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Lack of Legally Required Consultant Waivers - please address this letter and our concerns to your report and investigation on illegal contract procurement process

From: lisa schicker ([lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com))  
Sent: Thu 5/28/09 10:10 AM  
To: Warren Jensen ([wjensen@co.slo.ca.us](mailto:wjensen@co.slo.ca.us)); [planning@co.slo.ca.us](mailto:planning@co.slo.ca.us)  
Cc: Adam Hill  
([ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us));  
[bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us);  
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[dedge@co.slo.ca.us](mailto:dedge@co.slo.ca.us); Frank  
Mecham  
([fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us));  
[jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us);  
[kachadjian@co.slo.ca.us](mailto:kachadjian@co.slo.ca.us);  
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[bcuddy@thetribunenews.com](mailto:bcuddy@thetribunenews.com);  
Colin Rigley  
([crigley@newtimeslo.com](mailto:crigley@newtimeslo.com))

Attachments:  
[06-10-05-paavo-to-locsd-conflictwaivers.pdf](#) (186.3 KB), [060905 SLO PUBLIC WORKS LETTER-re2701.pdf](#)  
(200.2 KB)



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Attachments are included with this copy.... thank you

---

From: [lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com)  
To: [wjensen@co.slo.ca.us](mailto:wjensen@co.slo.ca.us); [planning@co.slo.ca.us](mailto:planning@co.slo.ca.us); [plancomm@co.slo.ca.us](mailto:plancomm@co.slo.ca.us)  
CC: [ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us); [bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us); [churadogs2@att.net](mailto:churadogs2@att.net); [dedge@co.slo.ca.us](mailto:dedge@co.slo.ca.us); [fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us);  
[jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us); [kachadjian@co.slo.ca.us](mailto:kachadjian@co.slo.ca.us); [tmcnulty@co.slo.ca.us](mailto:tmcnulty@co.slo.ca.us); [ron@slocreek.com](mailto:ron@slocreek.com);  
[julietacker@charter.net](mailto:julietacker@charter.net); [clcesena@charter.net](mailto:clcesena@charter.net); [bcuddy@thetribunenews.com](mailto:bcuddy@thetribunenews.com); [crigley@newtimeslo.com](mailto:crigley@newtimeslo.com)  
Subject: Lack of Legally Required Consultant Waivers - please address this letter and our concerns to your report and investigation on illegal contract procurement process  
Date: Thu, 28 May 2009 09:44:49 -0700

Dear Mr. Jensen: Please add this document to the number of documents I have already sent and include it in my formal complaint about the shortlisting and contract procurement process irregularities for the Los Osos wastewater project.

Dear Planning Commission and BOS: please enter these documents into the formal public record for the same reasons. The potentially illegal and obviously unethical contract procurement process has damaged the CEQA and CDP review because it taints the results that are being presented to you.

It also circumvents the process that the Los Osos community was promised by the County as early as Spring 2006 (copy of your minutes citing these adopted commitments were sent to you on May 5, 2009 as part of my complaint), where an advisory vote and a full vetting of all alternatives was approved by the Board.

This has not yet occurred, and your board and commission need to honor the board's vote and direction and the

promise to our community.

Attached is a letter send from Paavo Ogren to the President of the LOCSD (me) in October 2006. It mentions the County's legally required need for conflict waivers before the county could hire any consultants that were on contract with the LOCSD.

We now know that these legally required waivers were never obtained, yet MWH, etc. were hired by Paavo and the County anyhow.

I think this also adds to the argument of illegality for the current contract procurement process, considering the fact that MWH is still on the short list, and that they were interviewed and evaluated for the shortlisting by their former business partners carella/carollo and wallace (from previously awarded LOCSD and County jobs).

Please take these allegations seriously, they are compromising the success of a wastewater project for Los Osos.

Lisa Schicker, Previous President and LOCSD Board Member 2004-2008  
805-528-3268

\*\*\*\*\*

CONFIDENTIALITY NOTE

\*\*\*\*\*

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- > Subject: Re: Edge Question, please
- > To: [ron@slocreek.com](mailto:ron@slocreek.com)
- > CC: [ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us); [bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us); [churadogs2@att.net](mailto:churadogs2@att.net); [dedge@co.slo.ca.us](mailto:dedge@co.slo.ca.us); [fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us); [jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us); [julietacker@charter.net](mailto:julietacker@charter.net); [kachadjian@co.slo.ca.us](mailto:kachadjian@co.slo.ca.us); [lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com); [pogren@co.slo.ca.us](mailto:pogren@co.slo.ca.us); [tmcnulty@co.slo.ca.us](mailto:tmcnulty@co.slo.ca.us)
- > From: [wjensen@co.slo.ca.us](mailto:wjensen@co.slo.ca.us)
- > Date: Fri, 22 May 2009 13:47:29 -0700
- >
- > Mr. Crawford:
- >
- > Due to other pressing matters, I have had to defer completion of the report

> on Los Osos issues raised by Lisa Schicker and others. I hope to complete  
> the report before the June 2 meeting of the Board of Supervisors.

>  
> Warren R. Jensen | County Counsel | San Luis Obispo County  
> 1055 Monterey Street, Suite D320 | San Luis Obispo, CA 93408  
> Tel: (805) 781-5400 | Fax: (805) 781-4221 | [wjensen@co.slo.ca.us](mailto:wjensen@co.slo.ca.us)

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>  
>  
> Ron Crawford  
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> [wjensen@co.slo.ca.us](mailto:wjensen@co.slo.ca.us)  
> 05/22/2009 11:58 cc  
> AM [ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us),  
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> [pogren@co.slo.ca.us](mailto:pogren@co.slo.ca.us),  
> [tmcnulty@co.slo.ca.us](mailto:tmcnulty@co.slo.ca.us)  
> Subject  
> Re: Edge Question, please

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>  
>  
> Hello Mr. Jensen,  
>  
> Thank you for that... um... "answer"?  
>  
> I'll research the oral proceedings, however, if I'm not satisfied with the  
> information, I might still have to do an official public records request.  
>  
> One more quick question: How's your Lisa Schicker/Montgomery, Watson, Harza  
> report coming along, and, when will it be released?  
>  
> And, like I mentioned in a previous e-mail to you, please address in your  
> report why MWH made the LOWWP short lists after they were responsible for  
> two colossal sewer project failures, over a seven year span, in Los Osos.  
>  
> I'm not clear on why they are even close to getting a third chance to fail  
> in Los Osos. That doesn't seem to make much sense.  
>  
> Thanks again,  
> Ron

>  
> At 3:56 PM -0700 5/21/09, [wjensen@co.slo.ca.us](mailto:wjensen@co.slo.ca.us) wrote:  
> Mr. Crawford,  
>  
> The answer to your question "Why was David Edge fired?" is found in  
> the  
> written materials making up Board of Supervisors Agenda Item F-1 for  
> May  
> 19, 2009 and by the oral proceedings on that agenda item, all of  
> which are  
> available online.

>  
> Warren R. Jensen | County Counsel | San Luis Obispo County  
> 1055 Monterey Street, Suite D320 | San Luis Obispo, CA 93408  
> Tel: (805) 781-5400 | Fax: (805) 781-4221 | [wjensen@co.slo.ca.us](mailto:wjensen@co.slo.ca.us)

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> [tmcnulty@co.slo.ca.us](mailto:tmcnulty@co.slo.ca.us)  
>  
>  
> Subject  
> Edge Question, please  
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>  
> Dear SLO County Supervisors,  
>  
> As I wait for my public records request from yesterday, I have  
> another  
> question:  
>  
> Why was David Edge fired?  
>  
> [According to the California First Amendment coalition: If in fact a  
> person  
> was disciplined, or worse, fired because of some issue, that matter  
> should  
> be of sufficient public concern that should take it out of the realm  
> of  
> 'personal privacy.' See AFSCME v. Regents, 80 Cal.App.3d 913 (1978).]  
>  
> (Tim? Warren? Comments? AFSCME v. Regents, 80 Cal.App.3d 913 (1978)?)  
>  
> Thanks again,  
> Ron  
>  
> --  
>  
> ~~~~~  
> Ron Crawford  
> sewerwatch.blogspot.com  
> P.O. Box 120  
> Santa Margarita, CA  
> 93453  
>  
>  
> --  
>  
> ~~~~~  
> Ron Crawford  
> P.O. Box 120  
> Santa Margarita, CA  
> 93453  
>





SAN LUIS OBISPO COUNTY  
**DEPARTMENT OF PUBLIC WORKS**

Noel King, Director

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County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252  
Fax (805) 781-1229 email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

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October 5, 2006

**FAX (805) 528-9377 AND MAIL**

Lisa Schicker, President  
Los Osos Community Services District  
2122 9<sup>TH</sup> Street  
Los Osos CA 93402

Subject: Los Osos Wastewater Project and Interagency Efforts

Dear Ms. Schicker:

As you know, on Tuesday October 3<sup>rd</sup>, the Board of Supervisors adopted a budget for County efforts supporting the development of a community wastewater project in Los Osos. Project strategies were adopted on June 19, 2006 so that we would be ready to proceed with project efforts as soon as possible after the adoption of AB 2701 and approval of formal budgetary allocations. Although AB 2701 is not in effect until January 1, 2007, which restricts certain formal actions, we are initiating our project research and planning effort to advance overall project timing. As examples of our research and planning efforts, we are meeting with consultants to develop our project team, we are reviewing existing project documents (including the Ripley report) and we are initiating meetings with other agencies involved in the project.

Specifically relating to the Los Osos Community Services District (District), project strategies were adopted by the Board of Supervisors that includes the following:

- Confer with the District Board on developing objectives for alternatives review
- Obtain input from the District Board on water management objectives
- Intent to utilize District consultants through County professional services agreements
- District representation (via District engineer) on County Technical Advisory Committee
- Confer with District Board on potential County/District agreement

On the first two items, it would be beneficial for us to obtain some written objectives adopted by your Board. On water management objectives, we prefer that the objectives follow the approach utilized in the Integrated Regional Water Management Plan to facilitate future grant applications. As you can note, above, we will consider your input independent of any efforts to develop and inter-agency agreement.

Regarding utilization of consultants that are either currently or previously hired by the District, we would like to see your support of our intent to utilize those consulting services. In some cases, a waiver of conflicts of interest may be required. For example, we previously indicated that we would like to see Rob Miller of the Wallace Group participate on the committee, and we could recommend some level of funding to pay for the cost of his efforts. Likewise other consultants have tremendous historical knowledge and will be extremely beneficial in our efforts to research project details. Consequently, we believe that it is important for your Board to support our intent to utilize any of the current and past consultants, and expect that you would adopt an action that would categorically waive any and all conflicts that might exist. Most important in your mind might be our expressed intent to hire Ripley Pacific Company so that they can present their report and answer our questions regarding their project concept. If your Board were to consider supporting our use of only some of the past consultants, we believe that would be contrary to our position of objectively evaluating project alternatives.

Lastly, regarding an inter-agency agreement, we do hope that the prior items will show that we can develop cooperative efforts. As I have discussed with you and other Board members, we will not consider provisions in an inter-agency agreement that is contrary to the Board adopted actions of June 19<sup>th</sup>, or that may be contrary to AB 2701. We believe that areas of overlap, such as water resources efforts, are best to consider in an inter-agency agreement. We also believe that cooperative efforts to pursue grant revenues are the best approach to addressing affordability issues. Please understand that these are just a few examples of items that might be considered in inter-agency discussions. At this time, our job is to research, plan and meet with other agencies so that we can sufficiently understand the detailed issues to begin formulating recommendations on various project aspects, including a potential inter-agency agreement.

Sincerely,



PAAVO OGREN  
Los Osos Wastewater Project Director

c: County Board of Supervisors

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## SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

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County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

September 5, 2006

**FAX (805) 528-9377  
& MAIL**

Lisa Schicker, President  
Los Osos Community Services District  
2122 9<sup>TH</sup> Street  
Los Osos CA 93402

Subject: AB 2701

Dear Ms. Schicker:

We are aware that LOCSD has filed a Chapter 9 bankruptcy petition and that there is an automatic stay that may prevent the County from taking any action to acquire any of LOCSD's assets. Nothing in this letter should be construed as an attempt to make an "end run" around the automatic stay. We merely want to clarify our interpretation of the current language of AB 2701, without regard to the possible impact of the bankruptcy on AB 2701.

Recent discussions with the Office of Assemblyman Sam Blakeslee indicated that the LOCSD has expressed some concerns regarding the language of AB 2701 allowing the transfer of easements, rights of way, permits, and other interests to the County, as provided in the legislation. This letter is intended to provide our understanding of the effect of the legislation. In doing so, it should be understood that time has not provided the County with the ability to provide you with a specific list of those elements of the current LOCSD wastewater project that we might recommend for transfer. As you know, once signed by the Governor, the effective date of AB 2701 will be January 2007. Our efforts to date have focused on providing input to the Assemblyman so that the legislation might be developed to increase the probability of resolving the long-standing wastewater dilemma. We hope that even before January we can work with the LOCSD in identifying means in which we might cooperate in the efficient resolution to that dilemma.

With respect to the County's ability to seek a transfer of the TRI-W, Broderson and sites intended under a project alternative commonly referred to as the "TRI-W Project," we do not believe that AB 2701 provides the ability for the transfer of such sites under its

authority. The legislative history of AB 2701 clearly illustrates amendments to the bill that were made to exclude such transfers under its authority. In particular, AB 2701 would add a new Government Code Section 25825.5, whose subsection (h) is the only one dealing with transfers of property from LOCSD to the County. The first sentence of subsection (h) is the operative language regarding transfers. Originally, it provided for transfer of any "retained fee interests in any real property," but that phrase was deleted, eliminating the County's right to request a transfer of such property. It is unfortunate that "fee interest" was not removed from the following sentence, as it should have been. However, that second sentence does not provide a requirement for transfer; it only specifies what the County must do with "those fee interests" that have been transferred, obviously referring to those which must be transferred under the first sentence, which do not include "retained fee interests in any real property."

We also believe that it is important to recognize that the legislation may lack some precision because developing a list of all the elements that might be transferred is not possible at this time; when the wastewater dilemma is unresolved and many "unknowns" still exist. Nevertheless, we recognize that site assets also represent substantial financial assets for the District, and given the District's overall financial status, it is appropriate that the legislation was amended to protect the LOCSD and enable you to best develop a plan for the District's overall recovery knowing that these assets could not be subject to transfer under the legislation.

Lastly, it is our position that AB 2701, as approved, does include amendments that reflect the LOCSD requests and supported in my letter to you dated July 25, 2006 and in the Assemblyman's letter to you dated July 27, 2006.

Sincerely,

  
NOEL KING

Director of Public Works

c: Assemblyman Sam Blakeslee  
County Board of Supervisors

File: CF 310.85.01 Districts/LOCSD/AB2701

L:\MANAGMNT\SEP06\2006-09-05 Letter to Lisa Schicker re transfer ab2701.doc.LND

## Stimulus \$ for Los Osos and Destruction of the "Design Build" Process - additional thoughts for consideration

From: lisa schicker ([lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com))  
Sent: Mon 4/13/09 11:21 AM  
To: [caispuro@co.slo.ca.us](mailto:caispuro@co.slo.ca.us); [bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us); Frank Mecham ([fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us)); Adam Hill ([ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us)); [jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us); [kachadjian@co.slo.ca.us](mailto:kachadjian@co.slo.ca.us)  
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Chuck Cesena  
([clcesena@charter.net](mailto:clcesena@charter.net));  
[jwaddell@co.slo.ca.us](mailto:jwaddell@co.slo.ca.us)

---

Dear Supervisors:

Please include my comments in the public record.

At my request for more information about actual Stimulus funding and deadlines for Los Osos, John Diodati sent helpful background information that most of us have already read, but what the community was looking for from the staff report last week, but what we did not hear is,

What are the details about where Los Osos actually stands in the whole stimulus \$\$ issue and where can that be found in writing? As Supervisor Mecham asked, "Do we have any real guarantees here"?

Please understand that this community has seen this happen too many times before. In order to chase the "promise of money", a fair process gets abandoned in the name of urgency; and the process that might actually lead us to the best project is cut off - and this is what is happening again.

As I mentioned last week in my formal complaint to you, timelines and project milestones will start to crash fairly quickly because you are not bringing the community, or the Coastal Commission for that matter, along at this very crucial time.

Plus, you have a serious legal issue to contend with and that is the short listing MWH.

MWH is currently suing the LOCSD for construction management wages, not design products - this legal action is in bankruptcy. I sent you a copy of the LOCSD's 2005 false claims letter to MWH last week. Current LOCSD Attorney Seitz has a potential conflict of interest on this case and will be unable to advise the LOCSD Board on what to do - he was the presiding Attorney during the original MWH contract when Paavo was Interim General Manager and was also the LOCSD's Attorney on the Construction Management contract as well.

This construction management contract was a sole-sourced contract awarded on a 3-2 vote for \$7.48 million - more that \$10,000 a day for a staff of five - outrageous expense!!! This was a contract that MWH helped write the specs for - does this scenario sound familiar????

How will the other contractors on the short-list feel when they find out the MWH had an inside track by participating with Paavo Ogren, the County and Carollo? Will they even choose to continue in a process that

appears suspect, and how will the process guarantee fairness to them or to our community who are most concerned about project costs?

Supervisors, What is actually left of a true "Design-Build" process?. Public Works has now mandated the collection method and design and is now allowing change orders in a design build process - those are the very reasons that make design build a BENEFIT to the citizen's pocketbook = the whole project process is on shaky footing.

Please start over now, just go back to January, keep your promises to the people, its not too late.

Thank you.

Lisa Schicker, past LOCSB Board Member and President 2004-2008.  
805-528-3268

---

To: [lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com)  
CC: [caispuro@co.slo.ca.us](mailto:caispuro@co.slo.ca.us)  
Subject: Stimulus \$ - Los Osos  
From: [jgdiodati@co.slo.ca.us](mailto:jgdiodati@co.slo.ca.us)  
Date: Thu, 9 Apr 2009 09:37:17 -0700

Lisa,

I was forwarded your website request:

"please send me electronic copies of reports that describe stimulus money for los osos - we heard about this on tuesday april 7th session - thank you from lisa"

The links below should be the info you are seeking. If not, please let me know.

Thanks, John D not W.

SRF Stimulus:

[http://www.swrcb.ca.gov/water\\_issues/programs/grants\\_loans/srf/docs/arra\\_cwsrf\\_factsheet.pdf](http://www.swrcb.ca.gov/water_issues/programs/grants_loans/srf/docs/arra_cwsrf_factsheet.pdf)

USDA Loan/Grant:

<http://www.rurdev.usda.gov/ca/pdf%20files%20and%20documents/WEP%20Overview.pdf>

Waiver Requests:

<http://www.house.gov/capps/legislation/appropriations.shtml>

<http://kevinmccarthy.house.gov/showarticle.asp?ID=193>

-----  
John G. Diodati  
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805.788.2832

---

Dear Supervisors: By specifying and using MWH design docs for collection, code suggests that would disqualify MWH from being allowed to participate in DB shortlist?

From: lisa schicker (lischicker@hotmail.com)  
Sent: Fri 4/17/09 11:02 AM  
To: caispuro@co.slo.ca.us; bgibson@co.slo.ca.us; Frank Mecham (fmecham@co.slo.ca.us); Adam Hill (ahill@co.slo.ca.us); jpatterson@co.slo.ca.us; kachadjian@co.slo.ca.us  
Cc: lischicker@sbcglobal.net

Dear Chairman Gibson and Honorable Supervisors:

I was wondering if you would please take a look at this question regarding MWH and the current procurement process in relation to the Ca design build code and process.

I will be sending another letter containing important information later today.

Thank you for your assistance.

Lisa Schicker , Past President and LOCSD Board Member 2004-2008  
805-528-3268

---

If the County accepts and uses the MWH design for the collection system and specifies this as part of the DB process

(which you did a few months ago),

then isn't that, in itself, a direct violation of the code (B)

to short- list this same firm - MWH?

the collection system design documents, i would think, become "project specific" documents as described in section B of the code, which would exclude their further participation.

.....

California State statute (California Public Contract Code section 20133) contains the following clause:

(d) Design-build projects shall progress in a four-step process, as follows:

(1)

(A) The county shall prepare a set of documents setting forth the scope of the project. The documents may include, but are not limited to, the size, type, and desired design character of the public improvement, performance specifications covering the quality of materials, equipment, and workmanship, preliminary plans or building layouts, or any other information deemed necessary to describe adequately the county's needs. The performance specifications and any plans shall be prepared by a design professional that is duly licensed and registered in California.

