the (Coastal) Commission, is an excellent project

Ogren's MWH Gravity Bias Costing Los Osos Tens of Millions ...

<http://www.rockofthecoast.com/news/local/868-ogrens-mwh-gra...>

for Los Osos," Ogren wrote Mecham, "and the time has come to move forward."

Of course, Ogren and Gibson would like to move forward as fast as possible, faster than the Planning and Coastal Commissions have taken on Los Osos, faster to cover up their tracks, faster than anyone can challenge the details of their deeply flawed project.

By the same token, Ogren has consistently distorted the facts about STEP versus gravity and Lyles' position. Public Works has repeatedly asserted over the last year that STEP collection is not viable or cost-effective simply because Lyles failed to appeal. This couldn't be further from the truth. The truth is that it was clearly evident to Public Works that MWH's gravity plan could not compete with Lyles' STEP plan and therefore the Lyles team needed to be dropped before any real numbers were on the table for all to see.

— Ed Ochs

This article belongs to category: Local

F14a

RECEIVED

JUN 07 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



Via Email
Original to Follow via U. S. Postal Service

June 3, 2010

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

President
Marshall E. Ochyalski

Vice President
Steve Senet

Directors
Chuck Cesena
Maria M. Kelly
Joe Sparks

General Manager
Dan Gilmore

District Accountant
Amparo Haber

Administrative Supervisor
Sandi Woods

Utilities Supervisor
Margaret Falkner

Fire Chief
Matt Jenkins

Battalion Chief
Phill Veneris

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

Offices:
2122 8th Street, Suite 102
Los Osos, CA 93402

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

www.losososcscsd.org

**Subject: Comments of the Los Osos Community Services District
De Novo Hearing on the Los Osos Wastewater Treatment Project
CDP Application A-3-SLO-09-055/069**

Dear Coastal Commissioners:

The Los Osos Community Services District (District) understands that the California Coastal Commission (Commission) has taken jurisdiction over the issuance of the Coastal Development Permit for the Los Osos Wastewater Project (Project), originally approved by the County of San Luis Obispo (County) Board of Supervisors. The District further understands that the California Coastal Commission will consider the entire Project, *de novo*, at the hearing currently scheduled for Friday, June 11, 2010.

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

Introduction

The District is supportive of a Project designed to address the requirements of Regional Water Quality Control Board Resolution 83-13. The District also recognizes that Project implementation is a step towards addressing the current significant seawater intrusion issues within the Los Osos Groundwater Basin.

The following discussion identifies issues related to the scope of services that the District provides that should be addressed in the Commission's consideration of the proposed Special Conditions for the Project. These comments are in addition to those previously submitted by the District.

Affordability

All of the conditions of approval attached to the Project must take into account the expense to the property owners within the Prohibition Zone. The most cost effective mitigation measures must be identified and implemented to alleviate the financial strain on the residents of an already expensive Project. The Project must

not be viewed as an opportunity to attach non-related costs to the Project at the expense of property owners within the Prohibition Zone.

Sustainability

The District is concerned about the potential removal of water from the groundwater basin. In terms of the avoidance of adverse groundwater impacts, our primary recommendation is that the Project include Title 22 § 60301.230, Tertiary Treatment (Tertiary Treatment). Return of treated effluent to the Los Osos groundwater compartment must take priority.

Tertiary Treatment will help the District and the other water purveyors in the community by returning properly 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.

Re-Use Priorities

The currently approved Project addresses water re-use in Conditions of Approval Number 97.

The District has fought for the inclusion of that condition and is in strong agreement that all of the treated effluent must be returned to the Los Osos Groundwater Basin.

Drainage

The District supports the inclusion of Special Condition 1.j. and its requirements that the Project incorporate low impact development (LID) techniques and water quality protection systems to the maximum extent feasible.

Septic Tank Decommissioning Plan

The District supports the inclusion of Special Condition 2 and the possible reuse of existing septic systems for on-site reuse, including on-site filtration and percolation of storm water to the greatest degree feasible and appropriate.

Habitat Management Plan

As the Commission is aware, the District is currently in bankruptcy and the Mid-Town property currently owned by the District is the District's largest single tangible asset. As such, it is an essential element in the District's debt adjustment plan to resolve the creditor's claims in the bankruptcy. The disposition of this property is a critical component necessary for the continued existence of the District itself.

For these reasons, the District strongly opposes the current language of Special Condition 3. The District simply cannot have the Mid-Town property restricted to a self-sustaining natural habitat state in perpetuity, as the language is currently drafted.

**Comments of the Los Osos Community Services District
CDP Application A-3-SLO-09-055/069
De Novo Hearing on the Los Osos Wastewater Treatment Project**

Page 3

As an alternative to the proposed Special Condition, the District would agree to the deletion of that property from the deed restriction requirement of the Special Condition, or revision of that Special Condition to allow the County to purchase the Mid-Town property and charge the purchase cost and any restoration costs to future development pursuant to the approval of a community-wide Habitat Conservation Plan.

The District also argues that the inclusion of this property in the Special Conditions is outside of the scope of the Project, since the property is not currently under the control of the County, and further that its inclusion in the Special Conditions does not meet the nexus or proportionality tests required under the legal requirements of *Nolan/Dolan*.

Liability for Costs and Attorneys Fees

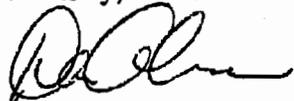
The inclusion of Special Condition 9 is also problematic because it has the potential to significantly increase costs to the residents of the Prohibition Zone by requiring them to pay the costs and attorneys fees incurred in the defense of legal actions brought against the Commission for the Commission's own acts. Because the Commission itself found substantial issue and voluntarily assumed control over the approval of Coastal Development Permit for the Project, it should bear the full cost of defense.

Summary

In conclusion, we fully support measures to address the community's wastewater problems. We believe that the issues identified above are appropriate and should be addressed in the Commission's review of the Project. Although the Project will have a profound beneficial impact on the community, a comprehensive and responsible approach to conditions placed on the Project will be for the betterment of the entire community.

Thank you for your consideration of the above issues in your review of the Project.

Sincerely,



Dan Gilmore, General Manager
Los Osos Community Services District

cc:

Mr. Peter Douglas
Dr. Charles Lester
Mr. Jonathan Bishop
Los Osos Community Services District Board of Directors
County of San Luis Obispo c/o Paavo Ogren

F14a

Dear Commissioners,

Pursuant to your June 11 de novo hearing on the Los Osos Wastewater Project, Sierra Club and Surfrider Foundation submit an additional proposed permit condition for the project, attached. We look forward to expanding on the issues related to this condition at the hearing.

We also submit the attached letter, sent to the San Luis Obispo County Board of Supervisors by Orenco Systems Inc. on May 28. This provides insight into the County's project selection process from one of the participants and underscores the need for a permit condition regarding the comparison of competing technologies within the design-build process, as per to the staff report's emphasis on the need for a cost-effective project that solves the community's needs for wastewater treatment and is protective of coastal resources.

Thank you,

Andrew Christie, Director
Santa Lucia Chapter of the Sierra Club
P.O. Box 15755
San Luis Obispo, CA 93406
805-543-8717

RECEIVED

JUN 07 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-09-055/069, Los Osos Wastewater Project

Proposed Special Condition:

To assure a well defined, cost-effective project, the highest-ranked STEP collection team and highest-ranked STEP treatment team as identified in the Request for Qualifications shall be included in Request for Proposals in the design-build process.

RECEIVED

JUN 07 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

May 28, 2010



Orenco Systems®
Incorporated

San Luis Obispo County Board of Supervisors
Attn: Mr. Frank Mecham
Chairperson SLO Board of Supervisors
Room D-430 County Government Center
San Luis Obispo, CA. 93408

814 AIRWAY AVENUE

SUTHERLIN, OREGON

97479

Subject: **Mr. Ogrens' comments April 27, 2010 SLO Board of Supervisors Meeting**

TOLL FREE

Honorable Mr. Mecham:

(800) 348-9843

Thank you for taking the time to consider this response. During the April 27th BOS meeting, the record reflects the following exchange between yourself and Mr. Ogren:

TELEPHONE

Chairman Mecham: "What would be the cost to re-start the Design Build process?"

(541) 459-4449

Paavo Ogren: "Well, um if we were to re-issue the RFP that we've already issued that would be a relatively nominal cost. My concern would be how would the contractors who are currently involved in the DB respond; um what would be our reason for restarting DB?"

FACSIMILE

(541) 459-2884

I'll point out that the single firm that did, that did propose on the STEP system never appealed on the decisions, the actual interviews and everything we always treated as relatively confidential so we haven't gone out there and explained why they weren't shortlisted, but again the contractor never appealed it, so that's some evidence at least, and I will say the cost estimates that that particular contractor provided don't resemble anything of what some of the individuals in the public are throwing out there. In fact their cost estimates for a STEP system were slightly higher than our cost estimates for a STEP system."

WEB SITE

www.orenco.com

A few points I would like to emphasize regarding Mr. Ogrens' comments¹:

1. There is no mechanism in the Request for Qualification (RFQ) to eliminate STEP as a viable project alternative.
2. The tight interrelation between eliminating STEP and the WM Lyles Design Build (DB) team is suspect, especially when the expressed reasons fall outside of the RFQ evaluation criteria.
3. The evidence surrounding the short-listing process insinuates impropriety.

¹ Please note I am speaking as a team member, not for WM Lyles.

4. Even if the Lyles team won the appeal, a DB team cannot function with an unwilling partner that misrepresented that STEP technology was both a viable collection alternative AND an acceptable alternative to SLO County
5. So far, the consequence of removing innovation from the DB process is ongoing civil unrest and DB administrative cost overruns in excess of \$5 million. Both of which have the potential to escalate from this point forward.
6. Design Build Institute of America (DBIA) warns of these consequences when a Design Build process is adulterated.

Excerpts from Mr. Ogrens' comments:

- **“the actual interviews and everything we always treated as relatively confidential so we haven’t gone out there and explained why they weren’t shortlisted” –**

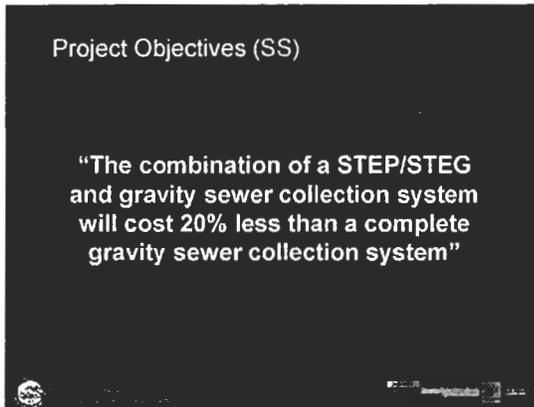
A: This is incorrect, staff put out a press release on the day of the announced shortlist, dated 3/27/2009, containing 7 reasons why STEP was not shortlisted (see attached). Important note; this date also represents the first day of the appeal period. When examined closely you will note that most of staff’s 7 reasons fall outside of the scope of the RFQ evaluation and ranking criteria: (see attached Orenco rebuttal document to the 7 reasons why STEP was eliminated).

Evaluation and Ranking Criteria	Weight
Pre-qualification Questionnaire Score	15%
Utilization of Local Contractors and Consultants	5%
Technical Approach and Team Expertise	30%
Understanding of Process, Goals, and Objectives	20%
Design and Construction Experience	30%

The RFQ was clear that STEP was a viable project alternative, but the press release evidenced that staff had rendered STEP unviable for reasons that had little to do with the review of our DB’s team statement of qualifications.

- **“In fact their cost estimates for a STEP system were slightly higher than our cost estimates for a STEP system.”**

A: Cost was not a weighted RFQ evaluation criterion, and I believe our team demonstrated the importance of affordability during our interview with the following slide.



Note: This was one of the first slides in the WM Lyles interview team presentation. The interview team went on to explain **that the on-site cost for STEP was included** in the estimate and **the onsite cost for gravity was NOT included** in the comparative cost (this condition was set forth by the County's RFQ project scoping criteria). The County cost for gravity, without onsite cost, would have **been** estimated at \$69.6 to \$75.7 million using the Fine Screening Analysis cost estimates. Using the RFQ comparison the Lyles team 20% number places STEP in the range of 30% to 45% lower than gravity. The cost presented by WM Lyles was a Hybrid gravity/STEP system that utilized a gravity installation in areas where it was cost effective. If the system was all STEP, the capital cost would have been less. The interview panel knew this, yet STEP was not advanced.

The WM Lyles team also proposed a guaranteed maximum price. Had a STEP design been allowed to advance, it was obvious that these favored costs would have sealed the fate of a gravity sewer system.

- *"I'll point out that the single firm that did, that did propose on the STEP system never appealed on the decisions"-*

A: During the DB interview, the Lyles team provided a detailed discussion about the stakeholders, in a DB project, and how a successful DB project requires ongoing participation of all the stakeholders. The owner (SLO County), as one of the important stakeholders, sent a clear message that SLO County would not be a cooperative partner on a "STEP" design build team with the following actions;

1. STEP and therefore the Lyles team was eliminated for reasons that fell outside the RFQ evaluation criteria.
2. Montgomery Watson Harza was favored with their own outdated (2004) gravity sewer design, even with an apparent violation of California Public Contract Code 20133, that specifically states, *"Any architect or engineer retained by the county to assist in the development of the project specific documents shall not be eligible to participate in the preparation of a bid with any design-build entity for that project."* Stated in black and white on Carollo's SLO County contract are the MWH line items that contain verbiage about determining Viable Project Alternatives. Not only is "Determining Project Specific Alternatives" specific, but it gives the appearance that MWH was involved in steering the project alternatives selection.

3. And on 3/27/09 the day of the shortlist announcement, the first day of the appeal process, the chair of the appeal committee, Paavo Ogren, sent out the press release stating that STEP (and thereby the *only* STEP DB team) was not welcome.

So why was there no appeal? A STEP team cannot function when the main team player, SLO County, is unwilling.² Design Build can only be successful when the primary parties are working in a trusting partnership.

- *“the single firm that did, that did propose on the STEP”*

A: WM Lyles was the only team that proposed a project using STEP technology. Following is a quote from the Engineers 218 report titled, Engineer’s Report for the San Luis Obispo County Water Assessment District No. 1 August 28th, 2007 (page 4, first paragraph):

“In the current project selection strategy, the STEP and gravity alternatives would compete through the construction bidding phase using a competitive bid, design/build, and/or build/own/operate/transfer process.”

Based on the above statement alone WM Lyles should have been shortlisted, because it was the only team to propose STEP technology and according to official documents STEP was supposed to be taken through the RFP construction bid stage. The next sentence in the report states;

“If gravity system bids are received near the high end of the cost range, it is unlikely that gravity will compete with STEP.”

And there you have the crux of the problem. Notwithstanding the fact that the STEP alternative would likely beat any gravity sewer proposal on cost and that the WM Lyles team represented the most qualified team to deliver the most sustainable solution, the RFQ evaluation committee did not include the WM Lyles STEP alternative on the shortlist. The only logical explanation to this suggests impropriety and a pre-determined outcome of the RFQ process.

Mr. Mecham, we tried very hard to be a part of a sustainable solution for Los Osos, evidenced by the fact Orenco introduced DB to Los Osos in October, 2006. Why? Because if done correctly the DB project delivery method performed in an open, fair, and equitable manner can bridge all socio-economic barriers. And if Orenco lost in that type of process, that would be OK, because Los Osos would benefit, which is the ultimate goal. Unfortunately actions by staff and the appearance of impropriety with MWH have severely damaged the Los Osos WWTP DB process, attested by the fact that the socio-economic unrest still exists, and administrative cost overruns exceeding \$5 million. DBIA warns that if the DB process is adulterated, the benefits of DB will be stripped away.

² Mr. Ogren understands this as he went through the Design Build Institute of America Boot Camp training at Cal Poly, SLO.

It's not too late. Going back to your original question, you may wish to re-phrase it like this: **How much money can we save by re-starting the DB process?** The answer is easy, tens of millions of dollars. However, the following actions should be taken into consideration:

- The reason to re-start would be to wipe away the appearance of impropriety and re-institute trust.
- Hire a DB consultant team that can coach the County and Los Osos through a successful project. To avoid another appearance of impropriety exclude engineering firms. **Lee Evey the ex-president of DBIA has said he would make his team available to move this project through Design Build successfully. He has also communicated this to County staff.**
- This coaching includes properly structuring the RFQ (request for qualifications DB team short listing, RFP (request for proposal), final DB team selection, and possibly facilitation of the Design Build process through final design and construction.
- The RFP should include project goals that drive solution oriented decisions. The DB teams are then allowed the flexibility to use technical innovations in their proposals to achieve project goals.
- Simplify the project by combining the collection and treatment RFQ/RFP's into one. That will save \$500,000+ in stipends to the losing DB teams. It will also allow for expanded innovation which can lead to greater project cost savings.

Had the current DB process gone down this path we'd already be in construction. And if a re-start were declared, construction of a sustainable wastewater solution could feasibly begin in a shorter timeframe than even the current project.

I'm sure there may be objections to this, but I would encourage you to recall that staff's reasoning for the current process appear to be tightly tied to the so called advantages of the already designed MWH gravity sewer. Ask yourself, have you seen these advantages manifested? Costs? escalating, nope. Time? 3+ years and counting, nope. Ease of permitting? Project is in de novo, nope. Social acceptance? You be the judge. And just to re-iterate the Design Build Institute of America training attended by county staff, warns this will happen whenever the design build process is adulterated.

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

RECEIVED

JUN 07 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mr + Mrs D. M. Juen FH
709 Highland Dr
Los Osos Ca 93402

5-3-10

To the Staff and Coastal Commissioners
Regarding the Los Osos Sewer.

Dear Staff and Commissioners

We realize that Los Osos need some sort of
wastewater project. The properties that are down
by the water need special attention as the silt
tanks and leach lines have no place to go.

But the lots above Los Osos Valley Rd. have good
drainage, many with 100 ft or more of sand beneath
them.

We need a system, or several systems that address
the needs of different areas. Why collect the fluids
from Broderson Site area, take them miles away only
to bring them back to the Broderson area? It doesn't make
sense. There are too many flaws in this project.

We cannot afford this sewer. We are on social security,
\$1100.00 ^{per month} for the two of us. Our savings is nearly gone,
We love our home and want to stay here. Please don't let
them put this expensive burden on us. We will lose our
home. Please, Please, Please. This sewer is so wrong
for Los Osos. There are better projects. There are less
expensive systems. The county has not done their home-
work. Please listen to the silent majority.

Sincerely + hopefully
Marlene + Duncan M. Juen
805-528-7332

44

RECEIVED

F14a

JUN 07 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

6 June, 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 – Comments regarding the Do Novo Hearing for 11 June 2010, via e-mail.

From:
Joe Sparks,
Homeowner, Los Osos Prohibition Zone
Director, Los Osos Community Services District
President, Los Osos Community Services District, 2009

Dear Staff & Commissioners,

My comments are submitted as an individual homeowner and as an individual Director of the Los Osos Community Services District.

First, I want to express my appreciation for Staff's effort and their review of the Wastewater Project. I also wish to convey my support for proceeding with a Wastewater Project, albeit with certain exceptions to Staff's recommendation.

I also wish to convey to you a perspective on the harmful ramifications and unintended consequences that have resulted from the Commission's prior inappropriate actions, including making a 'Substantial Issue' determination in January 2010.

Issue #1: Mitigation of septic discharge into and restoration of groundwater in the Los Osos Basin IS is the primary issue being addressed by the Wastewater Project

Protecting the Los Osos groundwater is the main State resource on which your decision should be based.

Issue 2: The fact that we are even having yet another de Novo Hearing illustrates the continued incompetence of the California Coastal Commission commissioners in the matter of implementing a Los Osos Wastewater Project and protecting the groundwater of the State.

In 1998, the Commission's actions, individually and collectively, and in contradiction to their Staff recommendation and reports, facilitated indefinite delays to the project. As a body, although perhaps well intended, the Commission acted in an activist fashion, with the result now of over \$30 million and counting spent, two separate assessments approved by property owners in the Prohibition Zone, yet we have no improvement to the groundwater and no improvement to our coastal resources, and no foreseeable end in sight for the plight of homeowners.

In 2004, the Commission actions individually and collectively, in part facilitated delays which led to higher construction costs for a project. At a 2005 revocation hearing, the comments of individual commissioners, seemingly in contradiction to their own vote to deny revocation, could be construed as tacit non-approval of that project.

In January 2010, the Commission again, in contradiction to the Staff recommendation, voted to assume control of the project, creating yet more delays, piling on more burdensome conditions, and putting Federal Stimulus money in jeopardy.

The Prohibition Zone property owners have been the most responsible acting group in this 30 year saga – yet bear the total burden and costs for the collective incompetence to date of the County of San Luis Obispo, the Central Coast Regional Water Board, The Los Osos Community Services District (which is differentiated from the Prohibition Zone property owners referred to herein), and especially the California Coastal Commission..

As a homeowner and taxpayer who has twice assessed himself, and as a Director who has voted to approve assessing District properties, making 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 be personally and environmentally reprehensible.*** While these comments are harsh, certainly the perspective of homeowners assessing themselves to complete an unfunded mandate by the State, under the reality of distressful economic circumstances, with protracted and spiraling project conditions seemingly never ending, should be considered and must be appreciated by the Commission.

