

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Elaine Watson

Mailing Address: 1287 5th Street

City: Los Osos

Zip Code: 93402

Phone: 805-528-3995

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County Board of Supervisors

2. Brief description of development being appealed:

Los Osos Waste Water Project

3. Development's location (street address, assessor's parcel no., cross street, etc.):

LOWWP: Prohibition Zone collection to the cemetery (Giacomazi Property) for treatment

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

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OCT 19 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-09-055

DATE FILED: October 19, 2009

DISTRICT: Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 9-29-09

7. Local government's file number (if any): DRC2008-00103

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

County of San Luis Obispo
976 Osos Street
Room 300
SLO, Ca. 93408

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**SECTION IV. Reasons Supporting This Appeal****PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Project mitigations appear to be inadequate to protect and maintain coastal wetlands, riparian habitat and other environmentally sensitive habitats in the area.

LCP Environmentally Sensitive Habitat Policy #2

LCP Environmentally Sensitive Habitat Policy #7

The proposed project treatment site is located within or adjacent to an environmentally sensitive habitat. Sites have not been evaluated nor have maximum mitigation measures been determined.

CZLUO Section 23.07.174

The collection system selected for the project does not provide the 'maximum feasible mitigation measures' for protecting environmentally sensitive habitats including Morro Bay Estuary, a protected State Marine Reserve.

CZLUO 23.08.288

A stronger conservation program is needed to maximize funding, provide the greatest possible seawater intrusion mitigation and protection of environmentally sensitive habitat.

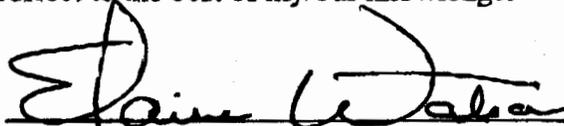
Also, a stronger reuse program is needed to provide the greatest possible seawater intrusion mitigation and protection of environmentally sensitive habitat.

In addition to the Coastal Act/LCP/CZLUO policies/sections cited above, the project fails to conform/comply with Coastal Act Sections 30004, 30007.5., 30412, 30230, 30244, 30253, 30254; LCP Environmentally Sensitive Habitats Policies 1-8, 11, 12, 16, 17-23, 26-30, 36-39; LCP Coastal Watersheds Policies 1-3, 5, 10, 11; LCP Public Works Policies 1, 2, and 5-10; CZLUO Sections 23.01.010, 23.04.403, 23.07.172, 23.07.174, 23.07.176, 23.07.178, 23.08.288.

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SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 10-19-09

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Appeal of the LOWWP Coastal Development Permit, Elaine Watson, October 16, 2009

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Reason for Appeal

The Los Osos Wastewater Project (LOWWP) Coastal Develop Permit finds that there are no impacts to environmentally sensitive ecosystems—or that impacts have been reduced to insignificance with the mitigations provided in the Development Plan and Plan Conditions.

However, mitigations are inadequate to protect and maintain coastal wetlands, riparian habitat, and other environmentally sensitive habitats in the area. Spencer Harris, consultant for the LOWWP EIR, stated at the Planning Commission meeting on June 30, 2009, that hundreds of acre feet of flows to Willow Creek Drainage (a riparian habitat) would dry up when the project is implemented and that the area would revert to conditions closer to predevelopment. This was reiterated by Commissioner Christianson on August 13, 2009, and Rob Miller (a consultant for the LOWWP, Los Osos water purveyors, and the LOCSDD) at a LOCSDD meeting on July 30.

Willow Creek Drainage supports Willow Creek, Eto Lake, Los Osos Valley Creek, Los Osos Valley Creek Estuary, and Morro Bay Estuary. Other sensitive ecosystems potentially impacted include Third Street Marsh, Baywood Marsh, and Third Street Point Spring. Broderson leach fields are not likely to supply subsurface flows to these systems. Furthermore, Permit Conditions 56-70, 86, 87, 88, and 101 designed to mitigate for biological impacts and address the reduction in groundwater flows fail to conform to mitigation/protection standards as provided in the following policies and sections

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

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

CZLUO Section 23.07.174 “Streams and riparian vegetation”

The provisions of this section apply to development proposed within or adjacent to (within one hundred feet of the boundary of) an environmentally sensitive habitat as defined by Chapter 23.11 of this title, and as mapped by the land use element combining designation maps.