(B) 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.

Lisa Schicker  
805-528-3268

\*\*\*\*\*

CONFIDENTIALITY NOTE

\*\*\*\*\*

The information contained in this message is intended only for the use of the named addressee and is deemed to be privileged and confidential by the sender. The term 'privileged and confidential' includes, without limitation, attorney-client privileged communications, attorney work product, trade secrets, and any other proprietary information. Nothing in this message is intended by the attorney or the client to constitute a waiver of the confidentiality of this message. If the reader of this message is not the intended recipient, or employee/agent of the intended recipient, you are hereby notified that any duplication or distribution of this communication is unauthorized. If you have received this message in error, please notify me by telephone immediately.

---

Re: FW: Los Osos and MWH - meeting request

From: [bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)  
Sent: Mon 4/20/09 4:30 PM  
To: lisa schicker ([lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com))  
Cc: [wjensen@co.slo.ca.us](mailto:wjensen@co.slo.ca.us);  
[pogren@co.slo.ca.us](mailto:pogren@co.slo.ca.us);  
[caispuro@co.slo.ca.us](mailto:caispuro@co.slo.ca.us)

Attachments:  
[Fatally Flawed DB procurement process-4\[1\].17.09-final-lks-signature.pdf \(3.6 MB\)](#)



Ms Schicker -- I have referred your information to County Counsel for his analysis and response.

After reviewing his analysis, I will contact you regarding the possibility of setting up a meeting.

In the meantime, I will be conducting my normal office hours, where we could consider this matter if necessary.

Sincerely,  
Bruce Gibson

**lisa schicker** <[lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com)>  
04/20/2009 12:11 PM

To <[bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)>  
cc

Subject FW: Los Osos and MWH - meeting request

Dear Chairman and Supervisor Gibson:

I would like to make an appointment to come and discuss the package of information I sent to you on Friday (attached here again).

I would like to speak with you in person and will be contacting all supervisors to do the same.

I will call the office, too and will take time off work to accommodate your schedule.

Thank You.

Sincerely,

Lisa Schicker LOCSO President and Board Member 2004-2008.

805-528-3268  
234-1228 cell

\*\*\*\*\*

CONFIDENTIALITY NOTE

\*\*\*\*\*

The information contained in this message is intended only for the use of the named addressee and is deemed to be privileged and confidential by the sender. The term 'privileged and confidential' includes, without limitation, attorney-client privileged communications, attorney work product, trade secrets, and any other proprietary information. Nothing in this message is intended by the attorney or the client to constitute a waiver of the confidentiality of this message. If the reader of this message is not the intended recipient, or employee/agent of the intended recipient, you are hereby notified that any duplication or distribution of this communication is unauthorized. If you have received this message in error, please notify me by telephone immediately.

---

Re: Please investigate Los Osos Shortlist decisions asap

From: [bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)  
Sent: Mon 3/30/09 6:32 PM  
To: lisa schicker ([lisaschicker@sbcglobal.net](mailto:lisaschicker@sbcglobal.net))  
Cc: [ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us);  
[fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us);  
Supervisor Jim Patterson  
([jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us));  
[Kachadjian@co.slo.ca.us](mailto:Kachadjian@co.slo.ca.us);  
Lisa Schicker-Hotmail  
([lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com));  
[pogren@co.slo.ca.us](mailto:pogren@co.slo.ca.us)

---

Ms Schicker -- I have forwarded your letter to Paavo Ogren for his consideration. I will also have staff forward it to the Clerk for inclusion in the record.

As indicated in the press release referenced, the project team will have comments regarding the RFQ/SOQ and short list process as part of their monthly update on April 7. They will also explain the appeal process that submitters have available to them.

Thank you for your continued interest in the LOWWP.

Bruce Gibson  
Chair, Board of Supervisors  
San Luis Obispo County

**lisa schicker** <[lisaschicker@sbcglobal.net](mailto:lisaschicker@sbcglobal.net)>  
03/28/2009 11:50 PM

To Bruce Gibson <[bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)>, Supervisor Jim Patterson  
<[jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us)>, [fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us), [ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us),  
[Kachadjian@co.slo.ca.us](mailto:Kachadjian@co.slo.ca.us)

cc Lisa Schicker-Hotmail <[lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com)>

Subject Please investigate Los Osos Shortlist decisions asap

Dear Honorable Supervisors:

Please include this letter as formal public comment - to be submitted into the record, and included with the packet for the public, for the April 7, 2009 BOS meeting item regarding the Los Osos waste-water project.

I ask you please to inquire of your staff, and provide to the public as soon as possible, the reasons why a "STEP" firm was not included on the short list of bidders for the Los Osos waste-water project. I also ask you to investigate and report as to why the firm MWH, a firm with a clouded and as of yet unsettled history in Los Osos, was selected for two shortlists when there were five other perfectly qualified bidding firms.

Speaking as perhaps the person in possession of the most detailed written history and direct personal knowledge of the LOCSD's waste-water project during the days of the MWH past contracts, the sole sourced contracts, the early destruction of the TRI-W property, the recall, the robbery and break-in of MWH offices one week after the recall, the project suspension, the bankruptcy, the lawsuits, the loan, etc. , and hearing that MWH has apparently been selected for TWO of the County's shortlists, this news is most disturbing.

I have written Paavo requesting a copy of a press release that he has prepared (please see note below), but I must respectfully request that you, as the responsible elected officials, look into these matters immediately.

Please request that your staff provide a complete history and explanation to you and to the public, as to how a firm that is still being investigated, is currently involved with the LOCSD's bankruptcy and has formal complaints against it in several states across the US could even be considered by the County for the Los Osos project. This is a very sensitive time for Los Osos and this project and the people of this town do NOT have short memories when it comes to MWH.

I am writing with some urgency, because selecting the MWH firm for the Los Osos project shortlists is a very big mistake, due to history and events that occurred during my time as an elected official. Not including a "STEP" firm in the final short list is also a very big mistake, considering what you have promised the public. It is also a mistake because of what you have heard from the public, the NWRI independent review and report, from respectable environmental non-profit agencies from SLO County and in hundreds of written pages of public comment.

Los Osos citizens and ratepayers of the project truly expect a fair process and these two decisions, if either are carried forward, will taint a fair process in a very big way.

Thank you very much for your time and for honoring my request to investigate this matter.

I ask that you please respond to my letter as soon as possible and let me know what you have learned and how I can help.

Most Sincerely, Lisa Schicker

former LOCSD President and Board Member with direct knowledge about the MWH investigations 2004-2008

*Lisa Schicker*

805-528-3268

----- Forwarded Message -----

From: lisa schicker <lisaschicker@sbcglobal.net>

To: [pogren@co.slo.ca.us](mailto:pogren@co.slo.ca.us)

Cc: "clcesena@charter.net" <clcesena@charter.net>; Mary Fullwood <maryf@best1.net>

Sent: Saturday, March 28, 2009 10:58:29 PM

Subject: Fw: what do you know about the short list

Hi Paavo - can you please send me the information that Mary mentions in this note.

Would sure like to hear more about the short list and who was selected and why.

Not having any "STEP" qualified firms on the shortlist is extremely disappointing for many of us, and from the outside looking in, it makes absolutely no sense. Considering the amount of public comment and participation you have received on this issue from the public, Los Osos ratepayers and local nonprofit organizations who have all encouraged you continuously to include this option through to the end, it is truly bewildering news.

I know that what you are sending out will have the complete and detailed disclosure of your selection process, as the public will want to know everything that went into this decision. I am looking forward to reading it asap and

sharing it with others.

Thanks very much from Lisa

*Lisa Schicker*  
805-528-3268

----- Forwarded Message -----

From: Mary Fullwood <maryf@best1.net>  
To: lisa schicker <lisaschicker@sbcglobal.net>  
Cc: "clcesena@charter.net" <clcesena@charter.net>; Paavo Ogren <pogren@co.slo.ca.us>  
Sent: Saturday, March 28, 2009 10:08:22 PM  
Subject: Re: what do you know about the short list

Yes - that Paavo can send you a PDF regarding agenda for April 4 WRAC with details regarding the shortlist decisions enclosed. I shared with him Surfrider's disappointment as well.

His note to me read (including the PDF that is too big for me to forward):

"Mary

Attached is a pdf file which explains. The press release is Attachment "B". Everyone needs to read carefully. The Board can prescribe Step into the rfp at 4/7 BOS mtg although that is not our recommendation. The materials should help you see how our recommendations are developing overall, including why we do not recommend more work on Step. We are working on a lot of detailed issues so expect more to come - including our reply to the Coastal Commission staff comment letter we received - good timing on their part. We should have a reply to them week after next - in time for the Planning Commission hearings. Things are really coming together; we all have disagreements on some details - it's sort of inevitable; but the fact that people are so engaged for decision-making is awesome.

Paavo"

Lisa and Chuck - I hope to see your active participation at the 4/4 WRAC and the 4/7 BOS LOWWP Update. Sincerely, Mary

On Saturday, March 28, 2009, at 05:45 PM, lisa schicker wrote:

> hi mary - keith sent me a short note today - said mwh is on short list but no step steg.... this is so disappointing , do you know anything else you can share with us? thanks very much from lisa

>  
> Lisa Schicker  
> 805-528-3268  
>

---

**From:** lisa schicker ()  
**To:** Lisa Schicker-Hotmail  
**Date:** Tuesday, May 12, 2009 11:29:31 AM  
**Subject:** Fw: May 12 Addendum to May 5, 2009: Formal Complaint, Continued - Mr. Ogren's MWH Contracts, Conflict of Interest and Flaws with Shortlist and Design-Build Procurement Process for the County Los Osos Wastewater Project

this was filed as an addendum to my complaint regarding the shortlist and procurement process, elevating the MWH firm onto the short list - fyi.....

*Lisa Schicker*  
 805-528-3268

--- On **Tue, 5/12/09**, **lisa schicker** <[lisaschicker@sbcglobal.net](mailto:lisaschicker@sbcglobal.net)> wrote:

From: lisa schicker <[lisaschicker@sbcglobal.net](mailto:lisaschicker@sbcglobal.net)>  
 Subject: Fw: May 12 Addendum to May 5, 2009: Formal Complaint, Continued - Mr. Ogren's MWH Contracts, Conflict of Interest and Flaws with Shortlist and Design-Build Procurement Process for the County Los Osos Wastewater Project  
 To: "Lisa Schicker-Hotmail" <[lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com)>  
 Date: Tuesday, May 12, 2009, 10:48 AM

*Lisa Schicker*  
 805-528-3268

----- Forwarded Message -----

From: lisa schicker <[lisaschicker@sbcglobal.net](mailto:lisaschicker@sbcglobal.net)>  
 To: Warren Jensen <[wjensen@co.slo.ca.us](mailto:wjensen@co.slo.ca.us)>; Chairperson Bruce Gibson <[bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)>; Supervisor Frank Mecham <[fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us)>; Supervisor Jim Patterson <[jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us)>; Supervisor Adam Hill <[ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us)>; Supervisor Katcho Achadjian <[kachadjian@co.slo.ca.us](mailto:kachadjian@co.slo.ca.us)>; Planning Commission <[planningcommission@co.slo.ca.us](mailto:planningcommission@co.slo.ca.us)>  
 Sent: Tuesday, May 12, 2009 10:48:39 AM  
 Subject: May 12 Addendum to May 5, 2009: Formal Complaint, Continued - Mr. Ogren's MWH Contracts, Conflict of Interest and Flaws with Shortlist and Design-Build Procurement Process for the County Los Osos Wastewater Project

Dear Honorable Board of Supervisors and Mr. Jensen -

Please add this to the record as an addendum to my complaint and also include this information in public comment for the BOS meeting.

Mr. Jensen, in your preliminary findings, you had commented last week that source of my comment and request for the promised community advisory vote could not be found in AB 2701. I responded in my note sent on the evening of May 5, 2009 (attached).

As promised, I did some additional research and found that reference to the advisory election was not in the text of AB 2701, but here:

[http://www.slocounty.ca.gov/PW/LOWWP/BOS\\_Items/BOS\\_Archive\\_2006.htm](http://www.slocounty.ca.gov/PW/LOWWP/BOS_Items/BOS_Archive_2006.htm)

Please review the June 19, 2006 Implementation Strategy Report that the BOS adopted that day.

Please see Page 12. point number b. i. 2 and page 13 b. ii c and page 14 all explain the county's intent to hold the community advisory election on the top waste water project alternatives.

I believe it can also be found in both Blakeslee's "Framework" that he sent to the Board and in his notes that accompany the bill. He also asks for an audit of the LOCSD's waste water project, which was a concern to all of us, and it is a remaining task that has yet to occur, which I fully support.

Additional information has also come to light that I wish to share with the BOS for their consideration:

It now appears that Lou Carella and Rob Miller both had both financial and business relationships with the applicant MWH thought prior LOCSD and County projects (LOCSD Waste water Project Report, Design and Lopez Lake, etc.), and that these projects were supervised by the public works director.

Both of these gentleman were asked to serve on the interview panel, interviewing firms that included their former business partner, MWH , for the SLO County Waste water project.

Mr. Carella was the only member of the 5 member panel that conducted all of the reference checks, and all of his scores were incorporated into the score sheets for all of the panel.

Dear Supervisors, I have now worked for the largest public works department in the State of CA for almost 20 years. Every contract that I work on here is reviewed by the State Department of Audits, my work receives a high level of scrutiny. I must tell you that it would be unacceptable for firms with past financial or working relationships on recent public projects to sit on "both sides of the table", one firm conducting the interview for a public works project that is paid for by taxpayers - and the other firm applying for the job. That was my comment last week, how could "friends objectively review friends?" The state auditors would never approve such an arrangement for a public sector job, for obvious conflict of interest reasons.

Thank you from Lisa

*Lisa Schicker*  
805-528-3268

.....

----- Forwarded Message -----

From: lisa schicker <[lisaschicker@sbcglobal.net](mailto:lisaschicker@sbcglobal.net)>  
To: Chairperson Bruce Gibson <[bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)>; Supervisor Frank Mecham <[fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us)>; Supervisor Jim Patterson <[jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us)>; Supervisor Adam Hill <[ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us)>; Supervisor Katcho Achadjian <[Kachadjian@co.slo.ca.us](mailto:Kachadjian@co.slo.ca.us)>; [wiansen@co.slo.ca.us](mailto:wiansen@co.slo.ca.us); Planning Commission <[planningcommission@co.slo.ca.us](mailto:planningcommission@co.slo.ca.us)>; [caispuro@co.slo.ca.us](mailto:caispuro@co.slo.ca.us); [dgraton@co.slo.ca.us](mailto:dgraton@co.slo.ca.us)  
Cc: Lisa Schicker-Hotmail <[lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com)>  
Sent: Tuesday, May 5, 2009 9:16:32 PM  
Subject: Formal Complaint, Continued - Mr. Ogren's MWH Contracts, Conflict of Interest and Flaws with Shortlist and Design-Build Procurement Process for the County Los Osos Wastewater Project

Dear Supervisor Gibson and Board Members:

As promised, here is a copy of my presentation from today (I got through about 1/4 of it during public comment) with the additional reference documents attached. Please include these in the public record and post in the official minutes for the meeting.

It has taken quite a bit of time to gather all of these documents for you, and many of these were referenced in several of my earlier communications with your Board.

Mr. Jensen, the AB2701 advisory vote was not in the bill, that was my error, but it was something that Assemblyman Blakeslee and I discussed extensively and I believe it is included in his personal notes that accompany the Bill, along with his request that the State audit the LOCSD waste water project; he understood the seriousness of these issues. I will look for his notes and I suggest you discuss this with him, too. Paavo and I also discussed the timing of an advisory vote regularly, perhaps he can shed additional light on this topic for everyone.

Please Mr. Gibson, do not "shoot the messenger", my comments today were not opinions, nor were they "unsubstantiated claims", as you stated in your closing comments. I presented both facts and questions to your Board that require clarification. These facts presented were derived from my first hand experiences and observations and I am simply presenting these facts to the current decision-makers for their evaluation.

It is my duty and responsibility, that is how I see it. And just like you said about your decisions, "its not personal" for me either.

I believe that my concerns have merit, and I have no ulterior motive for making this effort to collect all of these documents for you other than keeping my promise to the people of Los Osos.

My promise to my community was to deliver an affordable 21st century sustainable water and waste water project as soon as possible, and I worked night and day towards that goal for over six years now, first as an activist and then as an elected official, despite unbelievable adversity.

My promise to my community was if the LOCSD supported AB 2701, we would be assured a fair, honest and open process and that all alternatives would be explored - including gravity and step and everything in between - so the people would get the best project for the best price.

That is why pre-empting the decisions of the Planning Commission, by expediting Public Works' recommendations to short-list gravity collection teams with the MWH design only is a bad idea - it circumvents the fair and coequal process that you promised the people, and it stifles the creative solutions that we need, and that is what is currently causing this recent citizen upheaval.

My goals are ones that I think we all share. The only way we can get there is by working together, citizens with their elected officials in an open democratic process, through these very tough issues and with mutual respect for our various points of view.

Thank you in advance for reviewing these additional materials.

Sincerely,

Lisa Schicker, Past President and LOCSD Board Member 2004-2008

.....

## SUMMARY

In light of the information that has been provided to your Board and to the public and for the record, I request that your Board take action:

**1. Vote to agendize a review of the LOWTP design build procurement process and rescind the current consultant shortlist, if it has been approved, until a complete investigation can occur and implement independent third party oversight for the Wastewater Project design build process.**

**2. Vote to agendize an audit of all County/Agency contracts that the Public Works Director has managed, including the Lopez Lake Dam Retrofit project, and including his past relationships with consultants such as RMC, Carollo, Carella, and MWH, among others. These same firms were the shortlisted bidders for the design of the LOCSD waste water project and most of them are already working on your project, too.**

For your consideration:

“Elected and public employees are charged with a legal duty to report a suspected

crime or illegal activities... If Board members knew about the illegal activity, their vote approving the final contract affirmed and condones it and all subsequent actions approving warrants and amendments to the contract simply continued the fraud on the public. They essentially participated in the criminal activity.”  
(Excerpt from the D.A.'s letter to LOCSD and their Attorneys, March 2, 2006)

This quote is timely for you; as you now have in your possession information and disclosure of illegal acts that have tainted the shortlisting and design build procurement process for the Los Osos project. This information will apply to all subsequent decisions that you make.

As I have said many times before, all Los Osos has ever asked for is a fair and honest process. We can still get there. Thank you for consideration of these materials.

May 5, 2009

**RE: Formal Complaint: Mr. Ogren's Illegal MWH Contract, Conflict of Interest with MWH and Flaws with the Short listing of MWH and the Design-build Procurement Process for the Los Osos Wastewater Project**

Dear Honorable Chairperson Gibson and Board of Supervisors:

As part of my duties as a previously elected person with direct knowledge of events that will influence decisions you will soon make on behalf of Los Osos citizens, it is my duty and responsibility to make you aware of information and activities that are unethical, illegal, and/or a suspected crime.

This will be my tenth communication and correspondence with you regarding a formal complaint filed a month ago, alerting you to past illegal activities of the Public Works Director, Paavo Ogren that are related to current County business and to unethical activities by consultants hired by Mr. Ogren for SLO County projects, including the LOWTP.

I have confirmed that your Board and/or County Counsel received my previous correspondence and documents which provide Attorney, DA and Engineering documents describing how Paavo Ogren (as IGM), directed the execution of an illegal MWH contract for the LOCSD's LOWTP.

Mr. Ogren appears now to have also violated the design-build code and contract procurement requirements for the County's project by hiring MWH in the fall of 2006, ignoring the refusal of the LOCSD to issue the necessary conflict waiver, and then short listing this same MWH firm again in April 2009.

MWH is a firm that has already made millions in Los Osos from this illegal contract, for a project that no one wanted (see your recent survey results), and has filed lawsuits against the citizens/LOCSD that are still active. They are also under investigation by the DOJ and FBI in Florida - for bid rigging and unethical billing practices.

How did MWH ever make it past the reference check that was conducted by the County's Design Build interview panel? Who conducted this interview and what were their prior relationships with MWH? Did MWH disclose their current lawsuits, their legal problems in Florida or complaints still pending against them at the Construction Management Association to the County, as is customary?

My purpose is to assure, for the public record, that you are fully aware of the seriousness of these allegations. I recommend that each of you request that County Counsel compile a complete set of materials sent to you regarding this matter and that you have all the supporting documents, too, in order to remain completely informed.