Issue #3: Planning and actions by the Los Osos Water Purveyors that are directed towards elimination of salt water intrusion must be segregated from the Wastewater Project

There is an on-going financial commitment from both the County of San Luis Obispo and the LOCS D towards a Basin Management Plan for Los Osos. Those resources include LOCS D and Purveyor budgeted expenses and future rate increases to support capital expenditure and development of reserves in anticipation of implementation of the Basin Management Plan to cure Salt Water Intrusion. The Wastewater Project is a lynchpin within the Basin Management Plan. The Commission (and County) must be careful to design and not to condition the Project to the extent it would make financing of the project infeasible via the current approved 218 assessment, because it would only serve to jeopardize the Project itself resulting in further unintended progression of Salt Water Intrusion in the absence of a completed Project. The effects of conditioning a Project out of financial viability (and rendering the current 218 infeasible) will be to:

- delay updates to the Basin Management Plan
- re-direct limited financial resources of both the LOCS D and County of San Luis Obispo towards a total uncertain project
- create significant uncertainty for both the County of San Luis Obispo and LOCS D, thereby inhibiting their ability to move forward and mitigate salt water intrusion

Issue #4: Project Cost Avoidance for the Homeowners in the Prohibition Zone and Cost Avoidance for Taxpayers in the LOCS D Chapter 9 Bankruptcy require proceeding with a financial viable Project.

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 via the Purveyors.

Presently, the LOCS D is in Federal Chapter 9 Bankruptcy protection., but 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 with exceptions herein will jeopardize the completion of that resolution by the County, thereby putting future Project planning and funding at risk and leaving the LOCS D in a state of financial limbo and subject to indeterminate and unfunded legal expenditures, both of which 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 had near term deadlines or limits. A finding contrary to Staff's recommendation, with exceptions noted herein, 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 reiterate to the Commission 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 are the ones who protect the coastal resources with that assessment, had no vote in the termination of the prior projects in 1998 and 2005 – those were not votes of the property owners.

Issue #5: Liability of the Prohibition Zone homeowners for payment of Coastal Commission legal expenses.

It is insulting to the homeowners who have assessed themselves \$25,000 and are paying on a \$20 million bond to have to add the costs of the Coastal Commission when the Commissioners have gone against Staff recommendations TWICE in the history of the project, plus have engaged in numerous ex parte communications with unqualified individuals and organizations.

I realize this is harsh language but the lack of forethought regarding the impacts of the Coastal Commission on affordability in this Project is evident when project costs are now at \$240+ per month plus debt versus about \$80 per month in 1998 when the Commission began meddling in the Project 13 years ago. I believe that if the individual commissioners had considered themselves to be personally liable for costs in past deliberations, their decisions would have likely been different. Imposing these costs on the homeowners of the Los Osos Prohibition Zone is nothing more than environmental extortion.

Issue #6: Special Condition #5. Water Conservation & Bayridge Leach fields.

Special Condition # 5 should be altered.

The increase in funding of water conservation from \$1 million to \$5 million by the SLO County Planning Commission was inappropriate. The 218 assessment of homeowners was predicated on a \$1 million contribution. No specific benefit to the homeowners will be realized by the increase, since sizing of the treatment plant has not been reduced that would reflect any reduced wastewater flows from increased water conservation. There was no analytical rationale for the increase, but the effect has been to make the project less feasible to have complete funding from the 218 assessment. Water Purveyors should have the responsibility for water conservation (aside from neutral SWI mitigation) so as not to burden the Prohibition Zone.

The assignment of 33 acres of disposal to Bayridge is a joke. 500 acre-feet of flows from septic tanks to Willow Creek will simply not be mitigated to any discernable degree by 33 acre-feet of discharge into Bayridge, and there is no documentation that it provides that Bayridge has any significant incidental recharge to the Basin. The rehabilitation of Bayridge as a project cost will simply serve to increase the financial burden on the homeowners –that's it.

Summary:

I support proceeding with a Wastewater Project with 3 exceptions:

Coastal Commission to pay for Coastal Commission legal indemnification.

\$1 million set-aside for water conservation, as envisioned in the 218 assessment.

Elimination of Bayridge as a disposal site.

Frankly I have no confidence in the Coastal Commission to protect ANY of water resources (unless you consider ongoing flows from septic tanks to be good thing) in Los Osos, and furthermore, I have utter disrespect for the decisions that have been made by the Coastal Commission to date. The Commission, individually and collectively, needs to look in the mirror and reflect on their contribution to 13 years of ineptitude to protect groundwater, a most precious Coastal resource.

Sincerely,
Joe Sparks, Los Osos

cc:

Coastal Commission

Frank Meacham, Chair, SLO County Board of Supervisors

SLO County Board of Supervisors

Roger Briggs, Central Coast Region **Water Board Executive Director**

Jeffrey Young, Chair, Board, Central Coast Region, **Water Board**

Assemblyman Sam Blakeslee

Los Osos Community Services District

F14a

Jonathan Bishop**RECEIVED**

From: al barrow [a.barrow@charter.net]
Sent: Monday, June 07, 2010 4:01 PM
To: Peter Douglas; Dan Carl; Jonathan Bishop; patrick sparks
Cc: abarrow@charter.net
Subject: Fw: Number of STEP systems

JUN 07 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear coastal commissioners and staff;

I have letters from Professor Kevin White and Bob Pickney that I am submitting by reference as they are in documentation and the Los Osos Legal Defense writ of Mandamus. Both are professionals and state that the SLO County data is flawed. Here is additional information that STEP/STEG is more protective, does not leak like gravity sewers, withstands earthquake far better and is cheaper to maintain and install while not harming the environment like a street trenched system.

You have not evaluated these impacts. Exfiltration at the 20,000 plus sewer joints and earthquake impacts will be devastating to the water supply and the Morro Bay wetlands.

Thank You,

Al Barrow Los Osos CLIH LOLDF

From: al barrow

Sent: Friday, April 16, 2010 11:35 PM

To: 'al barrow' ; 'patrick sparks'

Cc: abarrow@charter.net

Subject: RE: Number of STEP systems

Here are some of the Large STEP Systems

Lacey, Washington: 2,851 plus 20 multi-housing STEP/STEG connections

Terry Cargil; Direct (360) 413-4395
 Water & Wastewater Supervisor;
 420 College St. SE; tcargil@ci.lacey.wa.us
 Lacey, WA 98509

Camas, Washington: ~3,300 STEP/STEG connections

Mike Stevens; Direct (360) 817-1567 ext. 4283; Cell (360) 921-2872
 Water-Sewer Supervisor; Branch Off. (360) 834-2457
 1620 SE Eighth Ave.; mstevens@ci.camass.wa.us
 Camas, WA 98607

Montesano, Washington: ~1,600 STEP/STEG connections

Norm Case; Office (360) 249-3021; Cell (360) 589-1140
 Collection System Supervisor; montewwtp@yahoo.com
 112 North Main
 Montesano, WA 98563

Mobile Area Water & Sewer: ~1,700 STEP/STEG connections

Braxton Platt; Office (251) 649-4317

6/7/2010

49

Wastewater System Supervisor
4800 Mccrary Rd
Semmes, Alabama 36575

City of Yelm: ~1,200 STEP/STEG connections

Jim Doty (360) 458-8411
Manger
P.O. Box 479 – 931 NP Road
Yelm, WA 98597

From: al barrow [mailto:a.barrow@charter.net]
Sent: Friday, April 16, 2010 12:38 PM
To: patrick sparks; msaunders@orenco.com; bill cagle
Cc: abarrow@charter.net
Subject: Fw: Number of STEP systems

Hi Mike Saunders

We are looking for the biggest systems for STEP/STEG. Please list the, for us over 1000 connections.
Al Barrow CLIF C.A.S.E.

From: Bill Cagle
Sent: Friday, March 26, 2010 3:14 PM
To: 'al barrow'
Subject: Number of STEP systems

Al,
For STEP systems over 100 connections there are approximately 250+
For STEP systems under a 100 connections there are another 350+

Sorry for the delay. I ended up having back to back long days. The night I spoke with you I got to my hotel at 1am, same thing happened last night. I know we spoke about a few other things. What were they exactly??

Respectfully,

Bill Cagle
National Accounts
Oreco Systems Inc.
www.orenco.com/systems
bcagle@orenco.com

(P) 800.718.4046 direct

(C) 541.784.6421

(F) 541.459.2884

RECEIVED

JUN 07 2010

F14a

Permit Number: A-3SLO-09-055/069
 Appellant Steven Paige, comments:

CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

Dear Coastal Commissioners and Staff,

I am appellant Steven Paige. I and 17 homeowners in the Prohibition Zone have tentatively agreed to be a part of a class action suit related to selective non-enforcement of Coastal Act. It is our legal opinion that Section #30010 is not being enforced or reviewed at all relating to septic decommissioning (regulatory takings and inverse condemnation clause).

Our complaint is clearly laid out in the attached six PowerPoint slides. Your office received a lengthy complaint on the matter. To us, decommissioning of the 'septic tank component' is a regulatory taking. Roger Briggs at the RWQCB meeting in SLO, during public comment, on the 13 of May gave the following answers to the RT questionnaire I had prepared and presented to him:

"Has the prosecution team completed a Regulatory Takings study on septic tank decommissioning in the Prohibition Zone (Presidential Order#12630)?"

Roger Briggs, Answer: "No."

"Does a normally functioning septic tank by itself discharge waste into the environment?"

Roger Briggs, Answer: "No."

Hence it could be assumed that the RWQCB considers the septic tank component a zero discharge 'device' like other devices in the drainage tree (sinks, toilets, garbage disposals, dishwashers, and clothes washers). Normally discharge only occurs in the leach field component.

I and 17 neighbors will not let this issue be cast aside by the Coastal Commission. We believe you are obligated by law to discuss Sec. 30010 in this instance, and to not approve a project with such an obvious partial 'taking' and such large negative environmental consequences. There are simple remedies outlined in slide 6.

The SLO Planning Commission refused to give staff rebuttal on this issue. The SLO Board of Supervisors refused to insert staff rebuttal on this issue for their Coastal Submission hearing. We believe the County has been silent on this issue because it has the potential of derailing the project as it is without mitigation. Due to the large amounts of money due in compensation for this taking (\$12,000 per property), the right to a Jury trial, and the large size of the class, We feel it is the States best interest to not be negligent and silent on this issue. If possible, I would like 8 minutes on this issue to explain it in adequate detail.

Steve Paige,



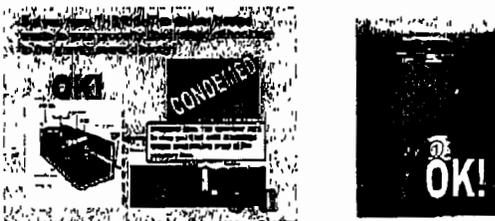
6/7/10

1554 Ninth St.
 Los Osos, California
 805-215-9025.

COMMENTS: POWERPOINT, APPELLANT STEVEN PAIGE
FOR APPLICATION NUMBER A3-SLO-09-055/069
LOWWP

①

Is decommissioning septic tanks subject to Coastal Act Section #30010 review? YES. Because A SEPTIC TANK IS NO DIFFERENT THAN A GARBAGE DISPOSAL. Both devices digest solid waste in a closed system and have inlet and outlet.



②

What GREEN environmental benefits are there for using existing septic tanks for primary waste processing and reasonably invoking Coastal Act Section #30010 to insure the study of this issue ?

- Eliminates 70 percent of all solids dewatering and shipping. (EPA)
- Eliminates 5000 shipments of waste from decommissioning.
- Eliminates air pollution and habitat damage related to digging up septic tanks and removing them.
- Better AB 32 compliance- Uses zero energy onsite primary waste processing cutting greenhouse gas impacts.
- Makes any collection system more compatible with water conservation. No minimum flows required for liquid only collection.
- Compatible with a low pressure sealed collection system installed at 1/2 the cost of gravity collection.

③

How could the Coastal Commission be sued over the issue of Septic tank decommissioning?

Answer:

- By not enforcing and passive negligence relating to Sec. 30010 Coastal Act.

Damages?

- Passive negligence resulting in monetary losses to 5000 homeowners.

What are the homeowner losses?

- Between 25 and 60 Million Dollars.

④

In a Lawsuit, who's the class?



- Any homeowner in the Prohibition Zone that wants to keep their rights to process waste in their existing septic tank.
- Decommissioning is **taxpayer double dipping**, condemning zero discharge on site equipment then charging for the service.

⑤

Does the Coastal Commission inaction on Section #30010 cause owners to loose expected equity for no environmental improvement?

- YES by assuming homeowners pay for redundant off site waste processing.
- YES by exposing homeowners to cost liabilities related to gravity collection infiltration, slope failure, solids stoppages, dewatering, geologic failure, and groundwater pollution.

⑥

How can the Coastal Commission avoid a class action lawsuit for ignoring Section #30010?

- Direct SLO County staff to review the environmental impact of using existing septic tanks with low pressure collection.
- Direct CCC legal staff to perform a regulatory takings study (Presidential Order#12630).
- Request CSLO re-insert STEP/STEG into the design bid, build process using existing septic tanks for waste processing to quiet the takings issue.

Common Prohibition Zone Regulatory Takings and Trespass Complaint

5/30/2010

Application number.....A-3-SLO-09-055/069, Los Osos Wastewater Project
 Applicant.....San Luis Obispo County Public Works Department

Dear Commissioners and Staff,

We as a group of homeowners in the Prohibition Zone are filing this certified letter of complaint against the Coastal Commission for discrimination and selective enforcement of the Coastal Act. The assumption in the LOWWP Staff Report relating to septic tank 'decommissioning' puts the Coastal Commission in a tenuous legal position by ignoring Sec. 30010, 'regulatory takings' clause of the Coastal Act. The County has no right to decommission our septic tank component. The CCC actions are therefore eliminating Prohibition Zone homeowner's rights to due process.

The County of San Luis Obispo, the RWQCB3, and the California Coastal Commission have no right to assume trespass on our properties to condemn and decommission existing onsite septic tanks as they are a zero discharge component of waste processing much like a garbage disposal. Septic tank treatment uses zero energy bioremediation to digest 70% to 90% of the household solid waste. Since the septic tank alone has no discharge, then it meets the zero discharge requirements in Resolution 83-13 by the RWQCB. In compromise we generally agree to have our processed effluent collected at our property line into a reasonably priced collection system and pay for remaining adjusted cost of off site final treatment and groundwater recharge.

At the RWQCB meeting on May 13, 2010, Roger Briggs stated the RWQCB prosecution team had never performed a 'regulatory takings' study related to prohibition zone septic tank decommissioning requirements. These studies are commonly completed for consistency with Presidential Executive Order 12630 of Mar. 15, 1988 (appear at 53 FR 8859, 3 CFR, 1988 Comp., p. 554).

Our present waste processing septic tanks were permitted, inspected, and approved by the County of San Luis Obispo through an M.O.U. between the County of San Luis Obispo and the RWQCB. Our septic tanks function the same as septic tanks outside of the Prohibition Zone. Homeowners like us, similar Mr. Paige, see no benefit in abandoning their septic tank component. We see only monetary and environmental negatives.

The Local Coastal Plan states that seventy percent of the existing septic tanks were installed after 1970. Under the Porter Cologne Act, each isolated septic tank has to be proven to be failing to require decommissioning and assume trespass. As an environmental benefit, EPA estimates show that 70 to 90 percent primary waste processing is now being done onsite with zero energy consumption. Sound waste engineering shows that seventy to ninety percent of our household solid waste is digested before it would reach the property line for collection, essentially delivering a treated product. The County of SLO would take that treatment process away from us and charge

Common Prohibition Zone Regulatory Takings and Trespass Complaint

us for waste processing homeowner's are already doing and have the right to do. Hence, we assert that the Coastal Commission staff, by its omission of discussion of this issue presented in detail prior to Coastal hearing, has discriminated against us as a class of homeowners in the Prohibition Zone who want to continue onsite waste processing and receive legally justifiable monetary compensation for doing so.

The CCC by assuming the need for a decommissioning plan, is assuming a 'taking of beneficial use' from private property owners without compensation. The septic tank is a waste processing 'fixture' like a garbage disposal, sink, or toilet; it is not a discharge device like a leach field. The Coastal Commission staff is ignoring this fact and ignoring section 30010 of the Coastal Act:

"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, supercedes the Coastal Act in a Court of law. The California State Constitution clearly requires eminent domain proceedings and compensation for septic tank decommissioning before any onsite decommissioning commences. These required actions are bluntly omitted in the LOWWP EIR and CCC staff reports even with full knowledge of Mr. Paige's going complaint:

ARTICLE 1, SEC. 19. *(a) California State Constitution 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.*

A long history of septic component regulatory takings complaints by Mr. Paige has never been addressed:

Oct. 17, 2007-Regulatory Takings discussed in Tax protest for 218 Vote (Attachment 2).
Aug. 26, 2009-RT discussed San Luis Obispo Planning Commission (Attachment 3)
Nov., 2009- Appeal to the SLO BOS Coastal Permit approval (Attachment 4).
 Coastal Commission appeal (See Attachment 5).
 Coastal Commission appeal power point presentation (See Attachment 6).

Common Prohibition Zone Regulatory Takings and Trespass Complaint

The CCC Liability Ripens when you, the CCC Commissioners, approve A-3-SLO-09-055/069, the Los Osos Wastewater Project. Condition 9 in the Staff Report is a tacit admission by staff of their weakened legal position:

The cosigners of this document argue with some legal authority, that the Coastal Commission could be liable for all legal expenses by homeowner's related to correcting the omission in enforcement of Sec. 300010 of the Costal Act. Malicious intent does not have to be proven. As redress, homeowners could expect compensary and punitive damages. It's discrimination against any common homeowner in the Prohibition Zone who wishes to avoid this regulatory taking to reduce their sewer costs, assessments, and environmental impact. It's a fact that we have been denied dialogue, review of the appelliant complaint, study of the subject, and rulings related to this issue by both the CCC and SLO County.

We, the following Prohibition Zone homeowners, stand in unison with Mr. Paige and his trespass complaint and would join a class action lawsuit to receive substantial monetary compensation for lost rights to process waste at zero energy consumption onsite if we are forced to decommission our septic tanks.

I lend my name, address, and date in support of a class action suit, if forced decommissioning is required. I would at this time consider joining Mr. Paige as a co-plaintiff when a related class action has been certified by the Court and legally posted at no cost to me:

- Home Owner ARD MOORE Address 1675 LOVER #190 Date 6-2-10
- Home Owner Margaret Meyer Address 1675 LOVER #189 Date 6-2-10
- Home Owner Anthony Newman Address 1261 8th St 20 Date 6-2-10
- Home Owner Janet Kramer Address 725 Mar Vista L.O. Date 6-2-10
- Home Owner Rudy Kaindl Address 1637 10th ST Date 6-2-10
- Home Owner Jerome Passman Address 1452 12th ST. Date 6-2-10
- Home Owner PHYLLIS AUER Address 341 Woodcave Dr Date 6-2-10
- Home Owner GIB TAYLER Address 1595 LOVER #482 Date 6-2-10
- Home Owner David Chen Address 1671 GARDENWAY RD Date 6-2-10
- Home Owner Mary Winters Address 1833 14th ST. Date 6-2-10
- Home Owner Lynne Hanger Address 1597 Hollister Date 6-2-10
- Home Owner Catherine Kelt Address 922 Highland Date 6-2-10
- " " Rosemarie Quidio 2012 BUSH DR 6/2/2010

COPY

Common Prohibition Zone Regulatory Takings and Trespass Complaint

The CCC Liability Ripens when you, the CCC Commissioners, approve A-3-SLO-09-055/069, the Los Osos Wastewater Project. Condition 9 in the Staff Report is a tacit admission by staff of their weakened legal position:

The cosigners of this document argue with some legal authority, that the Coastal Commission could be liable for all legal expenses by homeowner's related to correcting the omission in enforcement of Sec. 300010 of the Costal Act. Malicious intent does not have to be proven. As redress, homeowners could expect compensary and punitive damages. It's discrimination against any common homeowner in the Prohibition Zone who wishes to avoid this regulatory taking to reduce their sewer costs , assessments, and environmental impact. It's a fact that we have been denied dialogue, review of the appellatnt complaint, study of the subject, and rulings related to this issue by both the CCC and SLO County.

We, the following Prohibition Zone homeowners, stand in unison with Mr. Paige and his trespass complaint and would join a class action lawsuit to receive substantial monetary compensation for lost rights to process waste at zero energy consumption onsite if we are forced to decommission our septic tanks.