(1) Application Content. A land use permit application for a project on a site located within or adjacent to an environmentally sensitive habitat shall also include a report by a biologist approved by the environmental coordinator that:

(A) Evaluates the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures;

(B) Recommends conditions of approval for the restoration of damaged habitats, where feasible...

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The applicant has not demonstrated that there will be no significant impact on sensitive habitats or that activities will be consistent with the biological continuance of these habitats. Sites have not been evaluated nor have maximum mitigation measures been determined. To determine the potential impacts on these systems and the effectiveness of mitigations requires measuring and analyzing how much groundwater is flowing to the systems and the most effective options for replacing these flows. Condition 87 provides for a "Groundwater Level Monitoring and Management Plan," but the plan will be implemented after project installation. Avoiding harm to ecosystems requires putting effective measures in place prior to impacts. Groundwater movement is slow, and avoiding impacts to these vital systems requires proactively replacing flows.

An integrated system of strategically located community and on-site LID systems provide a higher level of mitigation, and on-site system can be implemented as part of an integrated water-use efficiency program. A phased project, with the first phase collecting wastewater only from homes along the bay and in high groundwater areas (with most septic systems upgraded and left in place) also alleviates most of the impacts to wetlands and other environmentally sensitive ecosystems.

Impacts from the collection system: The collection system selected for the project also does not provide the "maximum feasible mitigation measures" for protecting environmentally sensitive habitats, including Morro Bay Estuary, a protected State Marine Reserve. Thus, this component of the project does not conform not to CZLUO 23.08.288 and other sections cited below.

The *Fine Screening Report* and EIR assume the "hybrid gravity" collection system selected for the project will allow about 100 AFY of water into the system per year more than the system it was compared to (STEP). This is due to leaks in the system, which become worse over time. The leaks allow what is known as inflow and infiltration or I/I. The Planning Commission added Condition 98 (sealing portions of the system in high ground water and near the bay) recognizing the need to reduce I/I into the system, which results in increased wastewater flows, increased treatment needs, incomplete treatment, contamination of effluent with seawater (preventing its beneficial reuse), and reduced ground water recharge. I/I, especially during storms, is a leading cause of overflows and pollution of aquatic ecosystems. Exfiltration, or leaks out of a non-sealed system, is also a major cause of pollution of beaches and other marine environments.

STEP will completely eliminate I/I and related problems when laterals are sealed (as called for in Condition 98) and it avoids the need to locate pump stations near sensitive ecosystems as required with the hybrid gravity system (e.g., at Third Street and Pismo Streets). STEP pipelines are installed entirely in shallow, narrow trenches or by horizontal drilling, rather than deep open trenching as needed for gravity line installation. This significantly reduces impacts to soils, existing infrastructure, areas of archeological significance, and water resources. (Deep trenching in roadways requires more water for dust control and soil compaction, and it causes greater impacts to water resources from dewatering, e.g., removal and disposal of groundwater.). STEP reduces or alleviates the need for many conditions on the project designed to mitigate for the gravity system (e.g., 10, 24, 25, 46, 76, and 98). STEP also reduces sludge handling and hauling by 75-90% reducing associated problems (see below).

Furthermore, John Waddell, Project Engineer, indicated (at a Planning Commission meeting on July 24) that the hybrid gravity system is designed for 70-80 gpcd flows, and requires redesign of

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the system to accommodate conservation flows. On August 13, Mr. Waddell said redesign could be performed as part of a request for proposal (RFP) process. However, design review and analysis of potential impacts for a redesigned system is required to ensure the system protects resources. Impacts from a poorly designed system could include 1) installation impacts due to very deeper trenching, 2) greater blockage and overflows due to inadequate slope or pipe diameters, 3) large amounts of water needed to flush and clean the system, and/or 4) persistent odors. These potential impacts are inconsistent with LCP provisions and violate the CZLUO (e.g., Section 23.08.288). The collection system must perform optimally (e.g., with conservation flows) to protect and maintain sensitive ecosystems and other valuable resources. The STEP system maintains optimal performance with low flows from conservation, so it protects and preserves scarce water resources and provides maximum protection for environmentally sensitive habitat and other coastal resources consistent with LCP policies and CZLUO requirements.