I also request that you take prompt action to protect the County taxpayers and Citizens of Los Osos from any further financial harm. Please do not allow the continuation of a tainted procurement process being led by the Public Works Director, when at

the very least there now is a perceived conflict of interest; both MWH and your Public Works Director must be immediately removed from working on this project.

I have attached additional supporting documents in PDF format for your review; most are new, and some have been previously referenced in writing and/or during my public testimony from March 28, 2009 to the present.

Here is a list of the enclosed attachments:

1. Official Memo from GM Bruce Buel, sent to LOCSD Board: January 6, 2006, stating that Interim GM Paavo Ogren directed him to backdate the first MWH contract for \$288,000. **According to the County DA, this is considered a "violation of Penal Code Section 424 and Government Code Section 6200, both of which prohibit falsification of public records such as the backdated contract..."** Paavo Ogren knowingly directed the backdating of the original contract, affecting all subsequent amendments and contracts for over \$16 million with MWH, which were executed after the fraudulent first contract.
2. Copy of the LOCSD/MWH backdated contract. The Attorney (and "approved to form" statement) and the Board President signatures are missing, as are required on LOCSD public contracts. Dated September 1, 1999, Paavo Ogren, IGM was in charge, before Bruce Buel, eventual GM, was even employed.
3. LOCSD Resolution 2005-47, requiring DA to investigate the MWH contracts. December 2005.
4. Letter 1 to DA, all attachments, citing illegal acts and false claims, and including false claim letter to MWH (12-8-05), and an invoice showing Ogren's approval of \$29K invoice from MWH without board authority in Nov 1999. **This letter to the DA constituted the reporting of a crime, which by receipt of this note, you now have also been notified.**
5. Letter 2 to DA, citing illegal acts - March 2006.
6. Letter to AG with all copies of DA correspondence, citing illegal acts - March 2006.
7. LOCSD letter to Construction Management Association, citing illegal acts, conflict of interest and examples of MWH poor engineering judgment. March 2006.
8. LOCSD letters 1 and 2 to MWH, terminating contracts and detailing all False Claims. August 2006.
9. Newspaper articles regarding these issues.

In light of the information that has been provided to your Board and to the public and for the record, I request that the BOS:

- 1. Vote to agendize a review of the LOWTP design build procurement process and rescind the current consultant shortlist, if it has been approved, until a complete investigation can occur and implement independent third party oversight for the Wastewater Project design build process.**
- 2. Vote to agendize an audit of all County/Agency contracts that the Public Works Director has managed, including the Lopez Lake Dam Retrofit project, and including his past relationships with consultants such as RMC, Carollo, Carella, and MWH, among others.**

One last thought, for your consideration:

*“Elected and public employees are charged with a legal duty to report a suspected crime or illegal activities... If Board members knew about the illegal activity, their vote approving the final contract affirmed and condones it and all subsequent actions approving warrants and amendments to the contract simply continued the fraud on the public. They essentially participated in the criminal activity.” (Excerpt from the D.A.'s letter to LOCSD and their Attorneys, March 2, 2006)*

This quote is timely for you; as you have in your possession information and disclosure of illegal acts that have tainted the short listing and design build procurement process for the Los Osos project. This information will apply to all subsequent decisions that you make.

As I have said many times before, all Los Osos has ever asked for is a fair and honest process. We can still get there. Thank you for consideration of these materials.

Most Sincerely,

Lisa Schicker  
Past President and Director, LOCSD 2004-2008

Cc: The citizens of Los Osos, members of my community will also receive copies of this formal complaint

County Counsel, Design Build Institute of America, Construction Management Institute of America, DOJ, DA and AG

This Formal Complaint was presented in person during public comment at BOS Meeting - Los Osos Wastewater Update and hand delivered to each supervisor and the County Clerk for inclusion in the record

This formal complaint with all attachments was emailed to the BOS, and County Counsel on the evening of May 5, 2009.

May 27, 2009

**C. Wesley Strickland**  
805.882.1490 tel  
805.965.4333 fax  
WStrickland@bhfs.com

**VIA ELECTRONIC MAIL**

San Luis Obispo County Planning Commission  
County Government Center  
San Luis Obispo, CA 93408  
planningcommission@co.slo.ca.us

**RE: Los Osos Wastewater Project Development Plan / Coastal Development Permit  
County File Number: DRC2008-00103—Hearing Date: May 28, 2009; Agenda  
Item 4**

Dear Hon. Commissioners:

Golden State Water Company (GSWC) submits these comments in response to the San Luis Obispo County Planning Department Planning Commission (Planning Commission) action to consider a request by the County of San Luis Obispo for a Development Plan/Coastal Development Permit to allow construction and operation of a sewer system to serve the community of Los Osos (LOWWP).

GSWC has reviewed the Draft and the Final Environmental Impact Report for the County of San Luis Obispo Los Osos Wastewater Project, State Clearinghouse No. 2007121034 (DEIR) and (FEIR). GSWC previously provided comments on the DEIR dated January 30, 2009. To the extent that those previous comments have not been adequately addressed, GSWC resubmits those comments for consideration by the Planning Commission. These comments have been attached and are incorporated herein by reference. In addition to those previously submitted comments GSWC has the following concerns.

**1. Return of Water to the Basin**

The proposed effluent disposal methods under the LOWWP Preferred Project include sprayfields at the Tonini parcel and leachfields at the Broderson parcel. The vast majority of the water is being exported from the Los Osos Groundwater Basin (Basin). According to the FEIR, the operation of the LOWWP will result in removing approximately 842 AFY from the Basin and leaving in the Basin 448 AFY. Currently the Basin is in Severity Level III, suffers from overdraft in the lower aquifers, and seawater intrusion is threatening the water supply. There is simply no room to remove any water from the Basin on a long term basis. There must be assurances that

all the water will be returned to the Basin and a realistic timetable should be included in the Planning Commission process.

The Planning Commission is ultimately responsible for overseeing growth in the County. Providing project approval for a plan that exports the majority of water from the Basin with no assurances for its return is not a prudent course of action. Approval would be contradictory with the state policy of maximizing reclamation opportunities wherever possible.

The FEIR states: “During dry weather, the majority of the treated effluent will be directed to the Tonini sprayfields with lesser amounts conveyed to the Broderson leachfields.....The planned operational scenario at Broderson is to operate the disposal leachfields at a rate *of up to* 800,000 gallons per day (gpd), disposing of a *maximum of* 448 ac-ft of effluent at Broderson during the entire year.” (See FEIR p. Q.3-36) Additionally it is planned that for the first two to three years of operation, LOWWP operators expect to limit total disposal at Broderson to 200 AFY to verify the results of the various hydrogeological studies.

The seasonal operational and buildout plan for Broderson do not adequately mitigate for the removal of the water from the Basin. Under the County’s best case scenario there will be a maximum of 448 afy left in the Basin. Failure to require a plan with a timeline for return of all of the water to Basin is an irresponsible unacceptable approach.

As of this evening, we have been provided with a document that appears to show that the County would accept a condition on the LOWWP approval that all effluent would be returned to the Basin for beneficial use in the Los Osos community. While we have not had time to fully evaluate that document or discuss it with County staff or attorneys, as a general matter we would support the Planning Commission’s imposition of such a condition.

## **2. Conservation Measures**

The County attempts to address seawater intrusion resulting from the removal of the septic tanks in two main ways. It claims the Broderson leachfield site will result in 99 AFY of seawater intrusion mitigation; additionally the County claims the conservation program would provide 88 AFY of seawater intrusion mitigation. Both of these mitigation measures are based on unknown and untested plans. The conservation measures are simply hypothetical with no realistic plan being analyzed to achieve the much needed seawater intrusion.

Currently the majority of water is not used outdoors in the Los Osos community. Also the community has already been aggressive in implementing conservation measures. These two factors will make it extremely difficult to hit the target of 160 afy.

The mitigation factor assigned for conservation measures is not accurate. The FEIR claims conservation will be realized as a reduction of pumping from the over drafted lower aquifer system. There has been no analysis as to what part of basin reduction will be occurring—e.g. if

the conservation is to occur in the eastern part of the Basin the mitigation factor will be not as effective to combat seawater intrusion.

Currently there is no plan on how the conservation plan will be funded or how reduction measures will be implemented. GSWC can only offer voluntary programs and cannot commence mandatory action without the California Public Utility Commission's approval. The County does not have the authority to mandate reductions in pumping. Given the Los Osos community has already made robust efforts to conserve any program that has a chance at reaching the 160 afy reduction goal will be expensive.

Notwithstanding, these major flaws with the County's conservation plan it remains one of the two major methods for seawater mitigation from the impact of the LOWWP. While GSWC supports water conservation measures in general, more specifics of funding and implementation are necessary before the Planning Commission should approve the LOWWP.

### **3. Broderson Operation**

Currently the FEIR makes vague references to the groundwater monitoring program for the Broderson Operations—Generally it provides:

- Use 5 existing wells for vadose zone monitoring near Broderson leachfield.
- Develop groundwater monitoring program using existing water supply and water quality monitoring wells to observe impacts to Los Osos area surface water features. (See FEIR p. Q.5-6.)

There needs to be a detailed monitoring and operational plan in place for the Broderson site. GSWC operates potable drinking water wells in the vicinity of the Broderson site. Adequate funds should be set aside by the County to provide for an independent review of the Broderson operations. A special technical review committee should be established to review the monitoring and operations plan. A proper plan to address the impact of concentrating nonregulated contaminants needs to be in place. These are some steps that should be required in the LOWWP to help ensure the water supply for the community of Los Osos is being protected. More analysis, funding, and assurances are needed.

### **4. Conclusion**

Before the Planning Commission takes action on the Los Osos Wastewater Project Development Plan / Coastal Development Permit it needs to ensure it has a long term project that has assurances that the Basin will not severely impacted by its actions. Currently there is no plan in place to maintain the majority of water in the Basin. The Conservation measures and the Broderson site operations do not provide for sufficient detail to ensure seawater intrusion is not

County of San Luis Obispo  
May 27, 2009  
Page 4

drastically increased over pre-project conditions. GSWC welcomes questions or responses to these comments, and looks forward to resolution of these issues.

Sincerely,



C. Wesley Strickland

CWS/gml

cc: Paavo Ogren, County of San Luis Obispo, Dept. of Public Works  
John Waddell, County of San Luis Obispo, Dept. of Public Works  
John Schempf, Los Osos Community Services District  
David Tolley, S&T Mutual Water Company  
Toby Moore, Golden State Water Company

April 23-09 hearing - los osos - Copy of Formal Complaint Regarding Placement of MWH on the Los Osos Wastewater Project shortlist - Potential Conflict of Interest

From: lisa schicker (lisschicker@hotmail.com)  
Sent: Mon 4/27/09 1:31 PM  
To: [planningcommission@co.slo.ca.us](mailto:planningcommission@co.slo.ca.us); [eporter@co.slo.ca.us](mailto:eporter@co.slo.ca.us)  
Attachments:  
4-7-09 -BOS-submissions.pdf (2.4 MB)



Dear Ms. Porter: Can you please forward my letter and attachments to all Planning Commissioners for this Thursday's meeting? Thank you very much from Lisa Schicker

.....

April 27th, 2009

Dear Chairperson Christie and Planning Commissioners:

I am attaching a copy of the formal complaint I filed with the BOS on April 9th, 2009 after their April 7, 2009 decision to remove all treatment and collection alternatives from the design build project (except one). My complaint also protests the BOS vote to shortlist an engineering firm called MWH (whose collection design was selected for this project - and which is a possible violation of design-build code). MWH is a firm with a still-clouded past in Los Osos and a firm with a potential conflict of interest with the County Public Works Director. I have been told that County Counsel is still reviewing my complaint and I ask that you please continue deliberating on this project until this complaint is settled. Please continue this item on Thursday, do not vote - 6500 pages of project, a formal complaint and massive public interest is a lot to get through in only two hearings!

I also know what the County promised Los Osos when this project was transferred to them in 2007 - and that was the promise of a fair and honest process, where all feasible alternatives would be reviewed all the way to the end. We were promised this so we could finally review all the facts and look at all impacts and all costs from all feasible alternatives, and then we were to have had an advisory vote per AB 2701 - but this fair process was abandoned on April 7th.

I was also led to believe that as part of this fair process, the project would include your Commission's detailed review of all project options at this stage of the game. I do not believe it was proper for the BOS to pre-empt the project selection and your review by choosing the treatment and collection methods early - that was never supposed to be part of the promise.

I thank you for listening last Thursday and for a very well run meeting, it was most appreciated by all.

I also have a request - in my notes from the meeting, I noticed that commissioners requested 43 items that needed further clarification from Staff. If the applicant (Public Works) presents new information, I would also request that the public have opportunity to speak again, even if it is for shorter time. As you can see from last Thursday, the public is very educated on the matter, and wants to be included in the process.

My issues are summarized in my comments on the EIR (I am number 52) and focus on groundwater, saltwater intrusion, CEQA irretrievable commitment of resources (impact not disclosed) sludge, lack of a true alternatives analysis ("variations on a theme" are not alternatives), mitigation for wetlands and trees in

los osos are ignored again and environmental justice (both eco and env impacts) are not addressed. I also protest, under CEQA, the inadequate responses to citizen comments that is proposed in the FEIR by the consultants - saying that "no further response is required" when the public brings up items that are missing under CEQA, is not an appropriate response - as I stated in my verbal testimony last week.

Thank you again for all that you do - this project is certainly one heck of a challenge!

Most Sincerely,

Lisa Schicker  
Past President and Board Member LOCSD 2004-2008

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From: [lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com)

To: [bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us); [fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us); [ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us); [kachadjian@co.slo.ca.us](mailto:kachadjian@co.slo.ca.us); [jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us)

Subject: Please Respond: Formal Complaint Regarding Placement of MWH on the Los Osos Wastewater Project shortlist - Potential Conflict of Interest

Date: Thu, 9 Apr 2009 01:08:56 -0700

Dear Chairman Gibson and Honorable Supervisors:

Please enter my comments into the public record and please include them in the packet for general public comment at your next meeting.

Please consider this note as a formal complaint against the County for placing MWH on the short list for the Los Osos wastewater project.

I urge you to read my detailed concerns about a MWH conflict of interest, costly engineering decisions made by MWH, and a potential conflict of interest with MWH and Public Works Director Paavo Ogren. Attached is a PDF copy of yesterday's information about MWH that was presented to you at your April 7, 2009 meeting.

I took the government ethics class three times in my tenure as an elected official and I am convinced that my allegations have merit. According to these ethics courses, and the lawyers who taught them, even the "appearance" of impropriety or a "potential" conflict of interest is important enough to evaluate. Any one of the seventeen examples I provide should give you cause and concern.

To Answer Supervisor Patterson's questions from last night regarding MWH:

1. Not only are MWH "creditors" in bankruptcy, they have a lawsuit against the LOCSD that is also in bankruptcy - there is also a cross claim based on the attached false claims letter that you will find in my public comments.

2. The first contract between MWH and the LOCSD was illegal, it was signed by Buel before he was employed by the LOCSD, when Mr. Ogren was Interim General Manager. The LOCSD has letters back and forth between attorneys, the DA and this is also part of the bankruptcy lawsuit. The False Claims letter

attached to my PDF comments explains it all in more detail.

I see it as my public duty to make sure that you and the public receive all information that is important to any decisions made about this project. I also see it as your public duty to take these allegations seriously and to address them.

I respectfully request that I receive written acknowledgement of my formal complaint against the County for placing MWH on the short list for the Los Osos wastewater project and that I receive a written response to my formal public complaint.

Thank you in advance for addressing my concerns,

Most Sincerely,

Lisa Schicker  
Past President and Board Member LOCSO 2004-2008

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From: [lisaschicker@hotmail.com](mailto:lisaschicker@hotmail.com)

To: [fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us); [ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us); [jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us); [kachadjian@co.slo.ca.us](mailto:kachadjian@co.slo.ca.us); [bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)

Subject: A very disappointing day for Los Osos

Date: Thu, 9 Apr 2009 00:12:07 -0700

Dear Supervisors:

If you had good reasons to vote yesterday to abandon your promises to my community, they didn't come across to many of us who stayed til the bitter end to listen, you left us truly dumbfounded. Unfortunately, you appear to be on the road to repeating history again.

There is still time, please reconsider.

Even though the public speakers were well prepared (speaking 8 to 1 in favor of inclusion of a STEP team), I know how hard you were lobbied by your staff before the meeting, to go with their recommendation instead. Your staff are professionals in their fields, but they are completely naive when it comes to Los Osos as a community. Do you realize what you have done by breaking the promise? You have now created the "perfect storm" for Los Osos all over again - all plans for meeting any deadlines will vanish before our eyes.

Did you read the Coastal Commission letter? Why in the world would you want to limit our options now, after reading what they had to say?

Did you receive any actual report about the true status of stimulus money for Los Osos?

We didn't, only "generalities", no reports on this subject were provided to the public, and I would really like to see one.

Do you know how many times we have chased towards the illusive promise of money, just to come out with

empty pockets?

Did you hear what Supervisor Mecham had to say? He actually "got it" and managed to say it in just a few short sentences.

Dear Supervisors, we still don't have a project that is even going to pass muster with the Coastal Commission, and we need as many options as possible, and we need healthy competition for goodness sake! We won't ever know the price and neither will you!

It would have been so easy to do the right thing, so easy, I am still baffled beyond words and obviously, I can't sleep.

Thank you for reading my comments.

Lisa Schicker

Past President and LOCSD Board Member 2004-2008 before and after the recall  
805-528-3268

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Date:	Name:	City:	Position: (select one)	Agenda Item for April 23, 2009	Type your comments here:
4/16/2009 9:34:42 PM	Rhian Gulassa	Los Osos	Oppose	<b>Item 1 –</b> County of San Luis Obispo - Los Osos Sewer	I strongly oppose the proposed project. I would like to see a project that is sustainable; protecting our aquifer and environment, limiting our use of water and energy, and preventing economic devastation of our citizens. I really don't have much hope, feeling that the "politically preferred" project and MWH have been ordained by a hidden power.
4/18/2009 10:35:58 AM	Lisa Schicker	Los Osos, CA	Comment Only	<b>Item 1 –</b> County of San Luis Obispo - Los Osos Sewer	<p>Dear Planning Commissioners:</p> <p>The current EIR and CDP do not adequately address significant impacts caused by the removal of all treated wastewater to sprayfields that are located out of our water basin. We are in a Stage 3 water crisis and have serious and active saltwater intrusion.</p> <p>Water must be recharged and recycled back into our community's water basin that contains our only source of water. Ag exchange is one viable way to do this - farmers need the water, too.</p> <p>I also have great concern for the large number of trees, wetland areas and native plant zones in Los Osos, as they are being "fed" by shallow groundwater coming from septic field discharge in the upper aquifer - this has been going on for 40+ years now. ESHA habitat now exists because of this water regime, and changing it will create significant</p>

Date:	Name:	City:	Position: (select one)	Agenda Item for April 23, 2009	Type your comments here:
					<p>environmental impacts to the environment.</p> <p>The EIR and CDP process have not yet adequately addressed these significant environmental impacts, nor provided adequate mitigation for these impacts.</p> <p>Please revise the project to include appropriate groundwater, water recycling, ESHA, wetlands and tree mitigation.</p> <p>This must occur before the County or the Coastal Commission can approve this project. Please refer to Coast Commission letter already received for reference.</p> <p>Thank you, from Lisa Schicker, professional Planner and Biologist, past President and LOCSD Board Member 2004-2008.</p>
4/18/2009 10:37:53 AM	Lisa Schicker	Los Osos, CA	Oppose	<b>Item 1 –</b> County of San Luis Obispo - Los Osos Sewer	I submitted a set of comments, but must oppose approval at this time, until further conditions and mitigation are provided to the people of Los Osos.
4/20/2009 10:31:56 PM	Virginia Alford	San Luis Obispo	Oppose		As a member of the family that has lived and worked on the adjacent Turri Ranch for 5 generations I reiterate our opposition to locating the LOWWTP on the Tonini property. As I wrote in our earlier comment on the DEIR I see no mitigation for the loss of at least 200 acres of prime farmland and the irreplaceable viewshed along

Date:	Name:	City:	Position: (select one)	Agenda Item for April 23, 2009	Type your comments here:
					Turri Road. I respectfully urge the Commission to deny this project.
4/20/2009 11:47:42 PM	Elizabeth Soderstrom	Modesto , CA	Comment Only	<b>Item 1 –</b> County of San Luis Obispo - Los Osos Sewer	<p>The view from Los Osos Valley Road and Turri Road is frequently captured by several well known Central Coast artists. Looking at Hollister Peak guarding the rolling hills and farm lands leading up to it is self explanatory as to why these talented artists select this sight for their paintings.</p> <p>You are asked to make a difficult and multi-faceted decision. The decision you make is a "forever" decision. The need by the future to preserve this view to be enjoyed by all challenged by the need of today for an industrial facility, a waste water treatment plant, placed on these farm lands and hills.</p> <p>The second need, the waste water treatment facility, can be answered by selecting one of the alternate sites which is off the road free of disruption to the view shed. The first need, preserving the beauty and serenity of the view for all peoples of San Luis County, should take precedent over a decision only satisfying a today need.</p> <p>Thank you in advance for your thoughtful consideration.</p>

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of April 23, 2009 together with the maps and staff reports attached thereto and incorporated therein by reference.

