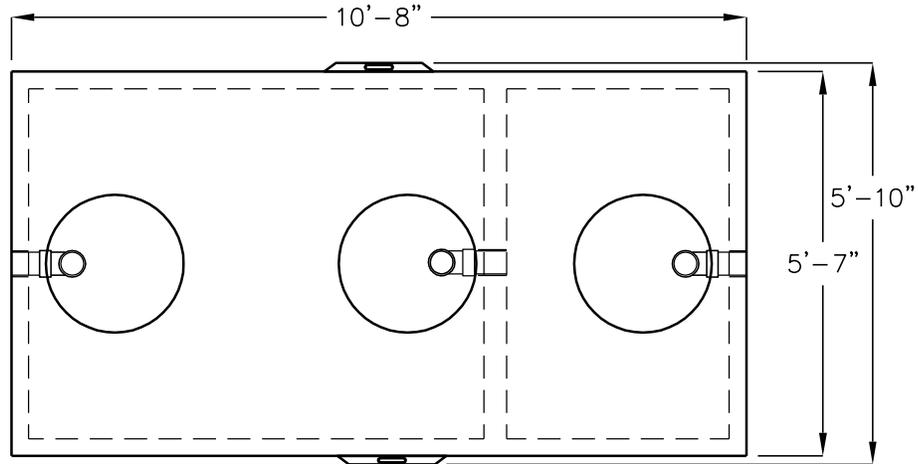
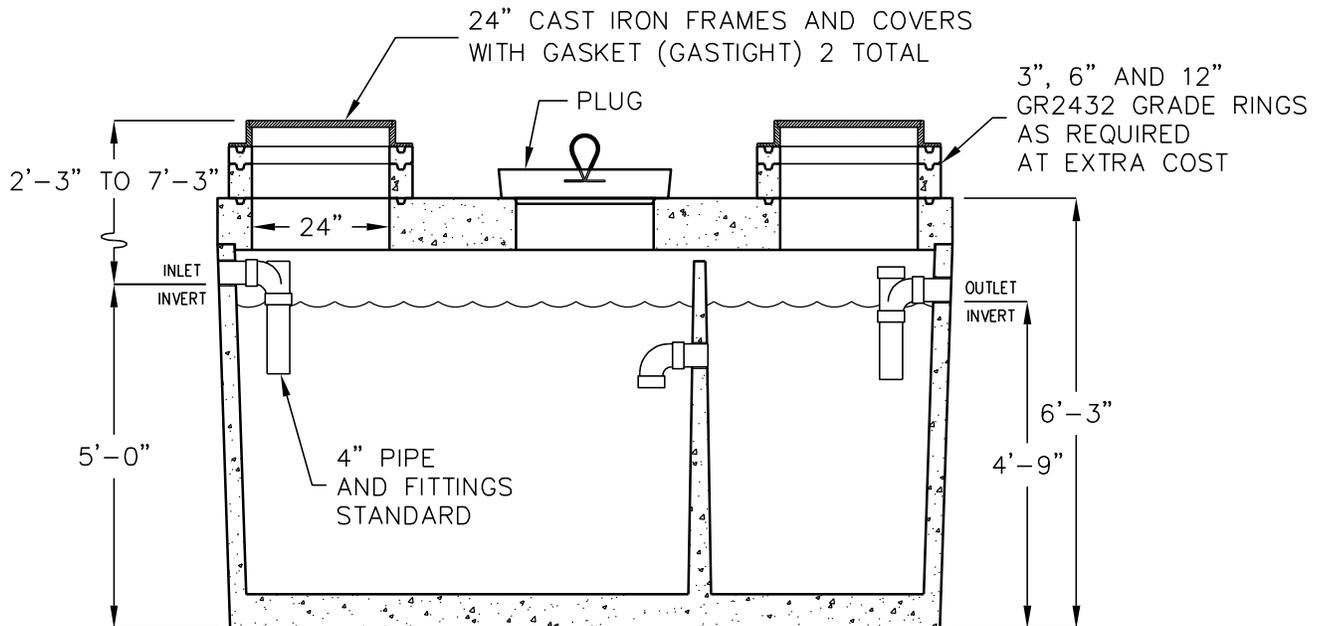


1500 GALLON COMMERCIAL SEPTIC TANK

MODEL JP1500EE-ST
LISTED BY UPC®



TOP VIEW
(COVERS & RINGS REMOVED)



SIDE SECTION VIEW

OPERATING CAPACITY: 1,500 GALLONS.

DESIGN LOAD: H-20 TRAFFIC WITH DRY SOIL CONDITIONS
(WATER LEVEL BELOW TANK) AND 1'-6" EARTH COVER.

SUITABLE SUB-BASE BEDDED WITH GRANULAR MATERIAL SHALL BE
PREPARED TO HANDLE ANTICIPATED LOADS.

FOR COMPLETE DESIGN AND PRODUCT INFORMATION
CONTACT JENSEN PRECAST.

MINIMUM EXCAVATION
6'-10" x 11'-8"
x REQ'D DEPTH

Members of the Planning Commission

In a letter to the Commission last week, I pointed out that the soil displacement numbers presented in an important report describing the impact of the STEP collection system were wrong. The report is, *Statement of Key Environmental Issues for the Collection System of the Los Osos Wastewater Treatment Project* (September 2008) collaboratively authored by the local chapters of the Surfrider Foundation and the Sierra Club, SLO Green Build, the Terra Foundation, Los Osos Sustainability Group and the Northern Chumash Tribal Council.

There are three levels of error in the way soil displacement is calculated. The fundamental assumptions concerning the length and width dimensions of a 1,500 gallon STEP tank are wrong. Additionally, the side clearance for the excavation is less than specified in Orenco's installation instructions. Lastly, there is a math error in calculating the excavation volume from the length, width and height data. The initial error for the single installation is then compounded by multiplying it by the total number of tanks (4,769). As a result, the report's calculation underestimates the soil displacement for the STEP installation by a factor of two.

Originally, I attributed the errors to whoever might have assembled the information for the environmental groups' report. In a more careful reading of *Statement of Key Environmental Issues*, I discovered that the source of the erroneous tank dimensions and calculations is provided in footnotes.

According to the footnotes, the incorrect information was provided to the report's authors by Dana Ripley. The relevant report sentences together with their source footnotes are:

STEP tanks require soil displacement approximately 8'W x 14'L x 8'D (approximately 23 cubic yards) to accommodate the 1,500 gallon tank measuring 6'W x 11'L x 6.25'D.²³

²³ *Dana Ripley, Ripley Pacific Company. Personal communication with Dr. Mary Fullwood, August 17 and 19, 2008.*

The cubic yard soil disturbance estimates are 440,000cy for gravity versus 260,000cy for STEP.³⁰

³⁰ *Dana Ripley, Ripley Pacific Company. Personal communication with Dr. Mary Fullwood, September 1, 2008*

(My letter last week included copies of the appropriate Orenco tank specifications and tank installation instructions - as well as an accurate volumetric calculation).

Dana Ripley prominently cites the conclusions of the environmental group's report in his rebuttal to the county's treatment of his engineering team. But there is circularity in his argument since the data Mr. Ripley provided would have influenced the environmental group's assessment of alternatives. The Chumash Council would favor whatever collection system they believed had the least impact on cultural resources. The Sustainability Group has likened the STEP installation process to "microsurgery" compared to conventional surgery. But it is quite possible, it is the STEP system that involves the greater order of surface and soil disruption. . It is unknown how the environmental groups would have weighed the alternatives had they been supplied with accurate numbers on tank size and installation.

David Dubbink, Ph.D., AICP
Los Osos
June 8, 2009

Members of the Planning Commission –

I apologize for this extended discussion about soil displacement. However, the information on this topic being presented to you by Dana Ripley is faulty. A three minute public comment period is insufficient to refute Mr. Ripley's claims that the Ripley/WM Lyles/Orengo team was unfairly cut from the finalist group. In fact, the following exposition is substantial evidence of why his team should have been rated below teams presenting more accurate data and exhibiting a superior understanding of the Los Osos setting.

The graphics submitted to the Commission in Mr. Ripley's "rebuttal" are not drawn correctly. These graphics are included in the rebuttal's Appendix E-1. In this appendix, Orengo's William Cagle says county staff made seven errors in eliminating his team. He lists what he says were the county's assumptions and then presents a rebuttal to each. The sixth argument involves soil displacement. Cagle says "the overall impact of major construction is much greater with gravity sewer". He offers a pair of diagrams as proof of his contention; one shows the area of disturbance associated with gravity system installation and the other shows the disturbance associated with STEP. The objective of this exhibit is to rebut the idea that STEP/STEG shifts construction impacts from streets to individual properties. This rebuttal is also linked to his seventh argument where he denies that a portion of the cost savings associated with STEP result from a shifting site of restoration costs to homeowners.

Figure 1 replicates the graphics from Appendix E-1 of the diagram. The accompanying text states that this is, "a depiction of the overall STEP [and gravity] soil disturbance impact *drawn to scale within the context of applicable codes, setbacks, etc.* The lightly colored tan areas are best case scenarios the darker brown areas are worst case" [emphasis added].

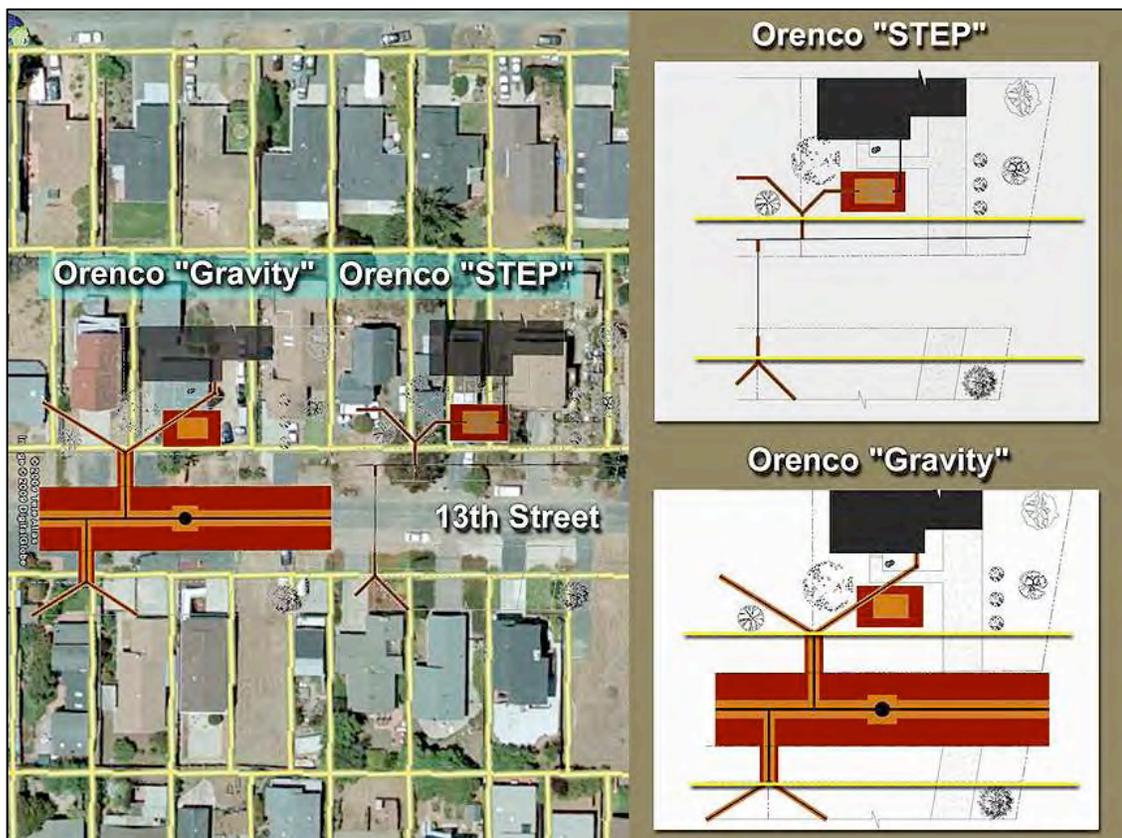


Figure 1: Orengo diagrams (right) superimposed on Los Osos base map.

The left side of Figure 1 shows an overlay of the Appendix E-1 diagrams on a section of 13th Street in Los Osos. The area is typical of much of the development in Los Osos and includes both 25 foot by 125 foot lots and the more common “double”, 50 by 125 foot lots. The source for the base map is Google Earth and the overlay of property lines is from the county assessor’s office. The front property line boundaries on the Orenco map have been emphasized slightly to make them more visible.

Even though the Orenco drawings are said to be “drawn to scale” there is no scale shown on the diagrams. The diagrams show the property lines at either side of a road and these can be used to scale the graphics onto base map. The centering of the street and the alignment of the property lines on either side of it conform to the Orenco diagrams.

There are obvious problems. The houses (shown in darker grey) and their yards are quite large compared to what actually exists in Los Osos. The setback of the houses from the street is 44 feet where the community setback standard is 25 feet. The width of the parcels shown on the Orenco scale to a lot width of 134 feet. (The measurements were made using the scaling features of Google Earth)

The impact of the excavation for a gravity trench in the Orenco diagram is alarming. In the “best case” the width of the pipeline trench is 11 feet and in the “worst case” the trench is 43 feet across. Luckily, Orenco’s depiction has no resemblance to actual plans. And it is not only the trenching that is amiss. The plans for the gravity system aligned the laterals perpendicular to the street where Orenco shows them at 45 degree angles.

These odd results might be due to a graphing defect. Maybe, instead of using street width to give scale to the overlay, more reasonable results could be achieved using different reference points. The diagrams are said to be drawn “within the context . . . setbacks, etc.”. and the diagrams show the setback from the front property line. This distance might be used as an alternative yardstick for gauging the map scale and the impact of tank installation.

Figure 2 shows a portion of the Orenco diagram for the STEP system. Rulers have been added to the drawing marked in one and five foot increments. The scale of the rulers is based on the idea that the distance between the façade of the house and the property line is 25 feet.



Figure 2: Alternate representation based on setback

While changing the scale shrinks the size of the houses, the size of the excavation shrinks too. In the “best case” the tank excavation scales to 8 by 13 feet. The Orenco 1,500 gallon tank measures 7 x 15 feet in its outer dimensions and it wouldn’t fit into such an excavation. The “worst case” excavation size is 12 by 20 feet. Orenco’s tank installation manual calls for side clearances of 2 feet on all sides. The tank would barely fit if the excavation were straight-sided. If a more realistic 2:1 side slope is assumed, the excavation would be 17 x 25 feet. This substantially larger than what is shown in the Orenco diagram. The grey tone on Figure 2 shows the outline of an excavation of this size.

The change of scale puts the lot width in the realm of 65 feet which is still greater than the size of a double-width lot in Los Osos. And the miniaturization of the scale has an additional effect in that it shrinks the street width by 20 feet. Figure 3 shows how the “centerline” of the road on the Orenco diagram is no longer aligns with the centerline of 13th Street.

There are two homes on 25 foot lots at the center right of the aerial and it is evident that the tank excavations on these narrow lots take up the entire front yards. (This is consistent with the image that I previously submitted to the Commission).

Ripley and Orenco’s Cagel claim that the diagrams in Appendix E-1 show how site impacts are, “much greater with gravity sewer.” While the diagrams have been contrived to show this they are not prepared with sufficient precision to prove anything about the relative spatial impacts either the gravity or STEP systems.



Figure 3: Effect of scale interpreted from setbacks

Moreover, they show a lack of understanding of the Los Osos context. Mr. Cagle’s assertion that the Orenco figures, are, “drawn to scale within the context of applicable codes, setbacks, etc.”, is clearly off the mark. The setbacks, the house sizes, the lot widths and street right of way assumptions don’t apply to Los Osos.



Figure 4: Native oaks in Los Osos front yards

The site disturbance problem is not just about “grass and gladiolas” as it has been derisively dismissed by some. Figure 4 shows photos of two houses not far from mine. Both have stands of native oaks in the front yard and both pose significant problems in siting a STEP tank. Compounding this, the 10th Street house is at the center of a mapped archeological site (SLO-458). The choice in such situations is between removing trees and potentially disturbing cultural resources or removing the driveways which necessitates reinforcement of the a standard fiberglass STEP tank (what happens with the tank’s twin turrets is unknown). It is evident that additional homeowner costs are involved. This illustrates the accuracy of the proposition that some of the savings for STEP installation are offset by increased costs to property owners. It also is evidence supporting the EIR’s conclusion that the STEP alternative has the greater impact on environmental resources.

David Dubbink, Ph.D., AICP
Los Osos - June 9, 2009



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

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MEMORANDUM

Date: June 29, 2009

From: Mark Hutchinson, Environmental Division Manager
John Waddell, Project Engineer

Via: Paavo Ogren, Director of Public Works

To: San Luis Obispo County Planning Commission

Subject: Response to Comments and Questions on the Los Osos Wastewater Project

Introduction

The purpose of this memorandum is to provide a written overview of responses to issues identified by the public and Planning Commissioners on the current Los Osos Wastewater Project. This memorandum does not address all public comments and questions from Commissioners; it is intended to be responsive to the Commission by augmenting the verbal explanations that are provided during Commission hearings and to help facilitate the decision-making process.

Project Description

The Project Description is the basis for the Environmental Impact Report (EIR) and the Coastal Development Permit (CDP) under consideration by the Commission. The California Environmental Quality Act (CEQA) requires the evaluation of a reasonable range of alternatives. The Project EIR goes further than required by CEQA and provides a co-equal analysis of alternatives, thereby enhancing decision maker flexibility.

Some of the comments on the EIR assert that the EIR is deficient for the lack of water management options. In many cases, we believe that these issues are actually not with the EIR but instead with the Project Description. The expansion of the wastewater project to include water resource facilities or programs is not

required under CEQA; the Project Description has been explicitly limited to community wastewater facilities that are necessary to comply with the mandate of the Central Coast Regional Water Quality Control Board (RWQCB). It is understood that the community of Los Osos has a significant water resource issue^{1,1}; nevertheless, based on policies and strategies approved by the San Luis Obispo County Board of Supervisors (Board) over the past three years, the Project Description is solely for a wastewater project. We are hopeful that this memorandum will help explain the need for the project, why resolving resource issues in Los Osos begins with resolving the wastewater issue, and how the project will create the best foundation to also resolve water management issues.

The Need for the Project

Numerous reasons exist that support the need for the Project. The following discussion provides regulatory references and one of many court decisions that formally establishes and upholds the mandate. The foremost is the need to respond to the requirements of the Regional Water Quality Control Board. These requirements are embodied in two key project objectives listed in the EIR:

1. Develop a community wastewater project that will comply with RWQCB Waste Discharge Requirements. Address the issues of water quality defined by the Waste Discharge Requirements (WDR) for discharge limits issued by the RWQCB.
2. Groundwater Quality. Alleviate groundwater contamination - primarily nitrates - that has occurred at least partially because of the use of septic systems throughout the community.

The Water Quality Control Plan, Central Coast Region (Basin Plan), which is the governing document developed by the Regional Water Quality Control Board pursuant to its authority under the California Water Code, prohibits all wastewater discharges after November 1, 1988, from on-site disposal systems within the Los Osos/Baywood Park Prohibition Zone. Adopted as Resolution No. 83-13ⁱⁱ, the Prohibition is set forth in Section VIII.D.3.i of the Basin Plan, page IV-64.

With the adoption of Assembly Bill 2701ⁱⁱⁱ in 2006, the authority to address wastewater issues in Los Osos, and more specifically the development of a wastewater system, was removed from the purview of the LOCSO and, if accepted by the Board of Supervisors, transferred to the County. AB 2701 is the foundation of the County's current efforts to address the issues raised by the Regional Board.

¹ On March 27, 2007, the San Luis Obispo County Board of Supervisors adopted the Resource Capacity Study for the Los Osos water supply, declaring a Level III water resource constraint, which is the greatest level of concern under the County's Resource Management System.

Some members of the community continue to assail the Regional Board's findings regarding the use of septic systems in Los Osos; questioning whether or not septic systems are actually impacting water quality in terms of nitrate or other pollutants. The Regional Board is empowered to protect the waters of the State in the manner and approach that the regulatory agency believes will best address the issues. These same issues have been discussed at length by the Regional Board resulting in no change in that agency's orders. Consequently, the current project's objectives do not include efforts to overturn the actions or authority of the Regional Board.

With the approval of the County's Proposition 218 vote in 2007 property owners decided on this issue by authorizing the funding for a community wastewater project. In other words, property owners within the prohibition zone (with an 80%-yes / 20%-no ballot decision) overwhelmingly supported the County's efforts to develop the Project, which was defined as "services needed to satisfy the mandate by the...[RWQCB] through Resolution 83-13."

Consistent with the Project description, the Project EIR, and the CDP application, the Proposition 218 ballots described a wastewater project and not water management projects or programs. While some individuals continue to assert that the County must expand the Project to include water management projects or programs, that decision has already been made by the Board and authorized by property owners.

This issue has also already been subject to litigation. One of the noteworthy cases involves a suit against the Los Osos Community Services District while it was attempting to implement a wastewater project. The litigation was unsuccessful. The following language from the United States Court of Appeals for the Ninth Circuit, although stern, is noteworthy:^{2, iv}

"It does not shock the conscience for government to make a decision that certain areas and not others require new sewage facilities. It does not shock the conscience that a local government might rely on a regional water quality control board to draw a Prohibition Zone that does not affect everyone within the local government boundary, based on the governing body's perceptions of needs. This is so even if those within the Prohibition Zone assert that they cannot afford the assessments and will be forced to sell their property and move elsewhere."

Therefore, the need for the wastewater project is clear and undeniable. It is necessary to comply with regulatory mandates. It is necessary to protect the environment of a National Estuary and State Marine Reserve^v. It is necessary to

² This case is "not for publication" which means that it cannot be cited for other litigation. It's inclusion for this report is to simply inform the Commission on a judicial decision that resulted from a challenge concerning the wastewater mandate.

stop groundwater contamination and protect the health and safety of the community. It is a necessary step in solving the water supply issues in the community and it is necessary to move the community of Los Osos forward and to resolve a conflict that has gone on far too long. As a result, the County of San Luis Obispo responded positively to Assemblyman Sam Blakeslee when he became involved in leading the development of State legislation (Assembly Bill 2701) as a platform to solve a local problem.

After AB 2701 was adopted, the County initiated its efforts in 2007 with a focus on the requirements of a Proposition 218 for a *wastewater project*. An engineering evaluation of viable project alternatives was developed through a rough screening and a fine screening reporting process that provided the “basis of evidence” for the Proposition 218 assessment engineers report. The engineering evaluations also provided clear direction on how the County was undertaking the wastewater efforts so that the community would have a good sense of the County approach and process, and the general range of project alternatives under consideration by the County prior to the Proposition 218 vote.

From these initial Project efforts required for Proposition 218, the County was clear that the wastewater efforts would not include water resource projects or programs. Some in the public have characterized the County’s process, from the beginning, as a County attempt to “de-couple” wastewater and water needs. Stated differently, the County has from the beginning been very clear that approaching solutions to the wastewater project would not be dependent on concurrently solving the community’s complex water resource problems. Nevertheless, the County’s approach to solving the long-standing wastewater dilemma does seek to maximize opportunities to help the water purveyors develop solutions to their over-pumping of the groundwater basin.

Project Issues and Alternatives

From the perspective of the Project team, the development of the Project included issues of greater significance and issues of lesser significance. We recognize that multiple valid perspectives exist with complex and controversial projects and the following discussion does not intend to diminish the perspective of others. Instead, it is intended to provide clarity on the Project team efforts.

Project efforts included research on prior efforts, the issues that led to the recall of members of the LOCSD Board of Directors, the LOCSD Board’s decision in 2005 to halt the project that was under construction and the intent of Measure “B” (despite its technical inapplicability). The disposal requirements became a point of particular focus because the LOCSD scheme was not possible for the County to implement, and it was perhaps the greatest risk of litigation if the County repeated the LOCSD disposal plan. The treatment plant location is seemingly the single greatest source of challenge for community acceptance and social feasibility. Treatment technologies also include some significant ongoing

concern, but interestingly, not with respect to the technologies themselves but instead with respect to the underlying issues of sludge and treatment viability.