Additional Reasons for Appeal

A stronger conservation program is needed to maximize funding, provide the greatest possible seawater intrusion mitigation and protection of environmentally sensitive habitat: The project's current conservation program does not maximize the benefits of integrated planning or the potential of an intensive water use efficiency program including indoor and outdoor options, as well as LID and graywater reuse. An integrated approach emphasizing water use efficiency is recommended in the *California Water Plan*, and water use efficiency is now widely considered the most-cost effective way to provide a supplemental water source for thirsty communities. This approach also provides the fastest and surest way to develop the supplemental water needed to substantially reduce pumping of the lower aquifer and stop seawater intrusion. LID options are recognized as low-cost ways to enhance groundwater flows and reduced surface water pollution. As part of an integrated program, they will reduce water use, provide flows to sensitive ecosystems, mitigate for on-lot disturbance, and increase grant opportunities, among other benefits.

At the project appeal hearing on September 29, the SLO County Board of Supervisors substantially weakened the conservation condition set by the Planning Commission (Condition 99). The new language effectively delays program implementation and removes a definite funding source (i.e., LOWWP project funding), replacing these provisions with indeterminate timelines and funding sources. The new language also limits measures to only indoor retrofits and it eliminates a provision for water auditors. Even with the original Planning Commission language, the project's conservation element could be much stronger, providing significantly greater benefits to residents and the basin. An aggressive water use efficiency program, targeting about a 30% reduction of total water use in the basin, is achievable and likely the only way to establish a sustainable basin (see suggested conservation language attached).

A stronger reuse program is needed to provide the greatest possible seawater intrusion mitigation and protection of environmentally sensitive habitat: The SLO County Board of Supervisors weakened the SLO County Planning Commission conditions relating (originally Conditions 97 and 103, combined into Condition 97) designed to prioritize reuse options to achieve the greatest seawater intrusion benefits and to protect sensitive ecosystems. The condition, as now written, allows the purveyor adjudicated (ISJ) process to determine the uses of recycled water. Only

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recycled water not negotiated as part of that process is subject to the seawater intrusion priority language in the current conditions. This change does not ensure recycled water will be used to maximize seawater intrusion benefits or provide important mitigations for reduced groundwater flows. The original Planning Commission measure could be made stronger by eliminating language that limits urban reuse options in the "Reuse" technical memorandum (i.e., the parenthetical phrase should be removed). Also, ag exchange and urban reuse should be specifically mentioned as options with the greatest seawater intrusion benefits.

(In addition to the Coastal Act/LCP/CZLUO policies/sections cited above, the project fails to conform/comply with Coastal Act Sections 30004, 30007.5., 30412, 30230, 30244, 30253, 30254; LCP Environmentally Sensitive Habitats Polices 1-8, 11, 12, 16, 17-23, 26-30, 36-39; LCP Coastal Watersheds Policies 1-3, 5, 10, 11; LCP Public Works Policies 1, 2, and 5-10; CZLUO Sections 23.01.010, 23.04.403, 23.07.172, 23.07.174, 23.07.176, 23.07.178, 23.08.288).

**New Conservation and Reuse Conditions
(transcribed wording and analysis)**

New 103—Prior to individual property owner hook up to the wastewater project, each property owner shall provide proof to the satisfaction of the Planning Director that all toilets, shower heads, and faucets have been replaced with high efficiency versions of the same.

New 99—Within one year of the adoption of a due diligence resolution by the BOS electing to proceed with the wastewater project, a water conservation program shall be developed by the applicant, in consultation with the local water purveyors, within the prohibition zone for the community of LO that meets the goal of 50 gpcd of indoor water use. The applicant shall provide \$5 million toward the water conservation program. Incentives shall be provided to home owners and other property owners who install conservation measures within the first year.

Old 99—Upon final approval of the Los Osos Waste water Project (LOWWP) including any appeals to the Board of Supervisors and/or the California Coastal Commission, the applicant shall implement a water conservation program, in consultation with the local water purveyors, within the prohibition zone for the community of Los Osos. The applicant shall provide 5 million dollars of funding towards the water conservation program. Water conservation measures including but not limited to high efficiency toilets, showerheads, and faucet aerators (not to exceed \$1000 per dwelling including installation) shall be provided and installed within the prohibition zone in consultation with the recommendation of a water auditor, prior to hook-up to the sewer system. If homeowner(s) choose to install water conservation measures within the first year of project approval (from the date of final action), then homeowners will be eligible for reimbursement of water conservation equipment (not to exceed \$1000 per dwelling) and free installation of said retrofits.