I lend my name, address, and date in support of a class action suit, if forced decommissioning is required. I would at this time consider joining Mr. Paige as a co-plaintiff when a related class action has been certified by the Court and legally posted at no cost to me:

- Home Owner Michelle Holahan Address 1521 9th St. Date 6-3-2010
- Home Owner Kevin Chelin Address 1515 7th Street Date 6/3/2010
- Home Owner George L Taylor Address 423 Mitchell Dr. Date 6-3-10
- Home Owner Cheryl M Taylor Address 423 Mitchell Dr. Date 6-3-2010
- Home Owner _____ Address _____ Date _____

RECEIVED

JUN 08 2010

F14a

Dear Mr. Douglas,

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST REGION

I am writing to you regarding the LOWWP. I have been in opposition of reinstating the project which was stopped by the community in 2005 and have been submitting documentation to support these efforts for the past 3 years. As with the responses of other like minded citizen's as well as the Sierra Club and Surfrider, these comments have fallen on mostly deaf ears. New Orleans, Cape Coral, FL, Morro Bay & Los Osos have been battling to halt Montgomery Watson Harza projects because of bid rigging and accounting issues. Our combined voices are gaining attention to the fact that the MWH conventional system is not only the most expensive it is also the most environmentally impactive.

The Regional Water Board made it clear in writing to the County that this project had been heavily researched and that existing information should be used to make an expeditious decision and not to have this be an "exhaustive" examination. Under threat of Water Board fines and with a promise in the 218 Engineer's report of a fair comparison of STEP and Gravity through the design build process, the assessment vote passed. Despite advice by the County's own auditor the County took millions from the general fund to hire consultants who produced a 3,000 plus page CEQA report in which there was never a technical memo done for gravity collection and Tonnini, (the original disposal site), was never mentioned. This project does not really have an EIR and is not based on current date of this level three water severity basin. The slope of the collection needs to be reworked to compensate for conservation flows and chemicals are to be mixed in to mask odors in a system the County states will need to be flushed. This is not productive. Current testing support our claims that nitrates are not a big issue but chlorides are. To install this impactive proposed project is like "killing the person to cure the patient". The Los Osos basin update shows what we have been saying; The basin has severe salt water intrusion and we may not have a safe drinking water supply, (due to salt), much longer. The LCP is written to ensure a sustainable water supply. The LOWWP is not.

The County's proposal is the only one to build on ESHA. It re-uses the past mitigated Broderon and Tri-W sites; highly impactive and questionable component which may not work, (admitted by County & Water Board), involving hazardous chemicals next to a protected Marine Reserve, and uses an Ecological Reserve with an ocean view shed as a giant leach field with 600 homes below, in the vicinity of two large fault lines. There is no road in existence to this steep site, flanked by residential neighborhood. The impacts on existing roads, air pollution, the environment, (both flora and the plentiful fauna), and people's lives will be great, and for what purpose? To clean a couple of milligrams of nitrates when the water is almost undrinkable from salt water intrusion known by the County, the governing agency, but ignored for decades? The miles traveled by large trucks to create this giant sewage pit on Broderon are astronomical as is the price tag which will cause thousands to lose their homes. Broderon has a huge aquitard and could become a liquefaction zone as well as daylighting could occur next to the Tri-W site. Pump stations are numerous and can fail, flood and spill. The liability is high and success questionable.

The County has not made clear their intention on many specifics and several County representatives are on the record contradicting themselves and giving incorrect information. They do not have a definitive, long term plan for conservation, re-use or handling of bio-solids.

The LOWWP will not balance the basin and the County admits that the present plan may not change the nitrate level for 30 years, (the only reason the project is to be built). Examples of failed "new gravity" systems are being ignored and in this geological zone, movement of deep, unsealed gravity pipes is probable. Leaks can easily occur in such a situation and then be hard to detect. Raw sewage leaking into our drinking water is a serious hazard and will subject us to further Water Board fines.

The County admits that the system will have I/I & Exfiltration issues which will affect the quantity and quality of the effluent going into the treatment facility. This may not allow us to produce a cleaned effluent suitable of AG exchange, our only real hope against SWI. An aggressive conservation plan as suggested by the LOSG should be integrated but is only hinted at by the County. A safe, reliable re-use solution for the cleaned effluent has not been determined nor has the sludge disposal for the gravity systems as well as the question of the septage from tanks and if they are even legal to take, (please incorporate Steve Paige's comments regarding regulatory taking of property owner's septic tanks). New County and State laws will probably make sludge disposal highly problematic in the near future. Unlike with a gravity system, both a septic or a STEP tank are primary treatment facilities which reduce solids up to 75% and nature based treatment ponds can breakdown the rest.

About 18 month ago I met you for the first time in SLO at a Coastal Commission hearing and then again about 6 months later at a San Francisco meeting when you told a group of us that if we could find professionals to back up what we are saying your staff would be more likely to listen.

I am writing to you on my own, (family's), behalf but as Vice Chair of the Surfrider Foundation's San Luis Bay Chapter and as an executive committee member of the Los Osos Sustainability Group, (LOSG), I would like to incorporate their comments as well. The LOSG support documentation and recently released basin update show Los Osos to be in trouble regarding sea water intrusion. Recent tests show Los Osos average well tests to be just over drinking water standards. Testing done on the Back Bay by SLOSEA, (part of the Cal Poly Center for Coastal Marine Sciences) shows water to be within safe limits and oysters are being farmed.

Alternatives, which were not given a fair chance at the table, are prepared to show what can be accomplish and provide competitive financing. This County's rush to Federal funds is unnecessary. The deadline is not until September 30th and this funding is only necessary for the proposed project whose cost, in excess of 180 million dollars, is three times as much as the alternatives. Due to the great amount of damage this proposed project potentially could create, both economically and environmentally, there comes a point when you have to say enough. I read a recent article about you in the New York Times. My parents also fled Germany in WWII and we settled on Long Island, New York. Our town went through this gravity sewer/nitrate issue 30 years ago and it didn't go well from the start. Now their County is being sued because of property damage and health issues as a direct result of the conventional system.

The LOWWP is about economic cleansing and scientifically makes no sense. My children and I, as well as thousands of others, stand to lose so much and this has driven me to ensure that the project must be sustainable and minimally impactive. Fair competition to find the best solution

did not occur and makes me question what Country I am living in. It is time to pull the emergency cord on this proposed train wreck.

If the Los Osos Water Basin is not balanced and we only have enough safe yield for the next few years, then this project should not be built. Why would we spend 200 million dollars and greatly disturb the environment if a desal plant is next on the list? We already have ion exchange at the well heads and nitrates are not polluting the bay.

I would greatly appreciate your consideration of insisting on two conditions for the LOWWP. First, that the project not be permitted without ensuring that we have a safe sustainable water supply and secondly, that the County fully re open the project and fulfill their capitalistic duty and 218 promise to compare at least STEP and gravity through the design build process. Thank you.

Sincerely,

Piper Reilly

RECEIVED

JUN 08 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

F14a

Attention : Peter Yribarren

pete.yribarren@ca.usda.gov

Pete Yribarren, Community Programs Specialist
3530 West Orchard Court
Visalia, CA 93277-7360

2582 Pecho Valley Rd

Los Osos Ca 93402

805-534-1913

Dear Mr. Yribarren:

It is my understanding that All LOWWTP comments are being routed to you. I have also been assured that you have said it would be OK to email the documents directly to you as long as they were in the form of an attached letter that was signed

Please accept this rebuttal for the NEPA record to the County claim that:

1. Gravity system performance is superior to pressure collection performance under flood conditions.

2. Gravity system performance is superior to pressure collection performance.

(Soil Liquefaction and Gravity Sewer Collection)

3. Environmental factors- Gravity has lower Green House Gas emissions.

I am a California SWRCB certified grade 5 Wastewater Operator. My 24 year career as a wastewater professional in charge of over 1000 miles of sewers and related pumping stations, I believe that my experience in collection and treatment systems is relevant to the NEPA report.

I headed up emergency response teams in several historic flood events in the Santa Ana River drainage area. As a result I participated in draft sanitary sewer overflow regulations, developed system maintenance programs and permitting proposals for gravity sewer collection systems in California, and headed area wide earthquake preparedness evaluations for wastewater facilities in California Inland Empire. I own property and am a resident of Los Osos, Ca. I serve as the director of a nonprofit 'Citizens for Clean Water'.

I have compared flood impacts maps and the earthquake liquefaction maps of a gravity system to that of a STEP system, it is hard to conceive of how a gravity system would be more "feasible" safe or environmentally sound than a STEP system in addressing either of the critical condition that will surely face the community of Los Osos. Other experts operating STEP

collection systems have provided comments on flooding for comparison. A collection of press reports (pdf's attached) on gravity system performance during/after flood events from communities around the country is provided for the record. Liquefaction attachments are also included to support commentary.

Last, the gravity sewer GHG impacts are approximately twice that of STEP collection. I don't believe that Mark Hutchison was truthful about the GHG impacts. See attached letter addressed to the SLO County Planning Commission.

Sincerely Yours,

Gail McPherson

1. Flood Impacts Comparison of STEP & Gravity

I recently traveled to Florida via Nashville just days after the floods. I can't stress enough the need to look at the best possible solutions for Los Osos. The after-flood impacts of the gravity system, reported by the County, particularly as related to loss of power supply are misleading and in error. Note highlight below:

Relocating the stand-by power station structures for the Lupine and Solano pump stations outside of the 500-year floodplain was considered, but rejected. The small structures will be located within neighborhoods among existing residential structures. Therefore, they will not be detrimental to floodplain functions and values. The power stations are not critical to returning the pump stations to service after flooding because the pump stations themselves would require a longer period of maintenance than mobilizing a portable power supply to run the pump station. The portable power supply would be used until the permanent stand-by power station could be repaired or replaced. [from Step 3 Identify and evaluate alternatives]

After reviewing statement above and reviewing expert comments (below), it is simply wrong to imply that in extreme flood events, the gravity system is "feasible" and that STEP is "infeasible". We would of course argue (with specific details) the reverse in our team response to the RFP. And again, the recovery time for a STEP system would likely be hours after floodwaters had receded. As indicated above and in articles attached, recovery for a gravity system could be weeks, month, or even years depending on specific circumstances.

Alternatives to the proposed gravity collection system were evaluated and determined to be infeasible. Collection system alternatives to the gravity system would not have a lower impact on floodplains. Alternative systems consisting of "septic tank effluent pump" (STEP) collection, low pressure collection, or vacuum systems would place pumps, valve pits, and/or STEP tanks serving approximately three hundred homes within the five hundred year floodplain. STEP tanks would become inoperable if subjected to floodwaters; damage to electrical connections from flooding could render the tanks inoperable after flood waters recede, leading to a long recovery time. [from Step 3 Identify and evaluate alternatives]

STEP tanks are sealed and pressurized They are claiming in a flood the electrical connections would render them useless. I consulted the County GIS site and printed a map

for the Tsunami and flood zone. The flood zone didn't show anything so it appears that the flood risk is predominantly Tsunami related. Either way, here are my comments:

- 1) The electrical supply/connection is from the home. If the home has electrical service, the pump has electrical service.
- 2) What is the finished floor elevation of the home?. If the home is built above the flood elevation, than the panel is above the flood elevation.
- 3) The panel can be elevated if there is a need.
- 4) If the home isn't above flood elevation, presumably it's unlivable after a flood event.
- 5) Floods can cause a lot more damage to a gravity sewer system than simply rendering panels inoperable. (see articles)
 - a. I&I (Inflow & Infiltration) can easily exceed the capacity of the gravity sewer causing sanitary sewer overflows.
 - b. Surface water flowing into manholes surcharges the sewer line, forcing and mixing sewage into surface flows, the manhole covers, clean-outs, etc can be blown off making the system accessible for debris and sand. This response hardly addresses this more common issue.
 - c. Super saturated soils, combined with pipes running full can cause gravity mains and manhole structures to be damaged or collapse.
- 6) Damage to the gravity sewer system can cause damage to roadways, causing sinkholes, making them dangerous and inaccessible.
- 7) Gravity sewer that is clogged with debris under violent flows can experience catastrophic damage.
- 8) Repair and/or debris removal can take months and possibly years to repair or replace. (see various articles after Hurricane Katrina).
- 9) Fuel supply during a catastrophic event is one of the biggest problems. Fuel is normally prioritized to emergency workers. Simply believing that pumps and/or generators solve the problem with lift stations is naïve . I have firsthand experience. (see various articles).
- 10) Flow to a STEP tank is generated from the home that is connected to. If home is evacuated, no flow occurs. The holding capacity of the tank controls flows for occupied homes. Gravity sewer collects many homes to a single point, you cannot control the flow.

Unoccupied homes, especially those that could be dislodged from foundations by flood waters can create uncontrollable flow into the sewer system.

11) Lines in Saltwater laden groundwater allows this pollutant to enter the wastewater collection system, it is a violation of the permit for influent limits, is not removed by the treatment process, can cause extensive damage to the treatment plant and compromise the biological treatment process.

Below is the Tsunami Inundation Map



2. Soil Liquefaction and Gravity Sewer Collection

SLO County has chosen the wrong sewer collection alternative for the very high soil liquefaction zone of the LOWWTP. The proper collection system should be the STEP collection system.

There is no mention of earthquake or “soil liquefaction” risks to the LOWWP. This is particularly disturbing when almost the entire collection system will be placed in very high risk liquefiable soils. See maps below.

Although SLO County staff mentions soil liquefaction in the RFQ, there is no mention of it in any of the NEPA documents.

County of San Luis Obispo RFQ PS- #1011 December 17, 2008 Page 31

LOS OSOS WASTEWATER PROJECT COLLECTION SYSTEM

Section 3. Project Specific Information

3.8.2. Geological Background

Loose sand blankets are located within the upper 5 to 10 feet of ground surface area over most of the collection system area. Portions of the collection system network traverse areas having a relatively high potential for liquefaction. The potential for liquefaction and seismic settlement to impact pipelines may be governed by the depth of the pipeline relative to the depth of liquefiable soils. Furthermore, this potential significant impact could result in pipeline breaks and release of untreated or treated effluent along the proposed collection and conveyance systems, including within Los Osos Creek and Warden Creek. If required, mitigation measures to reduce the potential for pipeline breaks will be detailed in the RFP. A number of geotechnical surveys and reports have been completed for previous project efforts. See Section 3.10, “Available Reference Documents.”

Figure 1. below was generated by overlaying the SLO County GIS shape files for soil liquefaction over one of the current project maps proposed by SLO County. Figure 2. is supplied for reference to the accuracy of Figure 1.

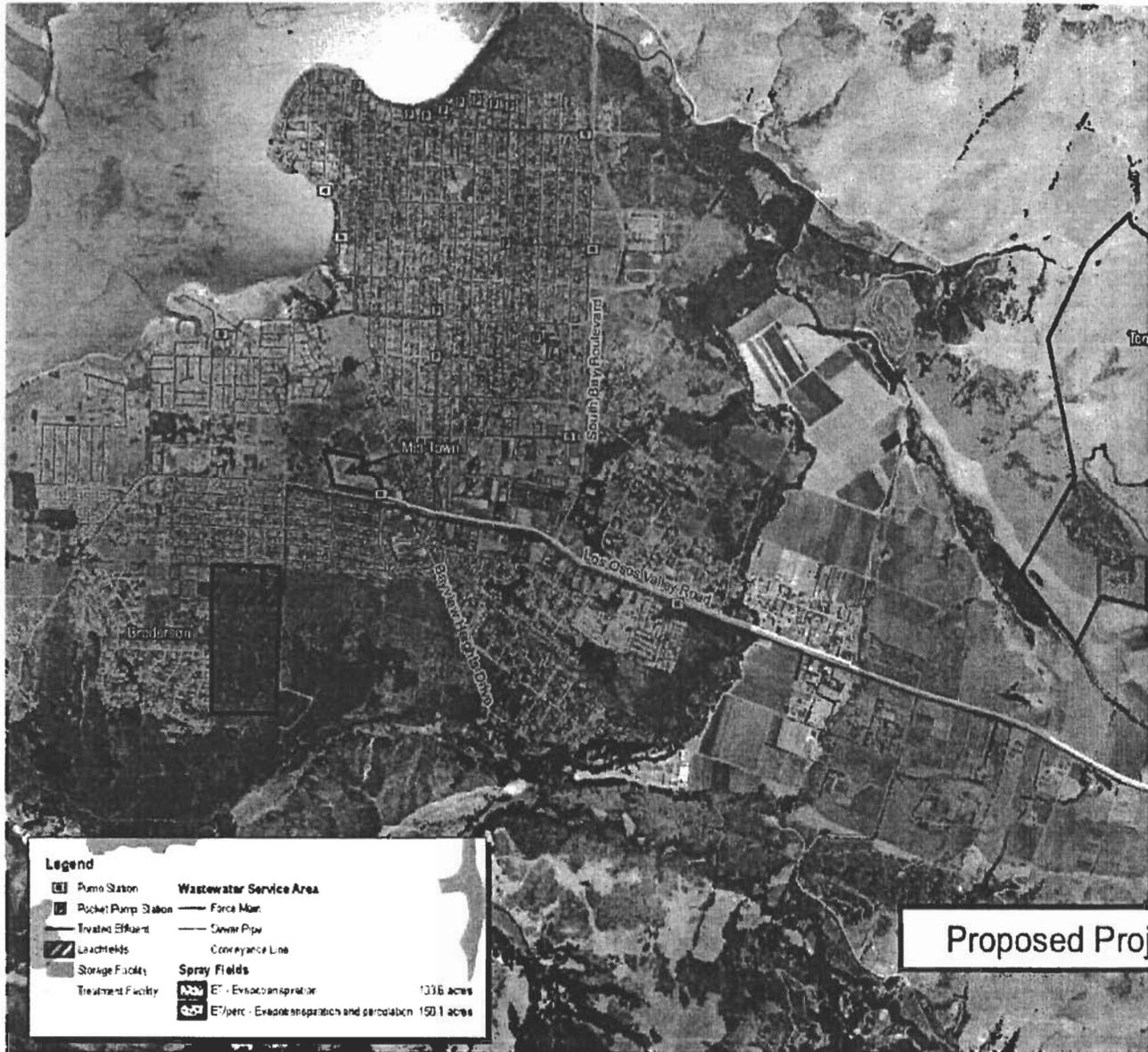


Figure 1.

Liquifaction 2007

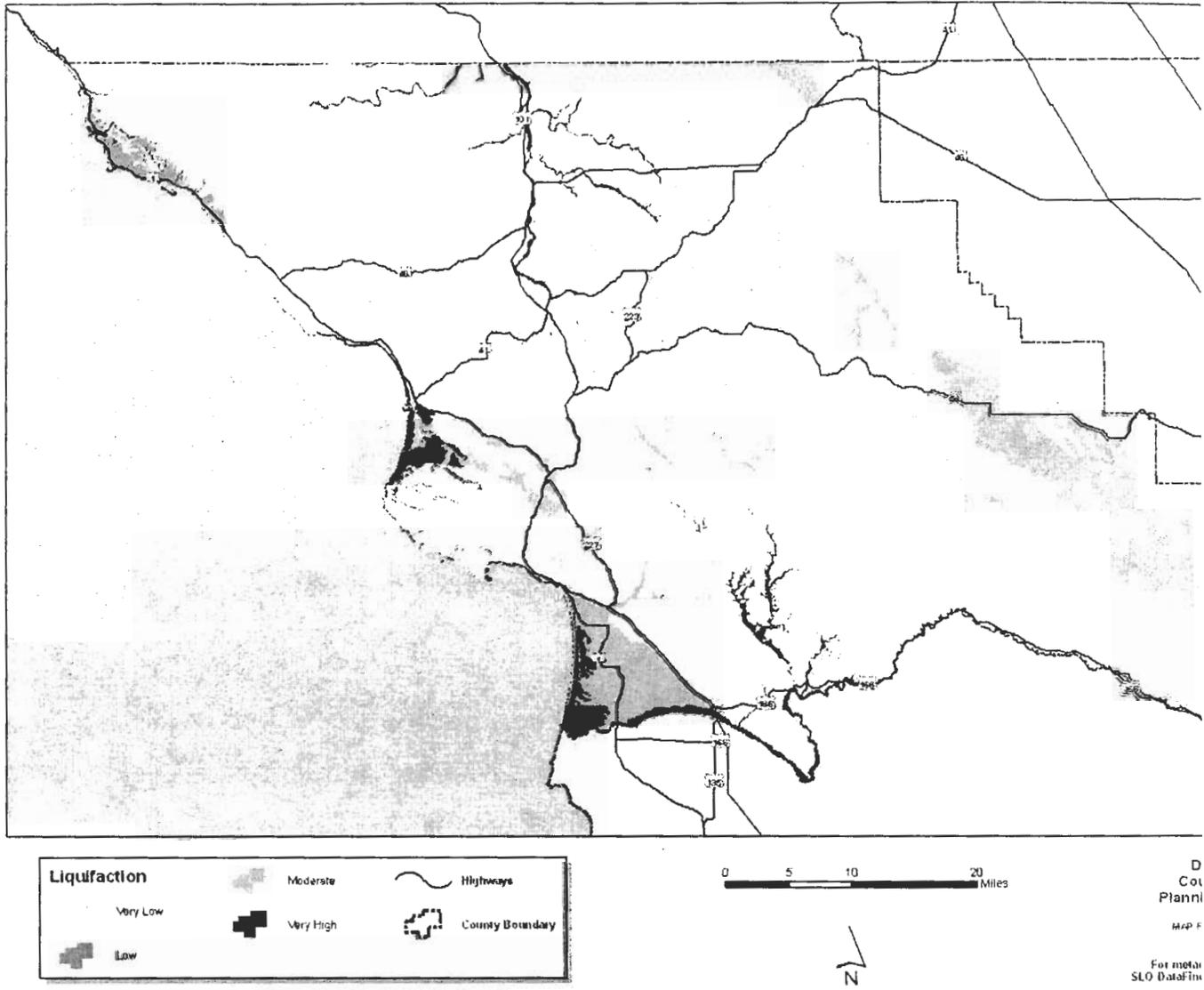


Figure 2.