Disposal Requirements

The LOCSD plan included harvest wells based on the assumption that they would dispose of 100% of the treated wastewater effluent on land overlying the urban area of the groundwater basin. The harvest wells were identified as a necessary component of the wastewater infrastructure because the LOCSD acknowledged that their disposal plan would cause changes in the subsurface groundwater levels that would necessitate pumping of groundwater.

Recognizing the challenge of their disposal plan, the LOCSD proposed to discharge the harvest well water to Morro Bay, but that proposal was withdrawn in response to concerns raised by the California Coastal Commission.^{vi} Instead, the LOCSD documented plans to circulate the harvest well water through their wastewater treatment facilities despite their consulting engineer's expressed concerns regarding this strategy.^{vii} Lastly, they expressed intent that, ultimately, the harvest well water would be used for drinking water purposes^{viii} even though neither the EIR nor the CDP included a dual purpose Project description. Coastal Commission correspondence indicates that they would reconsider a discharge of harvest water to Morro Bay as a "separate project" if necessary,^{ix} and in our opinion, illustrated that both the LOCSD and the Coastal staff recognized that the LOCSD disposal plan had a clear degree of uncertainty. That uncertainty, in our opinion, created the logical need for the LOCSD consulting engineer to document their concern for the uncertainty over the approach, and other resulting correspondence ensued.

While the LOCSD approach had uncertainty for them, it is fully infeasible for the County. The water purveying authority of the LOCSD did not transfer to the County with AB 2701; therefore the County does not have the ability to utilize the harvest well water for drinking water purposes. In addressing concerns expressed by those that desire to see an option under the County Project to mirror the LOCSD's intent – i.e. that all of the treated effluent is disposed over the urban portion, it should also be recognized that the LOCSD plan was litigated by Golden State Water (GSW). Although GSW was unsuccessful in that litigation, that litigation was against the RWQCB and the results of that case do not prevent GSW from filing litigation against the County EIR if the Project repeated that questionable approach. Instead, the County evaluated and supports utilizing the favorable features of the LOCSD disposal plan, and improving upon it through strategies of integrated water resource management (IRWM)^{3, x}, which are now recognized as the primary strategies for water supply sustainability in California.

³ The Los Osos Wastewater Project, which considers urban, agricultural and environmental water needs, is the highest priority project in the San Luis County Integrated Regional Water Management Plan. IRWM information can also be viewed at the State Water Board and the Department of Water Resources websites.

Broderson

Disposal at Broderson or in the near vicinity has been part of every wastewater project proposal for Los Osos. The site's location overlying the urban portion of the groundwater basin provides one aspect of IRWM strategies. Nevertheless, concerns do exist.

The physical nature of the groundwater basin under the urban area restricts the ability of water to percolate to deeper strata and can create changes to groundwater levels in the upper strata that must be monitored to avoid inappropriate changes. Inherently, the science of estimating changes in groundwater conditions includes uncertainty, and monitoring wells provide empirical evidence of actual changing conditions, as well as the basis to update groundwater models. With the recognized uncertainties of science, the County's proposed use of Broderson reduces disposal rates (compared to prior project proposals) that are nevertheless based on the best known information and evaluations, and at rates indicating that harvest wells would not be necessary. In essence, the proposed use of Broderson maximizes its benefits while mitigating its risks. The proposed use would hopefully also address the concerns of GSW as previously litigated under the more aggressive assumptions of the LOCSD. To that point, the California Department of Public Health's comment letter on the draft EIR^{xi} clearly stated the following:

“...we would recommend to the RWQCB that the Broderson site be considered a disposal project”.

As a disposal site, the use of Broderson avoids the additional complexities of the California Department of Public Health's recharge regulations,^{xii} such as those that would require reverse-osmosis treatment technologies, the production of salt-laden brine, and the infeasible requirements that would be associated with brine disposal. While those higher treatment technologies (higher than tertiary treatment) may be desired in the future, they would be pursued with the community water purveyors and are speculative at this time.

Tonini

Irrigation at the Tonini property provides the dual disposal method that establishes reasonable certainty that the Project can adequately meet disposal requirements at all times. In many coastal communities, ocean outfalls provide the disposal assurances. For inland areas, river and creek discharges have a long history in California although this approach is clearly infeasible for Los Osos due to the increased regulatory and biological issues that have developed since the adoption of the Clean Water Act.

The Project EIR takes the conservative approach and assumes that utilizing Tonini for irrigation of treated effluent will create long term impacts on agricultural

lands, the Project's greatest impact. Concerns have been expressed over the application rate at Tonini, and the ability of the Project to irrigate at agronomic rates. The rates of application at Tonini may be reduced if the Broderson site, through monitoring efforts, proves to be able to handle higher disposal rates. Similarly, if the water purveyors manage the groundwater basin by pumping less from the deeper aquifer and more from the upper aquifer, the Tonini site might be utilized less because Broderson may be able to be utilized to a greater degree. Nevertheless, for purposes of the EIR and CDP, the application rates at Tonini must be conservatively based to assess potential "worst case" impacts.

The Tonini component also creates some of the greatest opportunities for IRWM. Comparable cases in nearby counties in California include those taken between water and wastewater authorities in Scotts Valley (Santa Cruz County) by the Scotts Valley Water District/City of Scotts Valley^{xiii} and in Castroville (Monterey County) by the Monterey County Water Resources Agency/Monterey Regional Water Pollution Control Agency.^{xiv} In both cases, the water purveyor partnered with the wastewater authority to use tertiary treated effluent for beneficial water resource management purposes. This cooperative model supports the sustainability strategies of IRWM and the State Water Board's Recycled Water Policy.^{xv} In Petaluma (Sonoma County), while wastewater and water authorities are both within that City's powers, they also have a dual disposal system utilizing 800 acres of agricultural land irrigated with secondary treated wastewater during summer months.^{xvi} In all of these cases, however, 50% of treated effluent is discharged to surface water bodies with no water resources benefits.

For Los Osos, the infrastructure between the Broderson site and the Tonini site provides the greatest flexibility for future water resource efforts. With the Commission's action to require tertiary treatment for the Project, that opportunity is enhanced, but still not certain. The quantities available for agriculture, the outcomes of the existing groundwater litigation, the required contractual arrangements, determinations of program details, and other issues create speculation on how such a program might develop. Nevertheless, from a policy statement, the Project condition #97 supports agricultural use but recognizes that the speculative nature of the groundwater litigation renders detailed program development infeasible as a requirement of the Project, and instead supports those efforts as independent and concurrent.

Other Disposal Options

Several other options have been proposed as elements by individuals who believe that they should be incorporated as requirements of the Project. Overall, it seems that individuals are hoping that the development of an array of disposal methods can render Tonini unnecessary. Comments on this point are generally speculative and made with the hope that "there must be a better way." Referring back to the LCP definition of feasible, the Project team struggles with the lack of clarity from those who comment, and while recognizing that some other

purported options have certain desirable goals, the additional studies, potential environmental impacts, negligible IRWM benefits, project delays, and infeasible cost considerations do not support conditions requiring that they are included in the Project's initial design and start-up. In addition, the Scotts Valley, Monterey and Petaluma examples all illustrate that effective water management strategies still require guaranteed disposal options. For Los Osos, the RWQCB also expressed this concern in their comments on the Ripley Wastewater Management Plan Update prepared for the LOCSO.^{xvii}

A Phased Approach to Disposal

Proposed condition #86 was developed to ensure that long-term water supply needs are met before the wastewater project supports new development in the community. Inherent in this condition is the need to establish long-term disposal plans that will also support build-out of the community. To clarify this point, the Commission may wish to modify condition #86 to explicitly include the development of a long-term effluent disposal/reuse plan that will support build-out of the community prior to allowing new development. This would clarify that the reuse and disposal options currently proposed are intended to support the project at startup, allowing water reuse programs to mature before higher wastewater flows are generated.

Treatment Plant Location

The Project Description proposes that the location of the treatment facilities is also at Tonini. This site was identified during the development of the EIR and required the issuance of the Supplemental Notice of Preparation (SNOP). During the development of the EIR, the co-location benefits of Tonini were recognized. In other words, since the site is large enough for both irrigation disposal and the treatment facilities, cost savings by avoiding acquisition of multiple properties help address affordability issues and the cost of the Project and the impact to disadvantaged persons within the community. Even so, the EIR provides a co-equal analysis of the Giacomazzi property, and an evaluation of other alternatives as required by CEQA.

Mid Town

Prior to the current Tonini recommendation, the Mid-Town (referred to as Tri-W) site was developed by the LOCSO. Subsequent County project strategies were adopted by the Board in June 2006 to consider other treatment locations besides Mid-Town. The Project team, given the clear social infeasibility issue associated with Mid Town and the infeasible status of the LOCSO disposal plan, believes that if either of those options are deemed by decision-makers to be the best solution for Los Osos, then serious consideration should be given by the Board to adopt a due diligence resolution and not pursue Project implementation. In other words, if decision makers collectively decide, through perhaps a denial of the

current CDP application, that the Tri-W project should be implemented, then the Board will have a challenging decision to make. It may wish to consider turning the wastewater project back to the LOCSD to implement. This perspective is valid from the standpoint that the Tri-W project was the LOCSD's project, not the County's project, and if it is to be developed, then arguably the LOCSD should develop it. Alternatively, the Board would need to consider directing the County team to implement the Tri-W Project – contrary to the community wide survey that only provided 10% support for the once-failed alternative.

Tonini and Giacomazzi

The co-equal CEQA analysis provides decision makers with the ability to approve the development of treatment facilities at either site. Giacomazzi will incur additional costs estimated at between \$2 and \$5 million due to additional land acquisition costs, additional access costs, and site constraints that would increase construction costs. We believe that the comparison of the two sites is relatively well known and discussed, and will limit our comments herein to reiterate that both sites are viable.

In contrast to Tonini and Giacomazzi, other sites such as the Gorby property were evaluated to a lesser extent in the EIR. Gorby, for example, has known earthquake faults, unstable soil conditions near Los Osos creek, an ongoing equine business, and correspondence from the owners indicating opposition. Acquisition of the property, even if the site problems did not exist, would require eminent domain based on the written opposition of existing owners. With other feasible locations for treatment facilities, the eminent domain standard of necessity may be difficult to obtain, would almost certainly require litigation, and the site would provide no obvious treatment plant or disposal benefits over either Giacomazzi or Tonini. Despite the statements by some that the treatment plant must be located over the groundwater basin, there is in fact no nexus between treatment plant location and the seawater intrusion currently occurring in the groundwater basin. The general proximity of the treatment facilities to disposal sites will help minimize costs, but nexus on location is inaccurate.

Treatment Plant Technology

Issues under consideration regarding treatment plant technology include site acreage requirements, greenhouse gases, sludge production, and energy requirements. Two options were co-equally evaluated in the EIR.

Extended aeration has been identified as environmentally superior based on the greenhouse gas analysis. Membrane bio-reactors, which were included in the LOCSD Project description, require less acreage and generally provide better quality effluent, but produce more sludge, require more energy, and are more expensive. The extended aeration technology, with tertiary facilities, can be sited on either Giacomazzi or Tonini.

Facultative Ponds typically have slightly higher greenhouse gas emissions due to the need to import a carbon source to meet treatment requirements expected from the RWQCB. The water quality of the treated effluent can vary and result in violations of waste discharge requirements; except that tertiary treatment facilities would mitigate the water quality concern of facultative ponds. Normally, sludge is less of an issue except in the 20 year frequency when the inert materials need to be removed. Due to the acreage requirements, facultative ponds can only be located at Tonini.

Other Project Issues

While the Project team generally believes that methods of disposal, the secondary Project objective of “mitigating the project’s impacts on water supply and saltwater intrusion,” and the treatment plant location are the more significant Project issues, others exist as well.

Collection System

A significant amount of comments and discussion has focused on the collection system related to the ability to maintain a watertight seal at the pipe joints. Current industry standards (ASTM D3212) require materials and installation practices which provide watertight, flexible joints. Recent industry studies have document the ability of gasketed PVC pipes with elastomeric seals to maintain performance over many years and in adverse conditions.^{xviii, xix}

The focus on the collection system seals also raised the issue of potential infiltration of seawater into the collection system in the event of a major rise in global sea levels. The impact of sea level rise can vary based, in part, on topography and geology (for example tidal zones). Nevertheless, the relatively high levels of fresh groundwater in the upper aquifer are expected to remain, even after the collection of septic tank effluent, due to other urban influences and natural conditions. The groundwater levels at the bay will be at least a couple feet above sea level^{xx} and sea level rise will result in a corresponding rise of the groundwater system near the bay to reach a new equilibrium at about the same elevation above the new sea level. Because of the density difference between fresh and salt water, there will be 40 feet of fresh water below sea level for every foot of fresh water head above sea level.^{xxi} A review of the existing collection system design indicates that all of the pipes are located where the ground surface is above 5-foot elevation. These areas would not be inundated with ocean water and maintain fresh groundwater to depths below any buried pipes. Perhaps one exception is on Doris Avenue, near Lupine Street, where the road elevation above the pipe is approximately 8-foot elevation but low points on both sides of the road would be permanently inundated by a 5-foot sea level rise.

In response to the Commissions request from the May 28, 2009 hearing, maps have been provided as attachments to illustrate the following:

- Attachment “A” shows streets where, based on the existing LOCSD design, the gravity collection lines will be placed at depths greater than 13 feet.
- Attachment “B” shows streets where, based on the existing LOCSD design, the gravity collection lines are expected to be installed below existing groundwater levels and below 5-foot elevation.

Current standards for materials and installation practices provide for sealed joints with PVC sewer pipes. However, the combination of deep pipes and high ground water does raise constructability issues which could lead to a decrease in the quality of workmanship during construction if not properly managed and inspected. Additionally, the costs of future repairs in these areas, if needed, would be disproportionate to repairs elsewhere in the system. Public Works would support a condition for fusion welded pipes in such areas. Specifically, near the Lupine Pump Station where portions of the collection system pipes are more than 13 feet deep with high groundwater.

In other areas of the collection system that are in high groundwater, but not deep, more stringent construction inspection measures are warranted to ensure proper installation. The standard for construction oversight is for “observation” of the work, with close inspection provided on a random sample of the work. Additional verification of quality is provided by testing requirements. Public Works would support a condition that in areas of high groundwater all joints and pipe sections must be visually inspected for proper installation and joint integrity.

Sustainability

Many individuals have commented on sustainability. The balancing of water resource needs between urban, agricultural and environmental purposes is incorporated into the Project recommendations and conditions and, we believe, the cornerstone for promoting sustainability. Water conservation efforts are also incorporated into the Project and further sustainability goals.

Contracting Environment

A recent survey by the environmental engineering firm, Dudek,^{xxii} illustrated that contract bids in California are an average of 34% below engineers’ estimates in recent months. Proceeding with the Project in a timely manner is necessary to take advantage of the current contracting environment, and provides significant opportunities to help mitigate project affordability issues.

Grants and Finance

The County is continuing in the “pursuit of grants to mitigate affordability issues” as provided in AB 2701. The need for an approved Project is paramount. For individuals who believe it is important that the Los Osos wastewater project also include water management programs and projects, the Monterey County example is a good illustration of how multiple projects were able to obtain grants and financing from different sources over time.

Examples of grants which are currently being pursued include a \$35 million Water Resources Development Act grant, a \$10 million IRWM grant, and federal stimulus funds available for low interests loans and grants through the State Water Board and the U.S. Department of Agriculture.

Project Alternatives

The recommended approach:

- Extended Aeration at Tonini, with a gravity/hybrid collection system and disposal at Broderon and Tonini.

Public Works Supported Alternatives:

- Extended Aeration at Giacomazzi with a gravity/hybrid collection system and disposal at Broderon and Tonini.
- Facultative Ponds at Tonini with a gravity/hybrid collection system and disposal at Broderon and Tonini.

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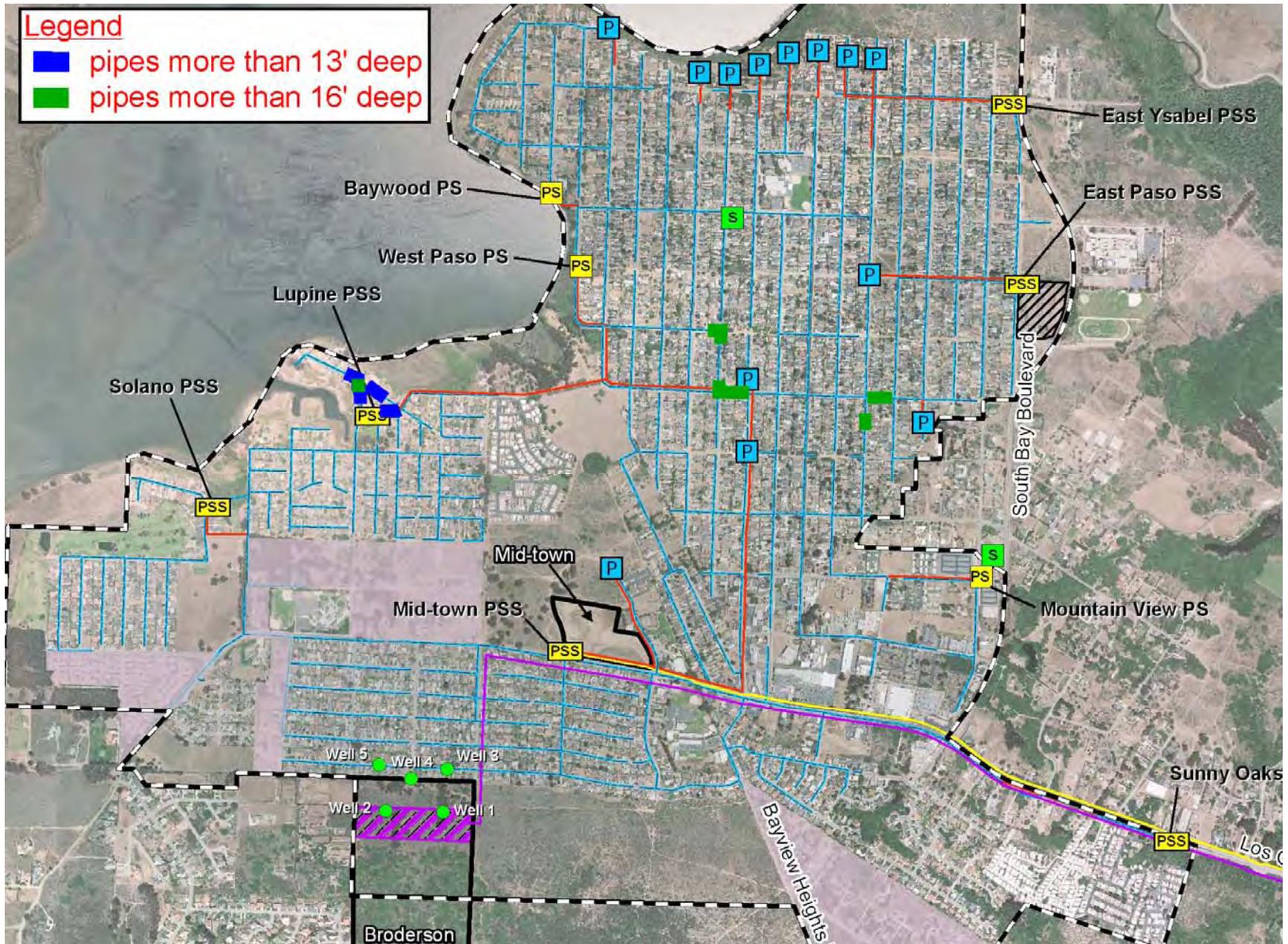
References

Links to all references are available on the Project website at http://www.slocounty.ca.gov/PW/LOWWP/DOCS/Current_Documents.htm

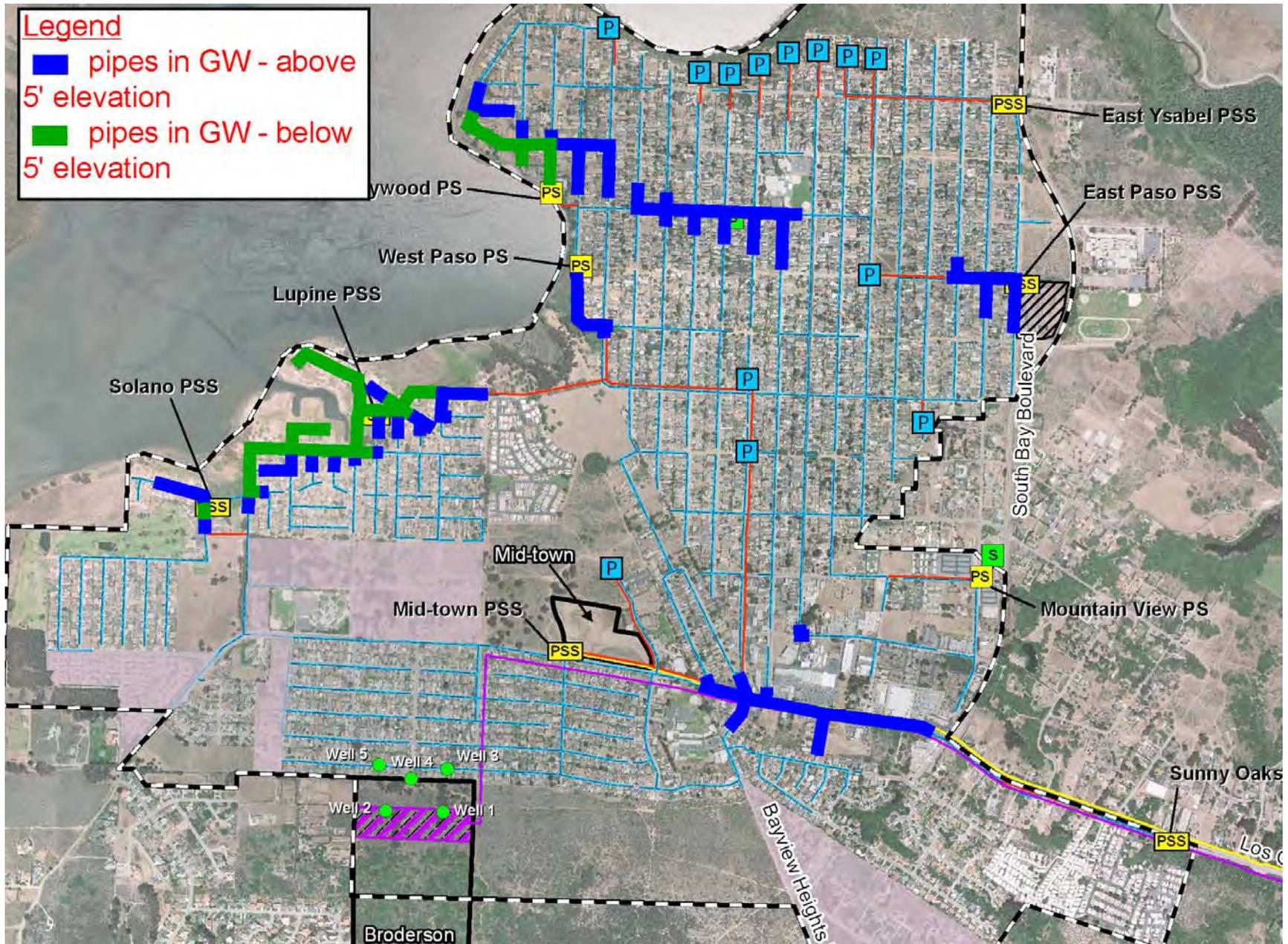
- ⁱ Board of Supervisors Agenda, "[Resource Capacity Study for Los Osos Water Supply](#)" March 27, 2007
- ⁱⁱ RWQCB, "[Resolution 83-13](#)" Sept. 16, 1983
- ⁱⁱⁱ [California Assembly Bill 2701](#), Sept. 20, 2006
- ^{iv} U.S. Ninth Circuit Court of Appeals, "[Keller, Ulrich E., et al v. LOCSD](#)" D.C. No. CV-01-05889-TJH, March 12, 2002, p. 4
- ^v California Dept. of Fish and Game, www.dfg.ca.gov/MLPA/phase1.asp
- ^{vi} California Coastal Commission Letter, "[Subject: De Novo Review of Coastal Development Permit Application No. A-3-SLO-03-113...](#)" May 27, 2004, p. 3
- ^{vii} MWH Memorandum, "[Subject: Los Osos Wastewater Project Disposition of Harvest Water](#)" June 11, 2004, pp. 2-10
- ^{viii} Ibid., p. 3
- ^{ix} California Coastal Commission Staff Report, "[Subject: A-3-SLO-03-113, Los Osos Wastewater Treatment Facility](#)" July 29, 2004, p. 6
- ^x IRWM websites:
 - County: http://www.slocountywater.org/site/Frequent_Downloads/Integrated_Regional_Water_Management_Plan/index.htm
 - State Water Board: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/irwm_gp/index.shtml
 - Ca. Dept. of Water Resources: <http://www.grantsloans.water.ca.gov/grants/irwm/integregio.cfm>
- ^{xi} California Dept. of Public Health Letter, "[Subject: Draft EIR County of SLO, Los Osos Wastewater Project](#)" Jan. 23, 2009
- ^{xii} California Dept. of Public Health, "[Groundwater Recharge Reuse Draft Regulation](#)" Aug. 5, 2008
- ^{xiii} City of Scotts Valley/Scotts Valley Water District, "[Reclaimed Water Supply Agreement](#)" April 3, 1996
- ^{xiv} RWQCB, "[Order No. R3-2008-0008 Waste Discharge Requirements for the Monterey Regional Water Pollution Control Agency Regional Treatment Plant](#)" Feb. 6, 2008
- ^{xv} California State Water Resources Control Board, "[Recycled Water Policy](#)" Feb. 3, 2009