Paavo—made it clear his interpretation of how the money should be spent does not limit its use to retrofits or early implementation. He thinks it can go toward administration, water auditors, and operations down the road and be paid for with rates and charges or the revenues raised from selling recycled water. He also indicated the program would be developed within the ISJ process.

Bruce—ignored Anne's recommendation that incentives for early participation include covering the cost of retrofits and installation. He continued to try to make the language less specific and mentioned that the BOS would develop the program in subsequent meetings. He made sure the new 103 (hook up upon connection) language was stated—and emphasized that indoor use provided the only nexus to the project because it reduced flows and made the disposal plan feasible (also stated by Paavo). He ignored Patterson who at first said graywater use was a way to reduce flows (so had a nexus to the project), then backed off. When I talked to Gibson during a brief break as the language was being written, he was adamant he would not consider a nexus to SWI mitigation.

Jensen—said the program did not constitute a gift of public funds, so long as it provided an identifiable public benefit.

Problems:

1. The new language says a conservation program "shall be developed" within one year; whereas the old language says the applicant "shall implement" the program within one year. Therefore, the new language does not preserve the PC's intent to maximize SWI benefits within the first year. If the program is developed within the ISJ process and/or if the Board must review and approve the program (as Bruce said), it will undoubtedly take more than a year to implement.
2. Paavo believes the \$5 million can come from rates and charges in the future and the money doesn't have to pay for retrofits. Thus, early incentives are not likely to be strong incentives (i.e., cover all of the costs of retrofits as provided in the PC condition).
3. Richard is correct: This is basically the same program as the original one. Under this language Paavo can use the original \$1 million for "early incentives," and the rest can be used for whatever he wants it for. Also, incentives do not technically have to be monetary, so Paavo wouldn't have to spend any money on conservation the first year.
4. The cost burden under this language falls on those who can't afford the retrofits. Despite Katcho's efforts, no special provisions were added to pay for low income household retrofits. (The new language seems to respond to the biggest complaint I heard about the old 99—from my conservative friends—that those who had already retrofitted would be paying for people who hadn't (socialism, you know).

5. The 50 gpcd is not a 20% reduction. It is more like a 12% reduction (like the original program) since the current per capita water use is overestimated. If Paavo or others change the way indoor use is estimated, the program can achieve the 50 gpcd goal on paper. This would leave Paavo \$4 million to play with—fund County positions or activities (ISJ negotiations) with little or no conservation benefits.
6. 50 gpcd is not a true conservation target. All recent studies say it should be 45 gpcd—with high efficiency washers, leak detection, and water auditors as part of the program.
7. The 50 gpcd can't be measured with any certainty. To be measured accurately (with meters), the target must be an indoor-outdoor target or a total purveyor production target. (The first is easier to justify.)
8. The program doesn't include outdoor measures. An integrated indoor-outdoor program, with LID options (recommended by LOSG), can double the water use reduction, increase grant funding opportunities, and help ensure outdoor water use doesn't go up when septics are taken off line and vegetation begins to dry up. Integrated LID measures have multiple benefits including helping to restore flows to sensitive ecosystems. OUTDOOR MEASURES HAVE A NEXUS BECAUSE THEY MITIGATE FOR 1) SWI, 2) REDUCED FLOWS TO ECOSYSTEMS, AND 3) ON-LOT IMPACTS INCLUDING INCREASED RUNOFF FROM LATERAL (OR STEP TANK) INSTALLATION.
9. At project start up, flows will be below the 50 gpcd (due to inaccurate indoor use estimates and continuing graywater reuse). The County could use these reduced flows as a sign further conservation is not needed.

The following is some sample draft language for a stronger plan. Basically, more direction is needed for the County not to misuse the money. A program referring to indoor-outdoor use (and other language below) can reduce water use by about 500 AFY within the prohibition zone, whereas the revised 99 and 103 language can only reduce it from 0 AFY to about 200 AFY.

