



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

August 1, 2007

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

Bruce Gibson, Supervisor
Room D-430
County Government Center
San Luis Obispo, CA 93408

Dear Messrs. Ogren & Gibson:

COASTAL DEVELOPMENT PERMIT, LOS OSOS WASTEWATER PROJECT

We understand through discussion with Mr. Ogren that Coastal Commission staff has notified County staff that the Coastal Development Permit for the Los Osos wastewater project will expire on August 11, 2007, and that the County staff does not intend to request an extension. This would be contrary to a good-faith effort to complete a wastewater project in Los Osos for several reasons:

1. The permitted project is apparently the least expensive and is ready to go. If the permit expires, all past work will likely need to be redone under a different set of Coastal Commission rules, opening up exposure to litigation, which likely translates into millions of dollars extra cost.
2. The County is still considering the permitted project as a viable alternative. As such, it makes sense to request an extension for all the extant permits (and save work/cost that went into gaining those approvals).
3. Even if a different project is pursued, some components of the prior project could be used/modified at great savings in cost and time (i.e., collection system, pump stations, disposal, etc.). This opportunity will be lost if the permit expires.
4. The permitted project provides incentive to move forward on any project (even if only as an alternative for those who are against the permitted project).
5. If the permit is allowed to expire, the delay will be several years, with concurrent inflation for an already expensive proposition, with further delay in resolution of Los Osos' wastewater management problems.

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We recommend the County at least request an extension of the Coastal Development Permit until a decision is made about what project will proceed. We understand that Coastal Commission regularly entertains 1-year extensions.

We understand that County staff is concerned that by assuming Los Osos Community Services District's (LOCSD) Coastal Development Permit, that the County may assume liability for some of the work already completed under the permit. Assembly Bill 2701 was specifically designed to shelter the County from the LOCSD's liabilities, and we believe this protection may extend to transfer of the Coastal Development Permit.

Please call Matt Thompson at (805) 549-3159 or myself (805) 549-3140 if you have any questions.

Sincerely,



Roger W. Briggs
Executive Officer

Cc:

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