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- xvi RWQCB, "[Order No. R2-2005-0058 Waste Discharge Requirements For City Of Petaluma Water Pollution Control Plant Sonoma County](#)" Oct. 19, 2005
- xvii RWQCB Letter, "[Subject: Ripley Pacific Company's Draft Los Osos Wastewater Management Plan Update](#)" Oct. 12, 2006, p. 5
- xviii A. J. Whittle and J. Tennakoon, "[Predicting the Residual Life of PVC Sewer Pipes](#)" *Plastics, Rubber and Composites*, V.34, No. 7, Sept. 2005, pp 311-317
- xix "[Maintenance of PVC Sewer Pipe](#)" Uni-Bell PVC Pipe Association, May 2003
- xx Cleath and Assoc. Project Memorandum, "[Subject: Basin Hydrologic Budget With Simulated Ground Water Elevation Contour Maps](#)" August 7, 2008 (Included as Appendix C to Los Osos Wastewater Project Draft Environmental Impact Report, Appendix D – Groundwater Quality Resources)
- xxi Cleath and Assoc. E-mail correspondence, "[Subject: Sea Level Rise at Bay](#)" June 25, 2009
- xxii Ohlund, Bob, "[Capital Project Construction Bids Significantly Below Budgeted Costs](#)" www.dudek.com, May, 2009

Attachment "A" – Pipes greater than 13 feet deep



Attachment "B" – Pipes below existing groundwater (GW) levels



CALIFORNIA COASTAL COMMISSION

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July 15, 2009

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

Subject: **Proposed Los Osos Wastewater Project**

Dear Mr. Ogren:

We have been following the evolution of issues surrounding the Los Osos wastewater treatment project with great interest and some consternation. We have also, as you know, provided input and recommendations on the project, most recently through our EIR comments as well as conference calls with you and your staff. As the review by the Planning Commission progresses we are being made aware of additional issues that need to be addressed by the County before the matter comes to the Commission (we think it safe to assume the matter will be appealed to the Commission by one or more parties) – issues that have been brought to our attention by members of the community, our own improved understanding of the complex, changing circumstances affecting the project with coastal resource implications, and other public agencies. Some of these issues are new, but most are issues which we have previously identified that are evolving as more information and deliberations are brought to bear on the project. As you know, during the course of the Commission's meeting in San Luis Obispo on July 8th and 9th, we received numerous substantive public comments from Los Osos residents regarding the proposed wastewater treatment project. Some of the comments were focused on issues on which we have already commented, by letter and numerous discussions. It appears that some of these are being addressed in a positive manner by the County's Planning Commission, which is continuing to hold hearings on the project. For example, the Planning Commission has tentatively conditioned the project to include important design changes such as tertiary treatment, fusion welded pipes in areas of high groundwater, and relocation of the treatment plant itself from Tonini Ranch to the Giacomazzi site.

In response to public comments in San Luis Obispo earlier this month, the Executive Director responded to several speakers by telling the Commission, the County and the public that we would be sending a supplementary letter to the County spelling out our additional concerns about several issues that we strongly hope will be addressed by the County, either by the Planning Commission or the Board of Supervisors. In subsequent discussions with individual commissioners, it became clear that there is great concern among them, and staff, that several very significant issues may not be adequately addressed at the County level, ultimately leaving to the Commission the question as to how they should be addressed. In particular, given the testimony at public comment during the July meeting, the information presented, and ensuing discussions between commissioners and the Executive Director, it appears several critical design issues that warrant changes to the proposed project are still a matter of debate. In order to avoid an unnecessary impasse when this matter arrives at the Commission we urge the County to address the following issues in addition to the others we have previously identified.

We think that potential sea water intrusion into the system and the basin's groundwater is an issue that needs to be addressed as an integral component of the project's design. Failure to address this issue could be viewed by the Commission as a fatal omission. At the July hearing, we were presented compelling testimony and information that indicates that the rate and extent of sea water intrusion into the lower aquifer in Los Osos constitutes an imminent crisis that warrants immediate attention. We are of the opinion that dealing with this issue must not be delayed until some future date after the waste collection, treatment and disposal project is operational. The water basin is in severe overdraft and cannot afford to export significant portions of its inflow for disposal outside its boundaries. We understand that an explanation for postponing this issue for some unspecified length of time is that partial recharge at a single disposal site in the basin and minimal conservation measures will be adequate to halt advancing sea water levels. However, we remain doubtful that this assumption is correct, and we are concerned that continued sea water intrusion into the basin threatens to render the aquifer completely unusable as a potable water supply and could impact the reliability of the wastewater treatment system itself. We disagree that seawater intrusion is an issue that should be addressed independent of the sewer project. Sensible reuse and disposal of treated water within the basin can have a significant effect in slowing or reversing seawater intrusion. Additionally, steps to protect the Community's drinking water supply can and should be taken in conjunction with this project and not relegated to some future arrangement with water purveyors. We recognize this project cannot entirely resolve the seawater intrusion problem, however, if properly designed and built, this project can help. We think there are multiple benefits to be derived from addressing seawater intrusion in the context of this project.

Similarly, we are also concerned about and strongly urge the County to build into the project sensible and doable wastewater reuse and disposal components. While we sympathize with the County's desire to spread the costs of groundwater recharge between the private water purveyors and future development, we strongly encourage design of a project that returns flows to the basin at project start up, particularly because it appears that multiple discharge options exist over the basin. As previously indicated, one of those feasible options is agricultural re-use, which has the added benefit of reduced pumping from the aquifer. Other feasible options include urban irrigation, residential re-use (purple pipe), constructed wetlands, disbursed leach fields and on-basin spray fields. A continued focus on spray disposal on the Tonini prime soils agricultural lands outside the basin is in our view inappropriate for reasons we previously communicated to the County as well as what we said above. All these reuse/recharge alternatives appear feasible and would more closely mimic current, diffuse discharge patterns, including those that support sensitive habitats.

Should future negotiations with water purveyors result in greater participation or additional approaches to slowing or reversing seawater intrusion into the basin's groundwater, these can be included by way of future permit amendments if necessary. For now, though, we strongly recommend that the project include such measures from the onset. We think the system needs to be designed to address the groundwater intrusion and recharge issues, and this element of the project ought not be delayed until some future arrangements with water purveyors can be achieved.

The County's LCP policies call for balancing of groundwater basins and protection of watersheds. A project that does not fully return tertiary treated effluent to the basin would be inconsistent with applicable LCP policies (e.g., LCP Coastal Watershed Policies 1, 2, 5, and 11). We also encourage timely implementation of strong, effective water conservation measures, by both the County and private water purveyors, that will reduce water extraction, thereby reducing pressure on the lower aquifer. Irrespective of the rather limited project goals and objectives identified in the EIR, seawater intrusion is an adverse impact that is inextricably linked to this project, and as such, must be fully addressed and mitigated.

Finally, we understand that the goal of minimizing sludge production to the maximum extent practicable has not been identified as a priority in the evaluation of alternative collection systems and treatment technologies. We recommend that the mitigation of this particular project impact be reflected as a high priority in the selection of preferred collection and treatment technologies and that the County ensure that the methods chosen are the best ones designed to produce this outcome.

We hope that these comments are useful to the County as the project moves through the local review processes. These comments are intended to help inform the decision making process at the local level and we hope they are taken into account and addressed before the project is approved and appealed to the Commission. As you know, this project is a major public works undertaking for which it is incumbent on the County and all responsible entities to thoughtfully consider options and project permutations that can maximize its effectiveness in promoting the public welfare and protecting coastal resources. In our view this means that the wastewater and groundwater problems in Los Osos must be addressed holistically and not piecemealed. Sound land and water use planning and effective public policy implementation call for such an approach. As the Executive Director said at the July meeting, we are trying to convey our concerns to the County in a timely manner in order to avoid or minimize conflicts later in the process. Please feel free to contact us if you have any questions or concerns and we look forward to continuing to work in a collaborative manner with the County to achieve a well designed, approvable, long overdue wastewater treatment system for Los Osos.

Sincerely,



Dan Carl
Central Coast District Manager

cc: Bruce Gibson, Chair, Board of Supervisors
Frank Meham, Vice-Chair, Board of Supervisors
Khatchick Achadjian, Board of Supervisors
Adam Hill, Board of Supervisors
James Patterson, Board of Supervisors
Kami Griffin, Planning Department
Mark Hutchinson, Public Works Department



Linde Owen
<lindeowen@sbcglobal.net>
07/02/2009 12:47 AM

To Anne Wyatt <WYATTonBridge@yahoo.com>, planningcommission@co.slo.ca.us, Ellie Porter/PCComm <eporter@co.slo.ca.us>
cc Bruce Gibson <bgibson@co.slo.ca.us>, Kacho Achadjian Achadjian <kachadjian@co.slo.ca.us>, Frank Mecham <fmecham@co.slo.ca.us>, Jim Patterson Patterson
bcc
Subject Newest SWRQB sewer affordability & a BIG thankyou

Thank you ALL! for the two day hearing, often grueling but very thorough. Full of the 'sunshine' that real democracy thrives on!

I'm sorry this wasn't easier but once the County team chose to begin their design approach by 'decoupling' the collection, treatment, and disposal into plug-in options and then elected a gravity biased TAC to evaluate the alternatives, things started getting chaotic and issues went un-addressed. I believe that you are uncovering the pathway to a much better project.

I especially thank Chair Christie for guiding a productive struggle to get into the details. The team effort was a pleasure to experience.

I'm attaching the most recent State Water Board agenda, please look at item #11, especially towards the last couple of pages. Very interesting the way they talk about sustainable wastewater technologies, wind, solar, etc. etc. -- even ponds!

Read it when you have a few minutes. It very much applies to Los Osos.

11. Update on the State Water Board's efforts to promote strategies to assist small and/or disadvantaged communities with wastewater needs.



SWRCB sewer affordability 7-6-09 .pdf



7_7_09_agenda_links.pdf

Thanks again for digging deep into this proposed project design. Wastewater treatment is essential to community quality. I think the education experience you've indulged in, broadens your repertoire of understanding, it's all about the water ultimately and every community in the County is having to deal with wastewater costs and water shortage problems. Thankyou again for taking it on so seriously for this community.

Linde Owen :-)

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION
DIVISION OF FINANCIAL ASSISTANCE, OFFICE OF ENFORCEMENT,
AND DIVISION OF WATER QUALITY
JULY 7, 2009**

ITEM 11

SUBJECT

UPDATE ON THE STATE WATER RESOURCES CONTROL BOARD'S (STATE WATER BOARD) EFFORTS TO PROMOTE STRATEGIES TO ASSIST SMALL AND/OR DISADVANTAGED COMMUNITIES WITH WASTEWATER NEEDS

DISCUSSION

Small and/or disadvantaged communities face specific challenges related to their drinking water and wastewater systems. Many are on failing septic systems or have old and undersized wastewater treatment plants (WWTP) that cannot meet current water quality standards. Such systems can cause significant health and safety problems, endanger surface water uses, and pose a threat to groundwater supplies.

Due to their small rate base, small (i.e., population less than 20,000 persons) and/or disadvantaged (i.e., median household income [MHI] less than 80 percent of statewide MHI) communities often cannot provide the economies of scale necessary to build and maintain adequate wastewater systems. Small and/or disadvantaged communities are also commonly located in rural, sparsely populated areas that require greater pipeline and pumping infrastructure. Small and especially small and rural communities generally face higher per capita capital and operations and maintenance (O&M) costs, which result in higher, sometimes prohibitive, sewer rates.

The challenges small and/or disadvantaged communities face generally result from a lack of adequate local monetary resources combined with insufficient access to technical expertise. Small and/or disadvantaged communities often lack the funds necessary to retain qualified operators. When their wastewater systems violate water quality requirements, they are unable to come up with the capital to fix the problem and may be unable to pay the fines associated with non-compliance. In addition, many small and/or disadvantaged communities lack the resources and in-house expertise necessary to apply for grants and loans to help make wastewater projects more feasible. Even if communities are able to secure financial assistance, they often do not have the in-house technical expertise to determine the best project alternative or to appropriately plan for long-term O&M needs.

The State Water Board is committed to addressing the human health and water pollution problems associated with small and/or disadvantaged communities, especially in cases where these problems may present an environmental injustice. In 2008, State Water Board staff, in coordination with Regional Water Quality Control Boards (Regional Water Boards) staff (collectively referred to as Water Boards), developed a *Small Community Wastewater Strategy* (Strategy), which provides an overview of the problems faced by small and/or disadvantaged communities and proposed solutions to address those problems.

The Strategy was referenced in [State Water Board Resolution No. 2008-0048](#), adopted July 1, 2008, which promotes strategies to assist small and/or disadvantaged communities with wastewater needs.

UPDATE ON SMALL AND/OR DISADVANTAGED COMMUNITY WASTEWATER ACTIONS: FISCAL YEAR 2008/2009

The State Water Board directed staff to report annually, beginning July 2009, on progress made pursuant to Resolution No. 2008-0048. The following is a summary of progress with respect to actions outlined in Resolution No. 2008-0048 and the Strategy:

1. State Water Board staff continues to work with staffs from the California Department of Public Health (CDPH), Department of Water Resources (DWR), United States Department of Agriculture (USDA), United States Environmental Protection Agency (U.S. EPA), and others to identify opportunities to leverage resources.
2. Staff refined procedures to process and disburse small and/or disadvantaged community payments within 30 days of submittal of a complete payment request. Those procedures are available to the public on the [Strategy webpage](#).
3. The State Water Board implemented improvements to the Clean Water State Revolving Fund (CWSRF) Program to make it more appealing and affordable to small and/or disadvantaged communities, including:
 - a. Incorporating the following changes into the September 16, 2008, and March 17, 2009, amendments to the *Policy for Implementing the CWSRF for Construction of Wastewater Treatment Facilities (Policy)*:
 - Planning financing at zero percent (0%) interest, during a draw period of up to three (3) years. At the end of the draw period, the recipient may elect to refinance the planning financing principal as part of a construction financing agreement with the CWSRF Program, or repay it (at half the general obligation bond rate) over a period of five (5) years.
 - Refinancing existing local debts incurred for a CWSRF-eligible project, when necessary to make CWSRF financing for a new project affordable.
 - Extended Term Financing (ETF), for small, disadvantaged communities with wastewater rates that are 1.5 percent or more of the community's MHI. The State Water Board received approval from U.S. EPA to offer ETF in October 2008, and subsequent follow up guidance was provided April 2009. As of June 1, 2009, ETF has been granted to two communities.
 - Financing at a reduced interest rate, not less than zero percent (0%), to the extent necessary to make CWSRF financing affordable.
 - Additional subsidy, as available through the State Water Board, when reduced interest rates are not sufficient to lower wastewater rates to 1.5 percent of the community's MHI.

- b. [State Water Board Resolution No. 2009-0027](#) reserves 25 percent (25%) of the CWSRF Program's American Recovery and Reinvestment Act of 2009 (ARRA) funds for principal forgiveness to disadvantaged communities. There are strict conditions regarding when the recipients must submit their application, execute an agreement with the State Water Board, select a contractor, and begin construction. Since many small, disadvantaged communities have relatively limited resources, staff is working to ensure that these communities are moving forward as quickly as possible so they are able to take advantage of this opportunity to the maximum extent possible.
4. State Water Board staff continues to look at new and alternative funding sources to assist small and/or disadvantaged communities with their wastewater needs. As of June 1, 2009, six small, disadvantaged community wastewater projects have been funded through the Cleanup and Abatement Account (CAA) under the Small Community Wastewater Grant (SCWG) Program. Communities have been funded for various phases of work, including planning, design, and construction, depending on their status/needs.
5. The State Water Board is preparing to execute one or more contracts with existing non-profits that support small and/or disadvantaged communities with wastewater training and technical assistance needs. The contracts will include assistance within the following general areas: preparation of financial assistance applications; defining board member roles and responsibilities; community outreach, awareness, and education; fiscal management and accountability; capital improvement planning and asset management; rate setting and the Proposition 218 process; wastewater laws and regulations; review of design and operational solutions; and preparing O&M manuals.
6. State Water Board staff developed a statewide list of small and/or disadvantaged communities in need of wastewater assistance. The Regional Water Boards and various environmental justice and small community assistance organizations have reviewed the list. Staff will continue to update this list as additional small and/or disadvantaged community wastewater projects are identified.

PROPOSED SMALL AND/OR DISADVANTAGED COMMUNITY WASTEWATER ACTIONS

The following is a summary of potential financial, regulatory, and technical strategies to assist small and/or disadvantaged communities with wastewater needs.

Financial Assistance Strategies

In addition to continuing ARRA administration, primary objectives for assisting small and/or disadvantaged communities over the next year include:

1. Utilizing all available means of financial assistance for small and/or disadvantaged communities, including planning financing and ETF.
2. Begin accumulating funds in the CWSRF Small Community Grant Fund (Grant Fund), which was created by Assembly Bill (AB) 2356 (Statutes 2008, Chapter 609, Arambula). AB 2356 allows the State Water Board to assess an annual charge, which is to be deposited into the Grant Fund, in lieu of interest that would otherwise be charged in association with a financing agreement. The State Water Board has the authority to deposit up to \$50 million into the Grant Fund by 2014. State Water Board staff has developed new template language regarding the assessment of such an annual charge.

This new language will be incorporated into new financing agreements and amendments, as appropriate.

3. Executing and implementing the aforementioned small community assistance contracts with a focus on getting potential financial assistance applicants ready-to-proceed with necessary wastewater upgrades and compliance projects, and making those systems sustainable for the long term.
4. Development of a process, through the CWSRF Program or other means, to encourage larger entities to help support the needs of small and/or disadvantaged communities. The State Water Board could offer larger entities financial incentives, such as lower interest rates, in exchange for efforts to assist small and/or disadvantaged communities. Assistance could include, for example: preparation of applications; legal, financial, or technical advice or analysis; operator or managerial training/service; etc.
5. Updating the SCWG Program's Competitive Project List and the *SCWG Program Guidelines* (Guidelines). Staff intends to send a request for additional project information to all identified communities to get more information about their needs, and the status of their wastewater projects. This was planned for early 2009; however, due to the extensive staff time involved in implementing ARRA, updates have been postponed until 2010. Key items under consideration for incorporation in the updated Guidelines include: adjusting the funding approval process to mirror the CWSRF Program, to the extent possible; requiring the evaluation of regional wastewater alternatives, including a cost-effectiveness evaluation; setting a maximum amount of grant funding per household, that cannot be exceeded without sufficient justification; consideration of affordability in determining the maximum grant amount; and requiring local agency board members to submit certification of participation in a course regarding their roles and responsibilities prior to funding. Such classes could be offered by existing non-profits and paid for through the small community assistance contracts mentioned above.

Regulatory and Technical Assistance Strategies

Based on Water Boards staffs' experiences in administering both the regulatory programs and the actions recommended in the Strategy, non-compliance at small and/or disadvantaged community facilities will likely continue to exist until fundamental changes in how ongoing operation, maintenance, and major equipment repair are managed. Other actions to improve the retention of qualified operators, available revenue to support facility needs, and compliance at these facilities are being evaluated and, where appropriate, will be brought back before the State Water Board for further direction/action. These additional actions generally fall under the following categories:

Retaining Qualified Operators

1. Establish an additional grade of WWTP Operator Certification, for operators working at small WWTPs.

Under the current regulations, it takes between one and two years to train and certify a Grade I WWTP Operator. This process also requires the employment of two people (an Operator-In-Training [OIT] and a certified operator to supervise the OIT during the minimum one-year training period) for a WWTP that in general would require only a part-time operator. This is not only a substantial financial drain on the community, but it is also often difficult for a small community to find a certified operator willing to train the OIT.

The proposed solution would, in most cases, eliminate the need for a certified operator to train an OIT during the one-year training period. The State Water Board, in partnership with other training organizations would provide necessary training for a fraction of the cost that most communities currently spend (mostly in salaries) on operator training. The program would enhance the retention of operators by small communities, ensure better compliance with regulatory requirements through more focused training of new operators, and reduce the number of complaints requiring investigation and enforcement.

After complying with specific educational and training requirements, qualified candidates would be issued a certificate valid for the specific WWTP at which they work. The proposed program would allow a qualified person to obtain a WWTP operator certificate within a few weeks. The proposed program would cover all pond treatment systems with a design capacity of one million gallons per day or less and some small “package” WWTPs. A change in the current Operator Certification Regulations will be required.

2. Re-establish a Water Boards training program for WWTP operators.

The State Water Board used to run such a program and it was extremely popular with the operator community. It was supported by tuition fees and funding from U.S. EPA and the Water Boards. Based on past inspections and complaint investigations, Water Board staffs have noticed that a significant number of operators are poorly trained in WWTP O&M. Although this lack of training is more evident at small WWTPs, it is also a problem at medium-size WWTPs. This training program would focus on areas of noted deficiencies and would provide training to new operators as well as continuing education for existing operators.

This program could be implemented in partnership with a college or university and local (larger) WWTPs. At least three full-time positions will be needed to run this training program. Working with larger WWTPs that have laboratories and equipment, or organizations such as the California Rural Water Association (CRWA), to provide hands-on training would be necessary. Many larger agencies would likely be willing to support operator training by providing their facilities and expertise at very little or no cost. The State Water Board is also considering financial incentives to larger agencies to encourage cooperation and assistance between larger and smaller entities.

3. Establish a fund (similar to the California Environmental Protection Agency’s Environmental Enforcement and Training Fund, Penal Code 14300), which would be used exclusively for operator training and compliance assistance for small and/or disadvantaged communities (discussed below). This would require legislative action. The funds would come primarily from penalty fees and Supplemental Environmental Projects.

This would secure supplemental long-term funding for the training programs described above at no direct cost to the Water Boards.

4. Update the WWTP Operator Certification exams to include maintenance management, permit, and monitoring and reporting requirement questions.

The WWTP Operator Certification exams administered over the past 30 years focus primarily on the technical aspects of WWTP operation. However, a substantial number of documented violations are a direct result of poor maintenance and failure to understand the general reporting and monitoring requirements. Revising the current exams to emphasize these areas would eventually improve compliance with permit requirements.

Improving Financial/Asset Management for Long-term Sustainability

1. Establish a program to require communities to budget for long-term maintenance, repair, and replacement costs.

Small and/or disadvantaged communities have historically had difficulty collecting adequate revenue to support the basic O&M of their WWTPs. Replacement of more expensive mechanical and electrical components can be relatively expensive, and sometimes impossible, unless budgeted for in advance. As a result, non-critical (and sometimes critical) equipment is often neglected or abandoned leading to shortened plant life and compliance problems. To address this problem, communities need to collect adequate revenue for daily O&M and set aside a reserve for major equipment replacement.