Within one year of the adoption of a due diligence resolution by the BOS electing to proceed with the wastewater project, the applicant shall implement an integrated indoor-outdoor water use efficiency (conservation) program, in consultation with local water purveyors, within the prohibition zone of Los Osos. The applicant will provide 5 million dollars of funding towards the program. The program will be implemented with an ordinance that targets 1) a 45 gallon per capita per day (gpcd) average for residential indoor use, 2) a 60 gpcd average for

indoor-outdoor use, 3) a 33% reduction in Class II indoor-outdoor potable water use, and 4) a 30% reduction in overall water use within the Prohibition Zone (based on 87% of the total purveyor production figures, e.g., 1906.4 acre feet in 2008). The program shall be designed to maximize funding and achieve targets within the first two years of program implementation. Property owner participation will be a condition of hook up to the wastewater project. However, incentives, including generous rebates and free installation will be offered to assure early participation in the program. Grant funding shall be pursued to augment program funding, and funding may be used as matching funds to leverage grants. Administrative and personnel costs will be limited to no more than 15% of program costs. Measures and funding will be applied where they can achieve the greatest water saving benefits and the program will include water auditing services to maximize funding and program effectiveness. Provisions for low income households to receive free retrofits and installation shall be provided. Indoor strategies shall include a range of the most cost-effective retrofits, e.g., high efficiency toilets, washers, faucet aerators and shower heads. Outdoor strategies shall include the most cost-effective Xeriscape options and appropriate technologies, including LID systems and graywater reuse. Leak detection and repair will also be included in the program. Other best management practices may be considered if they can be demonstrated to provide greater benefits for the cost. The water savings from the program will be applied to reduce the pumping causing seawater intrusion. The above program components, along with other program provisions consistent with this condition, shall be provided for in the program ordinance.

New Reuse Lanaguage

Re: New Condition 97 language—the most important change, which Supv. Gibson was careful to get on the public record, is that the court (as part of the ISJ process) shall have final say on how the recycled water is used. All other provisions in the language apply only after the judge determines how purveyors will use the water. (Of course, this means how the County negotiates use of the water within the ISJ process. The County will own the recycled water.) Thus, even the “no less than 10%” language applying to environmental and ag use (10% each) applies to the recycled water not controlled by the ISJ process. Therefore, if the ISJ applies to 90% of the recycled water, just 1% can be applied for ag or environmental uses. (This is how I read it and Richard agrees)

The previous Condition 97 dealt with the ISJ and ag and environmental uses, and Condition 103 dealt with recycled water uses prioritized to achieve the greatest SWI benefits. Thus, the conditions were co-equal and 103 would likely have been interpreted to exert influence over 97 (i.e.,

help guide the ISJ process). Since 103 comes after 97 in the Development Permit, I believe it may even be considered to have greater importance. The new language makes it clear that the ISJ controls all recycled water—so the first line could render the rest of the language virtually useless (as I understand it).

The language also provides for recycled water use within the Los Osos Valley. I'm not completely sure why Supv. Gibson was so adamant about this point. It may be that the County plans to sell the recycled water and could conceivably obtain a higher price outside of the basin. Also, if Broderon doesn't work as expected, the language would allow disposal outside of the basin. In any case, this language should be taken out because there are adequate sites and opportunities for reuse within the basin.

Also, the parenthetical in the urban reuse line referring to the "Reuse TM" should be deleted since it potentially limits urban use to a few very large users only, e.g., no large properties (1/2-5 acre parcels).

Katcho kept asking Gibson if the language limited application of the Water Code cited, and Gibson said no but I think it greatly reduces application. The code essentially says that, if recycled water is available, outdoor use of potable water is considered a waste. Thus, some of the large properties with wells might be subject to the law—if the language doesn't limit urban uses to only certain sites.

I recommend the original wording with specific mention of ag exchange and urban reuse as the most effective measures in reducing SWI, with the parenthetical referring to the "Reuse TM" taken out of that line.

Comparison of wording of Conditions for the LOWWP from the Planning Commission Appeal (August 13, 2009) and Board of Supervisors Appeal (September 29, 2008)

Planning Commission Conditions:

97. Treated Effluent Reservation. Except as otherwise may be required by a court judgment arising from the current groundwater litigation involving the Los Osos Groundwater Basin, all treated effluent not required to be returned to the Los Osos Groundwater Basin or otherwise utilized to satisfy the judgment of the court shall be reserved to satisfy environmental and agricultural needs in the Los Osos Valley, except that such reservation may not be less than ten percent of the treated effluent for the environment and not less than ten percent for agricultural uses. No amount of treated effluent may be used to satisfy or offset water needs that result from non-agricultural development outside the Urban Reserve Line of the community of Los Osos.