HEARINGS ARE ADVERTISED FOR 8:45 A.M. HOWEVER, HEARINGS GENERALLY PROCEED IN THE ORDER LISTED. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

**ROLL CALL (8:47 AM)**

PRESENT: Commissioner(s) Sarah Christie, Anne Wyatt, Carlyn Christianson, Eugene Mehlschau, and Bruce White.

ABSENT:

**FLAG SALUTE (8:47 AM)**

**PUBLIC COMMENT PERIOD (8:47 AM)**

Eric Greening: speaks to the Strategic Growth Management Implementation or Smart Growth Implementation and states the Board of Supervisors continued the item to next Tuesday. He asks about the letter submitted by the commissioners and states it was not in the Board package.

Sarah Christie: states the letter was from her and Anne Wyatt, not from the Planning Commission.

Michael Winn: discusses growth cap in Nipomo Mesa in reference to water and expansion in three years.

Al Barrow: speaks to water supply in relationship to the Estero Plan. Further comments to the state of the economy as it relates to government's expenditures.

Richard E. T. Sadowski: uses overhead projector to report on the Reclamator.net. Speaks to federally mandated pre treatment requirements of sewage. Provides date of the Water Board meeting on April 27, 2009, being heard by Judge Barry LaBarbera.

**PLANNING STAFF UPDATES**

**CONSENT AGENDA: (9:00 AM)**

- a. **March 26 draft Planning Commission minutes (9:00 AM)**

**Thereafter, on motion of Eugene Mehlschau, seconded by Anne Wyatt, and on the following vote:**

**AYES: Commissioner(s) Eugene Mehlschau, Anne Wyatt, Sarah Christie, Carlyn Christianson Bruce White.**

**NOES: None.**

**ABSENT: None.**

**the commission approves the March 26, 2009 Planning Commission minutes.**

**HEARINGS:**

1. **Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO for a Development Plan / Coastal Development Permit to allow construction and operation of a sewer system to serve the community of Los Osos, which includes a collection system, a sewer treatment facility, effluent disposal system, and all associated appurtenant infrastructure in multiple land use categories. The proposed treatment facility site is located at 3515 Turri Road, approximately 3 miles east of the community of Los Osos (known as the Tonini site) and is located in the Agriculture land use category. The infrastructure for the project is located in the county throughout the community of Los Osos and 3 miles east of the community of Los Osos, in the Estero Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: Land Use and Planning; Groundwater Resources; Drainage and Surface Water Quality; Geology; Biological Resources; Cultural Resources; Public Health and Safety; Traffic and Circulation; Air Quality; Noise; Visual Resources and Environmental Justice. Mitigation measures are proposed to address these impacts and are included as conditions of approval. Overriding considerations were determined necessary based on significant and unavoidable impacts associated with agricultural resources. County File Number: DRC2008-00103 Assessor Parcel Number(s): community-wide; Supervisorial District No. 2 sewer treatment plant site: 067-031-001 Kerry Brown, Project Manager Recommend approval (375 min) (9:00 AM)**

Gene Mehlschau, Anne Wyatt, Sarah Christie,; disclose ex-parte contacts.

Sarah Christie: expresses gratitude to the community for their involvement. Speaks to organizational procedure for which public comment will be held.

Gene Mehlschau: explains to the public the way the timer will be working during public comment.

Warren Hoag: introduces the Planning Department team, Kerry Brown, Murry Wilson, and Public Works personnel involved.

Kerry Brown, staff: gives Planning Department staff's presentation. She gives history and background of the Los Osos Wastewater project.

Murry Wilson, staff: provides project description as proposed by the applicant.

Murry Wilson, staff: provides project description as proposed by the applicant.

Sarah Christie: would like clarification on the slide with "Creek Valley" on it, with John Waddell from Public Works clarifying.

Kerry Brown, staff: discusses the project's consistency with the Local Coastal Plan.

Mark Hutchinson, Public Works: shows a presentation on Project Development and Project Objectives including CEQA procedures.

Sarah Christie: would like to know the sensitive resource areas on the map of the Giacomazzi and Cemetery site, with Mr. Hutchinson responding.

Kerry Brown: explains the key conditions of approval.

Mark Hutchinson, Public Works: introduces John Waddell from Public Works.

John Waddell, Public Works: discusses wastewater project areas of focus.

Mark Hutchinson, Public Works: speaks to alternative treatment plant locations.

Sarah Christie: would like clarification on calculations on prime lands, with Mr. Hutchinson clarifying.

Mark Hutchinson, Public Works: continues on with discussion on disposal and reuse alternatives.

Anne Wyatt: asks about surface water discharge not being permissible with tertiary treatment, with Mr. Hutchinson explaining.

Paavo Ogren, Public Works: concludes the project team's presentation. Acknowledges persons involved in project.

Sarah Christie: discusses proposal for how to structure this hearing and public comment.

Sarah Christie: states she will open public comment on April 30, 2009 to the people who were not able to speak today.

Julie Vanderwier, U.S. Fish & Wildlife Service: discusses a late submission of a response to the E.I.R. and would like this reviewed.

David LaCarro, Regional Water Quality Control Board: would like the most environmentally superior project.

Daniel Berman, Morro Bay Nat'l Estuary Program: states a solution is needed and a wastewater project is needed as soon as possible. Encouraged by the tertiary treatment option. Discusses letter in response to the draft E.I.R.

Linda Chipping, Director for the Coast Resource Conservation District: offers additional comments on the E.I.R.

Mark Zimmer, Golden State Water Co.: speaks to response letter to E.I.R. and reiterates what the letter explained.

Carol Maurer, LOCAC: speaks to alternative options, LOCAC draft E.I.R. review, affordability of project, response to referral presentation.

Michael Winn, Water Resources Advisory Council: reports on formation of subcommittee, asks that tertiary treatment be considered, and encourages the county to use influences to start water conservation programs. Next WRAC meeting is May 7.

Sue Luft, Water Resources Advisory Committee: gives commission update on sources and processes.

Morgan Rafferty, Environmental Center of SLO: agrees with tertiary treatment and provides reasoning. Has concerns with the adequacy of environmental analysis.

Jeff Buckingham: speaks to aesthetics of Turri Road Discusses purchase of a ranch on Turri Road Speaks to agricultural concerns in reference to the Williamson Act.

Jeff Edwards: speaks to impacts to basin from historical use of septic systems, feels the preferred project at the Tonini Ranch is flawed and provides reasoning for such.

Andrew Christie, Director Santa Lucia Chapter of the Sierra Club: speaks to effluent disposal, states storage ponds and ag. exchange are the best option. Speaks to concerns for lack of analysis. He recommends a green streak project. Discusses the pursuit of grants for the wastewater projects and low impact development center, [www.loimpactdevelopment.com](http://www.loimpactdevelopment.com).

Richard Margetson: feels the project is oversized and provides reasoning. Cites section of the water conservation report. Further cites inconsistencies in the staff report.

Keith Wimer, Los Osos Sustainability Group: feels the proposed treatment facility is one of the least sustainable options and provides reasoning. Reviews the sustainability group's recommendations to the commission. Would like the population estimate recalculated.

Piper Riley, Los Osos Sustainability Group: speaks to financial implications and concerns of such. States the group supports decentralized treatment options and provides reasoning.

Martha Goldin: speaks to her concern for destruction of the water basin if the current treatment plan is used.

Rhian Ghlassa: speaks to concerns for lack of mitigations.

Linde Owen: speaks to reasoning for lengthy process. Emphasizes water conservation. Is concerned green technology is being ignored by the county. Questions what happened to the Andre property as a viable location and makes suggestions for disposal. Would like the Tonini site eliminated.

Frank Ausilio: speaks to AB2701 in reference to water, and an excluded section of the prohibition zone. Speaks to the Broderson site in reference to its slope and shows flooding pictures taken from the Tribune newspaper. Speaks to seawater intrusion study.

Lisa Schicker: states she was president of the LOCSD in 2005, and is a licensed planner. Would like the commission to refrain from making a

decision and provides reasoning. States she submitted 50 comments on the E.I.R. to which consultants ignored. Speaks to items of concern.

Gewynn Taylor: speaks to concerns for the noticing procedure on this project. Speaks to her concerns.

Chris Allebe: speaks to his objection for the county proposed waste water project and provides reasoning.

David Duggan: provides suggestions for other treatment types. Has concerns with county government permitting procedures and provides reasoning.

Don Bearden: would like this approved per staff's recommendations and provides reasoning. Speaks to concerns for the treatment of effluent disposal in reference to tertiary treatments.

George Milanes: states he serves as the district's utility manager. Speaks to past attempts at treatment proposals and was involved in the pond system proposal.

Phil Gray: speaks to concerns for spray field size vs. injection wells, financial implications to property owners, condition 92 referencing habitat conservation and would like this condition deleted and provides reasoning. Speaks to condition 97 concern and feels this should be deleted.

Sandra Bean, real estate agent: states she represents vacant lot owners in Los Osos. Provides reasoning for concerns for spray fields, conservation measures. Encourages commissioners to consider the water being sent back to Los Osos.

Julie Tacker: feels the county should be treated as any other developer. Speaks to county management of the Baywood water district in reference to water consumption. Discusses over pumping. Makes suggestions she feels the county should incorporate.

Eric Greening: asks what the timing is for preparation and approval for the HCP. Speaks to concerns for public transit and would like county to dialog with RTA officials. Asks if the APRC will hear this project. Asks who will be taking the septic tank contents away.

Caroline A. Van Stone: presents her treatment facility idea - composting toilets.

Gail McPherson: speaks to the integrated resource plan, and feels the county favors certain developers and provides reasoning for such.

Scott Kimura: would like letter read because there has been no representation for his group on any sewer issues. Supports the Tonini site.

Dana Ripley, Riply Pacific Co.: was retained by LOCSD in 2006 to make a report. Speaks to ag. exchange program developed in 2006. Feels this program could be very successful.

Cameron Ripley: discusses nitrogen management and the ag. exchange programs.

Alon Perlman: speaks to concerns with aquifer, and county engineering designs for treatment facility.

Eric Michielssen: speaks to financial costs for repairing septic systems on low income apartment site. He would like further clarification in economic mitigations in conditions. Speaks to the Gorby site being feasible and should be further reviewed for utilization of recharge and ag. exchange.

Sarah Christie: asks if commissioners would like to hear from the Agricultural Commission Office with agreement by all.

Lynda Auchinachie, Agricultural Department: states the department supports this project and explains the Agricultural Department's task is looking out for agricultural resources. States the spray fields proposed are inconsistent with the plan, and would like other feasible plans researched. Discusses AGP2, which states evaluation of private projects are to be conducted in the same way as public projects. Discusses Giacomazzi location, conversion of agricultural land in reference to berming. Suggests spray fields should be kept on less productive soils and provides reasoning. Would like these issues kept in mind when assessing their decision.

Sarah Christie: states staff will respond to public comment on April 30 and asks the commissioners if they would like to present questions to staff so that they can respond to those on the 30th.

Bruce White: asks about feasible alternatives research, Coastal Commission's letter regarding a combination of four alternatives, with the County's proposal being unacceptable.

Anne Wyatt: would like further analysis of the tertiary treatment and what kind of options there are for agricultural exchange. Would like further clarification on nitrate use/reuse.

Carlyn Christianson: would like more research and analysis on tertiary treatment, what it means, what sort of crops it benefits, and options of disposal. Would like further clarification on liquefiable soils on the Tonini site. Would like to know more about direct injection and simultaneous installation of effluent pipelines in regards to legalities and safety. Has concerns regarding: Environmental Health Department issues; composting sludge; dumping stations at the treatment plant procedures; the maximum soil infiltration rate at the Broderson site in reference to a disposal method; Broderson as mitigation; further discussion on water conservation measures; further comments on archeological resources and what the legal hierarchy for protected resources is. Would like to know further about the collection of methane gas.

Anne Wyatt: would like further clarification on piping and the hybrid gravity system technology. Would like to know about the sea rise in reference to global warming, mid town site and more clarification on the by-lap system.

Gene Mehlschau: has concerns regarding impact on ag lands which cannot be mitigated in reference to class I impacts. He has concerns regarding the spray field system.

Sarah Christie: speaks to Board of Supervisors' action adopting a list of suitable contractors minus the STAG system. Would like to know why the Commission was pre-empted in this decision. Would like more information on wells at Broderson or other sites. How does the County issue a CDP for this project if this is not technically feasible. Would like to know if you can have leach fields in rights-of-way. Partnering with resource conservation district and would like to know what type of partnership that is. Would like information on the leafy green growers and is there an economic value to effluent water. Speaks to low impact development and the applicability to this project. Department of Environmental Health condition regarding sanitary seals. States sea water intrusion can/cannot be reversed and would like clarification on this.

Anne Wyatt: would like further clarification on the process and structure of the meeting for April 30, 2009 with Ms. Christie responding.

Carlyn Christianson: would like economics of project discussed throughout review of the project proposal, with Mr. Ogren responding.

Sarah Christie: goes over the April 30, 2009 meeting schedule.

**Thereafter, on motion of Anne Wyatt, seconded by Eugene Mehlschau, and on the following vote:**

**AYES: Commissioner(s) Anne Wyatt, Eugene Mehlschau, Sarah Christie, Carlyn Christianson Bruce White.**

**NOES: None.**

**ABSENT: None.**

**the commission continues this item to April 30, 2009.**

**Thereafter, on motion of Eugene Mehlschau, seconded by Anne Wyatt, and on the following vote:**

**AYES: Commissioner(s) Eugene Mehlschau, Anne Wyatt, Sarah Christie, Carlyn Christianson Bruce White.**

**NOES: None.**

**ABSENT: None.**

**the commission takes all of the documents received today into the record.**

ADJOURNMENT: 5:15 P.M.

Respectfully submitted,

Ramona Hedges  
Secretary, County Planning Commission

Minutes adopted at 5/28/09 PC



# LOCAC

## Los Osos Community Advisory Council

April 13, 2009

Mark Hutchinson  
Environmental Programs Manager  
San Luis Obispo County Dept of Public Works  
County Government Center, Room 207  
San Luis Obispo, CA 93408

Re: LOCAC Comments on LOWWP DRC2008-00103, CUP

Dear Mark:

Thank you for your PowerPoint presentation of the County's preferred project for the Los Osos Wastewater system during our LOCAC meeting on March 26. It was helpful to have the visuals available to us as you explained the project. We met again on April 9 to formulate some comments for you on this project. Members of the public had presented their comments at the March 26 meeting and some were present at the April 9 meeting to listen to the LOCAC discussion but did not offer additional comment.

Please understand that our comments on the DEIR still apply to this project. Because the final EIR became available after our March meeting, we haven't had time to review the County's responses to the LOCAC comments on the DEIR. It's possible that some of our comments that are included in the attachment to this memo have already been included in the revised project description in the EIR. If they have, then please accept our apology for the duplication here.

We are hopeful that our concerns, comments, and suggestions for improving the project be taken seriously and will be incorporated into the wastewater project, to the extent possible. Thank you.

Sincerely,

Carole Maurer, LOCAC Chairperson

CC via e-mail:

LOCAC members: Dellagatta, Leslie, Malykont, Milledge, Owen, Parker, Perlman, Rohn, Swanson, Whitney  
SLO County Planning and Building: Kerry Brown, Nancy Orton  
SLO County Planning Commission: Christie, Wyatt, White, Christianson, Mehlschau  
SLO County Supervisors: Mecham, Gibson, Hill, Achajdian, Patterson  
SLO County Staff: Paavo Ogren, John Waddell

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Carroll Leslie  
Vicki Milledge

### Collection

1. Our understanding of “hybrid” gravity system includes using a sealed pressure vacuum collection methodology in low lying areas to prevent infiltration of sewer water into the system or exfiltration of sewage through leakage that could contaminate the Bay. If this is not correct, please explain definition of hybrid.
2. It’s imperative that global warming and the resulting rise in sea level affecting the Bay in the next 50 years be taken into consideration when determining the extent of the use of the vacuum (sealed pipe/pressure) technology in the areas around the Bay. New figures are now available for predicting the sea level rise. Based on the DEIR design, LOCAC is concerned that not enough area around the Bay will be protected from this potential I/E. Please explain how this will be specified in the D/B process.
3. We support the use of directional boring of the lateral lines from the dwellings to the gravity system to protect sensitive archaeological or other sites.
4. We’re concerned about the placement of the pump station at 3<sup>rd</sup> and Paso Robles, as it is too close to the Bay and could contaminate the Bay if there were a leak or overflow. It’s proposed to be too close to the historically best well in Los Osos. This pump station should be moved further from the bay, above the water table, as it is only 5 ft. to groundwater at this location.
5. As stated in the response to the DEIR, LOCAC is concerned about the use of the mid-town site for the central collection point. It still isn’t clear why the mid-town site is required. It seems that distributed pumping stations could be used to reroute the piping to minimize the energy use of pumping uphill multiple times.
6. The referral did not include a disruption plan for street closure and bus rerouting, including disabled access, bicycle access, etc. LOCAC is concerned about how this plan will be presented to the neighborhoods.
7. LOCAC is concerned about disturbance to tree roots during excavation and would like to see the preservation of tree roots, when possible.

### Treatment

1. The proposed treatment method – Biolac/oxidation ditch – is a high energy user. There is no plan for use of alternative energy included in the EIR. LOCAC would like to see alternative energy sources used for this project, e.g., solar generators, living roof, LID, etc. The slant of the building roofs is too severe for solar panels and should be modified to allow this use.
2. Tertiary treatment is a **must**, as far as LOCAC is concerned.
3. Sludge handling is a concern. May need to use additional treatment methods in the future due to longevity of pharmaceuticals and other chemicals in the collected waste. In addition, there may be future sludge removal and usage issues in the future. There needs to be a backup plan, if Coal Canyon does not accept sludge.
4. LOCAC still questions use of Tonini as the preferred site. We have seen no justification yet that this is the only viable site and that public purchase of this Williamson Act land is necessary. There will be visual impairment to the views, as the wastewater plant will line up with view of Hollister Peak from LOVR.
5. Turri Road is a declared scenic road. Even with camouflaged buildings, it will still look like an industrial site. This is an irreversible change to the historical landscape of this agricultural area.

6. Public is worried about odor.
7. LOCAC supports the use of limited, shielded lighting, including no night lighting unless absolutely necessary. There should be no use of cyclone fencing, as it will look like a wall from a distance. However, we are concerned about safety and vandalism, since dangerous chemicals will be store on the Tonini site. This will need to be an important topic for community education and outreach.
8. If the project goes to tertiary treatment, as being discussed now, then purchase of this prime ag land is excessive and a cost burden to the PZ.
9. LOCAC supports the Coastal Commission's concerns regarding potential growth inducement and supports the requirement of utility easements to the east of the site to prevent growth. The size of the plant as stated is excessive, based on the projected population figures for Los Osos used by the County in recent housing studies.
10. The treatment methodology does not meet LOCAC's stated values in its vision statement:
  - o *waste water treatment facility(s) based on a natural biological process rather than mechanical system approach to the highest extent possible,*
  - o *graywater reclamation, management and recycling, and*
  - o *development of a water supply for agricultural or irrigation purposes*

#### Disposal

1. LOCAC's primary concern is that 2/3 of the treated wastewater is not being returned to the LO water basin. This most likely will lead to exacerbation of seawater intrusion, as there is no evidence that Broderson can or will be adequate mitigation for the removal of the effluent. Agricultural exchange of tertiary treated water should be pursued immediately. LID recharge of tertiary treated water should be pursued for basin recharge wherever possible. Broderson is not really needed. The County can take the lead on this.
2. The strong and consistent winds in the LO Valley will cause overspray onto the roadway and pedestrian/bike paths. There must be a large buffer zone between the sprayfields and roadways. How will the decision of when to spray be determined? This is a big concern, as spraying may not be feasible much of the time.
3. The habitat at the Broderson site needs to be protected.
4. Recharge throughout the basin is more effective at stopping seawater intrusion than using one recharge site. The County should be taking a proactive role to encourage water conservation and reuse throughout the Los Osos basin.