This could be approached in multiple ways, for example:

- a. Establish a program to pool funds, or set up an “escrow” account maintained by the State, into which a discharger would be required to deposit funds either annually or on a lump sum basis; or
 - b. Require dischargers to budget a specific portion of their wastewater rates for long-term needs, and to deposit those funds into a local dedicated capital replacement and improvement fund.
2. Require energy efficient systems and renewable power sources (solar, wind, or hybrid systems), when technologically feasible and cost-effective, at least for all grant and loan-funded WWTPs, to reduce long-term operating costs.

Electrical power costs can be a relatively significant part of operational costs at many WWTP. A small pond treatment system with a couple of pumps and aerators typically requires \$10,000-\$20,000 per year in electricity to operate. A \$50,000-\$100,000 investment in a solar power system would provide most of the power needs for a small WWTP. These systems are reliable, easy to maintain, and have a long life expectancy (solar panels are guaranteed for a period of 20-30 years). Such supplemental energy systems could pay for themselves in a few years by significantly reducing the operational cost of the WWTP. The money saved could be redirected toward equipment, maintenance, and personnel salaries.

Effective Compliance Assistance and Regulatory Oversight

1. State Water Board staff is developing contracts with some non-profit organizations to identify and recruit volunteers (or paid staff) willing to help with identification of problem facilities, training, and compliance assistance. In addition to the current efforts in this area, the State Water Board could develop a standard contract agreement with qualified operators across the State to assist small communities that employ the additional grade of WWTP Operators mentioned earlier.

These contracts would provide emergency response/assistance in situations that are beyond the control or capabilities of the small community’s operator.

2. Mandate a periodic review of revenue programs by the discharger and the State Water Board.

An annual review of revenue programs will ensure that the communities are continuing to set aside the necessary funding for future O&M needs as well as capital improvement projects.

3. Require O&M inspections to be conducted every two years for WWTPs with chronic or serious violations.

Small and/or disadvantaged community WWTPs receive substantial funding from federal and state programs. Oversight of these WWTPs ceases one year after funding has been disbursed. Regulatory inspections are infrequently performed on WWTPs. Routine inspections for grant and loan funded WWTPs are essential in protecting the taxpayers' investment.

4. Ensure consistent, effective enforcement against negligent operators and dischargers at WWTPs that have received the benefit of funding assistance, new certificate options, enhanced O&M funding, training, or WWTP consultative services designed to bring these WWTPs into compliance. This initiative would ensure that communities are utilizing the available services to achieve compliance. Operators who have received the training and assistance described above and who continue to be negligent in their duties, or do not use care and good judgment while operating WWTPs, should be disciplined.
5. Implement proposed changes in the Operator Certification Regulations to provide for Executive Management review of Operator Certification disciplinary appeals, in lieu of the existing appeal process. This will promote more consistent enforcement against negligent and incompetent operators.

Improved Permitting of Small WWTPs

Existing permits for WWTPs discharging to land are often outdated and difficult to enforce. Many of these WWTPs have similar treatment processes and similar impacts to water quality. Water Boards staff will explore ways to improve the permitting process for like WWTPs, beginning with small WWTPs discharging to land. A major part of this investigation will be the feasibility of issuing general permits for different classes of small WWTPs. If this proves to be a viable option, the use of general permits may allow staff resources now used for permitting activities to be redirected towards compliance assistance activities.

SMALL AND/OR DISADVANTAGED COMMUNITY WASTEWATER UPDATE MEETING

State Water Board staff hosted a meeting with various environmental justice and small community assistance organizations on Thursday, June 11, 2009, to provide an overview of the Water Boards' efforts to date and to discuss our plans for the future. In addition to providing an update, State Water Board staff solicited feedback from the organizations on the effectiveness of the Water Boards' efforts to date, and other strategies to be considered. The State Water Board staff presentation regarding this informational item will include a report on new items and ideas discussed at the meeting.

POLICY ISSUE

None at this time; informational item.

FISCAL IMPACT

None at this time; informational item.

REGIONAL BOARD IMPACT

None at this time; informational item.

STAFF RECOMMENDATION

None at this time; informational item.

State Water Board action on this item will assist the Water Boards in reaching Goals 1, 2 and 5 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030 (Goal 1), improve and protect groundwater quality in high-use basins by 2030 (Goal 2), and improve transparency and accountability by ensuring that Water Board goals and actions are clear and accessible, by demonstrating and explaining results achieved with respect to the goals and resources available, by enhancing and improving accessibility of data and information, and by encouraging the creation of organizations or cooperative agreements that advance this goal, such as establishment of a statewide water data institute (Goal 5).



"Don Bearden"
<dabearden@charter.net>
07/04/2009 08:30 AM

To <planningcommission@co.slo.ca.us>
cc
bcc
Subject Fw: Toilet retrofit info

Commissioners,

Last year I asked for the results of a survey on toilet retrofits that the LOCSD had made a few years ago. I don't think the 34.73% retrofitted can be extrapolated to the whole community, but the 274 toilets that had already been retrofitted is a good number of toilets. This shows that the conservation estimated for the wastewater project may not be as high as expected.

Don Bearden
1411 - 7th Street
Los Osos, CA 93402-1617
528-3579

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

From: [Jan Harper](#)
To: [Don Bearden](#)
Sent: Wednesday, April 23, 2008 11:46 AM
Subject: Toilet retrofit info

Don, Thanks for your patience. I am on a learning curve with this new machine.... Later, Jan

Jan Harper

'You play you win, you play you lose, you play.'
Jeanette Winterson

Los Osos CSD
2122 9th Street
Los Osos, CA 93402

805/528-9370
FAX 805/528-9377

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 269.23.3/1392 - Release Date: 4/22/2008 3:51 PM



BPSurveyResults.xls

RE: Orenco replies to Mr. Dubbink
David Dubbink
to:
Sarah Christie
07/05/2009 05:06 PM
Cc:
wyattonbridge, pem3220, bwhiteoak, rhedges
Show Details

History: This message has been forwarded.
Sarah-

My computer says that the Orenco file is "corrupt" and cannot be downloaded. While I may eventually find that I agree with the computer's characterization, I would like to see the 24 page response and reach my own conclusion. I'd appreciate it if you would resend it.

I might note that it isn't accurate to say that I'm accusing Dana Ripley of misrepresentations. I see him as an enthusiastic proponent of his consulting services and favored technologies. Like any advocate, he stresses the things that favor his cause and downplays the problems. His reports to the CSD included some valuable work; especially the report on agricultural exchange by Bahman Sheikh.

One thing that bothers me greatly about the Los Osos debate has been the excess of accusations of fraud or lying. I don't want my critique of Mr. Ripley's material to be characterized as anything more than a commentary on the accuracy of the work.

David Dubbink, Ph.D., AICP

From: Sarah Christie [mailto:schristie@coastal.ca.gov]
Sent: Tue 6/23/2009 7:08 PM
To: Carlyn Christianson
Cc: ; dubbinnk@noisemanagement.org
Subject: Orenco replies to Mr. Dubbink

Hi All—

I took the liberty of offering Orenco the opportunity to respond to Mr. Dubbink's recent letters to the Commission citing Dana Ripley's mis calculations and mis representations of their material. You may not want to read their entire 24-page response, but suffice to say they do not concur with Mr. Dubbink's characterizations of the mistakes made by Mr. Ripley, and there remains a significant difference of opinion with respect to soil displacement and other impacts. In fairness, I thought the report's author should have a chance to respond to such a technically detailed critique of their work.

I am also ccing Orenco's response to Mr. Dubbink. But I sincerely hope that this not interpreted as an invitation to continue arguing back and forth with the PC in the middle. I strongly encourage the parties to communicate directly, should there be any desire to further pursue the question of soil displacement and related issues.

~sc

Sarah Christie
Legislative Director
California Coastal Commission
916-445-6067

"You can't raise consciousness by lowering the bar."
~Kenny White

Members of the Planning Commission

If you read Orenco's rebuttal of my analysis of the STEP team's graphics you saw their complaint that I had not been present at their team's presentation and wasn't qualified to comment on the graphics that were displayed. This is true, but Orenco's Bill Cable attached a copy of their PowerPoint presentation with his April 28 letter to the Commission. It shows that my speculation that they had shown graphics that understated the impact of STEP installations was accurate.

The presentation included two graphics intended to depict tank placement alternatives. Unlike the Orenco graphics in the communication to the Planning Commission, the PowerPoint slides include a scale. I've reproduced the graphics on the following page, adding a more legible scale divided into 10 foot intervals. The septic tank outline is 5 feet wide and 8 feet long. In addition to the undersized outlines, the tanks are placed closer to structures than is permitted by code.

Anyone adept at reading site plans and with a knowledge of tank size and excavation requirements (and members of the county's review committee had this knowledge) would realize that the graphics are misleading. ***It is likely this would count against the team.***

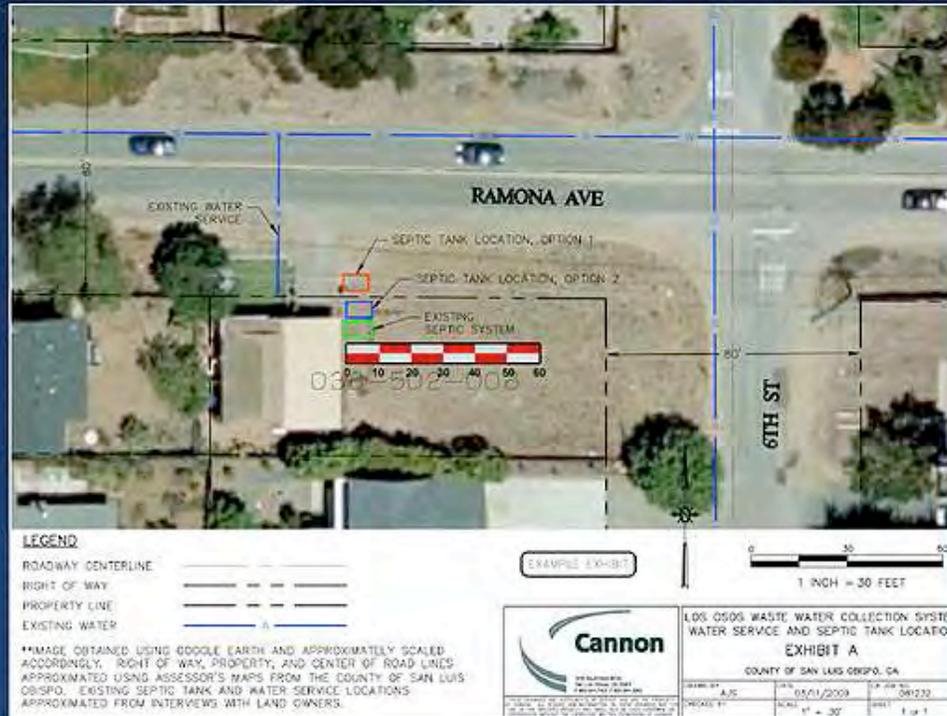
Additionally, the Orenco's rebuttal to my analysis states that, "Orenco fiberglass tanks WERE NOT proposed for use in the Los Osos project" (emphasis in the original). Mike's memory is faulty on this because he and I discussed the Orenco tank proposal at the Ripley team's Town Hall meeting just before the 218 vote. At the same time, Chuck Cesena exhibited a cutaway version of the fiberglass tank in his front yard. A commissioner might wish to ask Mr. Cesena about the fiberglass tank display and who provided it, the next time he addresses the Commission. The choice of tank structure is significant in that concrete and fiberglass tanks come with their own collection of benefits and liabilities. The EIR doesn't touch on this.

Mike Saunders includes an excerpt from an email exchange we had back in 2007. Mike's critique of my earliest soil displacement spreadsheet was helpful in improving the quality of later versions. Given the volume of material being generated, it is understandable that he didn't see the version submitted to the County. But there are differences between what was supplied to me then and what is being said now. The Orenco spreadsheet showed a 3 foot width for trenches less than 8 feet deep (63% of the system). The maximum width of the deepest gravity trench is 6 feet. The tank excavation dimensions on his table are 18x10x7 which sounds a lot like the fiberglass tank.

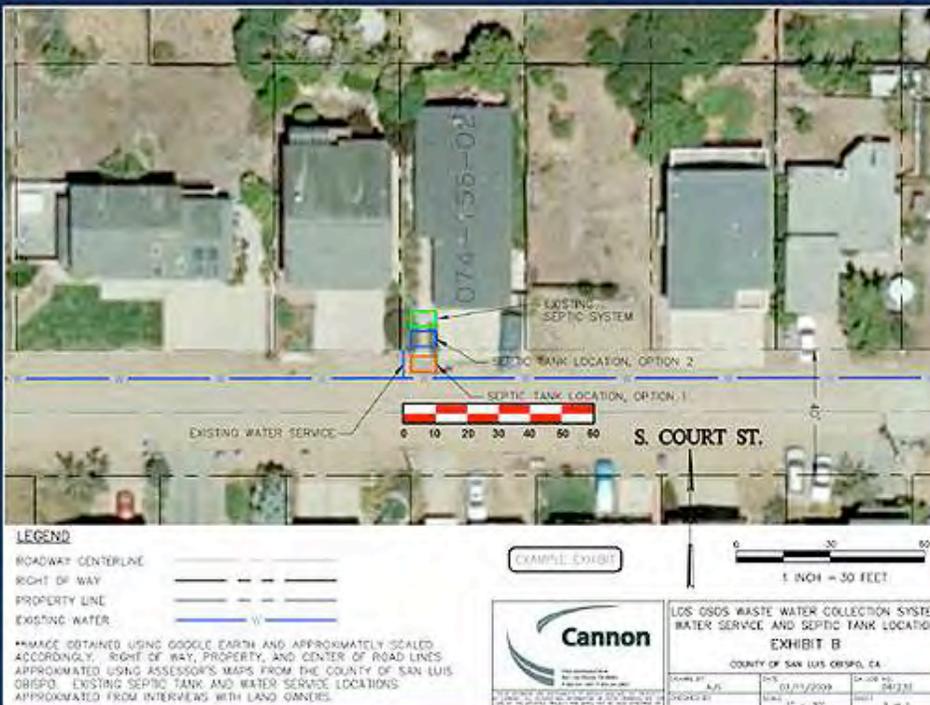
The Orenco rebuttal simply ignores questions I raised that can't be conveniently answered. These include:

- The math error in computing cubic feet of soil displacement (saying $8' \times 14' \times 8' = 23$ cubic yards rather than the correct answer, 33 cubic yards)
- The depiction of gravity laterals at 45 degree angles where the plan shows 90 degrees.
- Bill Cagle's claim to be presenting graphics that, "are drawn to scale within the context of applicable codes, setbacks, etc" while his diagrams don't reflect the peculiarities of the old El Morro subdivision.
- The timing problem associated with when tank replacements can be made and drain fields disturbed (only 8.5% of the STEP tanks can be in the same location as the existing tanks according to the Project Description).
- The nature of the "telemetric" device that alerts operators to tank malfunctions. (I raised this question as a comment on the DEIR getting a quite remarkable response from the EIR team saying alarms would not be an issue if the tanks were well maintained).

David Dubbink, Ph.D., AICP, July 7, 2009



County of San Luis Obispo
Los Osos Wastewater Project – Collection System



County of San Luis Obispo
Los Osos Wastewater Project – Collection System





Linde Owen
<lindeowen@sbcglobal.net
>

07/09/2009 05:57 PM

To planningcommission@co.slo.ca.us, Bruce Gibson
<bgibson@co.slo.ca.us>, Kacho Achadjian Achadjian
<kachadjian@co.slo.ca.us>, Frank Meham

cc

bcc

Subject Colbert Interview with Nicholas Kristof /Endocrine Disruptors

A little humor on a not so funny emerging contaminant problem. In Los Osos, we'd rather use them up in Ag in-lieu/exchange than to try to get them back into our lower aquifer at Broderson. What do you all think?

Begin forwarded message:

Subject: Fw: Colbert Interview with Nicholas Kristof

<http://www.colbertnation.com/the-colbert-report-videos/232640/july-01-2009/nicholas-kristof>



BDifatta@aol.com
07/10/2009 08:02 AM

To bmorem@TheTribuneNews.com, achill29@hotmail.com,
BulletinFeedback@boxer.senate.gov,
assemblymember.blakeslee@assembly.c.BGibson@co.slo.c
cc clcesena@charter.net, hyeder@charter.net,
aimhigh.malkah@gmail.com, churadogs@aol.com,
bnbmoylan@sbcglobal.net, BDifatta@aol.com,
bcc

Subject Fwd: Letter to the Ed and comments

Mr. Morem,

And to weigh in on Linde Owen's letter to you, where's the stories that say how many Homeowners and Renters that will be displaced when the monthly payments of \$ 200 to \$ 300 dollars a month arrive or about \$ 3500 a year that will be added on to their property taxes.

Another story is that Chairman Gibson and Paavo Ogren Know about the financial hardships that the cost of a gravity system will cause yet continued on with their expensive, unaffordable, stinking, Antique, Gravity collection system without really looking for a cheaper solution that the alternatives can do very efficient .

Another story is what is motivating those two, one accepted many thousands of dollars for his election from a certain contractor and the other use to work for the same contractor.

Another story is, why in these days of 3 years of drought conditions would their project want to waste water by spraying it into the air never to be seen again ? Why would those two want to have a treatment plant that is cost more and uses much more energy then some alternatives ?

Yes, Mr Morem why isn't your failing paper telling the truth instead of pussy footing around with misleading lies.

Ben DiFatta , Los Osos

235-4849

A Good Credit Score is 700 or Above. [See yours in just 2 easy steps!](#)

----- Message from Linde Owen <lindeowen@sbcglobal.net> on Fri, 10 Jul 2009 01:04:57 -0700 -----

To: Tribune Bill Morem <bmorem@TheTribuneNews.com>, Sandra Duerr
<sduerr@thetribunenews.com>

Subject: Letter to the Ed and comments

Hi,

I screamed at you on Wednesday when you managed to make a headline out of Los Osos not getting road repairs because of sewer delay. Jesus, are you owned by the Cadillac Sewer folks or what?

Where is the news about the fact that the location at Tonnini is DEAD. Sprayfields and the \$7 million dollar scenic farmland was NEVER supported by ANYONE. Planning Commission also determined that Ag exchange, purple pipe and Conservation would eliminate the need for the controversial Broderon site for disposal. This is news. Not the piddypoint from the Grand Jury about what community roadways are in the worst shape. Talk about grabbing for anything.

I object to your local corporate support. I realize that you have to make a living and that's why I support you with my subscription. I watch you subjugate yourselves to your loyal vendors and I understand journalism has been co-opted. But the disgust is getting deep.

WHEN YOU FAIL AT YOUR JOB, I get an ulcer. not good for anyones moral

well-being. Please tell me why Bob Cuddy fails to report any negatives to the County's very faulty plan? And why do his reports come out days late?

The Vector Control vote was MAJOR yet you buried it in a minor article. Shame on you. It was a crappy piece of gambling to shift a county funded program onto the taxpayers. Now you need to report that the County is mandated to keep the prior responsibility funded. This was a maneuver to shift an already funded program onto the property taxpayer. It made no sense and was defeated. Stop protecting the County when they F-up.

Please don't make me cancel you. If you continue manipulating Los Osos sewer updates I will have to.

It's not that hard to be honest. It's far more complicated to lie.

Thanks, linde ; -)

Dear Editor,

The recent Board of Sups decision to rescind their vote support for the Vector control ballot they initiated and approved the \$280,000 expenditure for a consultant and ballot measure effort for, is telltale. Bad schmoozing and vision, led by Bruce Gibson.

Supervisor Meechum led the opposition basically saying, "I think the process by which we got here, I don't want to say is questionable, but it's difficult to deal with."

The same applies to the County's lengthy, expensive work on designing a wastewater system for Los Osos. The \$7 million spent over the last 2+ years of design process have produced a bizarre project that failed the sniff test with Fish & Wildlife, the Coastal Commission, the Ag Commission and Farm Bureau, Los Osos Community Advisory Council, Los Osos Sustainability Group, Surfrider, EcoSlo, Slo Greenbuild, etc.

And now the County Planning Commission has dumped half the proposed project as unnecessary and wasteful. Paavo Ogren's team, made up of a legally-challenged group of questionable consultants and County staff has proposed that the alternative bidders be eliminated because the race to be eligible for Obama infrastructure money is far more important in the bigger picture. More important than likely more affordable, long term sustainable options.

I thank the Planning Commission for their very thorough journey through the sloppy EIR. It is refreshing to see sunshine in government. These five Commissioners dove deep into the mess and sorted through flaws and produced better proposals.

They thoroughly dumped the \$7 million purchase of pristine farmland at Tonnini to evaporate our re-used effluent out of our Level III severity basin. Duh.

In Los Osos you just expect County abuse. Nearly \$1 million badly spent to slow traffic on Santa Ysabel, never a 'Septic Management Plan' as mandated by the RWQCB, a neglected Water District turned over to the CSD, a skateboard park that removed community parkland & can't fund its maintenance, a traffic light at Palisades that is already badly engineered, implemented, and late, approval of medians in front of Ralphs that have no maintenance contract, approval of 1240 homes in

the 5 year 1983-88 era, when they knew the basin was failing.

Why would I trust them to build a great wastewater project when 1) they never have and 2) they have clearly stated they want a Gravity collection and took away the viable competition. With \$7 million dollars spent, why do I feel empty handed and cheated?

Linde Owen
1935 10th B, Los Osos
20 yr resident



BDifatta@aol.com
07/10/2009 08:02 AM

To bmorem@TheTribuneNews.com, achill29@hotmail.com,
BulletinFeedback@boxer.senate.gov,
assemblymember.blakeslee@assembly.c.BGibson@co.slo.c
cc clcesena@charter.net, hyeder@charter.net,
aimhigh.malkah@gmail.com, churadogs@aol.com,
bnbmoylan@sbcglobal.net, BDifatta@aol.com,
bcc

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Linde Owen
1935 10th B, Los Osos
20 yr resident



Mary Fullwood
<eco.shift@att.net>
07/10/2009 02:02 PM

To Sarah Christie <schristie@coastal.ca.gov>
cc planningcommission@co.slo.ca.us
bcc

Subject Re: Urban Reuse

Sarah - I will bring this up at the next PC hearing if need be but I clocked the mileage today:

Along Los Osos Valley Rd where the pipe passes the Community Center before reaching Broderon, if you travel purple pipe down LOVR only 2 blocks passed Broderon (to Doris) you will have taken purple pipe to Monarch Grove Elem for urban reuse/disposal. This is .3 miles passed Broderon. If you carry the pipe .55 miles passed Broderon on LOVR you will reach Sea Pines Golf Course property line - .25 miles after the Elem School. Thank you, all, for your work and deliberations. Mary

On Jul 8, 2009, at 10:37 PM, Sarah Christie wrote:

> Mary, can you bring this up @ the next hearing so we can verify and
> potentially add to the list? Tnx!
>
> -----Original Message-----
> From: Mary Fullwood [mailto:eco.shift@att.net]
> Sent: Tuesday, July 07, 2009 8:25 PM
> To: Sarah Christie
> Subject: Urban Reuse
>
> Sarah - I am presently watching your discussion on urban reuse (6/30)
> and Monarch Grove Elem is only about 4 (?) blocks passed Broderon for
> addl purple pipe, Sea Pines is probably 1/4 mile max - guessing but it
> is minimal addl pipe.
>
> mary

Planning Commissioners –

Orenco's Mike Saunders developed a spreadsheet that is the basis of his contention that a STEP system involves 23 to 41 percent less soil disturbance than gravity. This was included as background information in the "rebuttal" presented to the Commission for its June 28th meeting. Apparently, this is the analysis that was supplied to local environmental groups back in 2007 and which is the basis of the contention that STEP systems involve substantially less soil disturbance than gravity.