County staff is well aware of the very high soil liquefaction potential in Los Osos but they avoid addressing it. Following is a quote from the NEPA documents

Question 5: Details on the type of sewer line being proposed and the degree it is susceptible to leaks or will need maintenance over the long term. The discussion should include the types of maintenance involved, expected impacts to steelhead from such maintenance, and the monitoring and response protocols that will be implemented for the purposes of detecting leaks, cleaning spills, and ensuring that the collection system is working as intended.

Response:

The majority of the collection system is expected to be constructed with Polyvinyl Chloride (PVC) pipe. These pipe systems are designed and built with water tight, flexible seals, following international specifications issued by the ASTM. The flexible seals themselves are designed to prevent leaks in the event of pipe deformation, settling, or shifting. ASTM International, originally known as the American Society for Testing and Materials, is an international standards organization that develops and publishes technical standards for a wide range of materials, products, systems, and services. Studies of PVC gravity sewer pipes have found that the pipes perform as new, with no evidence of wear or deterioration, after decades in service and in adverse conditions. (A. J. Whittle and J. Tennakoon, "Predicting the Residual Life of PVC Sewer Pipes" *Plastics, Rubber and Composites*, V.34, No.7, Sept. 2005, pp 311-317) ("Maintenance of PVC Sewer Pipe" Uni-Bell PVC Pipe Association, May 2003). Inferences by some community members that these pipelines are not sealed are incorrect. In the event of line breaks resulting from earthquakes and other catastrophic events, these pipelines would infiltrate water, rather than exfiltrate, which would occur in a primarily pressurized type of system.

As required by the Coastal Development Permit, where the collection system pipes will be located in areas of high groundwater, or areas subject to future 5 foot sea level rise, and as identified in the field during construction; the gravity collection system will utilize fusion welded pipes or chemically sealed pipes. In areas of high groundwater, additional inspections to ensure proper installation will be completed prior to backfilling the trenches. All laterals to individual residences will utilize fusion welded pipes or chemically sealed pipes. Lateral connections at the property line will also utilize fusion welded pipes, chemically sealed pipes, or collars.

A few principles of collection system design in liquefiable soils are:

- **If possible avoid liquefiable soils – this is not possible in Los Osos.**
- **Larger Diameter Pipe = greater buoyancy – therefore higher risk of floating out of the ground.**
- **All pipe joints should be continuously fused or mechanically fastened**
- **Bell & Spigot joints are not recommended for very high soil liquefaction zones. Although these slip joints have the ability to flex, they can also pull apart, compromise the rubber gasket, where inflow and infiltration can occur, or exfiltration. Mr. Hutchinson states in his NEPA comments that exfiltration cannot occur, and he is dead wrong.**
- **To avoid flotation of gravity sewer pipe, manholes, and lift stations should be constructed in proper bedding or anchored in such a way to mitigate any movement or flotation. Gravity sewers require constant downhill grade at minimum slope to**

maintain scouring velocities. An earthquake event that produces soil liquefaction can turn a constant slope into a variable slope very quickly.

- Changes in slope whether a pipe sag is created or an incline will create areas prone to blockages, which will cause backups and sanitary sewer overflows.
- As a rule of thumb PVC pipe has a maximum bending radius approximately 300 (slightly flexible) times its radius. Conversely HDPE proposed for the STEP collection systems has a maximum bending radius of approximately 25 times (very flexible) it's radius, making HDPE with it's fuse welded joints superior to PVC in very high liquefaction soils.
- Gravity sewers are a poor choice in a very high soil liquefaction zone.

The Alternative STEP collection option is superior to gravity sewer in the following ways.

- Pressurized systems are preferred in very high liquefaction zones due smaller diameter pipe than traditional gravity sewers.
- Low pressure STEP collection system is essentially immune to variations in grade that could be caused by liquefaction soil failure causing flotation.
- The watertight STEP tanks located at each home have a low degree of buoyancy, compared to a lift station or manhole, as they remain $\frac{1}{2}$ to $\frac{3}{4}$ full of water and the weight of the soil bearing down on the large surface area of the top of the septic tank provides additional resistance buoyancy.
- It is very important to state that each home has its own self contained pumping system with multiple check valves located in the collection system. There really can be no higher degree of redundancy. In the event of a catastrophic earthquake, it is quite likely that inhabitable homes will still have a working STEP system or at the bear minimum the tank can be manually pumped down periodically, giving days of emergency reduced flow rate storage with little spill potential.

Liquefaction is at its highest potential when soils are in saturated conditions. The Broderson Leachfield is positioned in the very high risk liquefaction zone. The proposed use for this leachfield will be during WET WEATHER conditions when the gravity sewer collection system experiences INFLOW and INFILTRATION from rain events and high groundwater conditions. This will add a higher degree of risk to the already very high liquefaction potential. Also please note that this leachfield is uphill from numerous houses. This additional SLOPE also adds another degree of risk to soil liquefaction and increased landslide potential. See location of Broderson leachfield in Figure 1.

3. Green House Gas Emissions:

The gravity sewer GHG impacts are approximately twice that of STEP collection. Mark Hutchison is not telling the truth about the GHG impacts. See attached letter addressed to the SLO County Planning Commission.

Los Osos Wastewater Project Environmental Report

Prepared for:

Pete Yribarren, Community Programs Specialist

3530 West Orchard Court

Visalia, CA 93277-7360

Page 28

Collection system

The project proposes to construct a gravity-hybrid collection system, meaning that the majority of the collection system will be gravity, with select areas served by low-pressure individual on-lot grinder pumps. The key environmental factors for selecting the gravity system as environmentally superior are the greater flexibility of gravity lateral connections to avoid cultural resources over the larger STEP tank excavation, and the lower levels of GHGs generated by the gravity collection system. From a financial perspective, the gravity system poses lesser on-lot costs to individuals as the STEP system will require electrical hook-ups (which may in themselves require extensive modifications to older residential electrical systems) and yard restoration costs. From a social perspective, STEP systems would require the dedication of a public utility easement with use restrictions and unlimited agency access in the front yard of each system connection. It is also important to recognize that the results of a community survey indicate that the community prefers the gravity system over STEP.

ATTACHMENTS

I have attached the following documents to support liquefaction comments for the record:

1. ABAG%20Sewer%20Ballantyne%2010-09.pdf
2. LO Stmt Key Env Issues 090908.pdf
3. Post Earthquake Analysis and Findings using ArcInfo for Sewer System In the .pdf
4. Ground Effects.pdf
(ATTACHED TO EMAIL)

Flood articles:

Estimating amount of sewer spills raises a stink | StarNewsOnline.com | Star-News | Wil... Page 1 of 2

This is a printer friendly version of an article from www.starnewsonline.com
To print this article open the file menu and choose Print.

[Back](#)

Article published Sep 13, 2006

Estimating amount of sewer spills raises a stink

The N.C. Division of Water Quality told New Hanover County sewer officials last fall that they needed to do a better job of estimating sewer spill amounts in the county by multiplying the duration of the spill by the estimated rate.

In a news release Sept. 7, about a week after Tropical Storm Ernesto, county officials reported overflows of more than 1,000 gallons each from three manholes in the Bradley Creek area, but they didn't provide more specific amounts. For state regulators, it was *de jure*.

"They're supposed to try to come up with a decent estimate," said Dean Hunkele, an environmental specialist with the Division of Water Quality, who wrote to county officials in October explaining the need for better estimates.

New Hanover County also failed to report all spills associated with Ernesto within 48 hours, as required by state law, raising further questions about the county's reporting of spills.

A county official said he needed information from the city of Wilmington about sewage flow rates before he could provide more reliable estimates.

"It's still going to be a range, but it's going to be a tighter range," said Jim Craig, deputy county engineer.

State law requires sewer operators to issue news releases within 48 hours for spills of 1,000 gallons or more that enter waterways. Spills of 15,000 gallons or more into waterways require the operator to publish a notice in the local paper.

Notification is important to alert the public of potential health risks, as well as about problems with sewer systems. Depending on spill amounts, they can also trigger swimming and shellfishing advisories designed to keep the public safe from health risks posed by sewer contamination, state officials said.

"It is important that we get good, meaningful estimates," said Ed Beck, regional supervisor for the Division of Water Quality.

Hunkele said the notice requirement can also serve to "embarrass the operator" and encourage it to fix sewer problems.

"If the public doesn't know about it, is the public going to outcry to fix it?" he said.

Beck said he anticipated better estimates from the county if it is provided flow information by the city, which indicated it would. If more than 15,000 gallons spilled, the county would be required to publish a notice in the newspaper, Beck said.

Craig said estimating quantities from the storm overflows was difficult because the sewage mixed with rainwater.

Also, he said he didn't know how much wastewater the city's pump station at Bradley Creek pumped through the system, so there was no way to determine how much escaped. To report any number would have been "just as wrong" as the estimate of 1,000 gallons or more that the county provided, he said, adding that he believed the reporting system was flawed for that reason.

"It was a lot," Craig said. "I'm not going to tell you it wasn't."

Craig also said he didn't know exactly how long sewage flowed from the manholes, making a more specific estimate even more difficult.

Hunkele said the county should do a better job of monitoring spills to ensure an accurate



everything New Orleans

The Times-Picayune

Sewer systems decimated Storm damage said close to \$1 billion

Friday, April 26, 2006

By Michelle Krupa
staff writer

Hurricane Katrina not only crumpled bridges, toppled power lines and pocked roads, the legendary storm caused almost \$1 billion in damage to municipal sewer systems across Louisiana.

▼ Advertisement

TOP STORY



Katrina left behind several badly damaged sewage treatment plants and about 5,000 miles of cracked sewage collection pipes in the New Orleans area alone, according to a report released this week by an industry group.

The staggering cost of repairs makes up the bulk of an estimated \$1.4 billion in sewer infrastructure losses to municipalities along the Gulf Coast, including Mississippi and Alabama.

Across the three states, the report found that 118 wastewater utilities serving 1.8 million people were damaged by Katrina. Two-thirds of those residents lived in Louisiana.

The state also suffered the most costly sewer infrastructure losses, the report shows. Flooding caused by storm surge damaged capital resources worth \$792 million, and flood and wind damage boosted that figure by \$133 million. By comparison, Mississippi suffered \$197 million in sewer plant loss; Alabama had \$11 million in damages.



Home > News & Opinion > Opinion & Letters > **Print** RSS Feed

Storm won't sink spirits

By Boston Herald editorial staff
Tuesday, May 16, 2006 - Updated: 09:50 AM EST

It is difficult to count your blessings when your washing machine is afloat in a sea of rainwater or your business has shut down for who knows how long.

Or when raw sewage threatens your drinking water. Or you're old and frail and you have no idea if you'll be sleeping on a cot in a high school gymnasium tonight or home in your own bed.

From Winthrop to Wells, Maine, and everywhere in between, the damage from the historic rainstorms that have pounded New England for days is widespread. And the fearsome flood waters that threaten life and property throughout the region continue to rise.

A sewer line break in Haverhill is dumping 35 million gallons a day of raw sewage into the Merrimack River, where Lowell and Tewksbury draw their drinking water. Another 115 million gallons were expected to funnel into the river thanks to a power failure at the treatment plant in Lawrence.

On both sides of the border between Massachusetts and New Hampshire, folks who live along the Merrimack had to be rescued by boat. At least 600 roads in New Hampshire are closed, and dams and bridges all over southern Maine are washed out.

Yes, the basements are flooded, the gardens washed out, the power on hold. But as we wonder today if we will ever again see the sun, we are reminded, thanks to those lingering images of Hurricane Katrina, that it could be so much worse.

True, the cleanup here will be long and costly, and attention must be paid to the aging infrastructure that failed when put to such an historic test. But unlike our friends along the Gulf Coast, our cities and our homes remain intact. So too should our spirits.

Perspective may come more easily to some than to others. At the elite St. Paul's School in Concord, N.H., the school year is ending two and a half weeks ahead of schedule because of flood damage. And final exams?

Well, they're up in the air.

Related articles

- [Flooding threatens historic mills](#)
- [Heavy rains pack a second punch, undermining sewage treatment](#)
- [New England braces for more rain, major river flooding](#)

Today's most read articles Updated 10:30 AM ET

1. [Comedian to NESN sports hottie Hazel Mae: Make my day](#)
2. [Tavarez' rep taxing its toll](#)
3. [State: Brutal slaying spurred by sex rejection](#)
4. [Curt won't cut down Big Unit performance](#)
5. [Deluge drowns Bay State: Evacuations spread as sewage spills into rivers](#)

Search the site



5 yr old Cameron Rogers backyard is now a pond because of the days of constant rain. (Star Photo By Matt Stone)

Herald Interactive Tools

- [Reprint articles](#)
- [Email article to a friend](#)
- [View printable version](#)
- [Get RSS feed](#)
- [Search site](#)
- [Sign up for home delivery](#)

Herald Columnists

When man's best friend became con man's crutch
By Margery Eagan
How did I miss this? More and more Americans suffering from anxiety and depression are buying "emotional... [more]



75



FACING SOUTH

Support a voice for the progressive South!

DONATE NOW!

Search

powered by Go

- [About Us](#)
- [Programs](#)
- [Southern Exposure](#)
- [Facing South](#)
- [Blog Roll](#)

Blogging for a Progressive South
PO BOX 531 • DURHAM, NC 27702 • TELEPHONE

SOUTHERN NEWS UPDATE

FACING SOUTH

191-413-0315

TUESDAY, SEPTEMBER 12, 2006

Sign up for Facing South, our free biweekly progressive update.

ENTER YOUR EMAIL HERE:

[Sign Up Now](#)

Lost and forgotten communities of the Gulf

During the one-year anniversary of Hurricane Katrina, national attention was focused on the continuing disaster in New Orleans, and rightfully so. But there are other communities along the Gulf Coast that, relative to their size, suffered similar devastation (thankfully without loss of life on the scale of New Orleans) and are enduring similar struggles to rebuild.

One such forgotten community is Bayou La Batre, Alabama:

The sleepy fishing village on the southern tip of Mobile County still bears Katrina's scars. More than 700 Mobile County families still are living in trailers issued by the Federal Emergency Management Agency, almost half of them in the Bayou and in neighboring Coden.

Daughtry's neighborhood resembles a makeshift trailer park, as FEMA trailers sit outside houses in various states of repair or disrepair.

"I know FEMA's in a hurry to get the trailers out. I'm like, 'Why?'" said Tommy Reynoso, Bayou La Batre's busy building inspector.

Rebuilding has been slow. Reynoso estimated that more than 80 percent of the damaged houses weren't insured. Daughtry's wasn't. Many were built in the 1940s and were passed down from generation to generation without mortgages

PREVIOUS POSTS

[Five years later: Peace tomorrow?](#)

[The color of wealth](#)

[Are women key to Democratic chances in the South?](#)

[Poverty statistics "critically flawed"](#)

[BioWillie Nelson](#)

[One Year after Katrina: Spreading the word](#)

[A kinder, gentler Newt?](#)

[Florida energy policy](#)

[Corporation seeks tax rebate as reward for bankruptcy](#)

[Why won't workers join unions?](#)

Mike Saunders

From: JUST Environmental Services [info@justwetlands.com]
Sent: Friday, October 28, 2005 9:44 AM
To: Onsite/decentralized wastewater management issues
Subject: [decentralized] Wilma and sewage....

FYI

from the florida news--Falm beach post 10/28/05:
Isolated incidents of raw sewage flowing out of manholes Thursday may become more widespread today. The county may run out of the diesel and unleaded gas that powers the generators that operate sewage pump stations for Palm Beach County and municipal utilities.

"We've got about 24 hours remaining in our diesel fuel supply," Assistant County Administrator Vince Bonvento said. "There's a possibility that if we cannot curtail the use of water, sewage is going to start backing up in the street."

Officials asked residents to conserve water by not running clothes washers or dishwashers, among other things.

Sewage seeped onto the streets at State Road 7 and Clint Moore Road, west of Boca Raton; Gateway Boulevard and Jog Road, west of Boynton Beach; and Country Club Drive West, just north of the Hillsboro Canal.

Also, just sent to me from a friend, source paper currently unknown...but presumed to be in Broward County, Florida....

A potential major public health problem developed on Thursday, as the county's 2,000 lift stations -- which maintain water pressure in the sewage system -- began to fail without power. Sewage is backing up in some streets, including the Plantation neighborhood of Fountain Spring.

"We are facing a widespread plumbing problem," Mayor Kristin Jacobs said.

Lift stations depend on electricity to operate, and do not have generators or backup power. Since Monday, the county has been moving 200 portable generators among the 2,000 lift stations in Broward, but the effort is not enough. Jacobs said the county is expecting more generators from the Army Corps of Engineers.

Use the listserver's web interface at <https://lists.epa.gov/read/> to manage your subscription or unsubscribe. To unsubscribe, click on the "my forums" tab and click on "unsubscribe".

For problems with this list, contact decentralized-Owner@lists.epa.gov

--

No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.362 / Virus Database: 267.12.5/150 - Release Date: 10/27/2005

77

[<<Back](#)



FEMA Gives \$46 Million For Rebuilding Public Facilities

Sep 14, 2006 11:44 AM EDT

More than \$46 million has been approved by the Federal Emergency Management Agency (FEMA) to rebuild and restore Mississippi Gulf Coast public buildings damaged by Hurricane Katrina.

"These grants enable Gulf Coast communities to move forward with projects that provide essential services to citizens and help our total rebuilding effort," said Mississippi Emergency Management Agency Interim Director Mike Womack.

Nearly \$13 million will fund repairs to the Hancock Medical Center. The Bay St. Louis facility was inundated by more than three feet of polluted salt water which ruined medical and electrical equipment. The center's 84,000 square foot roof, damaged by wind-blown debris, will be repaired and the facility's two elevators will be replaced.

In Gulfport, the Mississippi State Port Authority will receive more than \$13 million to replace and rebuild facilities and portions of the pier at the state dock. Two huge freezers were so severely damaged by the hurricane that they will be replaced.

In addition, a 50,000 square foot area of the West Terminal pier must be rebuilt. More than \$2 million will be spent to replace the pier decking and strengthen it to prevent damage from future hurricanes.

More than \$3.5 million will be used by the South Gulfport Wastewater Treatment Plant to recover from salt water damage caused by Katrina. Four feet of salt water drenched the facility destroying electrical and mechanical equipment and wiring.

The FEMA funds will be used to remove and replace pump stations, control panels, and related equipment. Hazard mitigation measures will also be put in place to significantly reduce the risk of similar damage occurring in future disasters.

"Repairing and replacing local infrastructure, helping local community public systems work again, is a fundamental role of FEMA," said Nick Russo, federal coordinating officer for the Mississippi disaster recovery.

Elsewhere along the Gulf Coast, the natural gas system in Pascagoula was severely damaged by Hurricane Katrina's storm surge. Saltwater flooding destroyed more than 800 gas meters and a main gas pipe ruptured in various places throughout the system. FEMA will help the city replace the damaged hardware with a \$1.4 million grant.

Nearly \$4 million will pay for repairs to the Biloxi sewer collection system. More than 2,600 residential homes and hundreds of commercial structures were pushed off their foundations and disconnected from the system.

In addition, sewer lines were either unearthed or damaged and sewer drain covers were either destroyed or damaged. The FEMA funds cover the cost of the sewer pipe replacement and street, curb and sidewalk replacement stemming from the repair work.

The Biloxi storm water collection system also was damaged by the storm. FEMA will provide \$1.5 million to repair damaged pipe and pay for repair of streets, curbs and sidewalks damaged in the repair process.



Parcel Information	
APN:	038-301-031
Land Use Category:	RSF
Supervisory District:	2
Planning Area:	Estero
School District:	San Luis Coastal Unified School District
Combining Designations:	Coastal Zone Boundary
Coastal Designations:	Archaeologically Sensitive Areas
Fire Hazard:	

[Link to Tidemark Permit Tracking System](#)





Parcel Information	
APN:	070-381-205
Land Use Category:	OS
Supervisory District:	5
Planning Area:	Las Pintas
School District:	Alacadero Unified School District
Combining Designations	Flood Hazard Area Sensitive Resource Area
Coastal Designations	
Fire Hazard	Very High Hazard Moderate Hazard

[Link to Tidemark Permit Tracking System](#)



News

- Local news
 - Santa Rosa
 - Pensacola Beach
 - Local Columnists
 - State News
 - Environment
 - Education
 - Hurricane
 - Crime
 - Military
- National news
- Opinion
- Money
- Sports
- Obituaries
- For the record
- Entertainment
- Neighbors
- Forums
- Photos
- Life
- Travel

Story Search

Story search

Archive search

Search by
keyword | date |
health system

Specials

- Coupons
- Business Directories
- Outdoor Showcase
- Newcomer's Guide
- News Partners
- Business Journal
- Gosport
- The Pelican
- FindaHome
- Family on the Coast

Giveaways

- Enter here to win!
- Toys R Us
- Ice Pilots
- Pensacola's Nutcracker
- The Zoo

ADVERTISEMENT

Published - November, 15, 2005

Sewer plant 'has outlived its usefulness'

Key senator tours Main Street, hears proposal for its relocation

Nicole Lozare
[@PensacolaNewsJournal.com](mailto:NicoleLozare@PensacolaNewsJournal.com)

With no guarantees, a U.S. senator in a key committee agreed Monday that the problematic Main Street Wastewater Treatment Plant needed to move out of downtown Pensacola.