"al barrow"  
<a.barrow@charter.net>  
04/14/2009 12:01 PM

To "planning commission" <planningcommission@co.slo.ca.us>  
cc "al barrow" <a.barrow@charter.net>  
bcc  
Subject DEIR COMMENTS AL BARROW CASE

## DEIR COMMENTS CASE AL BARROW

1. A-2: Supplemental Notice of Preparation and Comments/Responses  
Need another SOP to evaluate new information not provided by SLO County for OPR.

2. Appendix B PD Data

Project data is flawed. The rough and fine screening assumptions upon which it is based are constructive fraud Attach, # 125

. Attach, # 132, Attach, # 139. Attach, # 140, Attach, # 144, Attach, # 150  
Professionals in the fields of Vacuum and LPS systems have consistently Attach, # 143, Attach, # 144 disagreed the SLO County Staff and the consultants have ignored this new information. The Airvac has repeatedly asked for a meeting with County staff and been denied. At a townhall meeting in November 2008 (available on DVD). Supervisor Patterson and Hill saw this new information as presented by the representatives who have many existing projects evidencing the viability of these less expensive and more protective technologies. The following are environmental impacts that are avoided by these technologies;

1. Vacuum: no INI (300K gpd for gravity) Reduced impacts more protective

Vacuum no leakage of sewage into the drinking water aquifer. CMOM show 5% to 8% leakage from gravity sewers Reduced impacts more protective. Attached studies show 16.5 to 49.1 percent , or leakage of raw sewage. Attch # 6 Bulletin 118, #17, # 40, Attach # 78. # 79, # 99 page 1, # 102, Attach, # 153, Attach # 195, Attach # 196

2. Vacuum no septic tank footprint on site, no electrical panel hookup onsite, no deep trenching avoiding those gravity impacts. Reduced impacts more protective
3. Vacuum can take advantage of gravity slope opportunity similar to gravity assist (a principle of vacuum engineering). Reduced impacts more protective
4. Low Pressure System: Vacuum no septic tank footprint on site.

5. HDD: Directional drilled to avoid bio, Cultural resources, existing infrastructure. Reduced impact more protective Attach # 223
6. No septage hauling/pumping can be installed in wet weather.
7. Without industry input these USEPA approved systems have not been vetted adequately. Airvac and Eone and the like must submit reports on these technologies and their benefits along with existing projects. Why has this been ignored? The best project with least impacts should be part of this DEIR and the RFQ, which is not the case.
8. The environmental, economic, and community preferences information has been omitted by Carollo and SLO County staff as to alternatives. Vacuum and LPS need to be vetted here. As the more protective technologies. This new information must be evaluated according to CEQA. May 2007 Carollo said cost savings from alternatives vacuum and LPS will be insignificant. They say otherwise in fact a savings of 50% is expected and huge environmental protection from INI and exfiltration # 40, # 41, #42, # 43. Attach # 61, Attach # 78, #122, Attach, # 133, Attach, # 151,page 12 conclusion, Attach # 240
9. Attachment, Forward collection comparisons: Here is a 14 point discussion of Step vs Gravity pointing out the many foibles of Gravity. Please address these concerns. How can gravity be preferred in 3 of 4 projects? It is a bold lie. And you have no basis for this judgement simply because the other side of the discussion was not vetted. This is an engineer that has both Gravity and Step experience. Attach #17. Attach, # 137, Attach # 198, Attach # 199, Attach # 226

;

10. \$21,900,000 attachment: If Reverse Osmosis is required due to grab violations at Broderson the trucking cost, mileage and pollution need to be identified. Have you got those details? Document 1 PO Plant
11. 2-40 bulletin 118 details show half of recharge was sewer leakage. And attachment 09-15-04-8ssr speaks to Petaluma WW system upgrade, which was done by Carollo a pond wetland in an area of high rainfall. They did not vet this or award winning 2008 Carnation WA in their screening. Sustainable and low energy solutions.
12. 600r01034 attachment: pg 4 show where leakage in gravity collection systems are found...almost all joints to manholes lateral, trunks and mains. They leak a lot, what is your plan to fix them at what cost? It's time to be honest and transparent. Attach # 211, Attach # 212 page 3
13. ABAG attachment; this shows the loss of life and property in Attach # 25. which is magnified by our liquefaction conditions. Attach # 67, Attach, # 142 Please open it. The Northridge and the Loma Prieta quakes killed people and huge lost property recorded. If the bridges into town are damaged where will help come from? The South Bay Fire Department is our emergency services if that building collapses on the fore equipment, the com goes out or telephone service which is

common in strong quakes what is your plan to recover? Broderson with its lamella underlay will cause liquefaction under the SBF and the Redfield woods housing development. Many people would need assistance, fires may start from ruptured gas mains and sewer service would not be restored without repairs, When must the county have a recovery plan? When would it be studied for adequacy? Attach # 67

14. Biosolids Final Report, attachment: Not a popular proposal it is again in public review due by 2010. Project like ponds STEP that have no trucking for up to 40+ years are the Number one choice environmentally. The Cal Poly marine biology toxicology team has seen Nonylphenol disrupting the lifecycles of Goby and other MBNEP biology. It is a special status not allowed. Leakage of sewer effluent either from Broderson or collection system needs to be eliminated. Czmacd attachment: notes that federal funded project must comply with Coastal Zone Management law enforced by the CA Coastal Commission in permit applications. Leaking sewer in our potable water supply is not protective of coastal resource (water), and CZLUO attachment: Says protect archeo cultural resources, which gravity sewers do not. These trenches are all on grid with exact slopes; unlike HDD small pipe installation they do not allow avoidance of graves and artifacts. How will you mitigate these impacts? Attach #18, #38. # 44. # 45, Attach # 54. Attach # 67, #123, Attach, # 152 DHS DWSAP attachment: The rules for new source water require an application of 120 pages detailing the new water source. When will this be available and who will fill out this application? Sewer effluent will have a high bar for treatment. Potable water supply mixed with EDC and emerging contaminants that no wastewater treatment removes, may require RO. How many truckload of brine for a one million gallon plant? Where will brine be treated Ventura? At what cost \$21 million a year? How much more water will be removed from our aquifer for this? Attach # 20, Attach, # 157, Attach, # 158, Attach # 230. Attach # 233
15. Soil Slippage attachment: Homes slide off of lots in liquefaction conditions as Berkeley reports. Damage to foundations, plumbing and wall how will the SLO County restore taxpayers/property owners for the losses caused by this foolish decision if such a quake should occur and the County has caused the liquefaction conditions? Lamella will cause the effluent to run under these homes and SBF. Attach # 52, Attach # 67
16. Before development of empty lots proof of water supply and an HCP with a mitigation bank is required by Ca Coastal commission. Why would a second assessment pass (part of the capital sewer cost \$27 million) if we are in RMS Level 3? Why if there is no habitat mitigation bank taking is not allowed? Is the cart pulling the horse? Attach #4, #10 Attach # 15, 16, 27, Attach # 68, 70,71,72. Attach # 80, # 103, # 105. Attach, # 154, Attach, # 155, Attach, # 156
17. Assessment passed by threat of Notice of Violation from CCRWQCB up to \$5,000.00 fines and loss of use of your property. Coercion or encouragement? Attach #10, #11, #26. # 30, #31, #33, #34. #119
18. Initiative petition, attachment: SECTION 1. PURPOSE "The purpose of this initiative measure is to establish standards and procedures for the location of sewer and wastewater treatment facilities to be constructed by the Los Osos

Community Services District (the "District") both within and outside the District boundaries that would serve and be paid for by the people of the District. Such standards would serve to protect the people and the environment, including the groundwater, from health and environmental damage that may result from improper siting of such facilities. Attach, # 164 " TRI W is slated for a lift station...that has to be put to a vote according to Measure B. Have you considered the gravity collection in that light? What impact might that have on the project. Attach # 57. # 120, Attach # 232

Monowitz CCC permit, Attachment; the attorneys show that false or misleading information is grounds for denial of Coastal Development Permit. Attach # 56, Attach # 68, Attach, # 152

Grounds for revocation of a permit shall be:

- Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application.<sup>[1]</sup>

Stated differently, all that the Commission must find to revoke the Permit is (1) the Commission was presented with incomplete, inaccurate or erroneous information; (2) the inclusion of this information was intentional; and (3) complete or accurate information would have caused the Commission to have issued at least one condition in a different manner, or have denied the application.

- 2. The Incomplete Or Incorrect Information Need Only Have Related To The Permit Application.

B. The Information Must Have Been Intentionally Included.

The second prong is that the information was intentionally included.

1. 1. There Is No Required Showing Of Bad Faith.

2. 2. The Best Means To Determine Whether Information Was Intentionally Included Is To Determine How Often the Statements Were Made.

The County consultant Carollo has repeatedly stated unsupportable fact regarding costs and claims of the best most protective technology and that they all cost the same. How will you refute that? Attach #4, Attach # 81

21. Pipe Slopes 2 Attachment: Many pipe slopes in the MWH collection design are inadequate for 2' per second scouring speeds using the Manning formula. What will you do to make them functional? Vacuum truck daily pumping? The same slopes caused the Nipomo manholes to degrade by hydrogen sulfide and were replaced or repaired please give us the cost of R&R of decayed manholes due to inadequate slopes. To force fit gravity collection in this hilly environment the grade from South Bay to the Bay was designed at .05 or less many miles under the SLO County standards for gravity

slopes. ( Standard Improvement Specifications and drawings) section 11-351.1611. 100 gallons per person is the flow with double peak flow, minimum velocity of 2 foot per second minimum flow. Please explain how this will be achieved, as the stated flows in the Carollo reports are less than 70 gpp. Please account for the diurnal flows (morning and evening). The design flow and the gradient seem a challenge to meet in hilly Los Osos/Baywood Park. A 1/8 of an inch slope is a conservative and standard for gravity collection. Why not err on the side of caution rather than end up like Nipomo with replacement and vacuum sewer costs? These problems do not exist in STEP and LPS collections and to far lesser degree in Vacuum collection. So why chose the antiquated technology best suited for flatter conditions? Design flows are minimal for a community that has to conserve water reducing flows, why? Isn't this a design to fail? Attach, # 133

(D) The minimum gradient for 8-inch sewers

should be no less than 0.4 percent

Regardless of pipe material.

(E) The minimum gradient for 6 inch sewers

should be no less than 0.6 percent, preferably 0.75 percent.

19. Re: Comments on fine screening, Attachment:# 107, Attach # 239

- Sewer plant O & M costs should be pegged through the life cycle of the loan period to the rate of energy related inflation. Will that be done?
- The sewer best option should be chosen by energy analysis. No detailed energy analysis has been done. I am really surprised at the lack of information and it's omissions. When will that be done?
- The simple mention of existing power rates in a graph has nothing to do with sustainability analysis and puts the whole project in jeopardy. Will you correct that?
- Energy availability will be a problem because of the 10 to 30 percent hydroelectric related snow pack reduction and increases in peak energy demand due to Global Warming caused by higher summer temperatures. Will you take that into consideration? How?
- Loss of annual snow pack means reservoirs will have to shed winter overflow that was previously used to create spring and summer power.
- Blackout and brownouts may be the norm when this sewer plant comes on line in

2011.

- Lifting water to Broderson to achieve a 20% groundwater recharge is a fatal flaw. One it won't reach 20% and two it will pollute potable water. For every gallon recharged, five gallons have to be lifted to the sight at unknown energy costs. Attach # 57, # 121
- Aggressive on site greywater retrofit program would use zero energy and help clean the upper aquifer immediately. Will you consider that in calculating future water flows lower? As with Ag. Watering, there would be 'no discharge' if delivered to the root zones of home landscaping. Why not consider that?
- Conservation is the most energy efficient method for offsetting overdraft. It is not addressed adequately, When will you address that?

Comment:

The most accurate assessments of energy availability make the whole sewer project unsustainable and

contrary to good planning practices. Graphs courtesy of the Dynamic Cities Project, show a depletion

model for the United States.

Urban planning for peak oil and natural gas depletion is essential. The present sewer projects in the fine

screening would be severely impacted by any energy emergency above a class 2 emergency described

above. How ill you address this?

*Final Comment:*

*The Fine screening is incomplete related to GHG issues, energy scenarios, sea level issues, and salt*

*water intrusion issues driven by sea level rise. Improving the environment is a holistic action. GHG Append # 28, Append # 86, # 107*

*pollution is important for generations to come. Nitrogen mitigation that drove the original need for a*

*centralized project seems to have been forgotten as a goal. Consideration of the total water cycle has*

*been driven off course by an uncooperative Water board that has lost its way with environmental water*

*stewardship. Attach # 24, Attach # 187, Attach # 210 The sewer project refuses to face sustainability issues that are mandated by the very same*

*state water agency in Sacramento that the RWQCB3 answers to.*

- State GHG goals are being totally ignored in this study.*
- Energy costs per ML nitrogen removed totally ignored in this study.*
- Sea Level rise is being totally ignored by this study.*
- Global warming impacts on energy are totally ignored.*
- Nitrogen sequestering and recycling is totally ignored.*
- On site and scaled cluster systems are not compared for energy efficiency and omitted as viable while*

*considered elsewhere. Attach #22*

- Alternative energy is not proposed for operations.*
- Sustainability's relationship to affordability and environmental justice is misunderstood and ignored. Attach #49*
- Co-generation is not proposed or studied although being used elsewhere in the State.*

*In defense of my position I would say that building a 1960's energy and resource consumptive community*

*sewer driven by market forces related to known engineering relationships and 'mega-project' construction*

*standards drives this study. Energy efficiency, global warming and GHG issues are left off the table. Attach # 22*

*Citizens should accept no excuse for their omission. – Steve Paige June 5, 2007*

How will you address these concerns?

22. 6 Table 1.1 needs to name the facultative ponds still in after fine screening. Is ADS, AIPS or Nelson

in? Attach # 44, # 45, Attach # 73

7 1.2.1 Seawater intrusion reversal can be accomplished outside of the project by reducing the lower

aquifer draft in lieu of upper aquifer water with # 29 for residential landscape application. Attach, # 178. These

expenses can be paid by new development starting with the schools and park. Purple pipe is

encouraged and funded by DWR. See the 2003 white paper on reuse. (Our upper aquifer is

replenished by septic effluent and classed as partial wastewater or we would not need a sewer. Attach # 62

8 1.2.2 Golden State has applied to CAPUC for rate increase to pay for infrastructure and treatment

that will utilize the upper aquifer. How many ACY will that reduce the lower draft? This is an omission

that needs attention. Attach, # 125

9 1.3 Flow projections will not change constituent treatment requirements, with ponds it is not a big

factor as with 24 hour in 24 out treatment train but that will effect disposal numbers. Attach, # 125

10 FATAL FLAW "Properly installed bell-and-spigot..." will leak raw sewage into our drinking water

aquifer which will soon be the upper aquifer as the lower aquifer is not recharging. Attach # 112, #122

11 2.1 KEEP THE WATERS IN THE BASIN unless the water is not needed then it can be sprayed and

disposed.

12 2.1.2 Lower aquifer is intruded and that portion is lost That is not necessarily so.

13 Upper aquifer water must be harvested to the point it does not leak into the bay.  
Attach # 213

14 Recharge must not have Phosphorus, which will clog soil pores. All treatments so far do not address

this.] impact on reuse. Calcium treatment that is affordable can be used in combination with wetlands

to remove phosphorus this so the treated effluent waters are safe. Attach # 51, Attach # 64, Attach, # 125, Attach, # 159, Attach # 279

15 2.3.2 Bullet 4 describes the cost per acre of grade II-III farmland as \$40, 000.00 I think \$10,000.00 is

a more responsible number. Giacomozzi was \$323,000.00 for 35 acres at one point. More inflated

costs!

16 The case is correctly made that pumping the upper aquifer as landscape water is cheaper than

pipng effluent back to town and much safer.

17 Table 2.1 page 33

18 PERCOLATION PONDS AT BRODERSON: This was a project FATAL FLAW in 1997 SLO County

plan Attach # 23, # 35. #122

19 Urban wastewater reuse is a poor concept compared to upper zone nitrogen water for irrigation Attach # 187, Attach # 242

instead of drinking water. Less piping and much lower health risk on school and community center.

20 They represent over 40ACF reduction in saltwater intrusion on the school/park sites.

21 2.1.2 Sea water intrusion is not irreversible. Early-indicator signals of groundwater contamination: the

case of seawater encroachment Attach # 57

22 FCGMA documents reversal of saltwater intrusion in Ventura County.

[http://publicworks.countyofventura.org/fcgma/GMA%20Management%20Plan-](http://publicworks.countyofventura.org/fcgma/GMA%20Management%20Plan-Final%20051506x%20electronic%20v2.pdf)

[Final%20051506x%20electronic%20v2.pdf](http://publicworks.countyofventura.org/fcgma/GMA%20Management%20Plan-Final%20051506x%20electronic%20v2.pdf) see page 25 for reversal of saltwater intrusion. Grants

from 319 USA were used, see page 75 reduction in seawater intrusion. Attach, # 178

23 I recommend a cost benefit analysis for purple pipe in the reuse portion. And a note on septic INI if a

tank can be retrofitted in ground with sprayed epoxy, like manhole restoration it would only cost

\$700.00 per tank. saving replacement and removal and retirement costs Replacements could take

place at the point of resale so as not to have the community dug up at once. Charlotte County did not Attach #7

replace any tanks. For Gordon's benefit they used a Tarriff document to gain access to private

property i have a copy if you would like me to send it along. Tank need certification as per RWQCB3

requirements. If a tank is abandone it could be used to capture rain water and recharge through

existing leech fields. (No waste)

24 The STEP collection works well with pond , Attach, # 125, with low biosolids production and lowest energy

demand making the combination the most sustainable as the project goals state Many constraints

and costs have been added to STEP by this document that are not supported by the STEP Industry

data. Attach # 38, # 73, #116, Attach, # 137 . I have screened out gravity due to the eventual leakage into the drinking water as they

have admitted. One other FATAL FLAW is the seawater intrusion around the Bay where the deepest

pipes will be trenched in. Attach # 36, # 112, Attach # 243 Attach # 283, #122, When saltwater enters the collection system then the treatment plant will

require reverse osmosis and brine trucking to Ventura County will ensue as many as 60 trucks a day. # The expense of these impacts was not added to the gravity cost as I recall \$60,000.00 a day or

23. Re;Revocation of Coastal, Attachment: Revocation of Coastal Development Permit Application No. A-3-SLO-03-113.... Attach # 246

Dear Commissioners, Peter Douglas, and Staff;

C.A.S.E. is represented by Burke, Williams & Sorensen, LLP. I say that so you will understand the gravity of our concern.

1. The misleading and completely false information in the LOCSD/MWH sewer Project

Report led you to believe, incorrectly, that the proposed sewer was somehow located in the only place appropriate for Los Osos i.e. the Tri-W property on ESHA, upslope of the Morro Bay estuary. Raw sewage plant of this genre is responsible yearly for over 6,000 coastal spills a year. The risk of a plant upslope of the Bay is not acceptable when an environmentally preferred site is still presently available. Attachment #5 RWCB, # . Attach # 56, Attach # 67, Attach # 284, Attach # 286

2. Wetland impacts have been taken lightly by the LOCSD. For example 4<sup>th</sup> and Pismo, a rout for sewer mains, has 20 foot tall willows and oaks growing halfway to 5<sup>th</sup> St upslope where a spring originates feeding the wetlands below all the way to the Bay a distance of several blocks. USF&WS have relied on LOCSD environmental consultant Crawford Multari & Clark to provide true and accurate information on wetland impacts. Attach # 8 USACE The District has 9 employees with truck that service and check the 3<sup>rd</sup> street pump station two blocks away. The willows described at the edge of the bay from the El Moro drainpipe to Sweet Springs preserve grow along the eastern side of the Bay. Such an omission could not be construed an oversight, but seem an unwillingness to redesign the collection system in that area. Attach # 39. # 50. Attach # 301, Attach # 304

3. There has been no study on the impact to that spring and it feeding of the

wetland bio. The Coastal Act protects such wetlands. Attach, # 128 Routing a collection system that will require maintenance and repair through sensitive areas is improper and a FULL hearing is required, We have seen staff to staff advice between Mr. Monowitz and LOCSD General Manager Bruce Buel over the appeal process fail to address these issues by micro managing the project. That is why this method of oversight is inappropriate under Coastal Act Rules. Attach # 68

4. The preferred environmentally protective method in the Final EIR, STEP collection will avoid these issue. It was "too expensive" to use according to table 4-4 of the LOCSD Project Report. That was a lie. I am attaching a present cost of the environmentally preferred STEP collection and treatment plant on the preferred location in grade 3 AG land. Attach # 39. # 108 page 310 Table B-4

5. The "On Balance" argument used for this sewer location is a flat out lie. This LOCSD sewer in not more protective of the Coastal Resources. It wastes our Attach # 270 It destroys wetlands. It is 10 times the National average in cost. It unnecessarily destroy ESHA in the sacred "Green Belt" where ESHA is contiguous. It may require 40 acres be negatively impacted by leech field failure as not effluent perc test have been applied to the drain filed areas.