Inspection of the spreadsheet shows how he arrived at the conclusion his company's product had the lesser effect. The difference is in how he dimensioned the excavations for the laterals connecting the STEP tanks to the street. Saunders assumed these are **4 inches wide and one foot deep**. They average 35 feet in length for each property. Translating this to the 4769 properties in Los Osos, the Orenco design for the STEP system involves 32 miles of pressurized plastic pipe buried in sandy soil at less than a one foot depth.

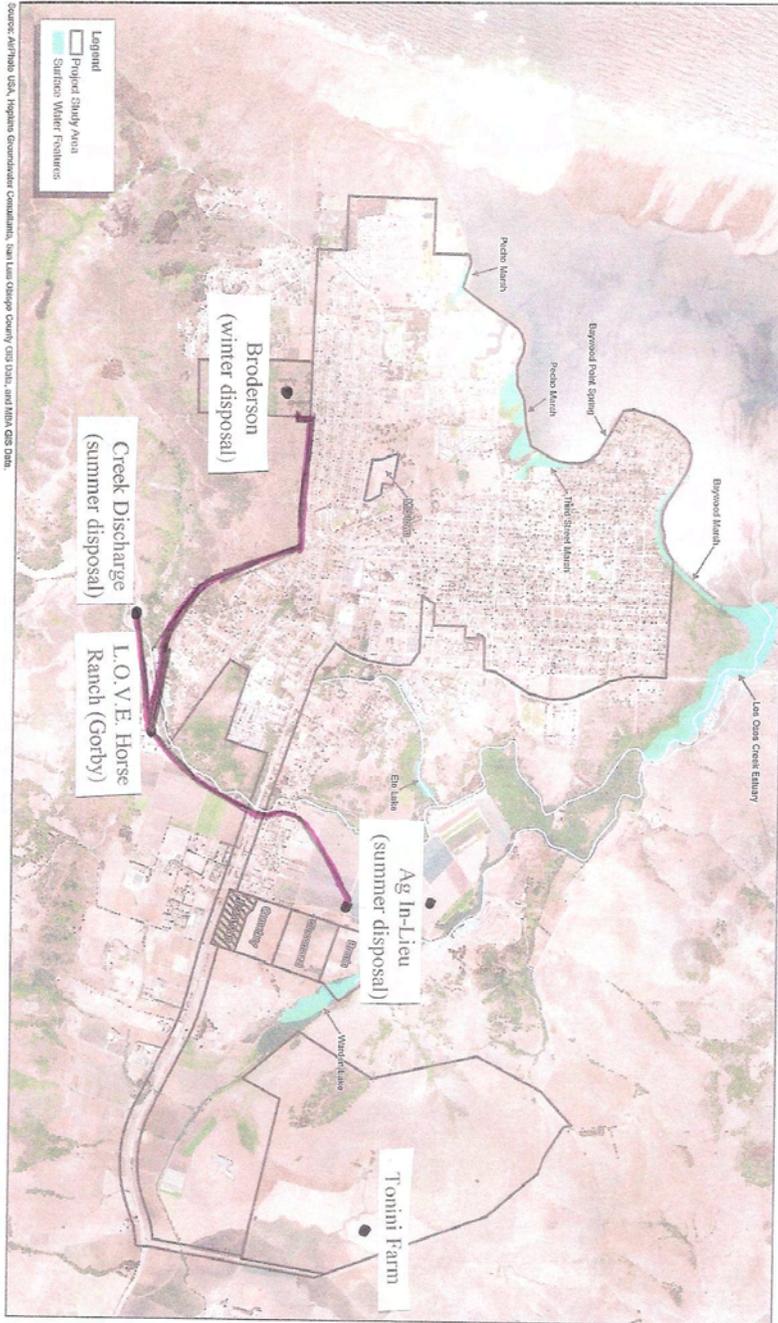
Such shallow pipe would be a minefield for people doing gardening, for dogs burying bones, or for energetic children skipping rope. Moreover, it is also in violation of the County's Public Improvement Standards. These require a 48 inch minimum burial depth for sewer laterals.

On the positive side, with the lines so close to the surface, leaks in the pressurized pipes would be easy to detect.

To me, the core problem is that the County's environmental groups and the Commission have been supplied with imperfect information. The groups took positions assuming they had an accurate assessment of soil disturbance. The Orenco figures dutifully deliver the advantage to STEP. But no one concerned with protecting the environment would approve of the idea of spreading pressurized plastic sewer lines at such a shallow depth throughout the Los Osos community. If instead, the assumption is made that the laterals are buried at the required 48 inch depth the STEP advantage melts away.

I am deeply respectful of the time and energy my fellow residents and the Commission have devoted to insuring that our town has a wastewater system that meets the highest environmental standards. But I would ask the Commission and friends who share my interest in improving the quality of our community to critically examine the information received from the people offering their services and equipment. My own studies and those made by the EIR consultants arrived independently at the same conclusion; both systems involve substantial soil disturbance and on this count, there is little difference between the technologies. The only real question is whether it is better to have the digging take place in the street or in people's yards. The community survey is a clear indication of which of these options is the more acceptable to Los Osos residents.

David Dubbink
Los Osos
July 10, 2009



Michael Beardsley Associates
 02240022 • 11/2008 13.2-2 surface_water_features.mxd

Exhibit 5.2-2
 Los Osos Surface Water Features
 COUNTY OF SAN LUIS OBISPO - LOS OSOS WASTEWATER PROJECT
 GROUNDWATER QUALITY AND WATER SUPPLY EXPANDED ANALYSIS SECTION

Los Osos Wastewater Project Site Comparison (Tonini vs. Gorby)

Prepared by J.H. Edwards Co.
 Please direct questions to Jeff Edwards 805-235-0873

Was that Concrete or Fiberglass?

Someone who read Orenco's Mike Saunders "rebuttal" statement saying, "*Orenco fiberglass tanks WERE NOT proposed for use in the Los Osos project*" (emphasis in the original) provided me with this remarkable photo. It was taken at the Baywood Farmer's Market on September 22, 2008. The photo shows Orenco's **FIBERGLASS** STEP tank cutaway.

The trailer with the tank is attached to an SUV with Oregon plates, presumably delivered by Orenco's National Accounts Director, Bill Cagle. He is seen standing at the right of the display wearing an official Orenco shirt. This fiberglass tank model was later displayed in front of Chuck Cesena's house.

David Dubbink – Los Osos, Bastille Day, 2009





Mary Fullwood
<eco.shift@att.net>
07/14/2009 10:57 AM

To planningcommission@co.slo.ca.us
cc
bcc
Subject Fwd: typo

Please see below:

Thanks, Mary

Begin forwarded message:

From: "Dana Ripley" <ripac@comcast.net>
Date: July 14, 2009 10:12:24 AM PDT
To: "Mary Fullwood" <eco.shift@att.net>
Cc: "Chuck Cesena" <clcesena@charter.net>
Subject: typo

Mary, caught a typo in my email to you yesterday. Dana

Conversely, the gravity system I/I will only increase with age, and in my opinion could easily exceed 2-3 mgd in severe rain events. Note that March ~~2005~~ 1995 had 18" of rain, and a one-day record of nearly 9" (see attached precipitation record for Morro Bay Fire Station).

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877



July 15, 2009

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

Subject: **Proposed Los Osos Wastewater Project**

Dear Mr. Ogren:

We have been following the evolution of issues surrounding the Los Osos wastewater treatment project with great interest and some consternation. We have also, as you know, provided input and recommendations on the project, most recently through our EIR comments as well as conference calls with you and your staff. As the review by the Planning Commission progresses we are being made aware of additional issues that need to be addressed by the County before the matter comes to the Commission (we think it safe to assume the matter will be appealed to the Commission by one or more parties) – issues that have been brought to our attention by members of the community, our own improved understanding of the complex, changing circumstances affecting the project with coastal resource implications, and other public agencies. Some of these issues are new, but most are issues which we have previously identified that are evolving as more information and deliberations are brought to bear on the project. As you know, during the course of the Commission's meeting in San Luis Obispo on July 8th and 9th, we received numerous substantive public comments from Los Osos residents regarding the proposed wastewater treatment project. Some of the comments were focused on issues on which we have already commented, by letter and numerous discussions. It appears that some of these are being addressed in a positive manner by the County's Planning Commission, which is continuing to hold hearings on the project. For example, the Planning Commission has tentatively conditioned the project to include important design changes such as tertiary treatment, fusion welded pipes in areas of high groundwater, and relocation of the treatment plant itself from Tonini Ranch to the Giacomazzi site.

In response to public comments in San Luis Obispo earlier this month, the Executive Director responded to several speakers by telling the Commission, the County and the public that we would be sending a supplementary letter to the County spelling out our additional concerns about several issues that we strongly hope will be addressed by the County, either by the Planning Commission or the Board of Supervisors. In subsequent discussions with individual commissioners, it became clear that there is great concern among them, and staff, that several very significant issues may not be adequately addressed at the County level, ultimately leaving to the Commission the question as to how they should be addressed. In particular, given the testimony at public comment during the July meeting, the information presented, and ensuing discussions between commissioners and the Executive Director, it appears several critical design issues that warrant changes to the proposed project are still a matter of debate. In order to avoid an unnecessary impasse when this matter arrives at the Commission we urge the County to address the following issues in addition to the others we have previously identified.

We think that potential sea water intrusion into the system and the basin's groundwater is an issue that needs to be addressed as an integral component of the project's design. Failure to address this issue could be viewed by the Commission as a fatal omission. At the July hearing, we were presented compelling testimony and information that indicates that the rate and extent of sea water intrusion into the lower aquifer in Los Osos constitutes an imminent crisis that warrants immediate attention. We are of the opinion that dealing with this issue must not be delayed until some future date after the waste collection, treatment and disposal project is operational. The water basin is in severe overdraft and cannot afford to export significant portions of its inflow for disposal outside its boundaries. We understand that an explanation for postponing this issue for some unspecified length of time is that partial recharge at a single disposal site in the basin and minimal conservation measures will be adequate to halt advancing sea water levels. However, we remain doubtful that this assumption is correct, and we are concerned that continued sea water intrusion into the basin threatens to render the aquifer completely unusable as a potable water supply and could impact the reliability of the wastewater treatment system itself. We disagree that seawater intrusion is an issue that should be addressed independent of the sewer project. Sensible reuse and disposal of treated water within the basin can have a significant effect in slowing or reversing seawater intrusion. Additionally, steps to protect the Community's drinking water supply can and should be taken in conjunction with this project and not relegated to some future arrangement with water purveyors. We recognize this project cannot entirely resolve the seawater intrusion problem, however, if properly designed and built, this project can help. We think there are multiple benefits to be derived from addressing seawater intrusion in the context of this project.

Similarly, we are also concerned about and strongly urge the County to build into the project sensible and doable wastewater reuse and disposal components. While we sympathize with the County's desire to spread the costs of groundwater recharge between the private water purveyors and future development, we strongly encourage design of a project that returns flows to the basin at project start up, particularly because it appears that multiple discharge options exist over the basin. As previously indicated, one of those feasible options is agricultural re-use, which has the added benefit of reduced pumping from the aquifer. Other feasible options include urban irrigation, residential re-use (purple pipe), constructed wetlands, disbursed leach fields and on-basin spray fields. A continued focus on spray disposal on the Tonini prime soils agricultural lands outside the basin is in our view inappropriate for reasons we previously communicated to the County as well as what we said above. All these reuse/recharge alternatives appear feasible and would more closely mimic current, diffuse discharge patterns, including those that support sensitive habitats.

Should future negotiations with water purveyors result in greater participation or additional approaches to slowing or reversing seawater intrusion into the basin's groundwater, these can be included by way of future permit amendments if necessary. For now, though, we strongly recommend that the project include such measures from the onset. We think the system needs to be designed to address the groundwater intrusion and recharge issues, and this element of the project ought not be delayed until some future arrangements with water purveyors can be achieved.

The County's LCP policies call for balancing of groundwater basins and protection of watersheds. A project that does not fully return tertiary treated effluent to the basin would be inconsistent with applicable LCP policies (e.g., LCP Coastal Watershed Policies 1, 2, 5, and 11). We also encourage timely implementation of strong, effective water conservation measures, by both the County and private water purveyors, that will reduce water extraction, thereby reducing pressure on the lower aquifer. Irrespective of the rather limited project goals and objectives identified in the EIR, seawater intrusion is an adverse impact that is inextricably linked to this project, and as such, must be fully addressed and mitigated.

Finally, we understand that the goal of minimizing sludge production to the maximum extent practicable has not been identified as a priority in the evaluation of alternative collection systems and treatment technologies. We recommend that the mitigation of this particular project impact be reflected as a high priority in the selection of preferred collection and treatment technologies and that the County ensure that the methods chosen are the best ones designed to produce this outcome.

We hope that these comments are useful to the County as the project moves through the local review processes. These comments are intended to help inform the decision making process at the local level and we hope they are taken into account and addressed before the project is approved and appealed to the Commission. As you know, this project is a major public works undertaking for which it is incumbent on the County and all responsible entities to thoughtfully consider options and project permutations that can maximize its effectiveness in promoting the public welfare and protecting coastal resources. In our view this means that the wastewater and groundwater problems in Los Osos must be addressed holistically and not piecemealed. Sound land and water use planning and effective public policy implementation call for such an approach. As the Executive Director said at the July meeting, we are trying to convey our concerns to the County in a timely manner in order to avoid or minimize conflicts later in the process. Please feel free to contact us if you have any questions or concerns and we look forward to continuing to work in a collaborative manner with the County to achieve a well designed, approvable, long overdue wastewater treatment system for Los Osos.

Sincerely,



Dan Carl
Central Coast District Manager

cc: Bruce Gibson, Chair, Board of Supervisors
Frank Mecham, Vice-Chair, Board of Supervisors
Khatchick Achadjian, Board of Supervisors
Adam Hill, Board of Supervisors
James Patterson, Board of Supervisors
Kami Griffin, Planning Department
Mark Hutchinson, Public Works Department



Linde Owen
<lindeowen@sbcglobal.net>

07/15/2009 11:40 PM

To planningcommission@co.slo.ca.us
cc Bruce Gibson <bgibson@co.slo.ca.us>, Kacho Achadjian
Achadjian <kachadjian@co.slo.ca.us>, Frank Mecham
<fmecham@co.slo.ca.us>, Adam Hill
bcc

Subject Thoughts and documents on nitrates

Dear Commissioners,

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project might have been less awful.

Which brings me to another worry. Coastal Commission Executive Director Peter Douglas Thurs, at the July 9th CC hearings at the SLO County chambers, in a private conversation at break felt that the project would have to go back to TriW since it had already been permitted and approved. He seemed sure that nothing else would work. Probably due to the supposed 'urgency' to be in shovel readiness position that he has been fed by the cadillac sewer lobbyists. Such a common theme of modern debauchery, the challenge to gamble quality for quantity. The perfume of heavy lobbying is hard to shake, but hopefully he heard more as the day progressed that shed a better light on our sewer realities. He is not a stupid or uncreative man. Someone is telling him that TriW is the best option now. Like some kind of Plan B? Please. Let's not get silly.

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Thanks for staying alert , Linde Owen :-)



California Tackles Nitrogen from Onsite Wastewater Systems .webloc



Agricultural Impacts on Groundwater Nitrate .webloc



Identifying Groundwater Nitrate Sources and Sinks .webloc



Treatment Technologies for Today and Tomorrow .webloc



Mary Fullwood
<eco.shift@att.net>
07/13/2009 03:28 PM

To planningcommission@co.slo.ca.us
cc Dana Ripley <ripac@comcast.net>, Andrew Christie
<sierraclub8@gmail.com>, Chuck Cesena
<clcesena@charter.net>, Lisa Schicker
bcc

Subject LOWWP concerns

Dear Planning Commissioners,

I am forwarding information provided below by Dana Ripley as well as the conversation chain which involves my Gen'l Public comments made last week at the CCC (reattached below). I am very pleased (as is Surfrider and the Sierra Club) with the conditions you are placing on the project, however, it continues to be imperative that STEP be advanced to compete in creating solutions via the RFP/ Design-Build process where actual innovations and costs will be fleshed out. For instance, STEP treatment in and of itself requires a smaller footprint than gravity treatment (see below) making it possibly more "do-able" (more flexibility) at Giacomazzi. 12% fusion sealed gravity pipes may be cost prohibitive whereas STEP, an already fusion sealed system - **100%** - not 12% - has been established by the Fine Screening and TAC to be a minimum of \$20 million less than Gravity collection - comparative numbers based on 0% fusion welding for gravity. As you know, the County is planning to send out the RFP at the end of your deliberations and the project could be delayed yet again if STEP isn't advanced to compete - delays because costs might become too prohibitive via gravity or gravity-hybrid and other solutions needing to be revisited because they were not allowed to compete from Day 1 of RFP. Lastly, restrictions must be applied to Change Orders as that is a loophole that can make the project completely unaffordable for those paying for it (the Prohib Zone). Lisa Schicker has information on the history of change orders via Montgomery Watson Harza (old Tri-W project) if you would like to get that information from her. If STEP can provide the benefits (and more! and be affordable) that you are requesting from the project why wouldn't it be allowed to compete? As you know, Lyles has had an 100% advancement to RFP record until this one and the reason given was they didn't show intimate understanding of the issues in Los Osos. Being Mr. Ripley is one of their consultants, I believe your hearings alone have proven that there is intimate understanding.

Thank you all for your tireless and respectful work. Sincerely, Mary



CCC 7.8.09.doc

Begin forwarded message:

From: "Dana Ripley" <ripac@comcast.net>
Date: July 13, 2009 2:47:55 PM PDT
To: "Mary Fullwood" <eco.shift@att.net>
Cc: "Bill Cagle" <bcagle@orengo.com>, "Chuck Cesena" <clcesena@charter.net>
Subject: RE: FYI on CCC

Mary, our 2006 design work did not advance far enough to establish building footprints for the STEP treatment plant, tertiary filtration/disinfection, etc., however we did an overlay of the Tri-W system at the Giacomazzi site and compared that to a STEP plant with storage for about

250 af (pdf attached). I'm not prepared to suggest comparative square foot differences of gravity versus STEP plant alternatives, however obvious statements can be made: since the BOD and SS are substantially reduced, there is no need for primary treatment, the secondary phase will have significantly lower loading, and the solids handling facility will have a design load reduction of at least 75%. But beyond that, the biggest impact on total system footprint (secondary treatment, filtration/disinfection, and effluent storage) is the fact that the system does not need to be upsized much for inflow and infiltration (I/I). The flow and load tech memo indicates STEP I/I at 0.1 mgd and gravity I/I at 0.3 mgd. My position is that with the STEP system there can be minor inflow (roof spouts draining to septic tank, etc.) but zero infiltration since the collection system is pressurized. My opinion is that with the STEP system, I/I combined will NEVER exceed 0.1 mgd even at the end of its service life (say 100 years). Conversely, the gravity system I/I will only increase with age, and in my opinion could easily exceed 2-3 mgd in severe rain events. Note that March 2005 had 18" of rain, and a one-day record of nearly 9" (see attached precipitation record for Morro Bay Fire Station). If SLO County were to design the gravity system to accommodate this extreme precipitation scenario (no spills anywhere), then the gravity treatment/storage footprint I would guess could easily be 2 to 3 times the footprint required for the same system with truly sealed STEP collection pipes. One of the biggest treatment footprint issues would be the flow equalization tank, since gravity I/I would need temporary storage prior to treatment – and with successive days of heavy rainfall, this can be a big deal. And for a zero discharge system as we propose, the seasonal storage capacity should probably be 20-30% greater with gravity collection relative to STEP collection since the I/I occurs generally in the winter/spring months when storage capacity is most critical. The real issue then, is given the potential precipitation intensity shown in the local record, is what would the design standard be for collection and/or treatment spills and overflows (?). For designing the gravity system, this can be problematic and carries a level of risk tolerance that must be established. For designing the STEP collection system, a zero tolerance for spills (caused by heavy precipitation) can be a given upfront without worry beyond normal prudent design practice.

Not a simple question you pose, but a question that nevertheless is an important one now in the STEP v. gravity debate.

On the ESHA delineations, I suggest Chuck as a better resource on that.

Dana

From: Mary Fullwood [<mailto:eco.shift@att.net>]
Sent: Monday, July 13, 2009 6:42 AM
To: Dana Ripley
Cc: Bill Cagle; Chuck Cesena
Subject: Fwd: FYI on CCC

Dana or Bill - can you elaborate on actual footprint size reduction if treatment is STEP instead of Gravity - aka making it easier to place at Giacomazi. And, if you know, how many Gravity pump stations are proposed on ESHA land? Thanks, Mary

Begin forwarded message:

From: "C Cesena" <clcesena@charter.net>
Date: July 12, 2009 10:22:12 PM PDT
To: "Mary Fullwood" <eco.shift@att.net>
Subject: Re: FYI on CCC

Dana said no doubt that a STEP treatment would have a smaller footprint, but I didn't ask him to quantify how much smaller. Feel free to follow up directly with him.