Sen. Conrad Burns, R-Montana, who toured the foul-smelling plant Monday, believes some federal dollars should go to moving the hurricane-damaged plant to Gonzalez, about 25 miles north of Pensacola. Moving the plant would cost \$165 million, according to early estimates.

Burns, who is a chairman of the interior appropriations subcommittee, came to Pensacola at the request of fellow U.S. Sen. Bill Nelson, D-Melbourne.

"This plant has outlived its usefulness," Burns said after the 45-minute tour and presentation from Steve Sorrell, executive director of the Emerald Coast Utilities Authority.

The plant's Hurricane Ivan damage includes corrosion from saltwater. During the strong Category 3 hurricane, the plant was shut down for three days, causing raw sewage to seep out of lift stations and manholes.

"It's a combination of how much damage it sustained and how close we were to being knocked out," said Patrick Byrne, deputy executive director of utility operations, who conducted the tour.

"During Ivan, the primary switch gear came about four inches (away from) flood waters and beyond immediate repair," Byrne said.

Had the switch gear flooded, it would have cost \$10 million to repair, he said. The switch gear basically controls power to the plant, Byrne said.

"How many times do we want taxpayers to keep paying for repairs?" Byrne asked.

Key factors in the appropriations committee's decision will be public health and environmental impact, Burns said. Also troublesome to the center is how contaminated ground water can cause disease and affect



Zoom
U.S. Sen. C. of the Main St. left, deputy e damage the Ben Twingley

Latest headl
• FEMA
• ENVIRONMENT
• U.S. NEWS
• LAW
• FDA
Powered by

boston.com

THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING



In Peabody, Ovel Santiago, Chayanne Vasquez, Scott Ingham, and Keiana Christiansen floated down Walnut Street yesterday on a piece of styrofoam they found. (Bill Greene / Globe Staff)

Flooding besets region; more rain in forecast

The Boston Globe

By Brian MacQuarrie, Globe Staff | May 18, 2006

With rain-swollen rivers still dangerously above flood level throughout Northeastern Massachusetts, water-weary residents began to take stock yesterday of damage to homes, businesses, and communities and braced for new problems.

Some of the most serious flooding to hit the state in 70 years has plagued dozens of cities and towns, particularly in the Merrimack Valley, with more than 1,500 people leaving their homes, millions of gallons of raw sewage pouring into the Merrimack River, and emergency officials warning that the worst might lie ahead.

The National Weather Service warned that dangerously high rivers, such as the Merrimack and Spicket, were not scheduled to crest until last evening and early this morning and that most of them would recede very slowly. More rain was expected to fall north of Boston again last night, adding about another inch of precipitation to three-day totals that had been exceeded only once in the last century.

"It's going to get worse before it gets better," Governor Mitt Romney said yesterday afternoon after touring the hard-hit Merrimack Valley. "This is a level of crisis which is beyond anything these communities have ever experienced from water in their history."

Since Friday, 12.64 inches of rain had fallen in Rockport by 4 p.m. yesterday, according to the National Weather Service. In Topsfield, the total was 11.95 inches; in Gloucester, it was 11.75.

Romney said he would ask the federal government to declare the state a disaster area, predicting that the flooding's cost would easily surpass the \$7 million threshold needed for US aid.

The governor said 35 million gallons of sewage had entered the Merrimack River by yesterday afternoon because of a break in the main sewage line in Haverhill. Officials feared that problem would become much worse because a transformer for a regional waste-water facility in North Andover had been flooded, threatening to spill 115 million gallons of sewage a day into the river.

National Guard troops, many of them veterans of the Iraq war, enforced roadblocks and filled sandbags. The US Army Corps of Engineers helped monitor dams. And rescue teams in Essex County and northeastern parts of Middlesex County took to boats to ferry residents to dry ground.

http://www.boston.com/news/local/massachusetts/articles/2006/05/16/the_saturation_point... 5/16/2006

F14a

9 PAGES

RECEIVED

JUN 08 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



Orenco Systems®
Incorporated

June 8, 2010

**CALIFORNIA COASTAL COMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 9506**

814 AIRWAY AVENUE

SUTHERLIN, OREGON

97479

Subject: Application number A-3-SLO-09-055/069, Los Osos Wastewater Project (LOWWP)

Re: Omission of Environmental Issues Associated with Naturally Occurring Hazards Such as Earthquakes, Floods and Tsunamis

TOLL FREE:

(800) 348-9843

To whom it may concern:

TELEPHONE:

(541) 459-4449

Orenco has reviewed the staff recommendations for the upcoming hearing that is scheduled for June 10, 2010. Contrary to the opinion stated in the staff recommendations, we do not believe that San Luis Obispo County has adequately reviewed the debate between gravity sewer and STEP wastewater collection. San Luis Obispo has never evaluated the full environmental impacts associated with naturally occurring hazards such as earthquakes, liquefaction, floods and tsunamis. These threats pose a significant risk to the integrity of a gravity sewer. STEP wastewater collection, by comparison can greatly reduce the risk associated with these hazards. Therefore, we believe that the Commission should order a thorough evaluation of gravity sewer with respect to local hazards such as earthquakes, liquefaction and flooding to satisfy the guidance provided in the California Coastal Act.

FACSIMILE:

(541)459-2884

WEB SITE:

www.orenco.com

Orenco Systems, Inc. is the largest and oldest manufacture of Septic Tank Effluent Pump (STEP) Systems in the world. Accordingly we would consider our company and employees among the foremost experts in this technology. Throughout the County process we have offered testimony, pertinent data and input that we believed to be critical in the evolving wastewater evaluation process. Generally our comments and concerns have gone ignored and/or unaddressed. As a result, incorrect data and conclusions presented in County documents have, in our opinion, often been misleading or incorrect.

Your commission is tasked with evaluating the County Wastewater project with respect to the Local Coastal Plan (LCP) and the Coastal Act standpoint. Your staff report acknowledges that there "has been substantial local debate regarding whether to use a STEP or a gravity system". The report goes on to state that the "Commission does not believe that there is an LCP or Coastal Act need to revisit treatment plant siting in terms of an evaluation of alternative sites or to revisit the collection system debate between STEP and gravity". Based on the data and perception conveyed by the County we can understand and respect the basis of this statement. By this letter, however, we ask that you revisit this position on the basis of relevant and pertinent information that

has not adequately been reviewed in the County's analysis and therefore not conveyed to your Commission for consideration.

Specifically, we request that pertinent issues between STEP and gravity sewer be properly evaluated in accordance with Section 30006.5 of the California Coastal Act that specifically "declares that sound and timely scientific recommendations are necessary for many coastal planning, conservation, and development decisions and that the commission should, in addition to developing its own expertise in significant applicable fields of science, interact with members of the science and academic communities in the social, physical, and natural sciences so that the commission may receive technical advice and recommendations with regards to its decision making".

We contend that the sequence of events leading up to the County declaring the preferred project alternative appears to be incomplete and biased towards gravity sewer. The preferred project was derived in a Rough and Fine Screening Analysis that completely ignored risks associated with naturally occurring hazards such as earthquake, floods, storm events and liquefaction. The next step in the process, the Environmental Impact Report (EIR) does not compare the impacts of naturally occurring hazards with respect to STEP and gravity sewer but instead focuses only on the preferred project stated in the Fine Screening Analysis. Without comparative consideration of the environmental hazards associated with earthquakes, floods, storm events and liquefaction, the County has declared gravity sewer as environmentally preferred based solely on flawed greenhouse gas memorandum that was never finalized and on a soil disturbance comparison that only includes a small portion of the project. The greenhouse gas memorandum amortized a huge greenhouse gas emission associated with construction activities over 30 years to achieve a favorable outcome and the soil disturbance statement were based solely on private property disturbance when the *total* disturbance for gravity sewer was higher than STEP collection. Had the evaluation of each technology included the local environmental hazards, we feel confident the STEP would have prevailed as the environmentally preferred project.

While Orenco Systems can provide a long list of technical issues that we believe were incorrectly stated to your Commission through the County reports, we would like to focus our comments on Section 30253 of the California Coastal Act as reason enough to revisit relevant concerns regarding the selection of gravity sewer versus a STEP system. Section 30252 states new development shall do the following:

- a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- d) Minimize energy consumption and vehicle miles traveled
- e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

We request that the Coastal Commission revisit the decision not to evaluate the benefits of STEP as compared to gravity sewer with respect to Section 30253.

On August 4, 2005, the Los Osos Community Services District published their Local Hazard Mitigation Plan. Pertinent issues addressed included floods, extreme weather/rainfall, tsunamis, earthquakes and fault rupture/ground shaking/liquefaction.

We believe that all of these issues are extremely important with respect to Section 30253 and were not evaluated through the County STEP versus gravity comparative analysis. With regards to Section 30253, we believe that a STEP collection system would have been vastly superior to the recommended gravity sewer system. For discussion purposes, we will extract data from the Los Osos Community Services District plan; compare it to the County evaluation within the parameters of the wastewater plan and finally include our comparative opinion regarding STEP and gravity sewer.

Earthquakes, fault rupture/ground shaking/liquefaction

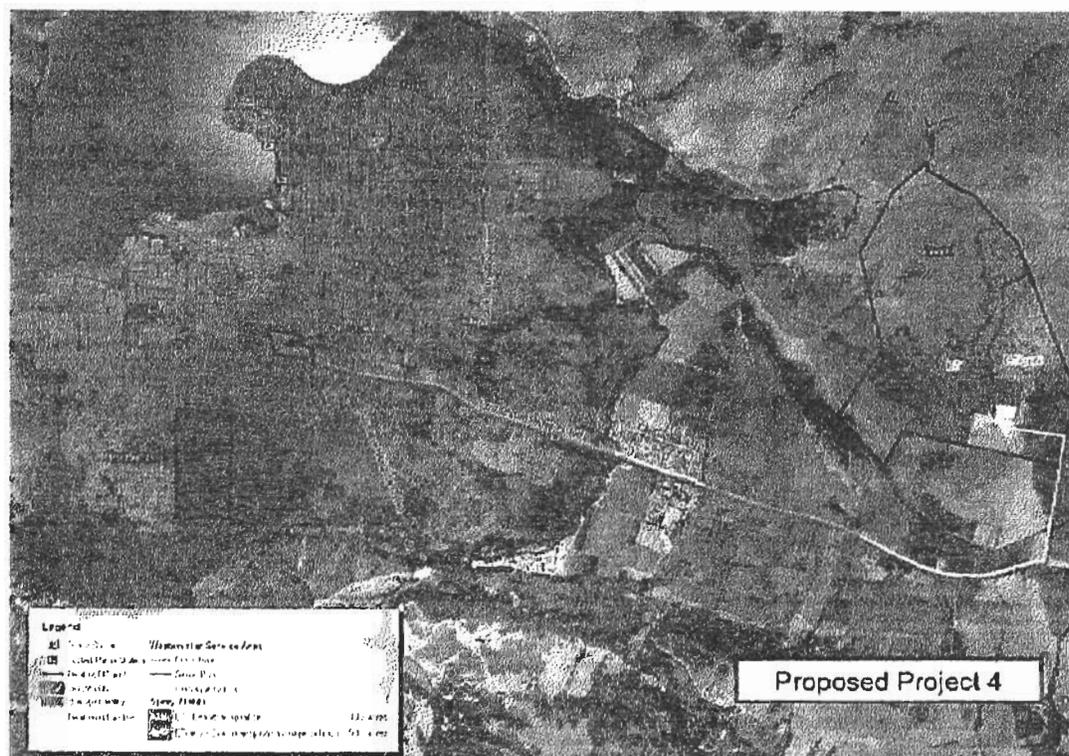
According to Los Osos Community Services District Hazard Mitigation Plan, the probability of a severe earthquake in Los Osos is medium to high in terms of severity and a high probability of occurring. Despite this the fine screening mentions the word earthquake once and never mentions it with respect to the comparison of wastewater collection alternatives. The EIR talks about earthquakes but only with respect to the County's preferred project. The NEPA document never mentions earthquakes. Liquefaction isn't mentioned in any of the documents.

Damage to a gravity sewer, associated with seismic activity can include the following:

- 1) Collapse or offset of pipes can result in a loss of function. As a result sewage back-ups or overflows can occur.
- 2) Sewers damaged by shaking may continue to function in the short-term but require increased maintenance and/or expensive replacement in the long term.
- 3) Sewer in liquefiable soils can float, causing immediate failure or long term operational problems.

When the liquefaction zone for Los Osos is overlaid with the proposed gravity sewer system, the results are shown in the following graphic. All areas in red represent liquefaction zones.

Figure 1 - Los Osos Liquefaction Zone Relative to Project Infrastructure



In the Northridge earthquake, 16% of the gravity sewer system required immediate emergency repair and ultimately 49% of the system required repair. Only 35% of the system was OK. It took approximately 2 years just to evaluate the system. Northridge was purely a shaking event, with little impact from liquefaction.

It is inconceivable that this issue was not evaluated thoroughly with regards to the selection of a wastewater collection alternative. A STEP system can be constructed of jointless pipe. The pipe is flowing full, therefore mitigating the possibility of floating. If damaged, a pressurized STEP main can be replaced immediately above ground with temporary piping. In areas of severe structural damage, the STEP main can be isolated from the undamaged sections to maintain service.

Gravity sewer design for seismic activity can include enhanced foundation construction, anti-floatation anchors, restrained joint piping, and pipe fusing. These design parameters and associated costs were not considered in the proposed gravity sewer system.

The following picture was taken in a liquefaction zone for an earthquake that occurred in Japan in 1964.

Figure 2 - Manhole Impacted by Soil Liquefaction



Floods

The Los Osos Community Services District Hazard Mitigation Plan identified floods as a relatively minor issue with a medium probability of occurring. They also state that only one area near the Los Osos Community Services District area that is in the FEMA 100 year flood zone.

The rough and fine screening did not include any discussion regarding flood risk and wastewater collection. Accordingly it was never utilized in the decision making matrix to establish a preferred project. The NEPA environmental management documents identifies 230' of gravity sewer pipe within the 100 year flood elevation and the EIR documents really only focus flooding discussion on the treatment plant sites. The EIR does mention The EIR does mention sumps in Los Osos that tend to flood occasionally but does not discuss the impacts of these sumps.

The Los Osos Community Services District Hazard Mitigation Plan includes the following map shows localized areas of potential flooding.

Figure 3 - Areas of Current and Potential Localized Flooding



Localized flooding would reflect deficiencies in the existing drainage system. Inflow of commonly occurs through leaky manhole rings and covers. When roads do not properly drain, inflow can become more severe. Stormwater inflow is one of the causes of sanitary sewer overflows (SSO's).

If we were to compare a STEP system installed in the same localized flood zones, there would be no chance of extraneous water entering the wastewater system.

Extreme Weather/Rainfall

The Los Osos Community Services District Hazard Mitigation Plan identified extreme weather/Rainfall as a moderate issue with a high probability of occurring. Within the context of this hazard they include high winds, thunder, heavy rainfall and hail as possible impacts. The following table was included to show storm events that would be indicative of this hazard.

Figure 4 - Severe Storm Event History

Table 4-4: Major Area Storms

Location	Date of Incident	Description	Intensity	Reported Damages	Number Injuries	Approximate Monetary Loss	Incident Description	Source
San Luis Obispo County	2-2 1955 to 2-5 1955						High Wind: The first powerful storm of the month slammed into Central and Southern California. Powerful winds buffeted the entire area. Hearst Castle reported winds gusting to 90 mph. Elsewhere, winds gusting in excess of 70 mph were reported. Hundreds of trees and power lines were blown down, resulting in numerous power outages. Along with the strong winds, heavy rain drenched the entire area. On average, rainfall totals ranged from 2 to 5 inches over coastal areas, up to 12 inches in the mountains. Widespread flooding was reported in all areas.	NCDC
San Luis Obispo County	2-5 1955 to 2-6 1955						High Wind: The second storm of the month struck Central and Southern California. Once again, strong winds, gusting up to 70 mph, knocked down many trees and power lines. Rainfall totals ranged from 1 to 3 inches over coastal areas, up to 6 inches in the mountains. Numerous flooding problems were reported across the area.	NCDC
San Luis Obispo County	2-7 1955 to 2-8 1955						High Wind: The third storm of the month brought more weather-related problems to Central and Southern California. Strong winds, gusting up to 70 mph, knocked down many trees and power lines. Rainfall totals ranged from 1 to 4 inches over the coast, up to 7 inches in the mountains. Widespread reports of urban and rural flooding were reported.	NCDC
Countywide	12-21 1955 to 12-24 1955			\$5-10 Crop Damage			Freeze: An unusually cold January produced a three-night period of ice-freezing temperatures across Central and Southern California. Agricultural interests suffered heavy crop losses.	NCDC
San Luis Obispo County	4-5 1959 to 4-4 1959						High Wind: Strong northwest winds developed across Central and Southern California. Sustained wind speeds of at least 35 to 45 mph with gusts up to 65 mph were reported. Widespread power outages and felled trees were reported.	NCDC
San Luis Obispo County	2-13 2000 to 2-12 2000						High Wind: A powerful cold front brought strong winds to parts of Central and Southern California. In Merse Bay, southeast winds, gusting to 60 mph ahead of the front, knocked down numerous trees and power lines.	NCDC
San Luis Obispo County	3-4 2001 to 3-6 2001						High Wind: A powerful and slow-moving storm brought heavy rain, strong winds to Central and Southern California. Across San Luis Obispo County, rainfall totals ranged from 2 to 6 inches over coastal and valley areas to 8 to 11 inches in the mountains. In San Luis Obispo County, the heavy rain produced numerous flooding incidents.	NCDC
San Luis Obispo County	11-24 2001						High Wind: A strong cold front moved through San Luis Obispo County, producing strong and gusty winds. Weather spotters and the Merse Bay Fire Department reported sustained winds between 35 and 45 mph with gusts as high as 60 mph. Numerous small trees and power lines were blown down.	NCDC
San Luis Obispo County	12-7 2001						High Wind: Gusty northeast winds knocked down power lines and small trees in the community of Merse Bay. Wind speeds were estimated between 35 and 55 mph with local gusts as high as 60 mph.	NCDC
San Luis Obispo County	12-19 2002						High Wind: A powerful early season storm brought high wind across San Luis Obispo County. Southeast winds gusting to 60 mph, knocked down numerous power lines and small trees.	NCDC
San Luis Obispo County	2-25 2004						High Wind: A very powerful Pacific storm brought heavy rain and gusty winds to Central and Southern California. The storm dumped between 1.50 and 5 inches of rainfall across the area. Along with the precipitation, gusty southeast to south winds buffeted the area.	NCDC

SE: County Safety/Electrical; NCDC: National Climatic Data Center; NOAA: National Oceanic & Atmospheric Administration; FMP: CDF San Luis Obispo Fire Management Plan

Extreme weather events can play havoc with gravity sewer systems. The combination of excessive rain, excessive wind and power outages can and has produced significant SSO events in gravity sewer systems. While incoming flow cannot be controlled at lift stations, power loss and/or loss of accessibility by service personnel can lead to higher than normal incoming flow combined with functional loss of the pumps. Overflow can occur in hours and in some instances minutes. While some lift

stations are proposed with generators, some are not. The fine screening, EIR and the NEPA document fail to evaluate the probability and possible magnitude of SSO's.

STEP systems can only generate incoming flow from one home. The storage in the tank typically ranges from 1 to 4 days.

Tsunamis

According to Los Osos Community Services District Hazard Mitigation Plan, "the threat of tsunami-related damage is primarily confined to low-lying coastal areas. Los Osos Community Services District could be affected by a tsunami caused by fault related ground displacement on a local offshore fault, or on a more distant fault. Several tsunami events have been recorded along the coastline of San Luis Obispo County which is the western boarder of the Los Osos Community Services District; however, previous studies have predicted a maximum tsunami wave "runup" of approximately 9.5 feet above sea level for a 100-year event. Wave runup could be increased substantially if a tsunami occurred during a major storm or at high tides." The most recent was on Tsunami warning occurred on Saturday, February 27th after an 8.8 magnitude earthquake occurred in Chile.

The web site <http://www.sloplanning-maps.org> contains mapping for the tsunami inundation area. For Los Osos the query produces the following map.

Figure 5 - Tsunami Inundation Area



Figure 6 - Proposed Lift Stations & Pocket Pump Stations



If we compare the proposed lift station & pocket pump locations to the Tsunami Inundation map, the results are somewhat alarming. It appears that as many as 10 wastewater lift stations could be compromised by a Tsunami.