6. The recovery plan in the Draft HCP has omitted the replanting with viable plants rather than seeds. And the likelihood of the HCP to address the perpetuity of the endangered species is very questionable. The Coastal Act/LCP require your commission CERTIFY these documents BEFORE a coastal development permit is issued. Attach # 13, #27, Attach, # 154, Attach, # 155, Attach, # 156, Attach # 217,

I respectfully request you withdraw the Coastal Development Permit for this project until the Habitat Conservation Plan is certified. At present it is going to SLO County for beginning public circulation and comment. The affected public here has yet had comment on this HCP or the final EIR/EIS from USFWS. Your cart should be behind your horse. Attach #12, 23, 27. Attach, # 154, Attach, # 156

I respectfully request you Revoke the LOCSD CDP due to the project designs are incomplete. You may be aware that the Design Engineering firm has left out concrete and other amenities essential to build the proposed plant. The cost estimate was close to 50% in error. Only 3 of many qualified contractors bid the project showing there is a lot of risk tied to this project. Attach # 4, 21, Attach # 189

The gravity collection design listed on the the DEIR SLO County web site is the one referred to above. That permit was cancelled by LOCSD. How will the concerns listed and answer how they will be mitigated, changed or addressed? Attach # 23, # 39, Attach, # 129

24. Sewer Paper attachment:

The NRDC published some concerns in the paper "SWIMMING IN SEWAGE" How will you address these environmental concern created by Gravity sewers? • Endocrine toxicity;

- Gastrointestinal/liver toxicity;
- Immunotoxicity;
- Respiratory toxicity; and
- Skin or sense organ toxicity.

*Bioaccumulative toxin that will store in fat tissues and all the risk associated with sewer effluent in potable aquifers well documented need to be avoided. How will you do that?*

Draft EIR available will enable Los Osos community residents, the project team and County elected

officials to consider the LOWWP's potential environmental impacts as the County identifies the

*County of San Luis Obispo  
Alternatives to the Proposed Project Los Osos Wastewater Project Draft EIR*

*7-6 Michael Brandman Associates*

H:\Client (PN-JN)\0224\02240002\DEIR\1 Sections\02240002\_DEIR Sec07-00 Alternatives.doc

Preferred alternative using environmental, economic, and community preferences information;

incorporates appropriate mitigations; and moves forward with the final design and permitting process.

1. The environmental, economic, and community preferences information has been omitted by Carollo and SLO County staff as to alternatives. Vacuum and LPS need to be vetted here. As the more protective technologies. This new information must be evaluated according to CEQA. Attach #87, #122, Attach # 304

2.

;

### 3. Appendix C Land Use

The Williamson act as related to prime ag land at Tonini is not addressed. Giacomazzi has grade 3 grazing lands primarily. The impacts are quite different. Less piping for Giacomazzi.

### Appendix D Groundwater

Recharge at Broderson is not evaluated for the impacts of the Lamellae fine lenses as they will move effluent laterally more than stated. Seawater mitigation will not happen. Water will surface down slope to destabilize housing development Redfield Woods as liquefaction conditions are caused by effluent lateral movement underneath the foundations. These home cannot get earthquake insurance. Please re evaluate. 300K gpd lost to INI in gravity

collection. Please evaluate and mitigate these significant impacts. There are cumulative impacts here. Attach 25. . Attach # 53, Attach # 57, Attach # 69, Attach # 67, Attach, # 125, Attach, # 153, Attach # 179, Attach # 180

Recharge at Broderson will likely call for RO and Advanced Oxidation. Reverse osmosis membrane will reject over 30% brine that will be hauled to Venture brine receiving facility or elsewhere. Please address this missing information as complying with CA DHS Recharge regulations apply for Broderson if sewer effluent is used. Over 60 truck loads a day at 5K gallons (42,500 pounds per truck). The air pollution is not quantified for pounds of diesel emissions. The footprint of such treatment is not described. Please include.

#### 4. Appendix E Drainage Attach # 75

NC

#### 5. Appendix F Geology

Morro Bay gravity collection pipes were so damaged in the Dec 22, 2003 earthquake FEMA grants were awarded...In Los Osos where the water pipes were not damaged as in MB the septic tank remained intact as well. But the SLO County engineering put a penalty on STEP but not on gravity collection more bias based on not science.

Attach #25, Attach # 67

The 1994 Northridge earthquake is well documented for damage to gravity collection (14years and \$2 billion to repair) pipes but water pipes were much easier and quicker to repair over 60 of water was restored in 24 hours. Similar to STEP, LPS and Vacuum collections. Attach # 25, Attach # 69, # 88, Attach # 181, 182

#### 4.6 GROUND LURCHING The October 17, 1989 Loma Prieta earthquake was

responsible for 62 deaths and 3,757 injuries. In addition, over \$6 billion in damage was reported including damage to 18,306 houses and 2,575 businesses. Approximately 12,053 persons were displaced. Attach #25, Attach # 69 .The most intense damage was confined to areas where buildings and other structures were situated on top of loosely consolidated, water saturated soils. Loosely consolidated soils tend to amplify shaking and increase structural damage. Water saturated soils compound the problem due to their susceptibility to liquefaction and corresponding loss of bearing strength. Attach # 67

Ground lurching occurs as the ground is accelerated during a seismic event. As

evidenced by the Loma Prieta, Landers, Northridge, and San Simeon earthquakes, the effects; Attach # 25, Attach # 69

The October 17, 1989 Loma Prieta earthquake was responsible for 62 deaths and 3,757 injuries. In addition, over \$6 billion in damage was reported including damage to 18,306 houses and 2,575 businesses. Approximately 12,053 persons were displaced. The most intense damage was confined to areas where buildings and other structures were situated on top of loosely consolidated, water saturated soils. Loosely consolidated soils tend to amplify shaking and increase structural damage. Water saturated soils compound the problem due to their susceptibility to liquefaction and corresponding loss of bearing strength. See <http://www.es.ucsc.edu/~es10/fieldtripEarthQ/Damage1.html> Attach # 69

Ground lurching can damage facilities and buried pipelines. Ground lurching occurs due to

detachment of underlying stratigraphic units, allowing near-surface soil to move differentially

from underlying soil. Attach # 69 The site is within a seismically active region of Central California that is

prone to moderate to large earthquakes. It is therefore our opinion that there is a potential for

ground lurching to impact the site. Ground lurching is generally not a geologic hazard that can

be prevented, and therefore is mitigated by implementing preparedness measures. Attach # 25, Attach # 69 That is why lamellae is a new liquefaction condition not addressed. That changes the impact levels and the mitigation therefore is an unaddressed significant impact. Attach # 272

The fault search routine in FRISKSP was used to identify active and potentially active mapped faults and fault segments within a 62-mile radius of the project vicinity. They include: Los Osos, Hosgri, San Luis Range (S. Margin), Rinconada, Casmalia (Orcut Frontal Fault), Lions Head, San Juan, San Andreas (Cholame), and Los Alamos Attach #25, Attach # 69

#### 5.4.5 - Level of Significance Prior to Mitigation

Less Than Significant or No Impacts were found related to the project being susceptible to fault

rupture and landslides. These issues will not be discussed further.

- Hokie and unscientific assumption in light of existing evidence that Los Osos has a 7.5 Hosgri fault 10 miles offshore 7 magnitudes higher than the San Simeon 2003 quake. The complete analysis and with the lamellae lenses this is inadequate. People will die, buildings will be destroyed if Broderson is implemented.
- The gravity trenching will cut through the clay lenses causing the waters to run down the trenches to the bay. A matrix of 8' deep trenches will make a creek that will drain these perched water bowls (clay lenses) out to the bay where we will lose a large amount of waters. When a quake occurs the wet soils in the trenches will consolidate and the engineered slope of the beds will be lost. The gravity sewer will cease to function as designed and Los Osos will be without sanitary services and at risk of cholera and other contagious diseases. How will services be provided? At what cost? Please detail the recovery plan as case law has adjudicated. Attach, # 133, Attach # 296

rationale for determining a Less Than Significant or No Impact for each of the thresholds of

significance can be found in Appendix F-1. Table 5.4-1 is a summary of Geology Significance

Determination and provides a quick reference for items of No Impact, Less Than Significant Impact,

and Potentially Significant Impact (for which mitigation measures are proposed).

*Project-Specific Analysis Attach, # 167*

Proposed Project 1

Strong seismic ground shaking can occur in response to local or regional earthquakes. The sites

under Proposed Project 1 are located within a seismically active area, and the potential exists for

strong ground motion to affect the proposed facilities at the sites under Proposed Project 1 during the

design lifetime. In general, the primary effects will be those phenomena associated with shaking

and/or ground acceleration. Given that it is likely for the proposed facilities to be impacted Attach #25,

Attach # 69, Attach # 275

### *Cumulative Impact Analysis*

#### Proposed Project 1

Implementation of Proposed Project 1 may contribute to cumulative ground shaking impacts on

people and/or structures. Therefore, Proposed Project 1 may contribute to cumulative fault rupture

impacts; and this contribution is considered cumulatively considerable, therefore, significant.

Not correct as mitigation is called for but not detailed. It could be inadequate without seeing it. Kabuki. I am reading this with a tinfoil hat on.

#### 5.4.7 - Level of Significance After Mitigation

##### Project-Specific

#### *Proposed Projects 1 Through 4*

Less than significant.

Cumulative Again Not correct as a mitigation is called for but not detailed. It could be inadequate without seeing it. Kabuki. I am reading this with a tinfoil hat on.

#### *Proposed Projects 1 Through 4*

Less than significant. Not correct as a mitigation is called for but not detailed. It could be inadequate without seeing it. Kabuki. I am reading this with a tinfoil hat on.

6. Appendix G Biological

See California Native Plant Society responses which are significant and note that

Native that are damaged by diesel will be invaded by nonnative like South African Veldt grass, thereby losing the mitigation for TRI-W and the excavation of the Broderson leach field will also be invaded by non natives or exposed to it. How will you mitigate those impacts?

#### 7. Appendix H Cultural

Deep trenching of gravity collection will disturb cultural resources. Where there is an alternative of lesser impact that should be selected. See CZLOU and Coastal Act and Estero Plan which all require least impactive project to goals and guidelines. Attach # 54.

#### 8. Appendix I Public Hearing

## 10. Appendix J Traffic

21,900 brine trucks

Union Asphalt quantified the truck hours to move 2,500 trucks of river rock for leach fields at Broderson. From their Santa Maria Site; 228,690 mile, \$1,262,869.05 materials, \$734,349.00 trucking cost, 90 miles round trip. 170 minutes a trip at 20 yards of rock per load and each truck will weigh 80,000 pounds. A yard weighs 1.2 tons or 2400 lbs. Times 20=48,000 lbs. How much diesel fuels for all of this hauling please state the facts, the impacts and the mitigation. Attach # 185

Please evaluate road impacts/damage and traffic flows. Why this obvious concern is not addressed is curious.

Similarly evaluate 3,750 truck loads of sandy soils to be removed from Broderson leach field and where it will be taken. If fill for what site? ( leach field is 8 acres assuming 7 acres of leach area 6 feet deep with 4 feet of rock and 2 feet of other cover.)

Untitled 3 attachment: Shows utility pipes crossing gravity trench have to be cut, capped and replaced loss of service time needs to be identified for those properties. Have you evaluated this impact?

11. Appendix K Air Quality

All trucking mentioned above has AQ impacts. Will truck retrofits, as described by recent air quality legislation since this document was written, be implemented? That will increase the economics of this aspect of the project. Please re evaluate. Attach # 202

12. Appendix L Noise created by Brodeson truck and RO trucking need quantifying, What will those potential impacts be to humans, plants and animals? Attach #13

13. Appendix M Agriculture  
AG lost from Tonini is a greater impact than Giacomazzi grade three grazing land that is hard pan clay in the summer and expansive in the wet season. What will you do to reduce those impacts or mitigate them?

## 14. Appendix N Visual Resources

## 15. Appendix O Environmental Justice

### 8.3 - EFFECTS FOUND NOT TO BE SIGNIFICANT

The environmental issues that were determined not to be significantly affected by the proposed

Project and therefore, do not require evaluation in the document, per section 15063(c) of the State

CEQA Guidelines, are as follows:

- Mineral Resources
- Population and Housing (Displacement of Substantial Numbers of Existing Housing and  
People)
- Public Services and Utilities (Fire and Police Protection, Schools, Parks, Solid Waste, and  
Other Public Facilities)

- Recreation

The above environmental issues were determined not to be significantly affected by the proposed

project in the Notice of Preparation (NOP) for this Draft EIR (Appendix A), and in the Draft EIR for

the Los Osos CSD Wastewater Facilities Project (November 2000). The NOP, 2000 EIR, and the

following discussion are intended to provide adequate environmental documentation for the issues

that will not be further addressed in the EIR.

So the impact of losing your housing does not count?

When renters lose their housing due to proposed \$250.00 a month cost of this sewer as defined by SLO County. Many can barely make the rent payments. That is not an impact of this sewer. When senior lose their homes, that is not an impact? When marginal population become refugees that is not considered a project impact? Attach # 189, Attach # 209

Please read Sierra Club sustainability policy for affordable housing stock:

“Affordable Housing Crisis Plagues America

More Americans than ever before live in inadequate housing or spend more than half of their monthly income on housing. As the growing population's demand for housing increases, we are failing to provide affordable, convenient options. Strip malls and cookie cutter housing developments do not represent the needs or wishes of most Americans. Suburban sprawl and limited transportation choices often fail to provide affordable housing. Even middle income Americans are feeling the affordable housing crunch as new home prices escalate.

Sprawl pulls investment and the tax base away from existing communities, and forces the expensive construction of new roads, sewer lines and other infrastructure. Smart Growth provides a solution to sprawl and the affordable housing challenge. Fighting sprawl can and should include Smart Growth and affordable housing.” See [http://motherlode.sierraclub.org/challenge\\_sprawl.html](http://motherlode.sierraclub.org/challenge_sprawl.html) Attach # 19, Attach # 52

Gentrification: An Unnecessary Evil

Many residents of inner cities fear revitalization projects. If their community becomes a more desirable place to live because of improved services, accessible jobs, and business opportunities, won't housing prices rise? To prevent gentrification-the

displacement of current residents by more affluent newcomers--community members can create a development plan that incorporates exclusionary zoning, fair-share housing, and rent controls to keep housing affordable. Replacement ordinances make sure affordable housing is not lost in the construction of better communities. Giving all citizens a voice in planning is the key to Smart Growth. Revitalization does not need to drive out low-income residents. Attach #19 And:

<http://www.lhc.ca.gov/lhcdir/house/FrankJun01.pdf>

The impacts of this project will be to reduce the affordable housing stock. Under General Plan, CZLOU and Estero Plan policies and principles that is an impact. Again case law supports protecting coastal resources for affordable housing. See CA Coastal Commission laws and Policies. And Ca Housing Policies and statutes. A project in conflict, where there is a project alternative of a lesser impact should be selected. No where in the body of water law or state law does it state a community must implement the most costly alternative. In fact the opposite is true. Attach # 47, Attach # 54, Attach # 191, Attach # 210

Fair Share housing to promote neighborhoods, create a vibrant,

Diverse community, and meet the needs of a variety of income levels... This project does not allow our diverse community, but forced gentrification. Our work force will need to commute causing more traffic impacts with these added costs

<http://www.sierraclub.org/sprawl/affordable.pdf> Attach #19

16. Appendix P Alternative information  
Constructed Wetlands: Effluent disposal using constructed wetlands would create habitat as

Well as recreational and aesthetic benefits for the community. Wetlands are considered primarily

As a storage device. However, disposal through evapotranspiration could also occur.

Constructed wetlands typically operate at depths of 1 to 5 feet, and areas of both vegetation and open water allow for different types of habitat. Attach # 64, Attach, # 159 Attach, # 175,

<http://www.npr.org/templates/story/story.php?storyId=90043021>

Yes and it remove the human carbon that causes disinfectant by products. Metals and emerging contaminant

sustainably. Polishing the water for AG reuse and exchange. At a low energy cost. Attach #9 See Clayton County Ga Attach # 51, # 101, # 109 Page 7, Attach # 302 "I like to say it's raining everyday in Clayton County because we're putting right now about 10 million gallons back in our water supply," says Mike Thomas, general manager of the Clayton County Water Authority.

Thomas says the reservoirs here are full and have never been in danger of being too low. That's because back in the 1980s, folks realized there wasn't enough water to support the growth, so they decided to build a system of wetlands and reservoirs that would help them save water. And... The price tag is also an advantage — it can be as little as half the cost of building a regular wastewater treatment plant.

This idea probably won't work for bigger cities like Atlanta because it requires a lot of land. Still, it's attractive for smaller communities.

And there's an added benefit: Officials can create a nature preserve for those who live nearby.

## Table 1: Summary of Evaluation Criteria

### Baseline Criteria Sub-criteria Comments

1. Water Balance A. Salinity Management Project must contribute to mitigation of saltwater intrusion into lower aquifer

Due to lamellae lenses the effluent will not reach the lower aquifer and no seawater mitigation will occur. Attach, # 156 Project goal not met.

B. Groundwater Recharge Project must contribute to recharging  
groundwater resources in lower aquifer

Again: Due to lamellae lenses the effluent will not reach the lower aquifer and no seawater mitigation will occur. Project goal not met. Attach # 57 Attach # 186,

## 2. Water Quality A. Meeting RWQCB

Requirements for WDR

(Discharge limits)

Project must be effective in meeting  
effluent discharge levels for: BOD, total  
suspended solids (TSS), nitrogen, Attach # 183  
viruses, and bacteria.

### B. Meeting RWQCB

requirements for  
elimination of pollution  
to groundwater

Project must involve mitigation of  
potential effects of effluent discharge  
on domestic water wells. Attach, # 183, #184

### C. Addressing emerging

contaminants:  
pharmaceutical and

other constituents

Project is required to be consistent with

EPA standards for emerging

Contaminants

Project fails to meet this goal. RO and Advanced Oxidation required, not included in project description.

3. Energy The project is a higher energy user...not sustainable. See ponds and wetlands and AG exchange data in Ripley Project Report 2006. Attach, # 125

A. Contributing to

Improvements in air

quality

Project must demonstrate:

- Minimizing particulate emissions

As stated above in Traffic and AQ the trucks trips necessary for Broderon and RO brine hauling will have significantly greater impacts than Ag exchange in Lieu of pumping where RO and trucking 3,700 truck of dirt are not required.

- Effectiveness in minimizing release

*Los Osos EIR Technical Memorandum 2.1 Page 13*

*Kennedy/Jenks Consultants*

Baseline Criteria Sub-criteria Comments

of airborne pathogens, and exposure

to vectors

Any septage hauling will cause spores to be air borne See SWRCB fines of the Pacifica Plant.

B. Promoting

sustainability

Project must increase energy efficiency  
over conventional designs, reducing  
overall use of natural resources

C. Reducing greenhouse  
gas emissions

Project must result in reduction of  
carbon footprint from conventional

designs Carbon footprint big with gravity construction. Fused pipe under estimated

4. Costs A. Life Cycle Costs Project must involve:

- Efficient use of funds for capital  
improvements

- Lowest feasible and practical

Operations and maintenance costs

Necessary to meet WDR discharge

Limits.

Gravity sewers have a long history of violations; Here is a plant designed by MWH the designer of the 3 gravity projects you have listed as project 2,3 and 4.

Lila Tang of the San Francisco Bay Regional Water Quality Control Board said her agency would investigate the January spills in Pacifica.