That is another of the holes in the County EIR, they did not address ESHA for the pump stations. There were locations given that, to me, indicated ESHA. Especially at the street ends on the north side of town adjacent to (in?) the Elfin forest habitats. But no attempt to spell out the habitats affected. Fish & Wildlife is annoyed by this as well.

aloha
Chuck

----- Original Message ----- From: "Mary Fullwood" <eco.shift@att.net>
To: "Chuck Cesena" <clcesena@charter.net>
Cc: "Dana Ripley" <ripac@comcast.net>; "Bill Cagle" <bcagle@orencoco.com>
Sent: Sunday, July 12, 2009 10:42 AM
Subject: FYI on CCC

This was the Genl public comment I gave this past Wed, 7/8/09.
Cheers, Mary



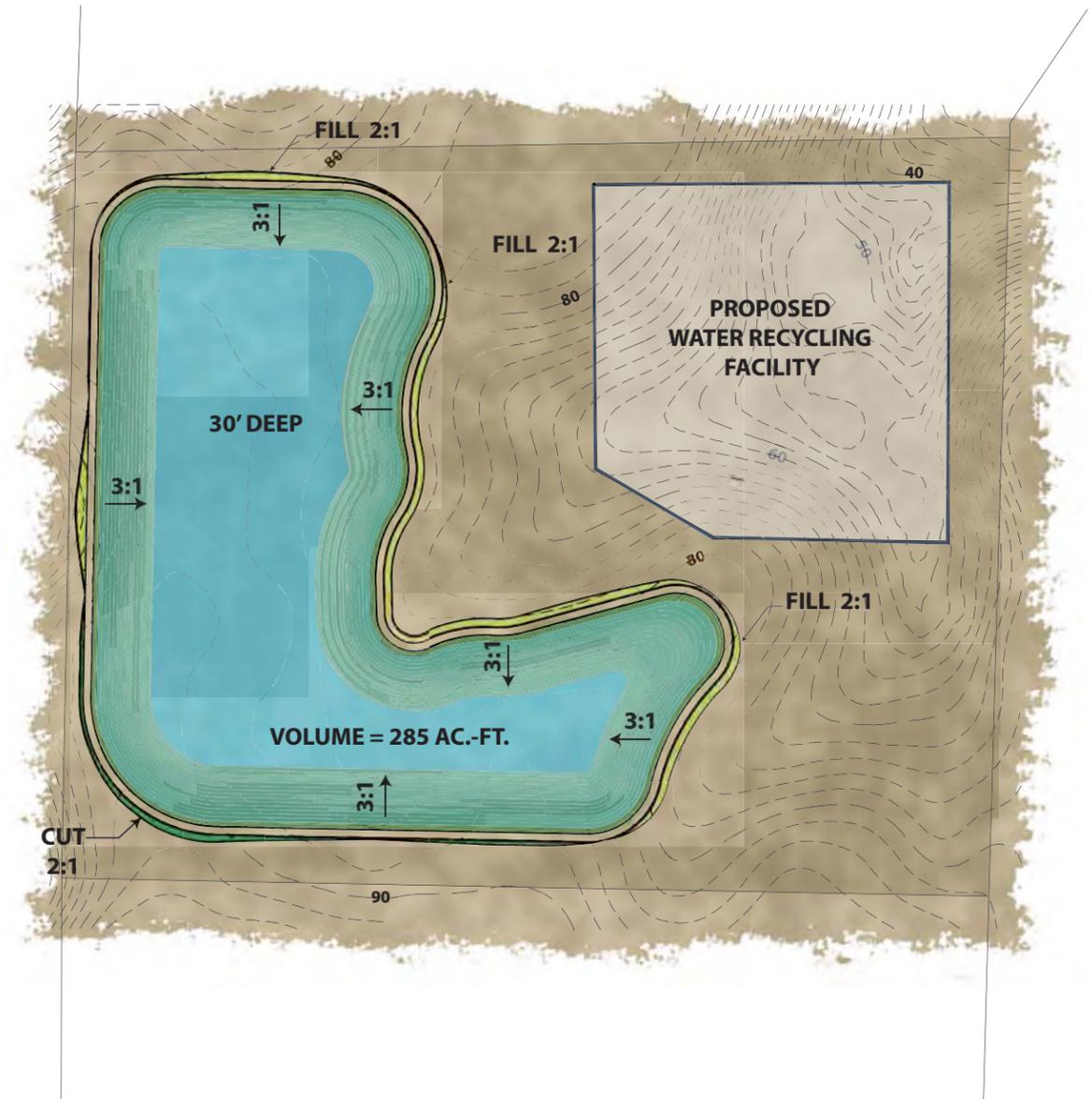
Giacomazzi Site Graphics 2006.pdf Ref #5 Precipitation Record.pdf

LEGEND

- | | | |
|--|--|---|
|  RESIDUALS BUILDING |  TREATMENT BUILDING |  OPERATIONS BUILDING |
|  BIOFILTER |  SWITCHGEAR |  SEDIMENTATION BASIN |
|  PERCOLATION BASIN |  RETENTION BASIN |  DOG PARK |



**MEMBRANE BIOREACTOR WATER RECYCLING FACILITY
(TRI-W CONFIGURATION)**



EFFLUENT SEWER WATER RECYCLING FACILITY

LOS OSOS
SITE D WATER RECYCLING FACILITY ALTERNATIVES

080106_RDT
06057_Giacomazzi
Site WWTF Alternatives
VI



LOS OSOS COMMUNITY SERVICES DISTRICT
LOS OSOS, CA



MORRO BAY FIRE DEPT, CALIFORNIA

Period of Record General Climate Summary - Precipitation

Station:(045866) MORRO BAY FIRE DEPT														
From Year=1959 To Year=2008														
	Precipitation											Total Snowfall		
	Mean	High	Year	Low	Year	1 Day Max.	>= 0.01 in.	>= 0.10 in.	>= 0.50 in.	>= 1.00 in.	Mean	High	Year	
	in.	in.	-	in.	-	in.	dd/yyyy or yyyymmdd	# Days	# Days	# Days	# Days	in.	in.	-
January	3.30	11.78	1995	0.02	1976	3.70	01/2006	8	6	2	1	0.0	0.0	1960
February	3.42	11.28	1998	0.10	1997	2.63	05/1996	8	6	2	1	0.0	0.0	1959
March	2.92	18.29	1995	0.00	1959	8.82	11/1995	7	5	2	1	0.0	0.0	1959
April	1.22	5.11	1967	0.00	2004	2.55	10/1982	5	3	1	0	0.0	0.0	1959
May	0.34	2.46	1998	0.00	1969	2.23	22/2006	2	1	0	0	0.0	0.0	1959
June	0.06	0.77	1995	0.00	1959	0.63	16/1995	1	0	0	0	0.0	0.0	1959
July	0.03	0.52	1966	0.00	1959	0.52	30/1966	0	0	0	0	0.0	0.0	1959
August	0.06	1.60	1976	0.00	1959	0.78	20/1976	1	0	0	0	0.0	0.0	1959
September	0.30	2.72	1976	0.00	1960	1.20	29/1976	2	1	0	0	0.0	0.0	1959
October	0.71	4.09	2004	0.00	1959	1.75	30/1996	3	2	0	0	0.0	0.0	1959
November	1.71	5.31	1997	0.00	1959	1.66	26/1970	5	4	1	0	0.0	0.0	1959
December	2.50	6.98	1996	0.00	1989	3.08	16/1962	7	5	2	1	0.0	0.0	1959
Annual	16.57	37.01	1995	6.18	2007	8.82	19950311	49	32	11	4	0.0	0.0	1960
Winter	9.21	20.57	1998	2.09	1964	3.70	20060101	24	16	6	2	0.0	0.0	1960
Spring	4.48	21.01	1995	0.20	1997	8.82	19950311	14	9	3	1	0.0	0.0	1959
Summer	0.16	1.62	1976	0.00	1959	0.78	19760820	2	0	0	0	0.0	0.0	1959
Fall	2.71	6.58	1982	0.13	1980	1.75	19961030	10	6	2	1	0.0	0.0	1959

Table updated on Apr 28, 2009

For monthly and annual means, thresholds, and sums:

Months with 5 or more missing days are not considered

Years with 1 or more missing months are not considered

Seasons are climatological not calendar seasons

From Western Region Climate Center



Linde Owen
<lindeowen@sbcglobal.net>

07/15/2009 11:40 PM

To planningcommission@co.slo.ca.us

cc Bruce Gibson <bgibson@co.slo.ca.us>, Kacho Achadjian Achadjian <kachadjian@co.slo.ca.us>, Frank Mecham <fmecham@co.slo.ca.us>, Adam Hill <achill29@hotmail.com>

bcc

Subject Thoughts and documents on nitrates

History:  This message has been replied to.

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California Tackles Nitrogen from Onsite Wastewater Systems .webloc



Agricultural Impacts on Groundwater Nitrate .webloc



Identifying Groundwater Nitrate Sources and Sinks .webloc



Treatment Technologies for Today and Tomorrow .webloc



BDifatta@aol.com
07/17/2009 10:59 AM

To fmecham@co.slo.ca.us, jpatterson@co.slo.ca.us,
kachadjian@co.slo.ca.us, sblakeslee@asm.ca.gov,
planningcommission@co.slo.ca.us, eporter@co.ca.us,
cc clcesena@charter.net, hyeder@charter.net,
a.r.martyn@worldnet.att.net, a.barrow@charter.net,
assemblymember.blakeslee@assembly.ca.gov,
bcc
Subject Fwd: Thoughts and documents on nitrates

With the spin of the wheel these 46 homeowners have been penalized like a rope around their neck. This is a grievous injustice to these people of los Osos. They obviously need some money for something important and the lien is blocking it. You all know the C.D.O.'s was a threat to get many to vote for passage of the 218 vote. Bad Government all around by a few civil servants..... I ask you Supervisors to do something about this lien and get the C.D.O.'s removed from these 46 property owners. There is nothing that they could do to correct the Nitrate problem. It was used as a big hammer by a vindictive so called servant of the people. Do something good for a change. These 46 don't deserve this kind of Communist treatment here in the United States of America. Get it done, don't use the excuse because you live in S.L.O. mean it to be done slow. ben

A Good Credit Score is 700 or Above. [See yours in just 2 easy steps!](#)

----- Message from "Elisabeth Allebe" <eallebe805@charter.net> on Fri, 17 Jul 2009 09:38:40 -0700 -----

To: <BDifatta@aol.com>

Subject: Re: Thoughts and documents on
nitrates

ben, thank you for writing all these letters reminding these politicians about our burden. Just to remind you that all the homeowners in the prohibition zone have assessed themselves with a LIEN. My sister wanted to refinance her house and her credit line showed a lien on her house. I told her it was the sewer project. She contacted the sewer people in SLO and was told that , yes, it was due to the sewer project. She told them they had not be clear with their campaigning. But I know that she and her husband voted yes for the assessment. So too bad. (We do not see eye to eye in that respect). So, or she pays the 25,000.00 up front to clear the lien or she can't refinance. I wonder how many "dumb" homeowners do actually know that about their house. At least the CDOs know! I watch you guys ont TV when I get home from work when possible. Elisabeth

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

From: BDifatta@aol.com

To: achill29@hotmail.com ; BulletinFeedback@boxer.senate.gov ;
assemblymember.blakeslee@assembly.c.fmecham@co.slo.ca.us ; governor@governor.ca.gov ;
kachadjian@co.slo.ca.us ; lois.capps@congressnewsletter.net ; pdouglas@coastal.ca.gov ;
planningcommission@co.slo.ca.us ; eporter@co.ca.us ; jpatterson@co.slo.ca.us ;
fmecham@co.slo.ca.us ; schristie@coastal.ca.gov

Cc: clcesena@charter.net ; hyeder@charter.net ; aimhigh.malkah@gmail.com ; ap3dguay@hotmail.com ;
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csi@thegrid.net ; eallebe805@charter.net ; elaine.watson@charter.net ; elquadrillo@charter.net ;
edochs@charter.net ; aaaptly@gmail.com ; dmmqueen@charter.net ; mcp@charter.net ;
Jack_Hunter@dot.ca.gov ; jbeardwood@yahoo.com ; julietacker@charter.net ; joeylittleshell@yahoo.com ;
jimtk@charter.net ; baywoodrealty@charter.net ; LaQuita@charter.net ; swandiego@hotmail.com ;
kjvenditti@sbcglobal.net ; Mark@ModernHunter.com ; MJHJ2020@aol.com ; lisaschicker@sbcglobal.net ;
lindeowen@sbcglobal.net ; lgoldin@charter.net ; matt@mattforcongress.com ;
mcperson.gail@gmail.com ; pamochs55@yahoo.com ; sandrahedges@charter.net ;
Ron@Slocreek.com ; getgreenlo@gmail.com ; udqslt@netzero.net ; woollymamma@yahoo.com ;

vmml@charter.net

Sent: Thursday, July 16, 2009 11:05 AM

Subject: Fwd: Thoughts and documents on nitrates

Dear Commissioner's and Chairwoman Christie, In tagging along with Mz. Linde Owens letter to you this morning i have to say that we in Los Osos have suffered long enough. I cite that only one street has ever been repaved since new. They just have been patched over and over while continuing to being taxed for all those years. There are still many dead end streets, yet many have neighbors just 20 feet away that have to drive around to visit by car.

As far as the Wastewater project is concerned something is very wrong here where as Mr. Gibson and Paavo Ogren continue to want to build this very expensive and unaffordable Gravity and Bio/Lac systems and where as 50 acres would be ample Mr. Ogren and Mr.Gibson are proposing to purchase 643 acre's, out of our Basin, with good treated water to be sprayed and evaporated in the air, gone forever.

Our beautiful lower aquifer is about to give up with Saltwater intrusion by delay's over and over by the present and past politicians by as many as 25 years ago. I don't think the politicians get it. This County is named right, S.L.O.for SLOW. But, we are at dire needs here trying to protect this valuable water and this Bay. Yes, it may be difficult but not insurmountable.

We understand that in order to get elected to any political seat one need's to raise money for running their campaign for political aspirations. Be aware that the selling out of a little community is considered political corruption and the penalty will be harsh to any elected official, let along the suffering that the people of this little community will have to endure to the point of having to move out of their homes wheather they are an owner or renter. How else can you explain that the spending 30, 40, or 50 MILLION DOLLARS MORE then necessary is very suspicious. It's said JUST THE LEAST PERCEPTION OF PUBLIC CURRUPTION is enough to go to court with. These 2 would be committing Genocide to the thousands of those in the Prohibition zone who will be the only ones paying for this project, this whole town is not paying for this. That's another point, in the old days, a Supervisor that resided in Cabrillo Estates just happened to draw the lines that formed the prohibition zone, thus,excluding his residence. Also a former Supervisor wanted to put the treatment plant at Tri-W by coming up with the excuse saying " you can't cross a Creek with a sewer Pipe " thus containing the site at Tri-W., Also, she help run up the bill from \$ 32 million dollars to \$ 200 million dollars. These politicians are suppose to look out for us not run many (thousands)out of town. She also said we are asking Washington for \$ 35 million and ended up with \$ 200 hundred thousand dollars. Diodiotti is gambling the same thing, the odds are like betting on the Lottery. This is a crime in it's self.

We are relying on your careful attention to give Los Osos a square deal, but, you may be overturned by their obsession to give this Construction contract to Montgomery, Watson, Harza dispute their riking jail time. That's another story. Ogren should have recused himself from the start with his job connections with M.W.H. Another strike we have against us is that Gibson is our district 2 Supervisor, he is also the Chairman and he is also the one that has final say in what the project will be, thus, he is able to contain the other Supervisors, also,usually the other Supervisors vote the same as the Supervisor of that district. Bad luck again for us in los Osos.

Yes, it is a difficult situation, meanwhile there are those 46 homeowners with C.D.O's who are suffering everyday of the year with what the vindictive head of the Water Quality Board did to scare many to vote to assess themselves \$ 25 thousand dollars per property.These homeowners are powerless to do anything, it's not in their hands. You may know that the full cost of doing many of the solutions above will probably cost each property owner as much as \$ 400 DOLLARS A MONTH, because Gibson and Ogren coincidently left out the other problems.What started out to reduce Nitrates, now has more severe problems to prioritize first.

WE CAN DRINK NITRATED WATER BUT WE CAN'T DRINK SALT WATER.

More later, i guess. Thank you, Ben DiFatta, los Osos 235-4849

[S T R E T C H your technology dollars with great laptop deals from Dell!](#)

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More later, i guess. Thank you, Ben DiFatta, los Osos



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

MEMORANDUM

To: Planning Commission

From: Murry Wilson, Project Manager

Subject: Los Osos Waste Water Project (DRC2008-00103) – Requested Information

Date: July 23, 2009

At the June 30, 2009 hearing, your Commission requested that Planning Staff provide follow-up information for consideration at the July 23, 2009 hearing. The following information has been compiled by the Planning Department Staff per your request:

Existing Population Estimates

URL Estimate – The estimated current population within the Los Osos Urban Reserve Line is approximately 14,800. This projection is based on the 2000 census data and historic growth patterns within the community of Los Osos urban area.

Prohibition Zone Estimate – The estimated current population for the area within the prohibition zone for the community of Los Osos is approximately 12,450. This projection is based on an analysis of the 2000 census map using a 2.42 person per household figure (household size for the Los Osos area is derived from the U.S. Census Bureau).

Power Line Easement

Staff contacted Claire Mastin (Land Agent for Pacific Gas & Electric Company) regarding the potential for placement of effluent disposal spray fields within the PG&E easement area on the Andre property (APN 067-031-008). The response to the inquiry is included in Attachment A and B and is summarized as follows:

PG&E allows low growing crops within these easements as long as access to their towers is not impeded. PVC irrigation pipe is acceptable but irrigation controls are not allowed within the easement areas. Any planned use within the easement areas must be reviewed and approved by PG&E in advance, including a release of liability regarding any crops damaged while accessing their facilities for utility operations.

Start-up Flows

Effluent volumes at start-up are expected to be 822,000 gallons per day based on a 66 gallon per person per day estimate for current water usage (no conservation measures applied). [66 x 12,450]

1

Daily start-up flows are estimated at 740,000 gallons per day with 10% conservation $[66 - (66 \times 0.10) \times 12,450]$ and 657,000 gallons per day with 20% conservation $[66 - (66 \times 0.20) \times 12,450]$.

The start-up flows are within the 0.8 MGD capacity of the Broderson site. Therefore, long-term rainy season storage would not likely be required at start-up. Several days of storage is still recommended for emergency capacity and for daily operations for agricultural reuse or sprayfields disposal (see the next section for storage needs).

Notes: 1) All figures are rounded to the nearest 1,000.
2) Source of 66 gallons per day figure is from the Final Flow and Loads Technical Memo; November 2008

Build-out Flows

Build-out flows with 10% conservation are anticipated to be 1,095,000 $[66 - (66 \times 0.10) \times 18,428]$ and with 20% conservation, build-out flows are anticipated to be 973,000 $[66 - (66 \times 0.20) \times 18,428]$, plus an allowance for I & I (Infiltration & Inflow) up to 300,000 gallons per day.

Note: All figures are rounded to the nearest 1,000

Anticipated Infiltration & Inflow (I & I)

The expected I & I at start-up is anticipated to be negligible. As time passes, the expected I & I is anticipated to increase. The EIR has assumed 300,000 gallons per day for I & I to be conservative. See Attachment C (Table 4 of the Final Flow and Loads Technical Memo; November 2008) for the source of the assumed I & I.

Factor of Safety for Disposal Options

The recommended "factor of safety" related to storage of effluent for the proposed project is 46 acre feet. The EIR included 46 acre feet of storage for each alternative; therefore Staff recommends that any changes to the proposed project also include at least 46 acre feet of storage.

If the storage ponds are empty, 46 acre feet is about 12 days of storage at build-out flows. If the ponds are full (as in wet weather conditions) with three feet of freeboard, the additional capacity could store 6.5 days of effluent.

Agricultural Disposal / Reuse

The Agriculture Commissioner's office is working with the U.C. Extension to compile the requested information. As soon it is available it will be submitted under separate cover and will discuss the following topics:

- AFY / Acre – Agronomic Rates for the Tonini site
- AFY / Acre – Agronomic rates for soils at the Andre / Cemetary / Giacomazzi sites
- Current status and feasibility for Agricultural reuse at "Phase B" properties identified in "red" on the Ripley map (Attachment D)
- Any information regarding suitability and willingness of the organic farmer across from Giacomazzi (067-171-085) for reuse on crops, storage, or disposal on fallow ground.

Note: AFY = Acre feet per year

Quantities for Disposal Options and Affected Property Owners

Refer to Attachment E for a list of affected property owners and associated quantities of disposal at each site. The sites contained in Attachment E reflect the previous Planning Commission discussions on potential urban reuse and agriculture reuse within the creek valley area.

Barrier Removal Request

The LOCSD has raised concerns about construction near several dead-end streets. The concerns are limited to those streets where the "dead end" is the result of the placement of barriers to prevent through traffic. The barriers have been placed by the County to respond to traffic safety concerns related to unimproved street sections, limited sight distance over hills, and other constraints. The LOCSD's request involves permanent removal of the barriers and associated new road construction to create safe, all-weather roads through the blocked areas.

Specific concerns related to adequate emergency access during times of construction activities were raised during the hearings. Condition # 11 requires an approved Fire Safety Plan prior to construction; the fire safety plan will identify any concerns related to construction near these dead end areas and provide guidance for the construction phase. Additional signage and re-routing of traffic may be required in certain areas of concern upon issuance of the final Fire Safety Plan. Additionally, condition # 47 requires coordination with County Fire to maintain or compensate for fire flows. Condition # 13 requires an encroachment permit for work in road rights-of-ways and condition # 32 requires a traffic management plan.

Typically, streets are closed to traffic only during daily active periods of construction, and primarily for the convenience and safety of the contractor. In the event of an emergency, the contractor need only shift barricades to provide access for emergency vehicles or residents needing special accommodations. In the worst case, if closure of a dead end street were required for more than the typical day-long working period, one option available to the contractor would be to provide temporary access from the other side of a barricade, if it could be done safely and with appropriate notification to all affected land owners and agencies. However, such a situation would be unusual, as pipeline construction in developed communities is commonplace, along with plans and methods for maintaining access at all times.

A requirement for permanent barrier removal along with the required analysis and costs does not appear justified based on the existing conditions applied to the project. Condition #'s 11, 13, 32, and 47 appear sufficient to reduce or eliminate access impacts to a less than significant level. Further, the direct and indirect impacts of barrier removal on cultural and biological resources are unknown and could be significant.

Potential Environmental Constraints for Effluent Reuse / Disposal

Several parcels that were not analyzed in the FEIR have been proposed as alternative reuse and / or disposal sites. While the volumes of effluent that could potentially be placed on these sites are included in the FEIR by reference to the "Effluent Reuse and Disposal Technical Memorandum," the direct and indirect physical impacts of reuse are not analyzed. No agricultural parcels other than Giacomazzi and Tonini have had an on-site analysis of resources and potential impacts to those resources. In-town parcels with detailed environmental information include only those shown as part of the project alternatives; however, Sunnyside School and the Community Park are fully developed so impacts associated with providing re-use to those sites are minimal.

Expansion of the suite of reuse and disposal sites raises the following potential issues:

1. Physical Impacts of pipeline construction:

- a. Potential temporary increased impacts to air quality, energy use, traffic, water quality, noise, and biological resources.
 - b. Potential permanent impacts to cultural resources, biological resources, and agricultural resources.
2. Impacts of Effluent Reuse:
- a. Potential long term impacts to water quality resulting from irrigation returns (water that percolates below root zones); and the addition of pharmaceuticals and household chemicals into the creek aquifer.
 - b. Potential long term biological impacts to upland habitats through conversion of dry-land agriculture to irrigated uses.
 - c. Potential deleterious effects of increased irrigation on buried cultural resources.
 - d. Potential aesthetic impacts associated with the grading required for wet weather storage along the Los Osos Valley Road corridor.

Los Osos Community Services District (LOCS D) Condition of Approval # 97 Proposal

Current Language:

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.

LOCS D Proposed Language:

Treated Effluent Reservation. All treated effluent, not delivered to the Broderson site or otherwise required for Project impact mitigation, is reserved for further "groundwater management" within the Los Osos Groundwater Basin ("Basin"). "Groundwater management" includes, but is not limited to, projects that mitigate seawater intrusion and balance the Basin at build out. The reservation may be reduced up to ten percent for Project environmental mitigation measures, with the preference for environmental measures within the Basin and its watershed, and use of up to ten percent for agricultural land mitigation purposes, with a preference for agricultural use within the Basin and its watershed. 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.

Discussion:

As proposed, condition # 97 ensures that all effluent not needed to meet the future water needs of Los Osos, ***in the opinion of the court*** presiding in the current groundwater litigation, will go towards environmental and agricultural uses. It will be the court, acting as the final decision maker under California water law that protects the interests of the water purveyors and their customers. The intent of the condition is to prevent an over-subscription of effluent to the urban area that could then be used to support inappropriate growth or undermine water conservation efforts. At the same time, the condition specifies that effluent not determined to be necessary to satisfy the Court be put to beneficial uses for agriculture and the environment only.

Under the LOCSD proposal, effluent is forever reserved for any future groundwater management project or projects within the basin, without regard to the determinations of the Court. The person or agency that determines what constitutes an appropriate groundwater management project is not specified. The disposition of effluent not needed for "groundwater management" is not specified, except that no more than a total of 20 percent can be directed towards agricultural and environmental uses (and only those uses specified as mitigation for project impacts), and that no effluent can be used to support non-agricultural development outside the basin.

While the two versions of condition # 97 seek similar results, that is, all effluent needed to respond to seawater intrusion is reserved for the community, they differ in how that reservation is to be determined. The proposed version defers to the jurisdiction of the Court, acting in its capacity under California law in the current groundwater litigation. The revised version does not specify a decision maker; instead, in-basin uses are given priority, subject to the determination of build-out.

Planning Commission added Condition of Approval # 98 – Collection System Pipes (June 29, 2009)

Where the collection system pipes will be located in areas of high groundwater, as shown on the June 29 and 30, 2009 PC Memo – page: 1-16, and as identified in the field during construction; the applicant shall utilize fusion welded pipes or chemically sealed pipes. In areas of high groundwater, additional inspections to ensure proper installation shall be completed prior to backfilling the trenches. All laterals to individual residences located in areas of high groundwater shall utilize fusion welded pipes, chemically sealed pipes, or collars at the lateral connection.

New Condition of Approval # 99 (June 30, 2009)

Upon final approval of the Los Osos Waste Water Project (LOWWP), 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. Indoor water conservation measures including high efficiency toilets, showerheads, and faucet aerators (not to exceed \$1000 per dwelling) shall be provided and installed communitywide 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 free installation of said retrofits. If the homeowner(s) completes installation of said retrofits at their own expense, then the cost savings for installation may be applied to other water conservation measures.