A post Tsunami report on Thailand stated that "high velocity, debris-laden waves took their toll on many other coastal lifelines. On Phi Phi Island, the water system consists of many individual public/private well, reservoir and tank systems. Those located in the low areas were completely inundated by the saltwater waves. Some systems were temporarily restored. The lower-lying portions of the sewer system in Patong Beach were completely flooded by the tsunami waves. This included large portions of the gravity sewer system and six of their 13 pumping stations. The waves introduced salt water into the system, which entered the activated sludge type treatment plant causing it to fail".

While onsite STEP systems would also be damaged by a Tsunami, it is presumed that the house attached to the damaged onsite system would also be unlivable. Since STEP systems pump away from the coastal areas, towards treatment, damaged sections could be isolated while undamaged homes could continue being served. Restoration of onsite STEP systems would be relatively easy and would occur concurrently with home reconstruction. Additionally salt water would not compromise the treatment system.

In conclusion, we believe that the following statements require your consideration:

- 1) The risks associated with natural occurring hazard were not considered by San Luis Obispo County when selecting a wastewater collection alternative.
- 2) Pertinent and available data or information was not included in the County evaluation of wastewater collection alternatives.
- 3) The risks to life and property in areas of high geologic, flood, and fire hazard were not considered adequately.
- 4) The plan does not assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Again, we ask that your Board evaluate STEP and gravity sewer, based on the input of 3rd part independent experts so that the intent of the California Coastal Act is preserved.

We hope that these comments are helpful in evaluating the issues discussed.

Respectfully,



Michael Saunders
Orenco Systems Inc.
814 Airway Avenue
Sutherlin, OR. 97479

Ph: (541) 459-4449 ext. 443
Fax: (541) 459-2884

www.orengo.com

F14a

Dear Coastal Commission,

I realize the time may be tight and the amount of information to handle potentially overwhelming. Please carefully review the following a partial brief for the Los Osos Legal Defense.

I. Request to move and formally object to June 10, 2010 hearing date

I have determined that the hearing for the Los Osos Sewer Project ("Project") has now been scheduled for June 10, 2010 in Marina del Rey. I formally object to this hearing time and location. My previous submissions to Mr. Douglas for the August 2010 hearing in San Luis Obispo County, with petitions signed by over 100 concerned citizens in Los Osos, are incorporated by reference into this objection. I request a formal response to this objection.

I represent an appellant in the *de novo* hearing. I will not be able to attend as I have a conflict in my calendar. I request again that my conflict be accommodated. I have enclosed my conflict calendar schedule. Should the Coastal Commission not reschedule the hearing, I request that Al Barrow, a separate appellant, be allotted my time to oral testimony. I request a formal response to my conflict or proxy for oral testimony.

II. I request a bias investigation be performed prior to any approval

I raised a bias concern during my oral testimony at the Coastal Commission hearing in January 2010. Subsequent investigations have revealed that Larry Raio was involved in the original well samples being taken in Los Osos which determined the nitrates stemmed from septic and brought about the action by the Water Board to establish a moratorium (83-13) on new construction until a sewage facility was built. Mr. Raio has described the sampling as flawed. His declaration is attached.

Also, the Water Board has shown that agriculture runoff into the water basin accounts for 65-80% of the total nitrates into the water basin. I attended the agriculture symposium at the Elks Lodge in San Luis Obispo where that information was delineated. The day before, I spoke with David LeCaro at the Water Board concerning the exfiltration problem estimated by other engineers and EPA studies to be 10-50% in Los Osos after a 10 year period of time. The Water Board represented that new code requires sewer districts to inspect the sewer lines on an annual basis.

Respectfully,

Patrick Sparks, Esq.
Patrick Sparks, Esq.

RECEIVED

6/7/10
Date

JUN 08 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



SB# 175981

PATRICK SPARKS

ATTORNEY AT LAW
895 NAPA ST. SUITE A-6 / 430 QUINTANA RD. PMB 135
MORRO BAY, CA 93442

PH: 805.748.5491 / FX: 866.681.1087
PATRICK@PADREPROPERTIES.COM

RECEIVED

JUN 08 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Jonathan Bishop,

Re: LOWWP

I have reviewed the staff recommendation and the recalendaring to June 11, 2010. The comment on page 7 that there is no feasible, less environmentally damaging wastewater treatment project is a finding which invites comparative analysis to issues such as the type of plant and siding, as well as collection and effluent disposal methodologies and sighting.

As you may be aware, the Ripley Pacific Company wrote on the Los Osos Wastewater Management Update for the Los Osos Community Services District in a final report 12/18/2006. I have enclosed a three part handout that utilizes the comparative findings from Ripley. I augmented that report with data from the DEIR/EIR and information provided by Mike Saunders, PE Orenco. The subject of comparative analysis is addressed in the table.

Perhaps the most telling comparative wastewater treatment points are the BOD and TSS. These significant reductions from STEP/STEG as compared to gravity are because a biological form of treatment occurs in the existing septic tanks which reduces the volume of solids, rather than what in a gravity system have to be dealt with on a daily basis.

The end number of cubic yards of waste as solids per year after dewatering show that the septic tanks as part of a STEP/STEG system offer a valuable, feasible, and less environmentally damaging process than that in which both the solids and the liquids go to the treatment plant.

The infrastructure in place for wastewater treatment has been "red flagged" by the RWQCB. This project is deemed a "critically needed wastewater treatment facility." Certainly, there is a question about the breadth and scope of what is critically needed. The reason for the critical need would be either nitrates affecting human consumption or nitrates/BOD/TSS impacts to the ESHA.

The nitrates will be treated at the well head by the water purveyors at a cost to the citizens of \$30 million. That leaves the ESHA concerns, currently the leach field provides secondary wastewater for the ESHA at all the decentralized point sources. If nitrates were entering the bay, algae blooms would be occurring. No such algae blooms occur.

The BOD and TSS problems have apparently been recently studied. A request has been made to the RWQCB to obtain any studies about the magnitude of BOD and TSS entering into the bay.

One of the chief problems not really well considered is the exfiltration from gravity pipes. The State Water Board has new water codes to require inspection be made of sewer pipes on an annual basis. That's the answer for finding the leaks which will occur at the rate of 10%-50%, let alone, should an earthquake occur, like the Northridge Earthquake, in which an entire system redo would be required in Los Osos. The operations and maintenance (O/M) costs for a crew to inspect 42 miles of sewer pipe on an annual basis is not readily available in any studies by the County.

The costs included in the DEIR/EIR for O/M need revision, of course, this could just be another incremental refinement. The reality check, though, is that the pressure put on by the County to ramrod this project through based on federal dollars is a far stretch from the analysis offered in which "no feasible, less environmentally damaging wastewater treatment project" exists.

The BOD and TSS which enter the ESHA by leach field are a small residual fraction. The STEP/STEG BOD and TSS become cubic yards of waste solids upon dewatering. The liquid volume of a gravity as compared to a STEP/STEG system is going to be the same regardless of the actual tons/year or gallons/year or acre ft/year or any other form of liquid volume measurement. So, in effect, the comparative analysis about liquid volumes and effluent reuse is going to be similar for groundwater health and sustainability under a centralized treatment plant. If the treatment plants are decentralized like the current septic systems, any new science showing that the LOWWP is critically needed should be provided by the RWQCB.

The concerns of 1) Resource degradation 2) improving groundwater 3) other coastal resource protection, should be evaluated in a honest, comparative review. The previous studies by the County have significant concerns of bias, which have been previously raised by Al Barrow in a Superior Court Writ of Administrative Mandamus. The Court found the issues not ripe, however, the Coastal Commission can also investigate the problems of bias (need to research code or case law for investigation by coastal commission). This problem of bias causes a lack of trustworthiness of the administrative record, the \$7.25 million studies and hearings prepared by the County as part of the administrative record to cover its tracks on whether or not it is making a good "agency decision." The Coastal Commission has a duty to weigh the preponderance of conflicting evidence, Kirkorowicz v. California Coastal Com. (2000) 83 Cal.App.4th 980 , 986.

After review to the findings of the Interlocutory Stipulated Judgment (ISJ), the saltwater intrusion problem is noted with concerns, yet again, about the truth of the findings. The peer review shows a rate of intrusion at ¼ of a mile per year. A different expert showed the rate to be much faster. The result may be that current pumping will cause the Basin to be unsustainable after 10 years. This particular issue is a key concern of the Los Osos Sustainability Group. All of their research is incorporated by reference as sent to the Coastal Commission.

I am enclosing certain documents to support these arguments that the County has not completed the Project in a way that is most protective of the environment or cost effective for the solution sought by the Water Board.

Respectfully,

Patrick Sparks, Esq.
Patrick Sparks, Esq.

6/7/10
Date

LOS OSOS GROUNDWATER BASIN UPDATE

ISJ Working Group

May 4, 2010

The ISJ Working Group is working under the auspices of the Interlocutory Stipulated Judgment in the Los Osos Groundwater Basin (Basin) adjudication to draft and implement a Basin Management Plan (BMP). The BMP is in draft form and we expect will be released during 2010. This update discusses the basic elements of the BMP, updated information generated by recent groundwater investigations in the Basin, and various mitigation measures that are being evaluated to remedy water resource challenges facing the Basin.

I. LOS OSOS GROUNDWATER BASIN MANAGEMENT PLAN

The BMP is being created through collaborative participation of members of the ISJ Working Group. The BMP describes the Basin, its hydrologic and geologic settings, community water demands and groundwater quality. The BMP also acknowledges the major challenges facing the Basin, i.e., water quality in the upper aquifer and seawater intrusion in the lower aquifer.

The BMP is designed to memorialize the ongoing and future water monitoring processes, groundwater management goals for the Basin and to outline the mechanisms and processes by which those goals will be achieved. The anticipated goals include the following:

- (A) Provide for a continuously updated hydrologic assessment of the Basin, its water resources and safe yield;
- (B) Establish a strategy for maximizing the reasonable and beneficial use of Basin water resources;
- (C) Provide sustainable water supplies for existing and planned future development within Los Osos;
- (D) Stop seawater intrusion into the lower aquifer;
- (E) Manage existing contamination and prevent future contamination of the upper aquifer;
- (F) Protect environmentally sensitive areas within or influenced by the Basin hydrology;
- (G) Quantify each party's rights to rely on the Basin water resources;
- (H) Allocate costs equitably;
- (I) Develop strategies to maximize the grant funding opportunities for ongoing BMP implementation; and
- (J) Set water conservation goals.

The BMP describes in detail the actions that will be taken in order to implement these goals. These actions include determination of Basin water supply and demand, establishment of a groundwater monitoring program, and an operations and recharge plan for the Basin, which will provide for management of salts and nutrients in the groundwater. These actions will be coordinated with the actions to be taken by the County as part of the Los Osos Wastewater Project (LOWWP).

RECEIVED

JUN 08 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

May 5, 2008

John Waddell

San Luis Obispo County Dept. of Public Works

County Government Center, Room 207

San Luis Obispo CA. 93408

Subject: TECHNICAL MEMORANDUM FOR FLOWS AND LOADS

Dear Mr. Waddell:

Orenco Systems, Inc. has reviewed the Draft Technical Memorandum for Flows and Loads dated February 2008. We offer the following comments and/or concerns for consideration:

I. Following is a direct quote from section 3.1 of the Flow and Loadings Tech Memo:

"Gravity sewers utilize bell and spigot joint construction. Properly installed bell-and-spigot sewers will be watertight at first, and then may slowly lose their integrity as the surrounding soils shift, compressing the pipes, and compromising their seals at the joints."

Comment:

We believe that the Fine Screening Analysis eliminates a bell and spigot joint gravity sewer technology as a viable option. The Fine Screening Analysis (page 1-6) states that a "viable project" could not result in an increase in the groundwater balance deficit, maintaining the existing basin balance (i.e. level 1) was considered the minimum viable project."

In support of our belief, we offer the following observations:

- The sentence containing the statement, "compromising their seals at the joints," depicts groundwater as the source for I/I.

- The Fine Screening states that the newly constructed gravity collection system can expect 300,000 gallons per day of wet weather infiltration and inflow (Table 1.2 page 1-10). This number represents a minimum I/I volume acceptable for new construction standards, and does not account for settling and aging resulting in additional infiltration and inflow. Additionally, this number would not include dry weather infiltration that would be associated with the miles of submerged gravity sewer pipe.

- In essence over the life cycle of the system, I/I risk is very high and will never get better only worse.

- Over the systems life cycle, the gravity sewer collection system will pump an un-quantified number of acre feet per year of groundwater out of Los Osos' shallow aquifer that will ultimately be run through the treatment plant. Within the context of the Fine Screening this is defined as a groundwater balance deficit. This brings to light four significant points:

- o The Carollo Engineering proposed gravity sewer system results in an increase in the groundwater balance deficit; therefore it does not meet the criterion used in the Fine

screening analysis to be a "viable project."

o

The gravity sewer groundwater balance deficit is unaccounted for in the sea water mitigation study both in magnitude and in cost.

o

It appears that fusion-welded PVC is the only solution that will make gravity sewer a "viable project." This cost is unaccounted for.

o

The long-term risk, or potential magnitude of I&I is not quantified in any way. Given the goals and objectives for this project, it is inevitable that Los Osos will eventually be looking at methods for mitigating the impacts of I&I in the Los Osos water basin.

II. Following is a quote from section 6.0 of the Flow and Loadings Tech Memo:

"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 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 the other types systems. However, fusion welded PVC sewers are a fairly new technology with little long-term operating history, and can be significantly more costly to install than traditional bell-and-spigot gravity sewers."

Comment:

This quote illustrates a double standard when comparing technology options. While every effort was made to establish costs for "high-end" quality STEP system, the cost of fusion welded PVC gravity sewer was not discussed nor quantified in any way. When the r

Energy Intensity Reference Values for Various Secondary Treatment Unit Processes

Treatment Description	All Values converted to kWh/m ³ -foot				
	Burton 1996 National Average	Reardon 2001 Benchmark Average	NRDC 2004 1-mgd facility	NRDC 2004 100-mgd facility	Gunder 2001 MCASP
Lagoons	--	245	--	--	--
Trickling Filter	311	380	580	225	--
Extended Sludge	431	660	750	340	615
Extended Aeration/Oxidation Ditch	--	945	--	--	--
Advanced Treatment without Nitrification	502	--	865	400	--
Advanced Treatment with Nitrification	623	--	980	520	--
MBR activated sludge @ 15 g/L MLSS	--	--	--	--	1,235
MBR activated sludge @ 25 g/L MLSS	--	--	--	--	2,470

List of Sources

1. Burton, Franklin L., 1996, *Water and Wastewater Industries: Characteristics and Energy Management Opportunities*. (Burton Engineering) Los Altos, CA, Report CR-106941, Electric Power Research Institute Report, p. 2-45.
2. Reardon, D.J., *Strategies for Managing Spiraling Energy Costs*, in California Water Environment Association Summer 2001 Bulletin, p.25.
3. Natural Resources Defense Council and Pacific Institute, *Energy Down the Drain, the Hidden Costs of California's Water Supply*, 2004, Table 6.
4. Gunder, Berthold, Ph.D., *The Membrane-Coupled Activated Sludge Process in Municipal Wastewater Treatment*, 2001, p. 173.

Table ES-5 Cost Estimates for the Wastewater Management Plan Update with STEP/STEG Collection, Trickling Filter Treatment, Storage, Filtration, Disinfection, and Distribution of Recycled Water to Agricultural Customers

Basic Assumptions	Scenario 1	Scenario 2
Number of lots:	5,151	5,929
Flow of Wastewater, mgd:	1.30	1.50
Base Capital Costs	\$ millions	\$ millions
On-lot Costs	42.00	48.50
STEP Collection - ROW	16.00	19.70
WRF at Site D	19.50	22.50
Aesthetic Mitigation	0.50	0.50
Effluent Storage	4.25	4.90
Effluent Distribution	2.00	2.30
Groundwater Monitoring Wells	0.25	0.25
Subtotal Base Capital Cost	84.50	98.65
Land Costs		
Site D - 38 ac.	1.00	1.00
Reservoir Site #2	0.50	0.60
Subtotal Land Cost	1.50	1.60
Total Base Capital and Land Costs	86.00	100.25
Base Capital and Land Cost per Lot	\$16,696	\$16,908
Life Cycle Costs	\$ millions	\$ millions
Base Capital	84.50	98.65
Land	1.50	1.60
Total Capital Costs	86.00	100.25
Salvage Value - Land	0.42	0.45
Present Worth Capital Cost	85.58	99.80
O&M - Collection	0.45	0.52
O&M - WRF	1.00	1.10
O&M - Effluent Distribution	0.15	0.15
O&M - Groundwater Monitoring	0.05	0.05
Subtotal O&M	1.65	1.82
Annualized Capital Costs, 6.625%, 20 yrs.	7.85	9.15
Total Annualized Costs	9.50	10.97
Total Annualized Costs per Lot - \$/year	\$1,844	\$1,851
Total Annualized Costs per Lot - \$/month	\$154	\$154

5. Exfiltration is improperly set forth

The exfiltration which occurs in all sewer pipes is improperly set forth. The County will seal 1/8 of the gravity pipe. The other 7/8 will leak at a 10-50% according to EPA studies and "peer review" experts. The County does not account for the underground plume of both solid and liquid waste heading eventually into the estuary. STEP/STEG systems only harvest the liquid waste. Los Osos is in a well defined earthquake zone which increases the risk of total sewer pipe failure. This multiplier of operation and maintenance (O&M) costs as to exfiltration is improperly set forth.

The lack of pressure in the gravity pipe ensures that determining where the pipe breaks occur will be costly. Please request the County to re-examine this issue, keeping in mind alternatives that are more protective of the environment due to exfiltration in the system, as well as the costs for repairs; including but not limited to the ability to identify breaks.

Austin, Texas (SSO)

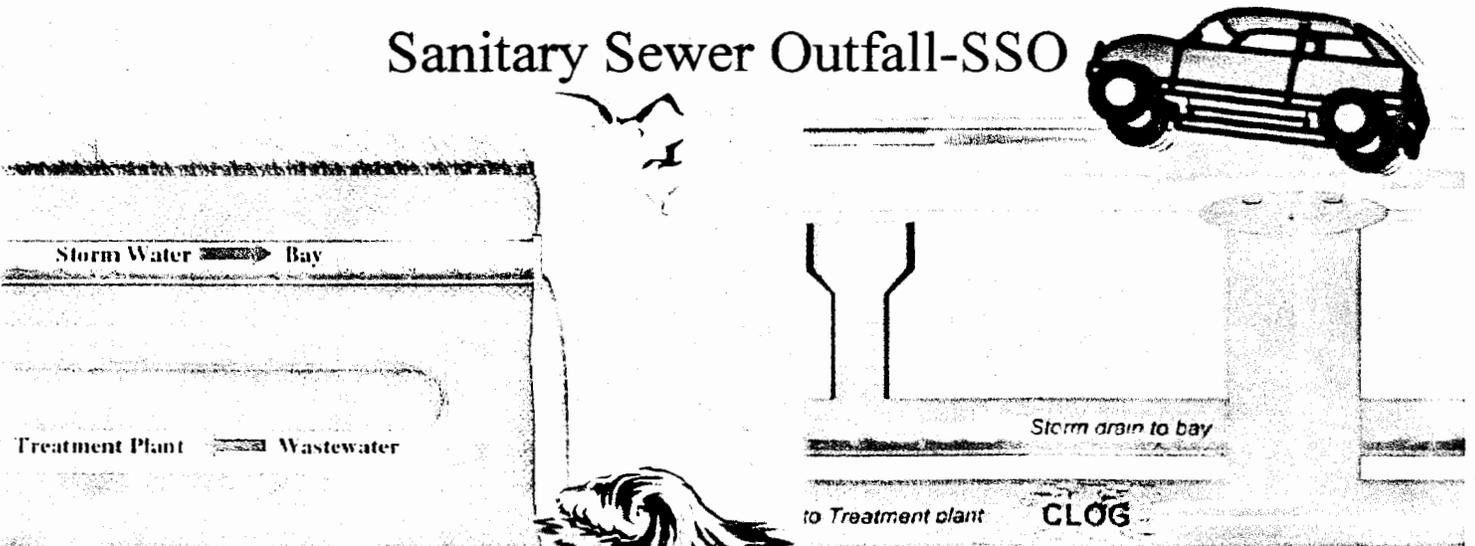


RECEIVED

JUN 08 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Sanitary Sewer Outfall-SSO



Photos courtesy of CLOGBUSTERS.org Southern Monterey Bay Dischargers Group

Comparative Analysis

➤ Construction Cost- mill	180	86
➤ Soil Displacement cu ft (in millions) Courtesy of Mike Saunders, ORENCO	11.86	6.96
Operations and Maintenance Millions per year	2.61	1.65

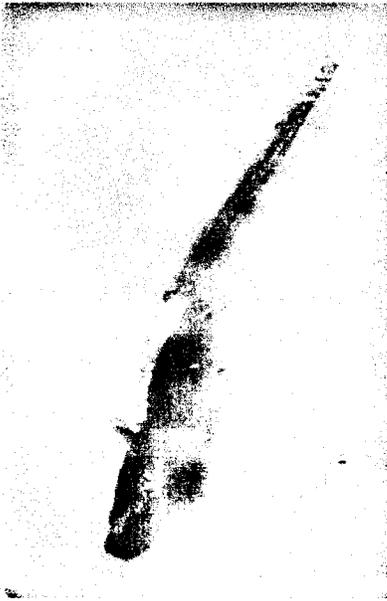
➤ Energy Use kWh/Acre/Foot	980	311
BOD Lbs. per day	3,761	1,520
TSS Lbs. per day	4,370	325
Liquid volume Tons per year	24,000	24,000
Cubic yards waste solids per year after dewatering	4,200	200

1. The economics are poor.

The County has described the current system at \$180+ million with a user cost of \$250 per month.

$$\frac{86}{180} = \frac{X}{250}$$

Solve for X, the high cost of STEP/STEG is \$119/month which is less than 1/2 of the monthly cost the County predicts for Gravity.