"We have taken quite a few enforcement actions against the city (over time), possibly more action than against other cities," Tang said. "We haven't imposed any corrective actions on them for the January incidents or for these types of wet-weather events in general," she added, noting that the city of Burlingame ended up discharging more than 2 million gallons of fully treated wastewater into the Bay during the same weekend.  
Attach, # 145

Tang said the Pacifica plant could escape a fine if it had no alternative than to dump the wastewater, and demonstrates the ability to cope next time.

January's spill wasn't the only such incident in the plant's history, however. Documents provided to the Times show that another big storm -- lasting from Nov. 29 to Dec. 1, 2001 -- forced 110,000 gallons of partially treated wastewater out into Calera Creek without the benefit of the sand filters or the ultraviolet cleaning system.

Gromm attributes those incidents to growing pains at the plant, which had just come online in September of 2000.

"We had to figure out how to change the plant to respond to these high flows," he said. "Since then, I don't think we've had any problems" -- the most recent incident excepted.

But other violations of a different nature have plagued the wastewater plant since its inception.

The Regional Water Quality Control Board fined the Pacifica facility \$396,000 for violating its discharge-permit limits 137 times between January 2001 and Nov. 30, 2007.

The list of violations included at least 74 discharges of fecal coliform, 23 discharges of ammonia and two mercury-limit violations, according to documents obtained from the board.

Some of these problems are attributed to the plant's anaerobic digester, which becomes clogged with foam. Plant engineers employed a temporary workaround, and next week, construction crews will begin the process of modifying the machine at a cost of \$1 million, according to Gromm.

Other machine malfunctions have also led to fines. In December 2001, a pump station in the neighborhood of Linda Mar discharged over one million gallons of untreated sewage into the ocean, leading to fines of \$125,000.

In December 2005, 253,000 gallons of sewage escaped from the Rockaway pump station during a pipe system replacement. Pacifica was fined \$190,000 and sued the construction company for negligence.

Reach Julia Scott at 650-348-4340

B. Staffing Requirements Project must minimize number of  
required management and staff  
positions.

Ponds, vacuum or LPS would have the lowest staff hours as well as ADS pond treatment. Attach # 48, Attach, # 125

### C. Community

Acceptance

Includes consideration of:

- Private property value

A large assessment of \$25 to \$40 million would be less acceptable than a project of \$15 K. Nowhere in California even in areas of high income is there a sewer fee of \$250.00 a month...it is outrageous taking of our rights to live under the constitution of the USA. Attach #19, Attach # 67. # 118, Attach, # 134

- Aesthetics

5. Permit ability A. Coastal Permit • Required for any work

- Must be in compliance with the Local

Coastal Plan (LCP) Not in this project, Attach # 54.

B. Endangered Species. Attach # 219, Attach # 220  
Habitat Areas (ESHA)

Includes considerations of what is

permitted in the ESHA

C. Environmental Includes consideration of the following:

- Endangered Species Protection Act

Many species including homo sapiens will be adversely affected in the endocrine systems as they develop. EDSAP

[http://www.cardam.eu/NR/rdonlyres/733613DB-623F-4A8A-B193-B38D28E24103/0/Hil daWittersfinal.pdf](http://www.cardam.eu/NR/rdonlyres/733613DB-623F-4A8A-B193-B38D28E24103/0/Hil%20daWittersfinal.pdf) and

Since 1998 test are ongoing for all domestic chemicals sold or released into the USA environment <http://www.epa.gov/endo/>

National Resources Defense Council and other plaintiffs joined and won a decision to

force USEPA to go forward with that evaluation.

” In recent years, some scientists have proposed that certain chemicals might be disrupting the endocrine system of humans and wildlife. A variety of chemicals have been found to disrupt the endocrine systems of animals in laboratory studies, and compelling evidence shows that endocrine systems of certain fish and wildlife have been affected by chemical contaminants, resulting in developmental and reproductive problems. Based on this and other evidence, Congress passed the Food Quality Protection Act in 1996, requiring that EPA initiate EDSP to screen pesticide chemicals and environmental contaminants for their potential to affect the endocrine systems of humans and wildlife.”

<http://www.epa.gov/endo/pubs/edspoverview/index.htm>

World wildlife federation

[http://wwf.worldwildlife.org/site/PageServer?pagename=can\\_results\\_endocrine](http://wwf.worldwildlife.org/site/PageServer?pagename=can_results_endocrine)

Dioxin Exposure, from Infancy through Puberty, Produces E  
<http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2199303> endocrine  
Disruption and Affects Human Semen Quality. Attach # 20

*There is ample and overwhelming evidence both from studies and common sense that the products we use daily. Prescription drugs, off of the shelf healthcare and cosmetics have levels of toxins and pollutants and other classes of chemicals that effect human health and development...mutagens and carcinogens that remain in sewer effluent after treatment process that is scheduled to be added to our potable and limited water supply for 15,000 people. Add to this the chemicals on the cleaning aisles of supermarkets, hardware and auto parts stores, local dry cleaners, auto Body and other stores that will be added pollutants...over 200,000 and we have a new source of potable water at Broderson that must meet recharge standards. You have failed to meet CEQA requirements to define impacts, classify impacts and meet mitigation standards. Our hope is a SEIR may do so. Attach # 192, Attach # 195*

Stably transfected human breast cancer cell line,

developed by INSERM (Balaguer et al, 1999) \_

Section 7 consultations with US Fish

and Wildlife Service

- Archaeology

- Sensitive species/habitat

- State Marine Reserve

D. Land Uses Includes:

- No other feasible alternative for

ESHA

- Prime agricultural land

- Siting of public utility facilities

E. Engineering Includes the following elements:

- Health and Safety

- Drainage Attach # 75

- Noise

- Odor

- Traffic Trips

- Operational Dependability

5.1AG Exchange is different than reuse as we get potable water for treated effluent. Attach # 51. Using the AG X should be an A priority. ReCip TVA subsurface wetlands vector proof, in Small Flows article and followed by

page 432 DEIR 7-24 Table 7-5 screening level A,B,C

Disagree with the values in penalizing and minimizing bias, Attach, # 148

Table 7.7 page 456: Wrong \$11.4 Capital cost \$355,000 O&M

- Construction low:

\$18 to \$21 million

- O&M medium:

About \$800,000/year.

Page 464 top Wrong... ponds need dredging 15-20 year

Page 474 Other Effluent Disposal Alternatives

*Constructed Wetlands Can't harvest water see Clayton County Georgia*

*Conclusion:*

*There is evidences of constructive , Attach, # 144 through the process. Attach, # 132.. Attach, # 140, Attach, # 143 . The values reported in the due diligence, Rough/Fine screening tech memos and the resulting conclusions are based on questionable values. The alternatives were not vetted in some cases leaving out known data from Carollo project that won awards recently...Petaluma Pond/wetland and Carnation WA Vacuum sewer with wetlands.*

*This plan has a lot of deferred costs and impacts. How ill these be identified in the disposal plans?*

*Please obtain a copy of Los Osos TAC Report Comments by Tom Ruethr March 30 through April 8, 2007 Dr, Ruehr has 35 years studying this project from the earlier TAC in the 80-90s, was a member of the citizens group that formed the LOCSD "The Solutions Group" and a retired (last year) Soil Scientist at Cal Poly San Luis Obispo. He has information that needs considering in this DEIR...lamellae layered at 2" to 4" depth hold the effluent in the soils and create a lateral flow. Attach, # 149 As I have pointed out earlier. If you do not recognize these problems the CA Coastal Commission or the Courts may. It is after all scientific evidence. Attach # 54, #88, #122*

*More study needs to be completed and Tom supports my view that Vacuum, Low*

*Pressure and STEP have a superior outcome for collection in these conditions than does gravity. Please invite and evaluate the submissions of LPS, Vacuum and STEP/STEG as well as wetlands and AG exchange. Attach, # 137, Attach # 279*

*Thank You AL Barrow Coalition for Low Income Housing and Citizens for Affordable and Safe Environment.*

*\*Eone puts a valve at the septic tank junction to the grinder pump for power outages,*

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<sup>[1]</sup> Section 13105(b) provides the alternate ground for revocation of a permit: “Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and could have caused the commission to require additional or different conditions on a permit or deny an application.”



"al barrow"  
<a.barrow@charter.net>  
04/15/2009 07:57 PM

To "Morgan Rafferty" <morgan@ecoslo.org>, "surfrider"  
<djewell@hamner-jewell.com>, "Mary Fullwood"  
<Mary.Fullwood@gmail.com >, "Jonathan Bishop"  
cc "al barrow" <a.barrow@charter.net>

bcc

Subject Concerned: Tonini spray fields lawsuit

Concerned ?

The LO sewer is designed to dispose 840 AFY in an area north of LOVR and west of Turri rd. This will be a spray field to evaporate part and to percolate some.

The treated effluent has 100 PPM of suspended solids and an estimated 350 PPM of TDS plus unknown quantities of drugs, Steroids, Birth control chemicals , and etc. All of this will concentrate by evaporation and has no place to go except in the ground.

The 840 AFY is  $2.28 \times 10^9$  #/y.

At 450 PPM this is 1 million #/y or 513 tons of material other than water.

Is the water under this area that could be feeding the local residential wells known? Is the direction of flow known to exclude other areas that may be in it's path?

This design appears to need further consideration considering the potential litigation it presents in it's present form.

Robert Stark

12-16-08

To: Director Jesse Marquez  
CfASE:

Dear Jesse:

Here are three documents:

1. KEIS sustainability of water supply and planned sewer
2. Coastal commission response to SLO County permit
3. C.A.S.E. response to sewer DEIR.

With these documents to share with NP officials the background and present situation are summarized. We have over 10,000 pages of official document history on the project. Santa Lucia Sierra Club, Chumash Tribal Council, ECOSLO, Surfrider, SLO County, California Coastal Commission Staff, USF&WS, AG Department and SLO Green build all have expressed concerns about this wastewater project.

We need legal assistance in the appeal process as we are parties in good standing that need to exhaust our remedies in preparation for the looming legal battle ahead. We appreciate your offer of assistance.

Thank You.

**Al Barrow Coalition for Low Income Housing & Citizens for Affordable and Safe**



**Environment** CC DEIR comments Summary.doc DEIR 2 COMMENTS AL BARROW CASE 2.doc KEIS Collection Final Rough II.doc

## DEIR COMMENTS CASE AL BARROW

1. A-2: Supplemental Notice of Preparation and Comments/Responses  
Need another SOP to evaluate new information not provided by SLO County for OPR.

2. Appendix B PD Data

Project data is flawed. The rough and fine screening assumptions upon which it is based are constructive fraud Attach, # 125

. Attach, # 132, Attach, # 139. Attach, # 140, Attach, # 144, Attach, # 150 Professionals in the fields of Vacuum and LPS systems have consistently Attach, # 143, Attach, # 144 disagreed the SLO County Staff and the consultants have ignored this new information. The Airvac has repeatedly asked for a meeting with County staff and been denied. At a townhall meeting in November 2008 (available on DVD). Supervisor Patterson and Hill saw this new information as presented by the representatives who have many existing projects evidencing the viability of these less expensive and more protective technologies. The following are environmental impacts that are avoided by these technologies;

1. Vacuum: no INI (300K gpd for gravity) Reduced impacts more protective Vacuum no leakage of sewage into the drinking water aquifer. CMOM show 5% to 8% leakage from gravity sewers Reduced impacts more protective. Attached studies show 16.5 to 49.1 percent , or leakage of raw sewage. Atch # 6 Bulletin 118, #17, # 40, Attach # 78. # 79, # 99 page 1, # 102, Attach, # 153, Attach # 195, Attach # 196

2. Vacuum no septic tank footprint on site, no electrical panel hookup onsite, no deep trenching avoiding those gravity impacts. Reduced impacts more protective
3. Vacuum can take advantage of gravity slope opportunity similar to gravity assist (a principle of vacuum engineering). Reduced impacts more protective
4. Low Pressure System: Vacuum no septic tank footprint on site.
5. HDD: Directional drilled to avoid bio, Cultural resources, existing infrastructure. Reduced impact more protective Attach # 223
6. No septage hauling/pumping can be installed in wet weather.
7. Without industry input these USEPA approved systems have not been vetted adequately. Airvac and Eone and the like must submit reports on these technologies and their benefits along with existing projects. Why has this been ignored? The best project with least impacts should be part of this DEIR and the RFQ, which is not the case.

8. The environmental, economic, and community preferences information has been omitted by Carollo and SLO County staff as to alternatives. Vacuum and LPS need to be vetted here. As the more protective technologies. This new information must be evaluated according to CEQA. May 2007 Carollo said cost savings from alternatives vacuum and LPS will be insignificant. They say otherwise in fact a savings of 50% is expected and huge environmental protection from INI and exfiltration # 40, # 41, #42, # 43. Attach # 61, Attach # 78, #122, Attach, # 133, Attach, # 151,page 12 conclusion, Attach # 240
9. Attachment, Forward collection comparisons: Here is a 14 point discussion of Step vs Gravity pointing out the many foibles of Gravity. Please address these concerns. How can gravity be preferred in 3 of 4 projects? It is a bold lie. And you have no basis for this judgement simply because the other side of the discussion was not vetted. This is an engineer that has both Gravity and Step experience. Attach #17. Attach, # 137, Attach # 198, Attach # 199, Attach # 226

;

10. \$21,900,000 attachment: If Reverse Osmosis is required due to grab violations at Broderson the trucking cost, mileage and pollution need to be identified. Have you got those details? Document 1 PO Plant
11. 2-40 bulletin 118 details show half of recharge was sewer leakage. And attachment 09-15-04-8ssr speaks to Petaluma WW system upgrade, which was done by Carollo a pond wetland in an area of high rainfall. They did not vet this or award winning 2008 Carnation WA in their screening. Sustainable and low energy solutions.
12. 600r01034 attachment: pg 4 show where leakage in gravity collection systems are found...almost all joints to manholes lateral, trunks and mains. They leak a lot, what is your plan to fix them at what cost? It's time to be honest and transparent. Attach # 211, Attach # 212 page 3
13. ABAG attachment; this shows the loss of life and property in Attach # 25. which is magnified by our liquefaction conditions. Attach # 67, Attach, # 142 Please open it. The Northridge and the Loma Prieta quakes killed people and huge lost property recorded. If the bridges into town are damaged where will help come from? The South Bay Fire Department is our emergency services if that building collapses on the fore equipment, the com goes out or telephone service which is common in strong quakes what is your plan to recover? Broderson with its lamella underlay will cause liquefaction under the SBFD and the Redfield woods housing development. Many people would need assistance, fires may start from ruptured gas mains and sewer service would not be restored without repairs, When must the county have a recovery plan? When would it be studied for adequacy? Attach # 67
14. Biosolids Final Report, attachment: Not a popular proposal it is again in public review due by 2010. Project like ponds STEP that have no trucking

for up to 40+ years are the Number one choice environmentally. The Cal Poly marine biology toxicology team has seen Nonylphenol disrupting the lifecycles of Goby and other MBNEP biology. It is a special status not allowed. Leakage of sewer effluent either from Broderson or collection system needs to be eliminated. Czmancd attachment: notes that federal funded project must comply with Coastal Zone Management law enforced by the CA Coastal Commission in permit applications. Leaking sewer in our potable water supply is not protective of coastal resource (water), and CZLUO attachment: Says protect archeo cultural resources, which gravity sewers do not. These trenches are all on grid with exact slopes; unlike HDD small pipe installation they do not allow avoidance of graves and artifacts. How will you mitigate these impacts? Attach #18, #38. # 44. # 45, Attach # 54. Attach # 67, #123, Attach, # 152 DHS DWSAP attachment: The rules for new source water require an application of 120 pages detailing the new water source. When will this be available and who will fill out this application? Sewer effluent will have a high bar for treatment. Potable water supply mixed with EDC and emerging contaminants that no wastewater treatment removes, may require RO. How many truckload of brine for a one million gallon plant? Where will brine be treated Ventura? At what cost \$21 million a year? How much more water will be removed from our aquifer for this? Attach # 20, Attach, # 157, Attach, # 158, Attach # 230. Attach # 233

15. Soil Slippage attachment: Homes slide off of lots in liquefaction conditions as Berkeley reports. Damage to foundations, plumbing and wall how will the SLO County restore taxpayers/property owners for the losses caused by this foolish decision if such a quake should occur and the County has caused the liquefaction conditions? Lamella will cause the effluent to run under these homes and SBFD. Attach # 52, Attach # 67
16. Before development of empty lots proof of water supply and an HCP with a mitigation bank is required by Ca Coastal commission. Why would a second assessment pass (part of the capital sewer cost \$27 million) if we are in RMS Level 3? Why if there is no habitat mitigation bank taking is not allowed? Is the cart pulling the horse? Attach #4, #10 Attach # 15, 16, 27, Attach # 68, 70,71,72. Attach # 80, # 103, # 105. Attach, # 154, Attach, # 155, Attach, # 156
17. Assessment passed by threat of Notice of Violation from CCRWQCB up to \$5,000.00 fines and loss of use of your property. Coercion or encouragement? Attach #10, #11, #26. # 30, #31, #33, #34. #119
18. Initiative petition, attachment: SECTION 1. PURPOSE "The purpose of this initiative measure is to establish standards and procedures for the location of sewer and wastewater treatment facilities to be constructed by the Los Osos Community Services District (the "District") both within and outside the District boundaries that would serve and be paid for by the people of the District. Such standards would serve to protect the people and the environment, including the groundwater, from health and environmental damage that may result from improper siting of such

facilities. Attach, # 164 " TRI W is slated for a lift station...that has to be put to a vote according to Measure B. Have you considered the gravity collection in that light? What impact might that have on the project. Attach # 57. # 120, Attach # 232

Monowitz CCC permit, Attachment; the attorneys show that false or misleading information is grounds for denial of Coastal Development Permit. Attach # 56, Attach # 68, Attach, # 152

Grounds for revocation of a permit shall be:

- Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application.<sup>1</sup>

Stated differently, all that the Commission must find to revoke the Permit is (1) the Commission was presented with incomplete, inaccurate or erroneous information; (2) the inclusion of this information was intentional; and (3) complete or accurate information would have caused the Commission to have issued at least one condition in a different manner, or have denied the application.

- 2. The Incomplete Or Incorrect Information Need Only Have Related To The Permit Application.

B. The Information Must Have Been Intentionally Included.

The second prong is that the information was intentionally included.

1. 1. There Is No Required Showing Of Bad Faith.
2. 2. The Best Means To Determine Whether Information Was Intentionally Included Is To Determine How Often the Statements Were Made.

The County consultant Carollo has repeatedly stated unsupportable fact regarding costs and claims of the best most protective technology and that they all cost the same. How will you refute that? Attach #4, Attach # 81

21. Pipe Slopes 2 Attachment: Many pipe slopes in the MWH collection design are inadequate for 2' per second scouring speeds using the Manning formula. What will you do to make them functional? Vacuum truck daily pumping? The same slopes caused the Nipomo manholes to degrade by hydrogen sulfide and were replaced or repaired please give us the cost of R&R of decayed manholes due to inadequate slopes. To force fit gravity collection in this hilly environment the grade from South Bay to the Bay was designed at .05 or less many miles under the SLO County standards for gravity slopes. ( Standard Improvement Specifications and drawings) section 11-351.1611. 100 gallons per person is the flow with double peak flow, minimum velocity of 2 foot per second minimum flow. Please explain how this will be achieved, as the stated flows in the Carollo reports are less than 70 gpp. Please account for the diurnal flows (morning and

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<sup>1</sup> Section 13105(b) provides the alternate ground for revocation of a permit: "Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and could have caused the commission to require additional or different conditions on a permit or deny an application."

evening). The design flow and the gradient seem a challenge to meet in hilly Los Osos/Baywood Park. A 1/8 of an inch slope is a conservative and standard for gravity collection. Why not err on the side of caution rather than end up like Nipomo with replacement and vacuum sewer costs? These problems do not exist in STEP and LPS collections and to far lesser degree in Vacuum collection. So why chose the antiquated technology best suited for flatter conditions? Design flows are minimal for a community that has to conserve water reducing flows, why? Isn't this a design to fail? Attach, # 133

(D) The minimum gradient for 8-inch sewers should be no less than 0.4 percent

Regardless of pipe material.

(E) The minimum gradient for 6 inch sewers should be no less than 0.6 percent, preferably 0.75 percent.

19. Re: Comments on fine screening, Attachment:# 107, Attach # 239

- Sewer plant O & M costs should be pegged through the life cycle of the loan period to the rate of energy related inflation. Will that be done?

- The sewer best option should be chosen by energy analysis. No detailed energy analysis has been done. I am really surprised at the lack of information and it's omissions. When will that be done?

- The simple mention of existing power rates in a graph has nothing to do with sustainability analysis and puts the whole project in jeopardy. Will you correct that?