Other revised Conditions of Approval – Per USFWS Letter dated April 22, 2009

#59 [Mitigation 5.5-A10] Prior to construction activities on the Broderson and Mid-town properties, a qualified biologist shall be retained to identify and demarcate all host silver dune lupine (*Lupinus chamissonis*) shrubs that occur within the impact area. The qualified biologist shall inspect each host lupine for the presence of any Morro blue butterfly eggs, larvae, or pupae. In an effort to avoid mortality of butterfly eggs, larvae, or pupae prior to the onset of adult emergence, any host lupine specimens determined to contain eggs, larvae, or pupae shall be considered for relocation outside of the impact area and within suitable coastal dune scrub habitat on either the Broderson or Mid-town properties. To avoid take of the Morro shoulderband snail (*Helminthoglypta walkeriana*) while conducting Morro blue butterfly survey activities, any person conducting such surveys shall be a qualified biologist knowledgeable in the general habitat requirements of the Morro shoulderband snail and familiar with the diagnostic features of all native and introduced snail species. Any planting and restoration efforts proposed as mitigation for the project shall include silver dune lupine within the plant palette to encourage the species to continue to use the area.

#68 [Mitigation 5.5-A3] A worker education program and clearly defined operations procedures shall be prepared prior to project construction. The worker education program and operations procedures

shall be implemented by the County throughout the duration of construction. A biologist approved by the USFWS shall be retained to provide construction personnel specific instruction on general detection and avoidance of sensitive resources during construction. The worker education program shall include: descriptions and pictures of listed species; the provisions of the Endangered Species Act; those specific measures being implemented to avoid and minimize take or impacts to listed or otherwise sensitive species (e.g. conserve listed and sensitive species as they relate to the project); and the project boundaries within which the work will occur.

Added Conditions of Approval – Per Environmental Health Letter dated April 21, 2009

Prior to construction of a spray field for effluent disposal at the Tonini Ranch or any other disposal site utilizing spray field technology which contains on-site water wells, the applicant shall provide a sanitary seal of at least 50 feet for all wells on the subject site or the wells shall be destroyed.

Revised Conditions of Approval – Per David Dubbink Letter dated April 21, 2009

#78 [Mitigation 5.10-C1] The project applicant shall require construction contractors to adhere to the following noise attenuation requirements:

- a. A construction noise control plan shall be developed for the project that identifies the nature and timing of operations designed to minimize noise exposure to noise sensitive receptors including natural resource areas.
- b. Generally, construction activities shall be limited to between the hours of 7 a.m. to 9 p.m. on any day except Saturday or Sunday or between the hours of 8 a.m. to 5 p.m. on Saturday or Sunday.
- c. Construction activities in the vicinity of schools should be scheduled for times when classes are not in session.
- d. All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
- e. The noise produced by construction activities shall be monitored to insure that the noise produced by construction equipment is compliant with the emission standards listed in the project EIR (Appendix L, page 5.10-4 and in source document, FHWA Construction Noise Model, page 3).
- f. Measures to minimize back-up alarm issues shall be established including such techniques as: 1) use of self-adjusting ambient sensitive back-up alarms, 2) manual adjustable alarms on lower settings, 3) use of observers, 4) scheduling of activities so that alarm noise is minimized, and 5) construction site access designed such that deliveries and trucks move through the site in a forward manner without the need to back up.
- g. Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence.
- h. Stationary combustion equipment such as pumps or generators ~~operating within 100 feet of any residence~~ operating near any noise sensitive receptor shall, if necessary, be shielded with a noise protection barrier. Leq values at the property line of receiver locations shall not exceed 65 dB.

#80 [Mitigation 5.10-B1] Prior to initiation of construction of the collection system, the contractor/designer shall identify all areas where pile driving, or other construction methods that would result in severe ground vibrations, could occur. Deep pile foundation designs shall favor techniques that can be constructed with minimal vibration effects. Prior to construction, using technology and standards recommended in the Caltrans Transportation and Construction Induced Vibration Manual, the contractor shall calculate the vibration effects of pile driving and other high vibration activities using the Peak Particle Velocity (PPV) metric, and shall ensure that the PPV does not exceed the following thresholds at any affected building: 0.5 at modern industrial/commercial or residential buildings; 0.3 for any building composed of masonry, unreinforced concrete, lath & plaster interiors or of similar construction; and 0.25 for any building identified as particularly sensitive to vibration impacts. Alternative design and/or construction methods shall be used to meet these limits. In addition, the construction contractor shall notify all property owners and tenants adjacent to the proposed pile driving or other vibration inducing activities of the days and hours of operation. Prior to construction activities associated with this type of work, the construction contractor shall inspect all structures within ~~100 feet of the proposed work~~ the area predicted to experience vibration in excess of 0.25 PPV to document existing characteristics of the structures. During construction, vibration shall be monitored and recorded and adjustments made to operation or to the radius of concern if the level of vibration differs from estimates. If a post construction survey indicates that damages to structures (e.g., residences, pools) occurred during the work, the property owner shall be fairly compensated for the cost of remediating damages.

Attachments:

- Attachment A – PG&E letter dated July 8, 2009
- Attachment B – PG&E letter dated July 8, 2009
- Attachment C – Table 4; Final Flow and Loads Technical Memo; November 2008
- Attachment D – Excerpt from Ripley Report (Preliminary Recycled Water Irrigation Phasing)
- Attachment E – LOWWP Disposal / Reuse Summaries / Affected Property Owners

ATTACHMENT A



*Pacific Gas and
Electric Company*

Los Padres Division
4325 South Higuera Street
San Luis Obispo, CA 93401

July 8, 2009

Mr. Murray Wilson
County of San Luis Obispo
Planning Department
County Government Center
San Luis Obispo, CA 93408

Re: Los Osos Waste Water Project, Andre Property, APN 076-031-008

Dear Mr. Wilson:

As you are aware, PG&E operates and maintains 230kV and 500kV transmission lines as well as a corridor for a future 500kV line across the above referenced parcel.

PG&E allows low growing crops within these easements as long as access to our towers is not impeded. PVC irrigation pipe is acceptable but irrigation controls are not allowed within the easement.

Any planned use of our easement area must be reviewed and approved by our operating department in advance.

For any specific questions or requests, please submit plans and a letter to me at the letterhead address. You can reach me at (805) 546-3888.

Sincerely,

A handwritten signature in black ink that reads 'Claire Mastin'.

Claire Mastin
Land Agent
San Luis Obispo Land Services



Pacific Gas and Electric Company

ATTACHMENT B

Thomas P. Jones
Senior Regional Manager
Government Relations

406 Higuera Street
San Luis Obispo, CA 93401
805.595.6340
Fax: 805.595.6437
Internet: TPJ2@pge.com

July 8, 2009

Sarah Christie, Chair
San Luis Obispo County Planning Commission
c/o Planning Department
County Government Center
San Luis Obispo, CA 93408

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Finally, please do not hesitate to contact me should you have any other inquires concerning this or any other PG&E matter.

Sincerely,

Thomas P. Jones

cc: Claire Mastin, PG&E Land Agent

*Sarah:
I hope this is what
you need. Let me know
if you need anything
else.
Tom*

ATTACHMENT C

Table 4 Gravity Sewer Average Infiltration References Los Osos Wastewater Project Development San Luis Obispo		
Source	Recommendation ⁽¹⁾	Corresponding Infiltration for Los Osos
"Recommended Standards for Wastewater Facilities," Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, 1997	200 gpd/in-mi	77,000 gpd (0.077 mgd)
"Gravity Sanitary Sewer Design and Construction," American Society of Civil Engineers, 1982	500 gpd/in-mi ⁽²⁾	190,000 gpd (0.190 mgd)
"Wastewater Engineering; Collection and Pumping of Wastewater," Metcalf & Eddy, 1981	530 gpd/acre ⁽³⁾	318,000 gpd (0.318 mgd)
"Civil Engineering Reference Manual", Michael R. Lindeburg, 2001	200 gpd/in-mi or 10% of average flow	77,000 gpd (0.077mgd) or 120,000 gpd (0.120 mgd)
Infiltration Allowance for Viable Project Alternatives in Fine Screening Report (Gravity)	780 gpd/in-mi	300,000 gpd (0.30 mgd)
Notes:		
(1) Total of sewer = 254,000 linear feet; 8 in diameter (gravity sewer average).		
(2) Predominant value reported - many communities had much less.		
(3) Los Osos service area = 595 acres.		

3.1.1 Fusion-Welded PVC Pipe in Areas with High Groundwater

Constructing a gravity collection system with fusion-welded PVC pipe is an alternative for reducing I/I because the joints are expected to remain watertight indefinitely. However, it is estimated that it would cost approximately 12 percent more per linear foot than bell-and-spigot construction (see Appendix A - Fusion Welded PVC Versus Bell and Spigot PVC Piping Material Cost Comparison). To minimize the cost, fusion-welded PVC pipe would be used only in areas with high groundwater where I/I is expected to be an issue. A detailed analysis of groundwater elevations compared to pipeline depths would be required to determine where this substitution will yield the greatest potential benefit to reducing infiltration if this alternative is pursued. It should be noted that using fusion-welded PVC construction will not impact the I/I that results from leaky laterals to homes, which is a major source of infiltration in many communities.

ATTACHMENT D

December 18, 2006

Los Osos Wastewater Management Plan Update

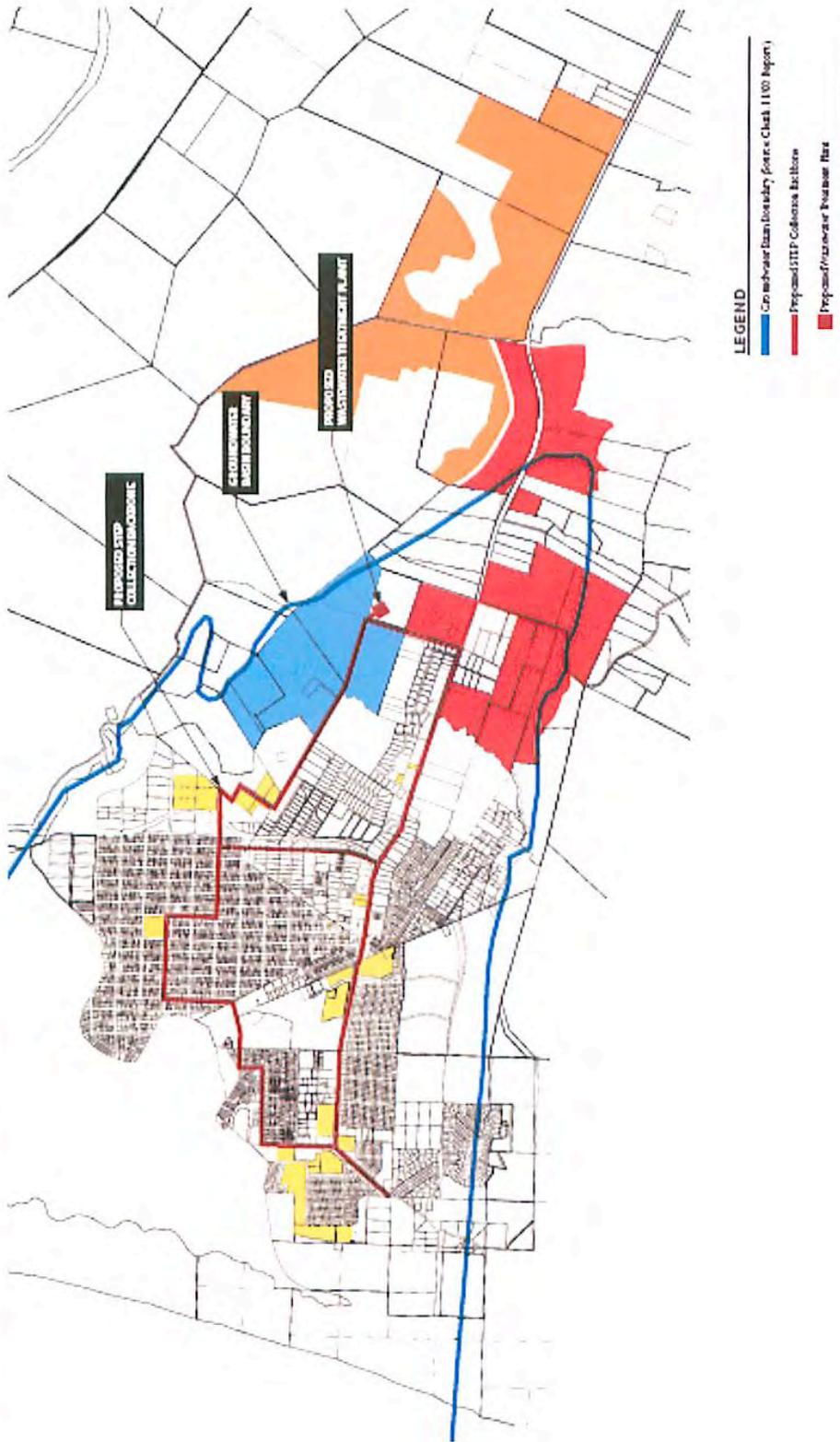


Figure 12.2 Recycled Water Phasing Map

LOWWP DISPOSAL / REUSE SUMMARIES / AFFECTED PROPERTY OWNERS

Site	APN	Gross Acreage	Estimated Available Acreage	Disposal Method	Annual Rate	Annual Volume in Acre Feet
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URBAN DISPOSAL

Broderson	074-022-030	81	8	Subsurface	400,000 gpd	448
Bayridge	074-491-033	1	1 (Existing neighborhood septic system)	Subsurface	30,000 gpd	33
<i>sub-totals</i>		82	9			481

URBAN REUSE

Giacomazzi Plant Site	067-011-022	38	8 (Excludes cultural sites which are measured at 40% of the site)	Landscape irrigation	2.5 AF/acre/year	20
Cemetery South	074-222-014	20	17 (Existing irrigated area)	Landscape irrigation	2.5 AF/acre/year	42.5
Cemetery North	074-222-014	27	16 (Excludes cultural sites which are estimated at 40% of the site)	Landscape irrigation	2.5 AF/acre/year	40.5
Los Osos Park	074-229-027	6.9	2 (Excludes developed portions of the site, buildings and parking lots)	Landscape irrigation	2.5 AF/acre/year	5
Sunnyside Elementary	074-331-001	11.9	2 (Excludes developed portions of the site, buildings and parking lots)	Landscape irrigation	2.5 AF/acre/year	5
<i>sub-totals</i>		103.8	45			113

AGRICULTURAL (Spray fields)

Tonini	067-031-001	645	248 (EIR estimate) 155 (UC Extension preliminary estimate)	Spray on field crops	39.75 inches/year (UC extension preliminary estimate)	842 (EIR estimate) 513 (UC Extension preliminary estimate)
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ATTACHMENT E

Site	APN	Gross Acreage	Estimated Available Acreage	Disposal Method	Annual Rate	Annual Volume in Acre Feet
------	-----	---------------	-----------------------------	-----------------	-------------	----------------------------

Alternate Spray Fields

Andre 1 (West)	067-031-008	33	10 (Excludes steeper slopes (9 acres) wetlands (7 acres) and estimated cultural sites (7 acres)).	Spray on field crops	39.75 inches/year (UC extension preliminary estimate from Tonini)	33
Andre 2 (East)	067-031-011	9.5	4.5 (Excludes steeper slopes (2 acres) and estimated cultural sites (3 acres)).	Spray on field crops	39.75 inches/year (UC extension preliminary estimate from Tonini)	14.9
Robbins 1 (West)	067-031-038	43.5	11 (Excludes steeper slopes (15.5 acres) wetlands (10 acres) and estimated cultural sites (7 acres)).	Spray on field crops	39.75 inches/year (UC extension preliminary estimate from Tonini)	36.4
Robbins 2(East)	067-031-037	41	4 (Excludes steeper slopes (10 acres) wetlands (20 acres) developed areas (4.5 acres) and estimated cultural sites (2.5 acres)).	Spray on field crops	39.75 inches/year (UC extension preliminary estimate from Tonini)	13.3
<i>sub-totals</i>		127	30			97.6

AGRICULTURAL NORTH (Cropping)

Branin (east)	067-011-020	42	16 (Excludes steeper slopes, drainages, developed areas and wetlands)	Crop irrigation	2.0 AF/acre/year	32
Branin (West)	067-011-019	56.7	45 (Excludes drainages and wetlands)	Crop irrigation	2.0 AF/acre/year	90
Giacomazzi (West)	067-011-021	62.7	51 (Excludes drainages and wetlands)	Crop irrigation	2.0 AF/acre/year	102
Eto (East)	067-011-035	105.4	80 (Excludes drainages, roads, wetlands and developed areas)	Crop irrigation	2.0 AF/acre/year	160
Lee	067-011-049	80	28 (Excludes drainages, roads, wetlands and non-irrigated areas)	Crop irrigation	2.0 AF/acre/year	56
Eto (West)	067-011-004	16.9	10 (Excludes wetlands)	Crop irrigation	2.0 AF/acre/year	20
<i>sub-totals</i>		363.7	230			460

AGRICULTURAL SOUTH (Cropping)

Eto	074-225-039	30.3	25.6 (Excludes roads and drainages)	Crop irrigation	2.0 AF/acre/year	51.2
Bauman	074-225-008	34	29.6 (Excludes roads and drainages)	Crop irrigation	2.0 AF/acre/year	59.2
Boam	074-225-010	69	16.8 (Excludes steep slopes)	Crop irrigation	2.0 AF/acre/year	33.6
Kostik	074-225-020	18	8.9 (Excludes developed areas)	Crop irrigation	2.0 AF/acre/year	17.8
Goodwin	074-225-019	17.7	11.3 (Excludes developed areas)	Crop irrigation	2.0 AF/acre/year	22.6
Michener	074-225-022	16.3	16 (Excludes roads)	Crop irrigation	2.0 AF/acre/year	32
<i>sub-totals</i>		185.3	108			216.4

STORAGE / IRRIGATION SOUTH

Judge	067-171-085	81	38 (Excludes roads, drainages and ex. uses)	storage / irrigation	2.0 AF/acre/year	76
Morosin	067-171-084	81	21.5 (Excludes roads, ex. uses and hillside)	storage / irrigation	2.0 AF/acre/year	43
<i>sub-totals</i>		162	60			119

STATE – oct 1-5-09

Waste divides a California Town
BY TIM MOLLOY
Associated Press Writer

LOS OSOS, Calif. — This Central Coast town is divided by a sewer that doesn't exist — and perhaps never will. The dispute over how to deal with the town's waste has made mudslingers of even the most civic-minded residents, sometimes literally.

At a groundbreaking for the sewer in July, two black-clad members of the board overseeing the troubled project tossed down their shovels and turned their backs in protest. Sewer supporters kept digging, even flipping some dirt on the downed shovels as hecklers booed.

Things haven't gotten any friendlier since. On Tuesday, the majority of the oversight board was thrown out in a recall election spearheaded by sewer opponents who say the project would be too expensive, obtrusive and smelly.

Plenty of places have "not in my backyard" disputes over new development. But rarely are they as colorful as in this quiet town of 15,000 midway between Los Angeles and San Francisco, where one sewer supporter claims opponents enlisted a dead deer in their protest and a local painter has conjured a "sewer dragon" to symbolize monstrous change.

The town finds itself in the stink because it never modernized its plumbing as it grew from a post-World War II retreat to a bedroom community of San Luis Obispo. Proponents of the \$135 million project, which would include a wastewater treatment plant and a network of new pipes,

say it is needed to replace septic tanks that seep pollution into the town's water supply and the tranquil Morro Bay estuary, home to more than a dozen threatened or endangered species.

Though the town has no central area, opponents object to the site of the treatment plant because it is near homes, a library, a community center and the estuary. Critics want a cheaper solution and say sewer bills of up to \$200 a month — in addition to installation costs of \$1,000 to \$4,000 per home — could price out residents ranging from young families to aging hippies.

"It would definitely kill the diversity," said Betty Field-Haley, 67, who displays her paintings of a longtailed sewer dragon at public meetings on the project that often drag early into the morning. On Tuesday, voters kicked three sewer supporters off the board of the Los Osos Community Services District, which was founded in 1998 to deal with the problem.

The three were replaced with new members who join the two shovel-tossing board members in pledging to halt the project in favor of something new. What that would be has yet to be precisely determined — so no end is in sight for the town's great plumbing debate.

"There are people who for years got together and had dinner parties who don't talk to each other anymore," said Michael Drake, who was hired as the community services district spokesman soon after the groundbreaking debacle. "All over how to handle our wastewater problem."

Drake said opponents of the project have cursed him on the phone and threatened him at the grocery store. He said the

debate reached a low point when a dead deer was posed against the fence surrounding the sewer site to make it look as if the project somehow killed it. Drake accused project opponents of rigging the scene.

Gail McPherson, who led the successful recall campaign, said the deer was trying to get into habitat fenced off by the project when it was hit by a car. She said the impact threw the deer's body against the fence and a project opponent moved the body to take a picture of it.

One thing both sides can agree on is that something needs to be done. The region's water quality control board ordered Los Osos to replace septic systems two decades ago, citing groundwater and ocean pollution. Since then, the sewer's projected costs have more than tripled as townspeople debated what kind of system to build.

Lisa Schicker, one of the board members who took part in the groundbreaking protest, said opponents of the sewer plan recognize the need to replace the septic tanks but want to do it with a project outside of town. She supports a system of open air ponds that would use earth to contain the sewage, saving money on concrete and steel.

Stopping the original project now could result in fines of up to \$10,000 a day from the regional water board, Drake said. The district has already received nearly \$13 million of a \$135 million state loan for the project and spent an additional \$20 million on design, studies and land, he said. But Drake may not be around to deal with that problem: He expects the newly anti-sewer board to fire him and other employees who backed the project. Though construction continues at the

treatment plant, the new directors are expected to halt it at an Oct. 6 meeting. That's how it goes in a town split by sewage.

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Why it's a sound plan | Beware faulty science

BY BOB SEMONSEN, JOE SPARKS,
VIVIAN McNEILL AND DON ASQUITH

It is time for Los Osos to act responsibly and for the future by voting "no" on Measure B and the recall (Measures C, D and E). Any project of the magnitude of the Los Osos sewer will never be perfect, and here are six reasons to continue with it and to reject the recall:

1. Stopping the wastewater project does not solve our future problems.

It requires that we repay a debt of \$20 million, which will constrain financing of any new project. It will create more litigation issues among the district, the state and property owners.

2. Alternative plans and sites have risk politically, environmentally and economically.

The wastewater problem is created in Los Osos, and it is responsible to fix it in Los Osos.

3. Measure B is illegal, unfair to property owners and irresponsible.

Measure B is nothing more than another tactic in a long string of legal challenges. Voters should send a message to the writers of this poorly and vaguely worded ordinance that they are tired of costly legal actions. Writers and supporters of the ordinance certainly weren't too concerned about the location when there were open-air ponds on the present site of the treatment plant.

4. The Los Osos Community Services District board has a plan for water management.

The plan provides measures to deal with aquifer pollution, which will help minimize seawater intrusion. It is the only plan that provides future opportunity for vacant property owners to develop their property, and it requires them to pay for any new source of water resources.

We will be discharging tertiary-treated, disinfected water from the plant into the ground as opposed to the present situation where we discharge partially treated wastewater (from septic tanks, many of which are inadequate) into the ground. Characterizations by opponents that the wastewater project is only solving a 1 mg/liter problem are inaccurate. They have politicized the water issue by skewing information.

5. The proposed discharge of treated wastewater at the Broderson site is properly engineered.

The site has been studied by county and Community Services District consultants and has repeatedly been chosen as the best location to discharge treated wastewater for its ca-



TRIBUNE PHOTO BY LAURA DICKINSON

The Los Osos Community Services District board held a groundbreaking ceremony at the Tri-W site July 7. Former and current board members participated, yet two board members, Julie Tacker and Lisa Schicker, tossed their shovels to the ground in protest. From left are Frank Freiler, Stan Gustafson, Tacker, Schicker, Richard LeGros, Pandora Nash-Karner, and Al Switzer.

capacity and proximity to the aquifer.

6. The Community Services District board has demonstrated responsibility for solving problems.

Recall candidates and the opposition only ask questions — and while there is nothing wrong with critical review, their failure to provide substantiated plans and answers illustrates a lack of direction.

The 2002 election was a choice to implement the project that was overwhelmingly approved in the assessment of 2001. The board has followed through in spite of numerous obstacles it did not create. Recalling board members would be an indictment of Los Osos, not of them.

Los Osos wants a Community Services District that acts with fiduciary responsibility in all matters — stopping the project without a defined and publicly reviewed plan is irresponsible. For these reasons, we will be voting "no" on Measures B, C, D and E.