Morro Bay Arrow Gobi Fish with Tumor

2. Disposal of the wastewater treated is environmentally hazardous.

The endocrine disruptors found in treated wastewater should make all proposed disposals envisioned by the County of concern for the Coastal Commission.

The degree of wastewater treatment for Basin recharge will be higher as people will harvest the water through the water purveyors. The costs for additional levels of treatment by ultra violet light or reverse osmosis filtration make higher levels of treatment impractical. Cost savings in infrastructure development or O&M could offset the need to recharge the aquifers making State water affordable.

If the State water is going to be necessary, then the additional water from treatment should be thought of as a potential harvest resource. Non-food based agricultural use should be favored. The potential for use in creation of algae bio-mass should be investigated as bio-mass can become energy. See Origin Oil www.OriginOil.com.

3. Gravity pipe installation is not the least impact solution.

Horizontal directional drilling (HDD), such as was used to install fiber optic cable in Los Osos as the landing for the Pacific rim, would be used by STEP/STEG collection systems. The County will tear out the roads to install the gravity system, displacing 11,862,752 cubic feet of soil. Impacts on air quality, archaeological sites, and traffic will be radically different than STEP/STEG collection by HDD.

4. Basin Recharge is inadequate

The Interlocutory Stipulated Judgment (ISJ) has not been performed as the County Level III indicates "Unavoidable Resource Deficiency" because Los Osos has met the maximum safe yield or exceeded that for the water resources available.

Currently 100% of the wastewater is leached into the Basin at each DUE-Dwelling Unit Equivalent. With the proposed sewer, less than 50% of the wastewater is proposed for recharging the Basin.

The County must intend to have State Water shipped to Los Osos at a start up cost of \$36 million to permit the build out per the DUEs as part of the plan for sewerage. The Coastal Commission is requested to spot the issue and instruct the County to cease and desist from further permit applications until resolving the BMP and build out for Los Osos.



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

June 8, 2010

RECEIVED

JUN 08 2010

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

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Commissioners:

LOS OSOS WASTEWATER PROJECT - RESPONSE TO CALIFORNIA COASTAL COMMISSION STAFF'S MAY 27, 2010 STAFF REPORT

Central Coast Water Board staff believes that San Luis Obispo County's proposed wastewater treatment project is a vital and necessary step towards water quality improvement and offers sustainable opportunities in the Los Osos community. Surface water and groundwater basin management are essential to long-term water quality improvements and overall health of the watershed. The proposed project is a crucial component of improved basin management. We are confident that the installation of this wastewater project will not only provide a remedy to the watershed damage caused by the current septic system discharges, but will also allow sustainable opportunities in the community for recycled water that will be available for landscape and agricultural irrigation.

Central Coast Water Board staff attended the January 14, 2010 California Coastal Commission hearing and witnessed another delay in bringing a solution to the Los Osos community. However, we understand that there are several items that required further clarification and understanding. We believe that the staff report adequately provides clarification in response to these inquiries.

We agree with your staff's recommendation to approve Coastal Development Permit No. A-3-SLO-09-055/069. The proposed project meets our criteria and aligns with the policies and goals of the State Water Resources Control Board and Central Coast Water Board. We 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.

June 8, 2010

In summary, the proposed project will meet our water quality goals and comply with waste discharge requirements. We encourage the Coastal Commission to approve the coastal development permit expeditiously as further delays allow continued degradation of the Los Osos groundwater basin and place federal stimulus funds in jeopardy.

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,


for Roger W. Briggs
Executive Officer

cc: Paavo Ogren, Director of Public Works

S:\WDR\WDR Facilities\San Luis Obispo Co\Los Osos\LOWWP Support Ltr CCC (060710).doc

F14a

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

RECEIVED

JUN 08 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

June 7, 2010

California Coastal Commission
Central Coast District Office
Santa Cruz, Ca. 95060

Attention: Jonathan Bishop, Coastal Program Analyst

Re: Permit A-3-SLO-09-055-& 069/Los Osos Wastewater Project

I represent the owners of Giacomazzi 100.29 acre property which is located at 2198 Los Osos Valley Road in San Luis Obispo County. Approximately 30 acres of this property is addressed in the referenced project and is the proposed location for the wastewater treatment plant.

The property is composed of two parcels, 067-011-021 (approx 52 acres) and 067-011-022 (approx 38 acres). Page 54, paragraph 2 of the Commission report describes the need of approximately 30 acres to be taken from parcel 067-011-022 and the existing modular home located on that parcel will not be taken. I want to be sure that this is a requirement of the Commission.

Our 100.29 acre parcel presently has access to Los Osos Valley Road though a deeded easement along the easterly Los Osos Cemetery property line. To maintain access to our remaining land, this easement needs to be extended on our existing parcel westerly along the northern Cemetery property line. Would you please see that this is a requirement of the Commission.

Sincerely,


John Giacomazzi

cc John Waddell, Los Osos Waste Water Project Manager

RECEIVED

JUN 09 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Los Osos Wastewater Project Public Testimony
California Coastal Commission De Novo Hearing
June 11, 2010
Marina del Rey, CA

Los Osos Wastewater Project
CCC Agenda Item #Th7B
Speaker: Dana Ripley

CCC Application: A-3-SLO-09-055/069
Public Commenter: Dana K. Ripley, PE
Subject: Wastewater Project Costs/Affordability



I am Dana Ripley, team leader for the Los Osos Wastewater Plan Update¹ prepared in 2006 for the Los Osos Community Services District. Our final report was completed in August 2006 and was validated by the National Water Research Institute in December 2006. Septic Tank Effluent Pump (STEP) collection is fundamental to the "2006 Update Plan" and is, in my opinion, fundamental to the long term success of the Los Osos wastewater project.

The process schematic of the 2006 Update Plan is very similar to the process schematic that I prepared for inclusion in the recently published "Water Reuse" textbook (McGraw Hill, 2007) as Figure 13-15. The caption of that figure reads:

Schematic flow diagram of comprehensive water reclamation and reuse plan incorporating STEP systems for low-, medium-, and high-density communities.

A copy of this schematic is provided as Attachment A. It represents what I believe to be state-of-the-art in small community wastewater collection, treatment, and reuse whether constructed for a new development or for an existing community upgrading to central collection and treatment.

My testimony to the Commission today will focus on cost and affordability. CC staff recognizes the importance of affordability to Los Osos homeowners and businesses as follows:

The affordability of the project has been and will continue to be a major concern for the residents of Los Osos².

The single largest factor influencing affordability is obviously the project's construction cost. The estimated construction cost of the 2006 Update Plan prepared by our team is presented as Attachment

¹ Ripley Pacific Company, *Los Osos Wastewater Management Plan Update for the Los Osos Community Services District, San Luis Obispo County, CA, Wastewater Collection Treatment, Storage, and Water Recycling: Beneficial Reuse of Water and Nutrients*. Digital and hardcopy provided to CC-Santa Cruz staff on February 8, 2010.

² Application A-3-SLO-09-055/069 staff report, May 27, 2010, p.2

B³. For comparison, San Luis Obispo County's latest cost estimate for the gravity-based system is presented as Attachment C⁴.

Based on my review of the two construction cost budgets, assuming service to both developed and undeveloped properties and cost escalation to 2010 dollars, the cost difference between the two systems is at least \$50 million. That is, the 2006 Ripley Update Plan cost utilizing STEP collection technology is at least \$50 million less than the cost for the County's gravity-based collection, treatment, and reuse plan.

The actual cost difference between the two system alternatives could in fact be substantially greater than \$50 million. For STEP construction, there is relatively low construction cost risk since excavations are shallow and impacts of unforeseen conditions can be mitigated easily. For this reason, the STEP contractor has offered a guaranteed maximum price cost basis to SLO County.

For gravity construction, however, construction cost risk is significantly higher due to deeper excavations and difficulty of dealing with unforeseen conditions such as high groundwater and archeological sites. The contractor will be required to fuse-weld at least 12% of the collection system and more if high groundwater is encountered beyond that already mapped. SLO County would be compelled to accept change orders for these unforeseen conditions which in essence provides for an open-ended contract, irrespective of what the winning competitive bid cost number is. Therefore, a guaranteed maximum price would be untenable for a gravity system contractor.

Of course, the extent of change order costs cannot be known until project construction is complete.

I also note that the County's budget for Broderson leachfields does not include a redundant disposal option as recommended by the project hydrogeologist due to the uncertainty of winter dispersal capacity at that site⁵. The Broderson leachfield system is a \$6.1 million line item that may need to be replicated at one or more other undetermined locations to provide sufficient winter dispersal capacity.

Based on the foregoing comments, it would be likely that the cost difference between the two systems could be substantially greater than the \$50 million difference represented in the two attached budgets.

Even with the minimum \$50 million cost difference, the Commission is faced with at least two issues inconsistent with the Coastal Act if the applicant's gravity collection system is constructed. First, Coastal Act Section 30604(g) states:

The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

³ 2006 Ripley Update Plan, Table ES-5.

⁴ San Luis Obispo County, from State Water Resources Control Board Credit Review Checklist, April 23, 2010, Table 1.1.

⁵ Spencer Harris, hydrogeologist, San Luis Obispo Planning Commission, June 30, 2009; "You'd better have capacity somewhere else."

A cost difference of this magnitude has a direct impact on affordability. A lower project construction cost will lessen the impact to low- and moderate-income residents living within the coastal zone.

Secondly, Coastal Act Section 30120 defines treatment works⁶, as follows:

.. any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 1281 of this title, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works. .

Consistency with this Section of the Coastal Act would require that the most economical plan be implemented, irrespective of any technology preference by the project owner. The \$50 million difference in the two estimates would likely preclude the gravity system as a viable alternative.

I am aware of the applicant's technology preference against STEP collection for reasons such as green house gas emissions, soil disturbance numbers, nitrogen removal, on-lot easements, and on-lot pumping. I believe that each of these issues can be resolved in favor of STEP collection given the opportunity in an open forum. It also must be reiterated that the STEP collection alternative was CEQA certified as environmentally superior in 2001, was determined to be a viable collection alternative in the current project EIR, and was intended to compete with gravity collection through the bidding process pursuant to the Proposition 218 assessment vote in 2007. Finally, the Request for Qualifications prepared by SLO County in December 2008 presented both gravity collection and STEP collection as accepted alternatives for interested design-build teams bidding on the Los Osos wastewater project.

Only with elevation of the STEP team into the competitive bidding process can the \$50 million cost differential presented above be ascertained one way or the other. The Commission should seek the assurance that the competitive bid process promised by the Proposition 218 vote will be preserved and that consistency with Coastal Act Sections 30120 and 30604 is upheld. Including this requirement as a permit condition today will not only assure Proposition 218 and Coastal Act consistency, but will assure that project timelines remain in place to "maximize the project's eligibility to receive funding support that can offset local costs" as urged by your staff.

/dr

⁶ Definition of treatment works as set forth in Federal Water Pollution Control Act per Coastal Act Section 30120.

Attachment A-1

Water Reuse

Issues, Technologies, and Applications

Metcalf & Eddy | AECOM

Written by

Takashi Asano

Professor Emeritus of Civil and Environmental Engineering
University of California at Davis

Franklin L. Burton

Consulting Engineer
Los Altos, California

Harold L. Leverenz

Research Associate
University of California at Davis

Ryujiro Tsuchihashi

Technical Specialist
Metcalf & Eddy, Inc.

George Tchobanoglous

Professor Emeritus of Civil and Environmental Engineering
University of California at Davis



New York Chicago San Francisco Lisbon London Madrid Mexico City
Milan New Delhi San Juan Seoul Singapore Sydney Toronto

13-5 Technologies for Housing Developments and Small Community Systems | 811

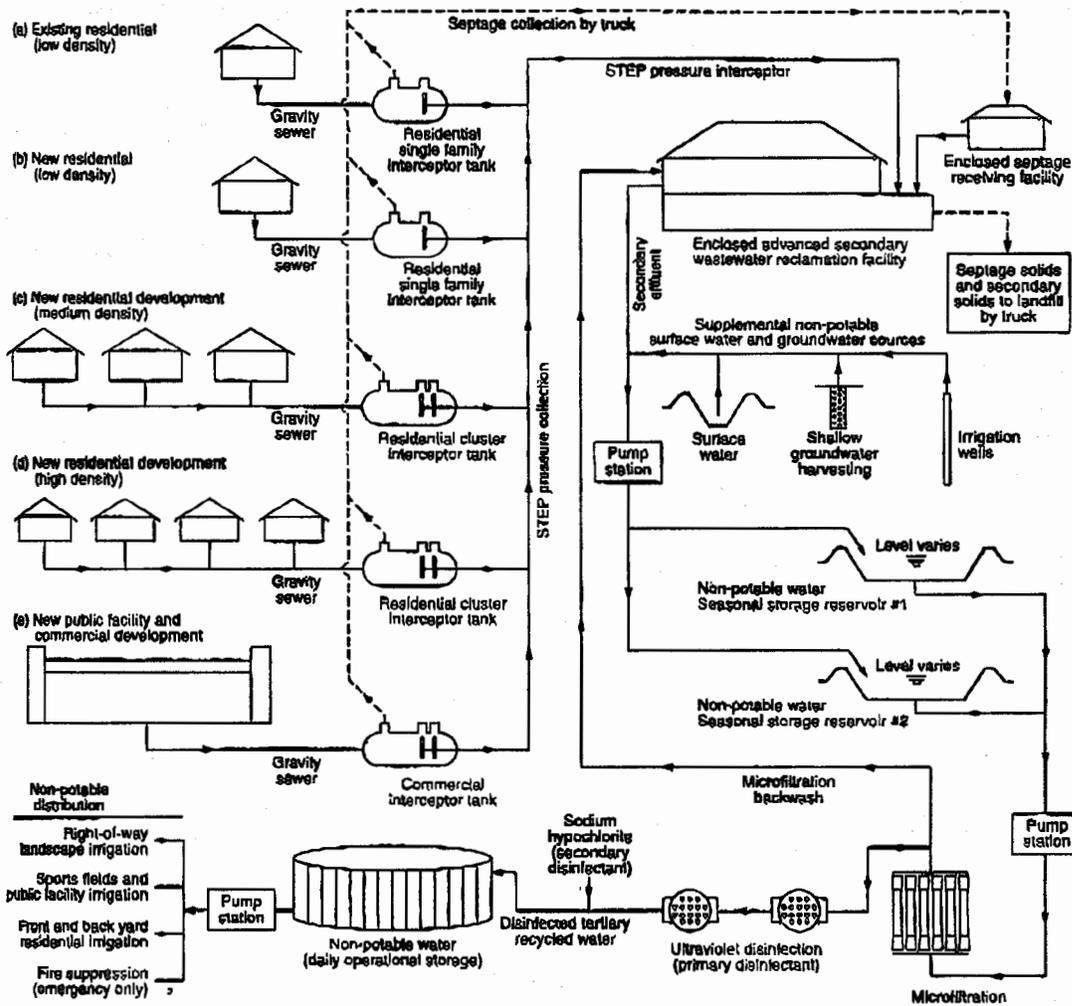


Figure 13-15
 Schematic flow diagram of comprehensive water reclamation and reuse plan incorporating STEP systems for low-, medium-, and high-density developments. (Courtesy of D. Ripley, Ripley Pacific Company.)

of holding tanks. An analysis of a vacuum sewer system is shown on Fig. 13-16. Additional information on the design and operation of STEP systems can be obtained from AIRVAC (1989), U.S. EPA (1991), and Crites and Tchobanoglous (1998).

Hybrid Collection Systems

The use of a combination of two or more collection technologies is known as a hybrid collection system. For most applications where alternative collection systems are used, a combination of technologies may prove to be the most efficient design. Typically, a

Attachment B-1

Los Osos Wastewater Management Plan Update

December 18, 2006

Table ES-5 Cost Estimates for the Wastewater Management Plan Update with STEP/STEG Collection, Tricking Filter Treatment, Storage, Filtration, Disinfection, and Distribution of Recycled Water to Agricultural Customers

Basic Assumptions	Scenario 1	Scenario 2
Number of lots:	5,151	5,929
Flow of Wastewater, mgd:	1.30	1.50
Base Capital Costs		
	\$ millions	\$ millions
On-lot Costs	42.00	48.50
STEP Collection - ROW	16.00	19.70
WRF at Site D	19.50	22.50
Aesthetic Mitigation	0.50	0.50
Effluent Storage	4.25	4.90
Effluent Distribution	2.00	2.30
Groundwater Monitoring Wells	0.25	0.25
Subtotal Base Capital Cost	84.50	98.65
Land Costs		
Site D - 38 ac.	1.00	1.00
Reservoir Site #2	0.50	0.60
Subtotal Land Cost	1.50	1.60
Total Base Capital and Land Costs	86.00	100.25
Base Capital and Land Cost per Lot	\$16,696	\$16,908
Life Cycle Costs		
	\$ millions	\$ millions
Base Capital	84.50	98.65
Land	1.50	1.60
Total Capital Costs	86.00	100.25
Salvage Value - Land	0.42	0.45
Present Worth Capital Cost	85.58	99.80
O&M - Collection	0.45	0.52
O&M - WRF	1.00	1.10
O&M - Effluent Distribution	0.15	0.15
O&M - Groundwater Monitoring	0.05	0.05
Subtotal O&M	1.65	1.82
Annualized Capital Costs, 6.625%, 20 yrs.	7.85	9.15
Total Annualized Costs	8.50	10.97
Total Annualized Costs per Lot - \$/year	\$1,844	\$1,851
Total Annualized Costs per Lot - \$/month	\$154	\$154

Attachment C-1

**COUNTY OF SAN LUIS OBISPO
LOS OSOS WASTEWATER PROJECT**

**State Water Resources Control Board
Financial Assistance Credit Review**

ITEM 1: Estimated Project Construction and Annual O&M Costs

1.1. PROJECT CAPITAL COST ESTIMATE

Total project cost estimate for the proposed project is summarized below. The average of the low and high range estimate for cost eligible for public financing is \$166 million, which is the assumed total capital project cost financed with a combination of USDA and State Revolving Fund (SRF) loans.

Table 1.1 Total Project Capital Cost Estimate		
	Average Estimate (\$ M)	Notes
Collection System		1
Mobilization/Demobilization	\$3.9	
Gravity Sewers and Force Mains	\$29.2	
Manholes	\$4.5	
Shoring and Dewatering	\$5.1	
Duplex Pump Stations	\$2.6	
Triplex Pump Stations	\$1.2	
Pocket Pump Stations	\$2.4	
Standby Power Facilities	\$2.5	
Misc. Facilities	\$3.3	
Laterals in Right-of-Way	\$9.3	
Road Restoration	\$5.2	
Homeowner On-Lot Facilities	\$13.3	2
Out-of-Town Conveyance	\$3.4	3
Total Collection System	\$85.7	
Treatment Process		
Secondary Process	\$19.6	4
Tertiary Filtration/Disinfection	\$3.5	5
Total Treatment Process	\$23.1	
Solids Processing		
Thickening	\$1.0	6
Mechanical Dewatering	\$2.0	7
Total Solids Processing	\$3.0	
Recycled Water Reuse		
Water Conservation Program	\$0.0	8
Broderson Pipe and Leachfield	\$6.1	
Recycled Water Turn-outs	\$1.8	9
Recycled Water Storage (50 af)	\$0.8	
Total Recycled Water Reuse	\$8.6	
Sub-Total Construction	\$120.3	
10% Construction Contingency	\$10.7	10
Total Construction Costs (April, 2007 dollars)	\$131.0	
Cost Escalation (18.0%) to Mid-Point of Construction	\$23.6	11

Attachment C-2

**COUNTY OF SAN LUIS OBISPO
LOS OSOS WASTEWATER PROJECT**

**State Water Resources Control Board
Financial Assistance Credit Review**

Table 1.1 Total Project Capital Cost Estimate		
	Average Estimate (\$ M)	Notes
Project Soft Costs		
Water Conservation Program	\$5.0	12
Admin/Environmental Reports	\$2.0	
Land - Treatment Site	\$1.5	13
Environmental Permits/Mitigation	\$2.8	
Design-Collection System	\$2.8	
Design-Treatment Facility	\$7.0	
Construction Management	\$6.0	
Total Project Soft Costs	\$27.0	
Total Capital Project Costs	\$181.6	
Total Eligible Capital Project Costs	\$166.0	
<p>(1) Collection System estimates from Fine Screening Report (FSR), Table 3.17, except as noted. (2) Homeowner On-Lot Facilities not eligible for project financing; owner financed. (3) Conveyance estimate from Conveyance Tech Memo, Table 7, with no micro-tunneling. (4) Secondary treatment estimate from FSR, Tables 4.9 & 4.19. (5) Tertiary treatment estimate from FSR, Section 4.8 for full flow. (6) Thickening estimate from FSR, Table 5.3. (7) Dewatering estimate from FSR, Table 5.5. (8) Included in Project Soft Costs; no escalation on Water Conservation Program. (9) Average of range for estimated 10,000 to 15,000 linear feet of recycled water pipeline at \$143/lf. (10) Assume 10% construction contingency, less Homeowner On-Lot Facilities. (11) FSR, Appendix C estimated construction cost escalation at 5%, per year, from April 2007 to June 2011, the estimated mid-point of construction. The estimated construction cost escalation has been revised to reflect recent economic developments and project delays. The Engineering News Report Construction Cost Index 20-Cities Average for February, 2010 is 8671 (10.05% increase over April, 2007). Adding an assumed 3% annual escalation from February, 2010 to an assumed mid-point of construction in June, 2012, the total escalation is 18.0%. (12) Water Conservation Program budget of \$5 M required per project Coastal Development Permit conditions. (13) Land Costs are not eligible for State Revolving Fund loan financing.</p>		

SECTION 5
ESTIMATED COSTS

Table 5-2. Preliminary materials, quantities, and costs for the Los Osos Community Services District STEP/STEP collection system.