- Energy availability will be a problem because of the 10 to 30 percent hydroelectric related snow pack reduction and increases in peak energy demand due to Global Warming caused by higher summer temperatures. Will you take that into consideration? How?

- Loss of annual snow pack means reservoirs will have to shed winter overflow that was previously used to create spring and summer power.

- Blackout and brownouts may be the norm when this sewer plant comes on line in 2011.

- Lifting water to Broderson to achieve a 20% groundwater recharge is a fatal flaw. One it won't reach 20% and two it will pollute potable water. For every gallon recharged, five gallons have to be lifted to the sight at unknown energy costs. Attach # 57, # 121

- Aggressive on site greywater retrofit program would use zero energy and help clean the upper aquifer immediately. Will you consider that in calculating future water flows lower? As with Ag. Watering, there would be 'no discharge' if delivered to the root zones of home landscaping. Why not consider that?

- Conservation is the most energy efficient method for offsetting overdraft. It is not addressed adequately, When will you address that?

Comment:

The most accurate assessments of energy availability make the whole sewer project unsustainable and

contrary to good planning practices. Graphs courtesy of the Dynamic Cities Project, show a depletion model for the United States.

Urban planning for peak oil and natural gas depletion is essential. The present sewer projects in the fine screening would be severely impacted by any energy emergency above a class 2 emergency described above. How will you address this?

*Final Comment:*

*The Fine screening is incomplete related to GHG issues, energy scenarios, sea level issues, and salt water intrusion issues driven by sea level rise. Improving the environment is a holistic action. GHG Append # 28, Append # 86, # 107 pollution is important for generations to come. Nitrogen mitigation that drove the original need for a centralized project seems to have been forgotten as a goal. Consideration of the total water cycle has been driven off course by an uncooperative Water board that has lost its way with environmental water stewardship. Attach # 24, Attach # 187, Attach # 210 The sewer project refuses to face sustainability issues that are mandated by the very same state water agency in Sacramento that the RWQCB3 answers to.*

- State GHG goals are being totally ignored in this study.*
- Energy costs per ML nitrogen removed totally ignored in this study.*
- Sea Level rise is being totally ignored by this study.*
- Global warming impacts on energy are totally ignored.*
- Nitrogen sequestering and recycling is totally ignored.*
- On site and scaled cluster systems are not compared for energy efficiency and omitted as viable while considered elsewhere. Attach #22*
- Alternative energy is not proposed for operations.*
- Sustainability's relationship to affordability and environmental justice is misunderstood and ignored. Attach #49*
- Co-generation is not proposed or studied although being used elsewhere in the State.*

*In defense of my position I would say that building a 1960's energy and resource consumptive community sewer driven by market forces related to known engineering relationships and 'mega-project' construction standards drives this study. Energy efficiency, global warming and GHG issues are left off the table. Attach # 22*

*Citizens should accept no excuse for their omission. – Steve Paige June 5, 2007*  
How will you address these concerns?

22. 6 Table 1.1 needs to name the facultative ponds still in after fine screening. Is ADS, AIPS or Nelson

in? Attach # 44, # 45, Attach # 73

7 1.2.1 Seawater intrusion reversal can be accomplished outside of the project by reducing the lower aquifer draft in lieu of upper aquifer water with # 29 for residential landscape application. Attach, # 178. These expenses can be paid by new development starting with the schools and park. Purple pipe is encouraged and funded by DWR. See the 2003 white paper on reuse. (Our upper aquifer is replenished by septic effluent and classed as partial wastewater or we would not need a sewer. Attach # 62

8 1.2.2 Golden State has applied to CAPUC for rate increase to pay for infrastructure and treatment that will utilize the upper aquifer. How many ACY will that reduce the lower draft? This is an omission that needs attention. Attach, # 125

9 1.3 Flow projections will not change constituent treatment requirements, with ponds it is not a big factor as with 24 hour in 24 out treatment train but that will effect disposal numbers. Attach, # 125

10 FATAL FLAW "Properly installed bell-and-spigot..." will leak raw sewage into our drinking water aquifer which will soon be the upper aquifer as the lower aquifer is not recharging. Attach # 112, #122

11 2.1 KEEP THE WATERS IN THE BASIN unless the water is not needed then it can be sprayed and disposed.

12 2.1.2 Lower aquifer is intruded and that portion is lost That is not necessarily so.

13 Upper aquifer water must be harvested to the point it does not leak into the bay. Attach # 213

14 Recharge must not have Phosphorus, which will clog soil pores. All treatments so far do not address this.] impact on reuse. Calcium treatment that is affordable can be used in combination with wetlands to remove phosphorus this so the treated effluent waters are safe. Attach # 51, Attach # 64, Attach, # 125, Attach, # 159, Attach # 279

15 2.3.2 Bullet 4 describes the cost per acre of grade II-III farmland as \$40,000.00 I think \$10,000.00 is a more responsible number. Giacomozzi was \$323,000.00 for 35 acres at one point. More inflated costs!

16 The case is correctly made that pumping the upper aquifer as landscape water is cheaper than piping effluent back to town and much safer.

17 Table 2.1 page 33

18 PERCOLATION PONDS AT BRODERSON: This was a project FATAL FLAW in 1997 SLO County plan Attach # 23, # 35. #122

19 Urban wastewater reuse is a poor concept compared to upper zone nitrogen water for irrigation Attach # 187, Attach # 242 instead of drinking water. Less piping and much lower health risk on school and community center.

20 They represent over 40ACF reduction in saltwater intrusion on the school/park sites.

21 2.1.2 Sea water intrusion is not irreversible. Early-indicator signals of groundwater contamination: the case of seawater encroachment Attach # 57

22 FCGMA documents reversal of saltwater intrusion in Ventura County. <http://publicworks.countyofventura.org/fcgma/GMA%20Management%20Plan-Final%20051506x%20electronic%20v2.pdf> see page 25 for reversal of saltwater intrusion. Grants from 319 USA were used, see page 75 reduction in seawater intrusion. Attach, # 178

23 I recommend a cost benefit analysis for purple pipe in the reuse portion. And a note on septic INI if a tank can be retrofitted in ground with sprayed epoxy, like manhole restoration it would only cost \$700.00 per tank. saving replacement and removal and retirement costs Replacements could take place at the point of resale so as not to have the community dug up at once. Charlotte County did not Attach #7 replace any tanks. For Gordon's benefit they used a Tarriff document to gain access to private property i have a copy if you would like me to send it along. Tank need certification as per RWQCB3 requirements. If a tank is abandone it could be used to capture rain water and recharge through existing leech fields. (No waste)

24 The STEP collection works well with pond , Attach, # 125, with low biosolids production and lowest energy demand making the combination the most sustainable as the project goals state Many constraints and costs have been added to STEP by this document that are not supported by the STEP Industry data. Attach # 38, # 73, #116, Attach, # 137 . I have screened out gravity due to the eventual leakage into the drinking water as they have admitted. One other FATAL FLAW is the seawater intrusion around the Bay where the deepest pipes will be trenched in. Attach # 36, # 112, Attach # 243 Attach # 283, #122, When saltwater enters the collection system then the treatment plant will

require reverse osmosis and brine trucking to Ventura County will ensue as many as 60 trucks a day. # The expense of these impacts was not added to the gravity cost as I recall \$60,000.00 a day or

23. Re;Revocation of Coastal, Attachment: Revocation of Coastal Development Permit Application No. A-3-SLO-03-113.... Attach # 246

Dear Commissioners, Peter Douglas, and Staff;

C.A.S.E. is represented by Burke, Williams & Sorensen, LLP. I say that so you will understand the gravity of our concern.

1. The misleading and completely false information in the LOCSD/MWH sewer Project

Report led you to believe, incorrectly, that the proposed sewer was somehow located in the only place appropriate for Los Osos i.e. the Tri-W property on ESHA, upslope of the Morro Bay estuary. Raw sewage plant of this genre is responsible yearly for over 6,000 coastal spills a year. The risk of a plant upslope of the Bay is not acceptable when an environmentally preferred site is still presently available. Attachment #5 RWCB, # . Attach # 56, Attach # 67, Attach # 284, Attach # 286

2. Wetland impacts have been taken lightly by the LOCSD. For example 4<sup>th</sup> and Pismo, a rout for sewer mains, has 20 foot tall willows and oaks growing halfway to 5<sup>th</sup> St upslope where a spring originates feeding the wetlands below all the way to the Bay a distance of several blocks. USF&WS have relied on LOCSD environmental consultant Crawford Multari & Clark to provide true and accurate information on wetland impacts. Attach # 8 USACE The District has 9 employees with truck that service and check the 3<sup>rd</sup> street pump station two blocks away. The willows described at the edge of the bay from the El Moro drainpipe to Sweet Springs preserve grow along the eastern side of the Bay. Such an omission could not be construed an oversight, but seem an unwillingness to redesign the collection system in that area. Attach # 39. # 50. Attach # 301, Attach # 304
3. There has been no study on the impact to that spring and it feeding of the wetland bio. The Coastal Act protects such wetlands. Attach, # 128 Routing a collection system that will require maintenance and repair through sensitive areas is improper and a FULL hearing is required, We have seen staff to staff advice between Mr. Monowitz and LOCSD General Manager Bruce Buel over the appeal process fail to address these issues by micro managing the project. That is why this method of oversight is inappropriate under Coastal Act Rules. Attach # 68

4. The preferred environmentally protective method in the Final EIR, STEP collection will avoid these issue. It was "too expensive" to use according to table 4-4 of the LOCSD Project Report. That was a lie. I am attaching a present cost of the environmentally preferred STEP collection and treatment plant on the preferred location in grade 3 AG land. Attach # 39. # 108 page 310 Table B-4
5. The "On Balance" argument used for this sewer location is a flat out lie. This LOCSD sewer in not more protective of the Coastal Resources. It wastes our Attach # 270 It destroys wetlands. It is 10 times the National average in cost. It unnecessarily destroy ESHA in the sacred "Green Belt" where ESHA is contiguous. It may require 40 acres be negatively impacted by leech field failure as not effluent perc test have been applied to the drain filed areas.
6. The recovery plan in the Draft HCP has omitted the replanting with viable plants rather than seeds. And the likelihood of the HCP to address the perpetuity of the endangered species is very questionable. The Coastal Act/LCP require your commission CERTIFY these documents BEFORE a coastal development permit is issued. Attach # 13, #27, Attach, # 154, Attach, # 155, Attach, # 156, Attach # 217,

I respectfully request you withdraw the Coastal Development Permit for this project until the Habitat Conservation Plan is certified. At present it is going to SLO County for beginning public circulation and comment. The affected public here has yet had comment on this HCP or the final EIR/EIS from USFWS. Your cart should be behind your horse. Attach #12, 23, 27. Attach, # 154, Attach, # 156

I respectfully request you Revoke the LOCSD CDP due to the project designs are incomplete. You may be aware that the Design Engineering firm has left out concrete and other amenities essential to build the proposed plant. The cost estimate was close to 50% in error. Only 3 of many qualified contractors bid the project showing there is a lot of risk tied to this project. Attach # 4, 21, Attach # 189

The gravity collection design listed on the the DEIR SLO County web site is the one referred to above. That permit was cancelled by LOCSD. How will the concerns listed and answer how they will be mitigated, changed or addressed? Attach # 23, # 39, Attach, # 129

24. Sewer Paper attachment:

The NRDC published some concerns in the paper "SWIMMING IN SEWAGE"

How will you address these environmental concern created by Gravity sewers? •

Endocrine toxicity;

• Gastrointestinal/liver toxicity;

• Immunotoxicity;

- Respiratory toxicity; and
- Skin or sense organ toxicity.

*Bioaccumulative toxin that will store in fat tissues and all the risk associated with sewer effluent in potable aquifers well documented need to be avoided. How will you do that?*

Draft EIR available will enable Los Osos community residents, the project team and County elected officials to consider the LOWWP's potential environmental impacts as the County identifies the

*County of San Luis Obispo*

*Alternatives to the Proposed Project Los Osos Wastewater Project Draft EIR*

*7-6 Michael Brandman Associates*

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Preferred alternative using environmental, economic, and community preferences information;

incorporates appropriate mitigations; and moves forward with the final design and permitting process.

1. The environmental, economic, and community preferences information has been omitted by Carollo and SLO County staff as to alternatives. Vacuum and LPS need to be vetted here. As the more protective technologies. This new information must be evaluated according to CEQA. Attach #87, #122, Attach # 304

2.

;

### 3. Appendix C Land Use

The Williamson act as related to prime ag land at Tonini is not addressed. Giacomazzi has grade 3 grazing lands primarily. The impacts are quite different. Less piping for Giacomazzi.

#### Appendix D Groundwater

Recharge at Broderson is not evaluated for the impacts of the Lamellae fine lenses as they will move effluent laterally more than stated. Seawater mitigation will not happen. Water will surface down slope to destabilize housing development Redfield Woods as liquefaction conditions are caused by effluent lateral movement underneath the foundations. These home cannot get earthquake insurance. Please re evaluate. 300K gpd lost to INI in gravity collection. Please evaluate and mitigate these significant impacts. There are cumulative impacts here. Attach 25. . Attach # 53, Attach # 57, Attach # 69, Attach # 67, Attach, # 125, Attach, # 153, Attach # 179, Attach # 180

Recharge at Broderson will likely call for RO and Advanced Oxidation. Reverse osmosis membrane will reject over 30% brine that will be hauled to Venture brine receiving facility or elsewhere. Please address this missing information as complying with CA DHS Recharge regulations apply for Broderson if sewer effluent is used. Over 60 truck loads a day at 5K gallons (42,500 pounds per truck). The air pollution is not quantified for pounds of diesel emissions. The footprint of such treatment is not described. Please include.

#### 4. Appendix E Drainage Attach # 75

NC

#### 5. Appendix F Geology

Morro Bay gravity collection pipes were so damaged in the Dec 22, 2003 earthquake FEMA grants were awarded...In Los Osos where the water pipes were not damaged as in MB the septic tank remained intact as well. But the SLO County engineering put a penalty on STEP but not on gravity collection more bias based on not science. Attach #25, Attach # 67

The 1994 Northridge earthquake is well documented for damage to gravity collection (14years and \$2 billion to repair) pipes but water pipes were much easier and quicker to repair over 60 of water was restored in 24 hours. Similar to STEP, LPS and Vacuum collections. Attach # 25, Attach # 69, # 88, Attach # 181, 182

4.6 GROUND LURCHING The October 17, 1989 Loma Prieta earthquake was responsible for 62 deaths and 3,757 injuries. In addition, over \$6 billion in damage was reported including damage to 18,306 houses and 2,575 businesses. Approximately 12,053 persons were displaced. Attach #25, Attach #

69 .The most intense damage was confined to areas where buildings and other structures were situated on top of loosely consolidated, water saturated soils. Loosely consolidated soils tend to amplify shaking and increase structural damage. Water saturated soils compound the problem due to their susceptibility to liquefaction and corresponding loss of bearing strength. Attach # 67

Ground lurching occurs as the ground is accelerated during a seismic event. As evidenced by the Loma Prieta, Landers, Northridge, and San Simeon earthquakes, the effects; Attach # 25, Attach # 69

The October 17, 1989 Loma Prieta earthquake was responsible for 62 deaths and 3,757 injuries. In addition, over \$6 billion in damage was reported including damage to 18,306 houses and 2,575 businesses. Approximately 12,053 persons were displaced. The most intense damage was confined to areas where buildings and other structures were situated on top of loosely consolidated, water saturated soils. Loosely consolidated soils tend to amplify shaking and increase structural damage. Water saturated soils compound the problem due to their susceptibility to liquefaction and corresponding loss of bearing strength. See <http://www.es.ucsc.edu/~es10/fieldtripEarthQ/Damage1.html> Attach # 69

Ground lurching can damage facilities and buried pipelines. Ground lurching occurs due to

detachment of underlying stratigraphic units, allowing near-surface soil to move differentially

from underlying soil. Attach # 69 The site is within a seismically active region of Central California that is

prone to moderate to large earthquakes. It is therefore our opinion that there is a potential for

ground lurching to impact the site. Ground lurching is generally not a geologic hazard that can

be prevented, and therefore is mitigated by implementing preparedness measures. Attach # 25, Attach # 69 That is why lamellae is a new liquefaction condition not addressed. That changes the impact levels and the mitigation therefore is an unaddressed significant impact. Attach # 272

The fault search routine in FRISKSP was used to identify active and potentially active mapped faults and fault segments within a 62-mile radius of the project vicinity They include: Los Osos, Hosgri, San Luis Range (S. Margin), Rinconada, Casmalia (Orcut Frontal Fault), Lions Head, San Juan, San Andreas (Cholame), and Los Alamos Attach #25, Attach # 69

#### 5.4.5 - Level of Significance Prior to Mitigation

Less Than Significant or No Impacts were found related to the project being susceptible to fault

rupture and landslides. These issues will not be discussed further.

- Hokie and unscientific assumption in light of existing evidence that Los Osos has a 7.5 Hosgri fault 10 miles offshore 7 magnitudes higher than the San Simeon 2003 quake. The complete analysis and with the lamellae lenses this is inadequate. People will die, buildings will be destroyed if Broderson is implemented.
- The gravity trenching will cut through the clay lenses causing the waters to run down the trenches to the bay. A matrix of 8' deep trenches will make a creek that will drain these perched water bowls (clay lenses) out to the bay where we will lose a large amount of waters. When a quake occurs the wet soils in the trenches will consolidate and the engineered slope of the beds will be lost. The gravity sewer will cease to function as designed and Los Osos will be without sanitary services and at risk of cholera and other contagious diseases. How will services be provided? At what cost? Please detail the recovery plan as case law has adjudicated. Attach, # 133, Attach # 296

rationale for determining a Less Than Significant or No Impact for each of the thresholds of significance can be found in Appendix F-1. Table 5.4-1 is a summary of Geology Significance Determination and provides a quick reference for items of No Impact, Less Than Significant Impact, and Potentially Significant Impact (for which mitigation measures are proposed).

*Project-Specific Analysis Attach, # 167*

Proposed Project 1

Strong seismic ground shaking can occur in response to local or regional earthquakes. The sites under Proposed Project 1 are located within a seismically active area, and the potential exists for strong ground motion to affect the proposed facilities at the sites under Proposed Project 1 during the

design lifetime. In general, the primary effects will be those phenomena associated with shaking and/or ground acceleration. Given that it is likely for the proposed facilities to be impacted Attach #25,

Attach # 69, Attach # 275

*Cumulative Impact Analysis*

Proposed Project 1

Implementation of Proposed Project 1 may contribute to cumulative ground shaking impacts on

people and/or structures. Therefore, Proposed Project 1 may contribute to cumulative fault rupture

impacts; and this contribution is considered cumulatively considerable, therefore, significant.

Not correct as mitigation is called for but not detailed. It could be inadequate without seeing it. Kabuki. I am reading this with a tinfoil hat on.

5.4.7 - Level of Significance After Mitigation

Project-Specific

*Proposed Projects 1 Through 4*

Less than significant.

Cumulative Again Not correct as a mitigation is called for but not detailed. It could be inadequate without seeing it. Kabuki. I am reading this with a tinfoil hat on.

*Proposed Projects 1 Through 4*

Less than significant. Not correct as a mitigation is called for but not detailed. It could be inadequate without seeing it. Kabuki. I am reading this with a tinfoil hat on.

## 6. Appendix G Biological

See California Native Plant Society responses which are significant and note that Native that are damaged by diesel will be invaded by nonnative like South African Veldt grass, thereby losing the mitigation for TRI-W and the excavation of the Broderson leach field will also be invaded by non natives or exposed to it. How will you mitigate those impacts?

## 7. Appendix H Cultural

Deep trenching of gravity collection will disturb cultural resources. Where there is an alternative of lesser impact that should be selected. See CZLOU and Coastal Act and Estero Plan which all require least impactive project to goals and guidelines. Attach # 54.

## 8. Appendix I Public Hearing

## 10. Appendix J Traffic

21,900 brine trucks

Union Asphalt quantified the truck hours to move 2,500 trucks of river rock for leach fields at Broderson. From their Santa Maria Site; 228,690 mile, \$1,262,869.05 materials, \$734,349.00 trucking cost, 90 miles round trip. 170 minutes a trip at 20 yards of rock per load and each truck will weigh 80,000 pounds. A yard weighs 1.2 tons or 2400 lbs. Times 20=48,000 lbs. How much diesel fuels for all of this hauling please state the facts, the impacts and the mitigation. Attach # 185