BOS Findings and Conditions:

97. Nothing in this condition shall preclude disposal of treated effluent in accordance with a court judgment arising from the current groundwater litigation involving the Los Osos Groundwater Basin.

Disposal of treated effluent shall be reserved for the following sites/uses:

- a. Broderson (not to exceed 448AFY on average annual basis),**
- b. Urban re-use within the urban reserve line (as identified in the Effluent Re-Use and Disposal Tech Memo, July2008)**
- c. Agricultural re-use overlying the Los Osos Groundwater Basin,**
- d. Environmental reservations (not less than 10% of the total treated effluent), and**
- e. Other agricultural re-use within Los Osos Valley.**

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

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

Planning Commission Conditions:

99. Upon final approval of the Los Osos Waste Water Project (LOWWP) including any appeals to the Board of Supervisors and / or the California Coastal Commission, the applicant shall implement a water conservation program, in consultation with the local water purveyors, within the prohibition zone for the community of Los Osos. The applicant shall provide 5 million dollars of funding towards the water conservation program. Water conservation measures including but not limited to high efficiency toilets, showerheads, and faucet aerators (not to exceed \$1000 per dwelling) shall be provided and installed communitywide in consultation with the recommendation of a water auditor, prior to hook-up to sewer system. If the homeowners(s) complete installation of said retrofits at their own expense, then the cost savings for installation may be applied to other water conservation measures.

BOS Findings and Conditions:

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

Planning Commission Conditions:

103. Treated effluent disposal shall include Broderson (not to exceed 448 AFY on an average annual basis), urban re-use (as identified in the Effluent Re-use and Disposal Tech Memo, July 2008), and agricultural re-use (as

identified in Attachment 4). Disposal / re-use sites and options shall be prioritized to reduce seawater intrusion and return /retain water in the Los Osos groundwater basin. Highest priority shall be given to replacing potable water uses with tertiary treated effluent consistent with Water Code Section 13550.

BOS Findings and Conditions:

103. (BOS combined Planning Commission #103 language into Condition #97)

BOS New 103:

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

Appeal of LOWWP Coastal Development Permit, Attachment, Elaine Watson, October 16, 2009**Recommended Project Conservation Condition Language**

Within one year of the adoption of a due diligence resolution by the BOS electing to proceed with the wastewater project, the applicant shall implement an integrated indoor-outdoor water use efficiency (conservation) program, in consultation with local water purveyors, within the prohibition zone of Los Osos. The applicant will provide 5 million dollars of funding towards the program. The program will be implemented with an ordinance that targets 1) a 45 gallon per capita per day (gpcd) average for residential indoor use, 2) a 60 gpcd average for indoor-outdoor use, 3) a 33% reduction in Class II indoor-outdoor potable water use, and 4) a 30% reduction in overall water use within the Prohibition Zone (based on 87% of the total purveyor production figures, e.g., 1906.4 acre feet in 2008). The program shall be designed to maximize funding and achieve targets within the first two years of program implementation. Property owner participation will be a condition of hook up to the wastewater project. However, incentives, including generous rebates and free installation will be offered to assure early participation in the program. Grant funding shall be pursued to augment program funding, and funding may be used as matching funds to leverage grants. Administrative and personnel costs will be limited to no more than 15% of program costs. Measures and funding will be applied where they can achieve the greatest water saving benefits and the program will include water auditing services to maximize funding and program effectiveness. Provisions for low income households to receive free retrofits and installation shall be provided. Indoor strategies shall include a range of the most cost-effective retrofits, including high efficiency toilets, washers, faucet aerators and shower heads. Outdoor strategies shall include the most cost-effective Xeriscape options and appropriate technologies, including LID systems and graywater reuse. Leak detection and repair will also be included in the program. Other best management practices may be considered if they can be demonstrated to provide greater benefits for the cost. The water savings from the program will be applied to reduce the pumping causing seawater intrusion.

To: Central Coast Coastal Commission

Re: Appeal: Los Osos Waste Water Project

Date: 10-19-09

Fax: 831-427-4877

Pages: 17

From: Elaine Watson
Phone: 805-528-3995

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