Item #	Description	Quantity		Unit Cost Installed	Project Cost	Non-Project Cost ¹
1	Pump Stations					
2	3-HP pump (P1, 90 gpm, 60' lift)	2	each	\$1,585	\$3,170	
3	85-HP pump (P2, 1,400 gpm, 120')	2	each	\$10,843	\$21,686	
4	3-HP pump (P3, 250 gpm, 25')	2	each	\$1,640	\$3,280	
5	35-HP pump (P4, 550 gpm, 130')	2	each	\$9,133	\$18,266	
6	10-HP pump (P5, 150 gpm, 115')	2	each	\$3,321	\$6,642	
7	25-HP pump (P6, 465 gpm, 110')	2	each	\$10,843	\$21,686	
8	1-HP pump (P7, 70 gpm, 30')	2	each	\$1,385	\$2,770	
9	10-HP pump replacement (P8, 150 gpm, 120')	2	each	\$7,451	\$14,902	
10	10-HP pump (P9, 570 gpm, 35')	2	each	\$3,226	\$6,452	
11	10-HP pump (P10, 300 gpm, 70')	2	each	\$3,321	\$6,642	
12	2-HP pump replacement (P11, 90 gpm, 30')	2	each	\$1,635	\$3,270	
13	2-HP pump replacement (P12, 80 gpm, 20')	2	each	\$725	\$1,450	
14	2-HP pump replacement (P13, 70 gpm, 20')	2	each	\$820	\$1,640	
15	10,000-gal wet well	1	each	\$30,000	\$30,000	
16	5,000-gal wet well	2	each	\$15,000	\$30,000	
17	2,000-gal wet well	3	each	\$6,000	\$18,000	

114

**SECTION 5
ESTIMATED COSTS**

Item #	Description	Quantity		Unit Cost Installed	Project Cost	Non-Project Cost ²
18	500-gal wet well	3	each	\$1,500	\$4,500	
19	Control box	13	each	\$5,000	\$65,000	
20	MCC and switch gear	13	each	\$8,000	\$104,000	
21	Remote telemetry and level control	13	each	\$7,800	\$101,400	
22	Septic Tank Improvements					
23	STEG replacement septic tanks (\$2,000 non-project for tank)	420	each	\$1,500	\$630,000	\$840,000
24	STEG retrofitted septic tanks	1,230	each	\$1,500	\$1,845,000	
25	STEP replacement septic tanks (\$2,000 non-project for tank)	230	each	\$3,500	\$805,000	\$460,000
26	STEP retrofitted septic tanks	670	each	\$3,500	\$2,345,000	
27	STEG retrofitted septic tanks, multi-family	220	each	\$2,500	\$550,000	
28	STEG retrofitted septic tanks, commercial	250	each	\$3,000	\$750,000	
29	STEG retrofitted septic tanks, mobile homes	5	each	\$3,000	\$15,000	
30	STEG retrofitted septic tanks, motels	5	each	\$3,000	\$15,000	
31	STEG retrofitted septic tanks, restaurants	7	each	\$3,000	\$21,000	
32	STEG retrofitted septic tanks, schools	3	each	\$3,000	\$9,000	
33	Pipes and Fittings					
34	3"† PVC in pavement	92,500	ft	\$17	\$1,572,500	
35	3"† PVC not in pavement	1,500	ft	\$10	\$15,000	
36	3"† PVC common trench	1,000	ft	\$6	\$6,000	
37	4"† PVC in pavement	11,900	ft	\$20	\$238,000	

115

**SECTION 5
ESTIMATED COSTS**

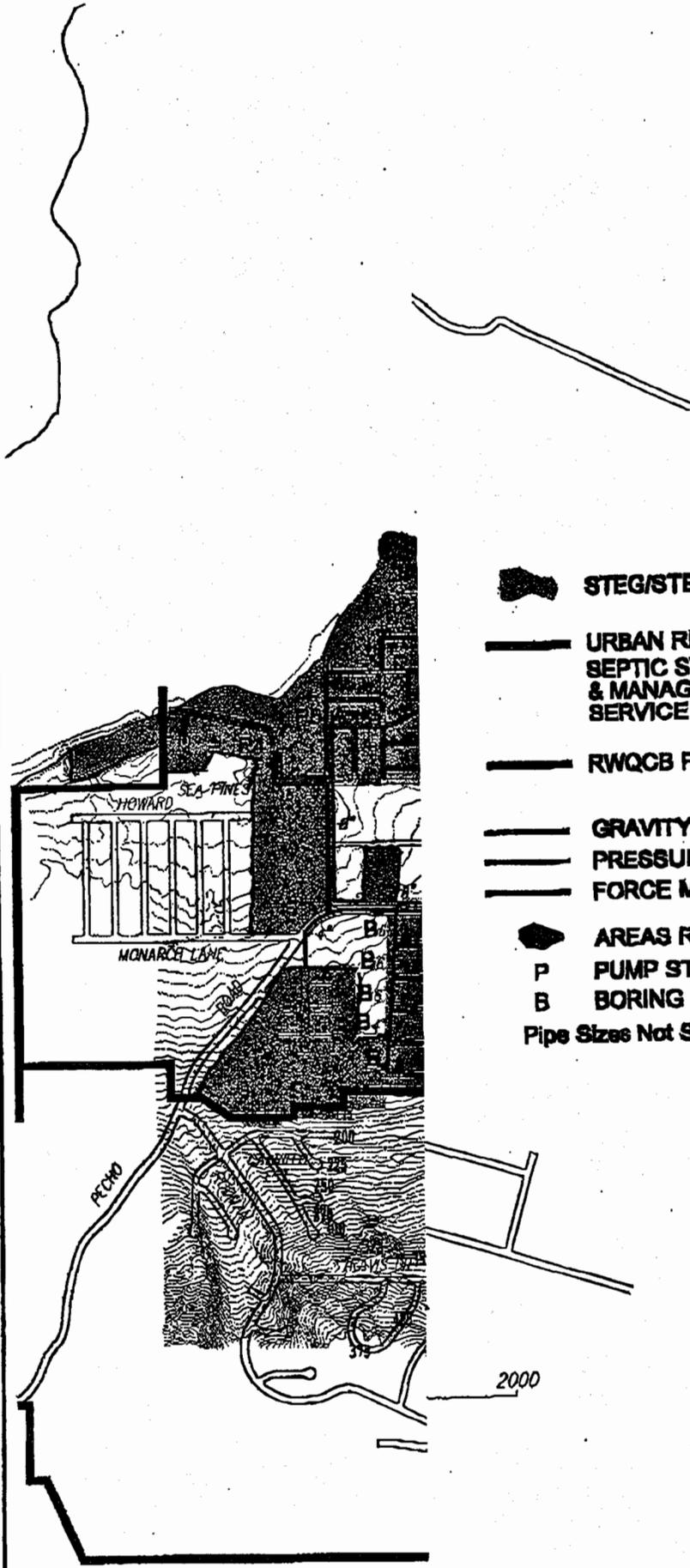
Item #	Description	Quantity		Unit Cost Installed	Project Cost	Non-Project Cost ¹
38	4"† PVC common trench	2,500	ft	\$10	\$25,000	
39	6"† PVC common trench	3,700	ft	\$18	\$66,600	
40	6"† PVC in pavement	9,200	ft	\$30	\$276,000	
41	6"† PVC not in pavement	1,100	ft	\$15	\$16,500	
42	8"† PVC common trench	5,500	ft	\$25	\$137,500	
43	8"† PVC in pavement	14,800	ft	\$40	\$592,000	
44	8"† PVC not in pavement	500	ft	\$25	\$12,500	
45	10"† PVC in pavement	3,500	ft	\$50	\$175,000	
46	12"† PVC in pavement	2,500	ft	\$60	\$150,000	
47	12"† PVC not in pavement	1,700	ft	\$30	\$51,000	
48	12"† PVC common trench	1,900	ft	\$30	\$57,000	
49	4" x 300' directional boring	4	each	\$30,000	\$120,000	
50	6" x 300' directional boring	3	each	\$30,000	\$90,000	
51	8" x 300' directional boring	2	each	\$30,000	\$60,000	
52	10" x 300' directional boring	2	each	\$30,000	\$60,000	
53	3" isolation valve	80	each	\$400	\$32,000	
54	4" isolation valve	15	each	\$500	\$7,500	
55	6" isolation valve	10	each	\$600	\$6,000	
56	8" isolation valve	15	each	\$900	\$13,500	
57	10" isolation valve	3	each	\$1,200	\$3,600	
58	12" isolation valve	5	each	\$1,600	\$8,000	
59	Automatic 316 SS air release valves with soil bed filter	40	each	\$2,500	\$100,000	
60	Back-up Power					
61	150 kW trailer-mounted generator	1	each	\$40,000	\$40,000	

116

**SECTION 5
ESTIMATED COSTS**

Item #	Description	Quantity		Unit Cost Installed	Project Cost	Non-Project Cost ¹
62	Pumping station land acquisition	13	each	\$5,000	\$65,000	
63	Subtotal				\$11,445,956	\$1,300,000
64	Contingency (30%)				\$3,433,787	\$390,000
65	Subtotal				\$14,879,743	\$1,690,000
66	Engineering and administration (20%)				\$2,975,949	\$338,000
67	Total STEG/STEP collection system				\$17,855,691	\$2,028,000

¹ Non-Project Costs are those costs that are borne by home owners and not by the Los Osos CSD.



-  **STEG/STEP COLLECTION AREA**
 -  **URBAN RESERVE LINE & SEPTIC SYSTEM MAINTENANCE & MANAGEMENT PROJECT SERVICE AREA**
 -  **RWQCB PROHIBITION ZONE**
 -  **GRAVITY MAIN**
 -  **PRESSURE MAIN**
 -  **FORCE MAIN**
 -  **AREAS REQUIRING STEP**
 - P PUMP STATION**
 - B BORING**
- Pipe Sizes Not Shown Are 3"

DRAFT PROJECT REPORT	EP SEWER MAIN COMMUNICATION COLLECTION AREA	DESIGN: WCB DATE: JAN. 3, 2000	FIGURE 1-7
----------------------	---	-----------------------------------	----------------------

COPYRIGHT 2000 WORLD ENGINEERING ASSOCIATES, INC.
ALL RIGHTS RESERVED

RECEIVED**Jonathan Bishop**

JUN 09 2010

From: Gail McPherson [mcperson.gail@gmail.com]**Sent:** Tuesday, June 08, 2010 5:17 PM**To:** Jonathan Bishop**Subject:** Sending letter without attachmentsCALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

I am submitting various documents to support your de NOVO review of the LOWWP. I have read the Coastal Commission Staff report and question the narrowing of the scope of the hearing. It is not sufficient to justify a flawed permit or project approval based on the past approvals or a need to expedite permitting for supposed funding availability, or boast the number of meetings in the community. None of this addresses that the project was always understood based on a coequal options approach, which is now a bait and switch for the trusting community whom paid over \$7 mil to get here today.

Primarily, I ask for the inclusion of the draft EIR

Please accept my limited input concerning affordable housing and the dire effects from this project, as presented. Senior and fixed income housing is decimated in this project, and unnecessarily so. The criteria for the project was fully met through several affordable options identified, and also included in the 218 engineering assessment report. Affordable alternatives were presented in the DEIR for permitting, and again presented in the design build qualifying process.

Due to 11th hour changes, presented to the public and voted on in the same agenda time frame, the suspicious bid practices by County staff created not only a violation of Ca contracting code statute 20133, but was deceptive to the planning commission permitting, and your agency. Further, efforts to foreclose of approved coequal options doesn't enhance, but actually threatens funding availability to complete the reuse portions of the project.

Section 30604 Coastal Act

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

LO CCC Staff Report, p.2

The affordability of the project has been and will continue to be a major concern for the residents of Los Osos.

I have submitted to USDA some of my concerns for NEPA requirements for funding. In addition to the concerns raised by the community that affordable solutions have not been offered due to the foreclosure on the coequal alternatives for the collection system, I have also attached materials that concern the health and safety of the Los Osos project that are NOT addressed either by the staff or the County within their reports or recommendations.

1. Gravity system performance is superior to pressure collection performance under flood conditions.
 2. Gravity system performance is superior to pressure collection performance.
(Soil Liquefaction and Gravity Sewer Collection)
 3. Environmental factors- Gravity has lower Green House Gas emissions
- Please include the letter and attachments in its entirety to your record.

I believe the Commission has an legal obligation to seek the advise of experts, and not simply assume the project before you complies with the EPA and other regulatory standards.

6/9/2010

119

The current plan before you has selected a previous design concept, however, the EPA and State water Board requirements are increasingly stringent. Allowing options within the Coastal Development permit that consist of low- pressure/continuous weld small pipe, and the County favored deep-trenched/sectional joint gravity, with use of numerous pumping stations design assures that either of the designs could be built, without re issuance of permits. These options were presented to the community as both being viable options with each having distinct advantages. The coequal options were actually the largest part of the over \$7 million dollar current County effort to deliver an acceptable project. The Co equal options were part of the County approved final selection process via competitive bids. Staff has reiterated that cost and affordability is dependent on the competitive process for anything approaching "affordable" along with (but not apart from) funding issues. The current permit would not allow cost benefits, environmentally innovative design, or the best funding options to be delivered. Last, The scheduling and rescheduling has left me and many others unable to attend the meeting and provide testimony. The last item of the last day is not ideal for a fair hearing. I hope you will continue this item to August.

Gail McPherson
Citizens for Clean Water
2582 Pecho Valley Rd
Los Osos Ca 93402
805-459-4535



San Luis Obispo County Department of Planning & Building

Interactive GIS Mapping

Parcel Information	
APN:	038-301-031
Land Use Category:	RSF
Supervisory District:	2
Planning Area:	Estero
School District:	San Luis Coastal Unified School District
Combining Designations	Coastal Zone Boundary
Coastal Designations	Archaeologically Sensitive Areas
Fire Hazard	
Link to Tidemark Permit Tracking System	





Parcel Information	
APN:	070-381-005
Land Use Category:	OS
Supervisorial District:	5
Planning Area:	Las Pilitas
School District:	Atascadero Unified School District
Combining Designations	Flood Hazard Area Sensitive Resource Area
Coastal Designations	
Fire Hazard	Very High Hazard Moderate Hazard
Link to Tidemark Permit Tracking System	



0
0.8km



123



Legend

-  Pump Station
-  Pocket Pump Station
-  Treated Effluent
-  Leachfields
-  Storage Facility
-  Treatment Facility

Wastewater Service Area

-  Force Main
 -  Sewer Pipe
 -  Conveyance Line
- Spray Fields**
-  ET - Evapotranspiration
 -  ET/perc - Evapotranspiration and percolation
- 1336 acres
150.1 acres

Phil Gray

1324 Paseo Ladera Ln.
Arroyo Grande, CA 93420
(805) 474-0500

RECEIVED

June 8, 2010

JUN 09 2010

California Coastal Commission
Attn: Jonathan Bishop
725 Front St, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Hearing, June 11, 2010, re Coastal Development Permit A-3-SLO-09-055 & -069
(Los Osos Sewer)

Honorable Commissioners:

Please *approve* this permit as recommended in your Staff's report.

My family owns several residential lots, and a small parcel zoned for homes, in Los Osos.

Or more than twenty years, the development of these lots has been stymied by the seemingly-endless 'sewer saga'.

It's obvious that they can't be built on until a sewer is in place. So I request that you do all you can to get the sewer system up and running as soon as possible.

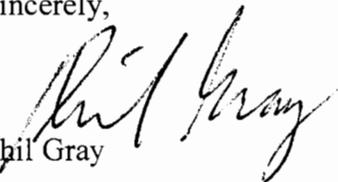
The proposed system has been studied thoroughly, and been the subject of dozens of hearings, and multiple appeals. Something this complicated, and of such a large financial impact, cannot be expected to please everyone. But, as it is presently planned, it seems to be the best solution available.

Any further delay in its approval will likely result in the loss of Federal funds; this loss in turn, will make the system unaffordable for many present residents, and those in homes not yet built.

Therefore, I urge your approval of the system today.

Thank you for your consideration.

Sincerely,


Phil Gray

Mid-State Properties, LLC

1320 Archer Street, San Luis Obispo, CA 93401

(805) 543-1500/Fax (805) 543-1590

Email: dgray@midstate-cal.com

RECEIVED

June 8, 2010

JUN 09 2010

California Coastal Commission

Attn: Jonathan Bishop

725 Front St, Suite 300

Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Hearing, June 11, 2010, re Coastal Development Permit A-3-SLO-09-055 & -069
(Los Osos Sewer)

Honorable Commissioners:

We respectfully request that you *approve* this permit, as recommended in your Staff's report.

We are the owners of several single-family homes in Los Osos.

We have found it difficult to sell these homes at anything close to a fair price. This is because of the cloud of uncertainty hanging over Los Osos due to the sewer controversy.

Prospective buyers have no idea of their future cost of the sewer, nor when these costs will come to bear on them. Their cost to connect to this future sewer, an undetermined but large sum to most people, will also come at an uncertain time. Meanwhile, they must deal with an overage septic system. Who can blame these folks for hesitating?

Real estate sales are difficult enough without this problem. The only feasible solution seems to be to get the sewer system up and running as soon as possible.

The proposed system has been studied thoroughly, and been the subject of dozens of hearings, and multiple appeals. Something this complicated, and of such a large financial impact, cannot be expected to please everyone. But, as it is presently planned, it seems to be the best solution available.

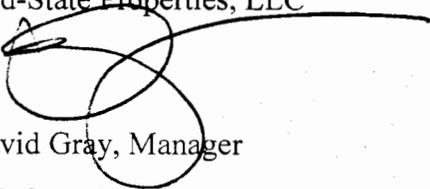
Any further delay in its approval will likely result in the loss of Federal funds; this loss in turn, will make the system unaffordable for many residents, especially those on limited incomes.

Therefore, we urge your approval of the system today.

Thank you for your consideration.

Sincerely,

Mid-State Properties, LLC


David Gray, Manager

Los Osos Valley Road Business Center, LLC

1320 Archer Street, San Luis Obispo, CA 93401

(805) 543-1500/Fax (805) 543-1590

Email: jsmith@midstate-cal.com

RECEIVED

June 8, 2010

JUN 09 2010

California Coastal Commission

Attn: Jonathan Bishop

725 Front St, Suite 300

Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Hearing, June 11, 2010, re Coastal Development Permit A-3-SLO-09-055 & -069
(Los Osos Sewer)

Honorable Commissioners:

Please *approve* this permit as recommended in your Staff's report. Here's why:

I am the owner of the Los Osos Center, a shopping center located at the corner of Los Osos Valley Road and Fairchild St, Los Osos. (It can be recognized by the Starbuck's store on the corner.)

Along with other commercial owners, I have found it difficult to rent space to prospective tenants who would produce even a minor amount of wastewater (such as a beauty parlor, sandwich shop, etc.) because the Sewer Moratorium, as interpreted by County Public Works, will not allow any use that generates additional wastewater.

Commercial leasing is difficult enough without my having to reject qualified tenants.

The only feasible solution seems to be to get the sewer system up and running as soon as possible.

The proposed system has been studied thoroughly, and been the subject of dozens of hearings, and multiple appeals. Something this complicated, and of such a large financial impact, cannot be expected to please everyone. But, as it is presently planned, it seems to be the best solution available.

Any further delay in its approval will likely result in the loss of Federal funds; this loss in turn, will make the system unaffordable for many residents, especially those on limited incomes.

Therefore, I urge your approval of the system today.

Thank you for your consideration.

Sincerely,


James W. Smith, Property manager