Bob Semonsen, Joe Sparks, Vivian McNeill and Don Asquith are all residents of Los Osos.

BY PAM OCHS

Time and science are now providing all interested parties with a better understanding of the true nature of Los Osos' wastewater problem, and it's not good news for politicians, developers and Realtors who long ago sized up this idyllic coastal town as ripe for the picking.

Today, better science offers a clearer picture — one still not definitive, but more detailed than previously available. The answer to who, in fact, is actually polluting the bay and by how much has never been more in question — decades after the sewer alarm first sounded.

The science is compelling. Dr. Kitts, author of the Kitts Shellfish Study, funded by the State Water Quality Control Board, recently pointed out to the Los Osos Community Services District that only one-tenth of 1 percent of bay pollution is coming from Los Osos! In fact, Morro Bay National Estuary Program Director Dan Berman stated that the bay is "healthy." With new groundwater monitoring

wells, now with legal sanitary seals, latest tests show nitrates are lowering on average. So what is the emergency? Certainly not to protect the environment.

Why then, in the face of fresh, clear data, would the Regional Water Quality Control Board continue to push the money-bloated Mega Sewer down the throats of unfairly targeted Los Osos residents? Why the threat of fines by the RWQCB if Los Osos is not the wanted-dead-or-alive "Morro Bay polluter" as previously portrayed? Why fine Los Osos when the nitrates in the upper aquifer (only) are in remission, and the RWQCB has stated it would take 30 years to reach the lower drinking aquifer?

It begs the ultimate question: Why build the most expensive waste treatment facility per capita in the United States just to clean up less than one-tenth of 1 percent of the bay (when the Men's Colony, Duke Energy, the Morro Bay sewer, boats and others pollute)? The answers are painfully simple: The Los Osos "Mega Sewer" is being built to promote new development of the rest of the vacant land in Los Osos. Because the sewer lifts the building moratorium for them, these landowners won't be paying their share of the cost as their sewer expenses are passed on to the buyers of the new houses.

Moreover, the Mega Sewer will constructively evict 30 percent to 50 percent of the town's residents, those who can least afford the looming \$250 monthly fee for the sewer — working families, those on fixed and low income, seniors, single mothers, the disabled, in order words, everybody — in exchange for the gentrification and "Carmelization" of Los Osos. It's a bad bargain, especially in light of today's smarter science, which strongly indicates there is far less scientific rationale for residents of Los Osos who live in the prohibition zone to bear the tragic financial burden of the oncoming Mega Sewer.

These beleaguered residents have never been allowed to vote on whether they want to be taxed to pay back the state loan for the sewer. If given their constitutional right to vote on taxes, it's likely that the long-denied taxpayers of Los Osos have saved up quite a few choice votes on the subject!

Of course, if the voters of Los Osos do agree to be taxed for the sewer, that's another story entirely — one you'll only see in "The Twilight Zone."

Pam Ochs lives in Los Osos and is a member of the Los Osos Taxpayers Association.

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News of the Week

Los Osos engineer reports theft of official records BY J.H.

Date: 11/24/2005

Montgomery Watson Harza, project design engineers for the controversial Los Osos sewer, reported Monday that files and computers had been stolen from their local office at Sunnyside Elementary School. The theft coincides almost perfectly with an announcement from the CSD of a resolution to investigate activities pertaining to sewer contracts, spending, and design.

Montgomery Watson Harza's Los Osos staff redirected inquiries to their Colorado headquarters, which, as of press time, had not heard about the reported break-in.

As the district faces the possibility of losing \$135 million in State Revolving Fund (SRF) money the CSD has until today, Wednesday, Nov. 23, to accept or reject the State Water Board's ultimatum its directors continue to focus much of their attention on exposing improprieties of former staff members.

The CSD intends to investigate all engineers, consultants, and contractors involved in the contentious project since 1999. In a separate investigation, the CSD also hopes to gain a better understanding of the SRF loan procedures.

"How did this loan go forward?" asked CSD President Lisa Schicker. "They gave out the money before the election, and then they said the election changed everything."

In addition to calling for those investigations, the CSD must also gauge public opinion in the community to determine whether to accept the terms of the state and proceed with sewer construction at the downtown site, or lose the SRF loan. All five CSD directors were elected on the platform of moving the sewer, but the community remains narrowly divided.

"It's not like we can never get another loan," Schicker said. "We can get back in line. This isn't our only chance."

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CSD Now Going After Sewer Project Engineers

By Jack Beardwood

Los Osos Community Services District is demanding more than \$6 million in damages and reimbursements from the lead consultant in the sewer project.

According to Dan Bleskey, interim general manager, the district filed a claim Dec. 9 against Montgomery Watson Harza for "contract irregularities" related to the wastewater treatment project.

"Citing numerous docu-

ments, the district claims that MWH billed the district, on 57 separate occasions, for services falsely claimed under their contract," according to a district press release.

Bleskey said the contract with MWH was executed before the CSD board approved it and that the firm submitted claims before the contract was valid.

The claim was filed with Marshall W. Davert, vice president MWH Americas, Inc. in Sacramento. A telephone call

to Davert was not returned.

The claim states that MWH is in violation of Government Code 12650, the California "False Claims Act" because of a defective contract between MWH and the LOCSD.

The contract is said to have been signed on Sept. 1 of 1999 by Bruce Buel, general manager who is currently on administrative leave. The claim states that Buel did not begin work for the CSD until Nov. 16 of that year. "Since Mr.

Buel was not the general manager of the CSD until Nov. 15, 1999, he was not an agent for the district and had no authority to execute the contract and he had no authority to backdate the contract."

Buel said he did backdate the contract. "The firm had been selected by the board in 1999 and I was directed to execute the agreement to cover the work they had already done for the district. Montgomery Watson Harza had actually started performing work for Los Osos

Community Services District in August of 1999. My understanding at that time was that the board was aware that they had performed services that the district was obligated to pay for."

When asked if it is legal to sign a contract dated before his time of employment, Buel replied: "I can't answer that. That's a legal question."

Bleskey said Government Code Section 12650 provides the district with the right for reimbursement of three times

the amount of damages, plus \$10,000 for each false claim made, plus other damages including but not limited to legal fees, staff costs and other real and punitive damages as may have been incurred. The CSD is seeking reimbursement of more than \$6 million, plus \$10,000 for every false claim submitted and attorney fees and interest for the amounts.

"The irregularities in

See CLAIM, page 3

CLAIM, from page 3

MWH contracts call into question whether the contract process was full and open as required by state law," said Lisa Schicker, CSD board president. "It calls into question whether or not there was ever an objective evaluation of all alternatives available."

Bleskey said staff is reviewing all district contracts. The CSD board of directors has asked the county District Attorney's Office to investigate the CSD and asked the Inspector General of the EPA to investigate circumstances surrounding the State Revolving Fund loan that was recently cancelled by the State Water Resources Control Board.

Bleskey said he is mystified by the fact that the district agreed to pay MWH \$7.5 million for two years to provide

construction management services. He said five people could have been hired to do the job at his rate of pay for \$1 million a year. "That construction contract should not cost more than \$2 million," he said. "It's absolutely an outrageous contract."

"I believe the old board was under such incredible pressure," said Bleskey. "They didn't have the expertise that this new board has. Bruce Buel is an administrator. He is not an engineer. He doesn't have formal training in construction contracts, like all the people on this board with the exception of Julie Tacker. The old board was really in a bad way."

"I believe that MWH showed up and recognized that and then they took the district for a ride. Their whole behavior after the election has been cover your ass."

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Written by Aaron Ochs Friday, 17 April 2009 21:37

[MWH Business Practices Haunt Florida Project](#)

In 2004 Cape Coral, Florida, was “the fastest-growing city in the country,” southwest Florida’s News-Press reported, “thousands of new hookups were pushing the city’s water and sewer plants toward their limits. MWH mapped out the \$469 million plan for the facility expansions and started work in 2006.”

The city utility expansion program was launched to bring sewer and water services to 10,000 homes in southwest Cape Coral, but audits found that the process wasn’t compliant with state requirements.

According to the State Attorney General in 2007, the City of Cape Coral may have violated a state law when it negotiated two contracts for major utilities projects. The Attorney General’s opinion addressed issues raised in the state audit concerning utilities operations between Oct. 1, 2000, and March 31, 2005.

Stated the Attorney General: “Separately negotiating each phase of a multiphase project that has been awarded to a construction manager at risk or program manager at risk does not comply with the plain language or intent of section 287.055(9)(c), Florida Statutes.”

Cape Coral City Manager Terry Stewart responded to the State AG’s comments on the Construction Manager at Risk: “The Attorney General’s opinion may have significant repercussions for communities and agencies beyond the City of Cape Coral...”

“The Attorney General’s report said the city was wrong to negotiate the price for complex utilities contracts in phases rather than all at once. The findings could have far-reaching implications that could affect how future utilities projects are bid, how lawsuits are resolved, how quickly the utilities expansion program continues and how much confidence citizens have in the city’s government.”

Added Stewart, “Because of this widespread impact, one option may be to pursue legislation that will clarify the intent of these statutes.”

Two years later, the project has been stopped, and the March 31, 2009, News-Press reported, “A halt to the billion dollar utility expansion project, stunted population growth and a dismal economy are reasons the city is considering the unprecedented rate increases to pay the bills.

“Fewer customers are coming online, pushing the cost of facility expansions and design work onto the existing 50,000 rate customers.”

From the March 26, 2009 News-Press: “City officials say they have no choice. The higher bills are needed to pay for \$479 million worth of almost-completed water and sewer facilities and work on future expansion projects that remain in limbo. If the City Council doesn’t raise the rates, Cape Coral will default on \$315 million worth of bonds, destroying its bond rating -- akin to a credit score -- and leaving the city unable to borrow money.”

Water and sewer bills could almost double, reported the News-Press, on average 93% over the next five years.

What happened to the Cape Coral, Florida, utility expansion project should raise eyebrows in Los Osos. Both projects hired MWH for construction management, and now MWH appears twice on the short list for the Los Osos Wastewater Project, for both the collection system and treatment facility.

If history repeats itself from coast to coast, Los Osos "Prohibition Zone" taxpayers can look down the road to a troubled future of major cost increases, accounting and accountability issues, and, inevitably, based on past experience, higher fees and rates on sewer and water. Has the County learned anything from Cape Coral?

Said County Council Warren Jensen at the April 7 SLO County Board of Supervisors meeting, when asked if the County had any conflict of interest with MWH: "The mere fact that MWH is a creditor in the Los Osos bankruptcy doesn't suggest anything particularly sinister. They had a number of creditors when they went into bankruptcy. I just don't see that that alone has any significance. Now whether there's some other facts I don't know..."

'Taken Advantage'

Councilman Tom Daly believes the City now needs to move ahead with utility expansions, add more customers to the system, and bring the project back under city control, according to the News-Press, "almost a decade after the Cape hired an outside construction management firm to oversee the project.

"I think people felt like they got taken advantage of with (project manager MWH)," Day told the News Press. "We need to get the profit motive out of the picture."

But by the time the audit results were complete and MWH could be impacted, it was already too late to shut everything down. Projects in areas known as Southwest 1, 2, 3 and along Pine Island Road in Cape Coral were under construction at the time. Work on the next phase of the project, Southwest 5, was called "too far along" to stop. City council had already approved the start of the next phase before any changes could be made. Work was also under way in Southwest 4. Those lines reportedly will cost each of the area's nearly 4,000 homeowners \$25,000 to \$40,000, and the level of outrage in Southwest 4 is running high. Assessments in areas completed earlier fell between \$11,000 and \$15,000.

"The council would have to calculate the costs of killing a contract with a firm called MWH Americas to manage the construction phase," the mayor said.

Three different audits criticized the city's management of the utility expansion program, reported the News-Press. One 2006 state audit led to the Attorney General's opinion. A 2006 audit by New York-based Kessler & Associates opened a U.S. Department of Justice investigation into possible bid-rigging in prior projects. The third audit, by auditor R.L. Townsend in 2005, concluded the city was overpaying to run the program.

Concluded Kessler: "In conducting this inquiry, Kessler encountered issues that it believes require systemic reform within the City. Some of the issues have already been addressed implicitly in this report. These include taking steps to guard against future deception of the taxpayers; diligently monitoring vendors and accurately responding to citizen complaints and inquiries and not discounting them simply because of their source. The fact that certain items at issue in this inquiry -- from questionable bidding practices to obstructing authorized fact-gathering efforts -- pervaded during this engagement suggests serious and systemic management failings."

Continued Kessler: "The City should also re-examine its policies relating to allowing vendors complete control of projects without adequate City oversight and determine whether changes need to be made in those policies to ensure that future multi-million dollar contracts are properly supervised and taxpayer funds properly spent.

"The conduct of certain employees in the context of this engagement is also very disturbing, all the more so since the most egregious conduct was committed by persons in positions of substantial responsibility and leadership."

The City Auditor's Office concurred with Kessler's concerns about questionable bidding activity.

At least four lawsuits related to the utilities projects were filed.

John Sullivan, a Cape Coral resident suing the city, told the News-Press that the AG's opinion only raised more questions. "Are these contracts illegal? If they are, what recourse do citizens have? Are our public officials responsible for this?"

"People have a shot at starting a class-action suit against the city," said Sullivan, who founded the Cape Coral Minutemen, a group of residents dedicated to lowering costs of the utilities projects. "This is just going to shore up lawsuits."

MWH's website (www.mwhglobal.com) says "MWH provides comprehensive management services and solutions across our global platform of 197 offices in 38 countries."

One of those 197 offices listed on the MWH website is at located 1236 Los Osos Valley Road in Los Osos, an office closed since 2005. It could open again soon.

"It's like living in the twilight zone," commented Councilman Mickey Rosado about Cape Coral's predicament. "It's outrageous."

Even more outrageous than "like living in the twilight zone" is living in the twilight zone and the "Prohibition Zone" and in Los Osos at the same time, continuously, for 26 years.

It doesn't get much more outrageous than that.

Compiled from articles originally reported and published in the News-Press, Ft. Myers, Florida.

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Archives

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content. As you probably noticed already, the articles that we had on the previous site have been removed, but now we have the articles archived in PDF format for your viewing pleasure.

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Los Osos sewer project tainted by 'expired' crime

Posted: Wednesday, April 22, 2009 11:07 pm



Supervisor Frank Mecham said he wants to hear County Counsel opinion on contract legality.

By DANIEL BLACKBURN

County planning commissioners Thursday will consider a proposal for construction of Los Osos' contentious wastewater project, a mission now shadowed by a documented crime.

Despite the existence of substantial evidence of unlawful backdating of key contract agreements, executed by now departed officials of the Los Osos Community Services District (LOCSD), county planners are moving toward a decision that could ratify what critics are calling "a fatally flawed procurement process." Several formal complaints by district officials to San Luis Obispo County District Attorney Gerald T. Shea, starting in 2005 and detailing allegations of potential conflicts of interest and other unlawful activities, were eventually brushed aside.

Chief Deputy District Attorney Steve Brown, in a response to citizen complaints, acknowledged in 2006 that "falsification of a public record by a public employee is a felony," and that a criminal act relating to the backdating apparently had occurred. But Brown declined further investigation by determining that a three-year statute of limitation had expired.

The backdating of the contract in question happened in 1999. Bruce Buell, who at the time was just coming into his job as general manager of LOCSD, has admitted to backdating the contract at the request of Paavo Ogren, then district interim manager and now San Luis Obispo County's director of public works.

Ogren was temporarily running Los Osos district when contractor Montgomery Watson Harza (MWH) of Broomfield, Colorado, was retained by the district for wastewater project management in early September 1999. Ogren did not sign the pact, nor did any board member. Instead, Ogren waited several weeks for Buell to begin his stint as the new district manager, and then told Buell to backdate the MWH contract.

Buell, in an explanatory memorandum he wrote in 2006, said the request was part of "unfinished business" and that Ogren "advised me that I should pre-date the agreement to accommodate the work actually done by MWH at the board's request." Buell's action was witnessed at his request by LOCSD employee Karen Vega, he said in the memo to another incoming LOCSD chief, Dan Blesky.

"Buell was not an agent for the district and had no authority to execute the contract and he had no authority to backdate the contract," Blesky wrote to his directors in 2005.

Buell has since left LOCSD and currently manages Nipomo's community services.

Ogren, now lead county plotter for Los Osos' wastewater treatment future, also has become somewhat of a cheerleader for MWH, helping elevate it in recent days to the county's "short list" of preferred designer-builders of any eventual facility.

Former chairman of the LOCSD's board of directors Lisa Schicker believes that MWH's current participation may eventually jeopardize the entire sewer project. Schicker and other residents question the role of MWH in the Los Osos project, suggesting that numerous conflicts cloud any future project plans' legal status.

Schicker wrote in a recent memorandum to county supervisors that "it is a big mistake to consider any continued relationship with MWH, considering the illegal contract... pending investigations and lawsuits, and a potential conflict on interest with [Ogren]."

Gail McPherson, executive director of Citizens for Clean Water, said her group espouses "third party oversight" for the Los Osos project.

“We should back up, disallow MHW’s participation, and pick from the [county-designated] top four engineering firms,” said McPherson. “It’s important that [supervisors] take action quickly and avoid problems.”

MHW, despite its controversial role in the equally-mercurial LOCSD wastewater development process, was boosted recently to the top grouping of the county’s list of preferred contractors to complete the Los Osos project. This has occurred even though MHW and LOCSD are themselves entangled in myriad disputes and litigation -- which could now involve the county.

The Los Osos district tried to cancel its contract with MHW in August 2006, asserting breach of contract and violations of state law, specifically the “California False Claims Act, Government Code 12650.

Alleging a list of conflicts of interest, the LOCSD letter of termination to MWH said the engineering firm “has knowingly and with malice actively worked with... third parties contractors... regulatory agencies... and other third parties in a manner not in the best interests of [LOCSD].” District officials then filed a claim against MWH, seeking repayment of more than \$6 million. MWH has sued in response and all litigation is pending.

County supervisors were called upon April 7 to approve a \$558,000 contract with Carollo Engineers for engineering consulting services for the county’s new master water plan.

Lou Carella of Carollo Engineers once was employed by MWH, now has become a Los Osos project engineer, and helped recommend MWH be placed on the county’s design-build short list.

Supervisors voted 4-1 to approve the Carollo contract and a staff recommendation to arbitrarily move MWH up on the list of preferred engineering companies bidding for participation.

First District Supervisor Frank Mecham cast the lone dissenting vote, saying that “if there are allegations in there that reference any kind of an illegal act, then I don’t want to vote for it until county counsel has had a chance to look at it.”

Mecham said Wednesday he didn’t feel right about ignoring issues raised by Schicker and others regarding legitimacy of contracts and the type of wastewater collection method that will eventually be employed.

He also said he was not familiar with the matter of Buell’s contract backdating activities but that “it’s certainly something I want to know more about.”

Bid rigging

From Wikipedia, the free encyclopedia

Bid rigging is a form of fraud in which a commercial contract is promised to one party even though for the sake of appearance several other parties also present a bid. This form of collusion is illegal in most countries. It is a form of price fixing and market allocation, often practised where contracts are determined by a call for bids, for example in the case of government construction contracts.

Bid-rigging almost always results in economic harm to the agency which is seeking the bids, and to the public, who ultimately bear the costs as taxpayers or consumers.

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Types of Bid-Rigging

There are some very common bid-rigging practices:

- **Subcontract bid-rigging** occurs where some of the conspirators agree not to submit bids, or to submit cover bids that are intended not to be successful, on the condition that some parts of the successful bidder's contract will be subcontracted to them. In this way, they "share the spoils" among themselves.
- **Bid suppression** occurs where some of the conspirators agree not to submit a bid so that another conspirator can successfully win the contract.
- **Complementary bidding**, also known as **cover bidding** or **courtesy bidding**, occurs where some of the bidders bid an amount knowing that it is too high or contains conditions that they know to be unacceptable to the agency calling for the bids.
- **Bid rotation** occurs where the bidders take turns being the designated successful bidder, for example, each conspirator is designated to be the successful bidder on certain contracts, with conspirators designated to win other contracts. This is a form of market allocation, where the conspirators allocate or apportion markets, products, customers or geographic territories among themselves, so that each will get a "fair share" of the total business, without having to truly compete with the others for that business.

These forms of bid-rigging are not mutually exclusive of one another, and two or more of these practices could occur at the same time. For example, if one member of the bidding ring is designated to win a particular contract, that bidder's conspirators could avoid winning either by not bidding ("bid suppression"), or by submitting a high bid ("cover bidding").

North America

In the United States, bid-rigging is a criminal offence under section 1 of the Sherman Act. In Canada, it is a criminal offence under section 47 of the Competition Act. In the UK, individuals can be prosecuted criminally under the Enterprise Act.

Japan

Although both a violation of Japanese criminal law and the Japan Anti-Monopoly Law, bid-rigging is still a habitual practice of the Japanese construction industry. It has been shown by a number of academic studies both in Japan and in the USA to be a system which considerably inflates the cost of construction projects, and in the Japanese public sector, considerably wasteful of annual tax money amounting to billions of Japanese Yen. The US Government, specifically the United States Trade Representative Office and Department of Commerce, made fierce efforts^{[1][2]} in the late 1980s and early 1990s to urge the Japanese government to scrap "dango" as a de-facto non-tariff barrier to foreign firms in the Japanese construction market. Despite years of negotiations, including promises by the Japanese government in the S.I.I. (Structural Impediment Initiative)^[3] trade talks, the practice was never fully stamped out and continued to flourish.

In 2006, Tadahiro Ando the then governor of Miyazaki Prefecture, resigned over a series of bid-rigging allegations and was subsequently sentenced to over three years in jail^[4]

As of 2008 thirteen lawsuits were still pending over 1990s' bid-rigging for local government contracts to supply incinerator plants.^[5]

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- ⁴ ^ Japan Times report (<http://search.japantimes.co.jp/cgi-bin/nn20090328a4.html>)
- ⁵ ^ <http://search.japantimes.co.jp/cgi-bin/nn20090404a6.html>

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Categories: Anti-competitive behaviour

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MWH? WTF?

Despite lawsuits and bad blood, Montgomery Watson may yet land Los Osos sewer contract

BY COLIN RIGLEY



PHOTO BY STEVE E. MILLER

The latest move in the ongoing Los Osos sewer drama could be compared to a man divorcing his wife and then dating her mom while simultaneously fighting over money with his ex. Despite an ongoing lawsuit and buckets of bad blood, SLO County has placed civil engineering company Montgomery Watson Harza as one of the top contractors in line to build a new sewer.

SLO County is about to send proposals to its top six contractors for bids: three contractors will bid on the Los Osos sewer collection system and three will bid on the treatment facility. MWH is on both lists—collection and treatment—and is the only contractor to not just make the county’s “short list” but to do so twice. County officials have budgeted about \$105 million for both contracts.

“Well, they made it to the top three because they, in the mind of everyone on the (evaluation) committee, were the most qualified,” said John Waddell of the Public Works Department. “They clearly rose to the top.”

Some, such as former Los Osos Community Services District President Lisa Schicker, don’t think MWH deserves that position. “Why would they ever make it back to the short list? I just couldn’t figure that out.”

A little backstory: In 1999, MWH won the engineering contract when the Los Osos sewer was still in the hands of the Los Osos Community Services District and not the county. By 2006, the district terminated its contract with MWH because of alleged contract violations, over-billing, and conflicts of interest. Around the same time MWH sued the district for about \$1.1 million in unpaid services after the CSD reversed course and canceled the project. That lawsuit is still pending while the district is in bankruptcy.

According to Schicker and other Los Osos residents, MWH helped put the district in bankruptcy. In 2005, the district was paying for the project with a state loan. Schicker said MWH, with a slim 3-2 support from the district’s board, rushed

payments before a recall election that ultimately changed the board structure and project design. After the election, the state pulled its loan, leaving the district with the bill.

"In my opinion, the early payment of the contractor bankrupted the CSD," Schicker said.

An MWH representative did not return a request for comment before press time.

It wasn't the first time MWH had problems. In the city of Cape Coral, FL, the contractor was hired to expand the coastal community's water and sewer system. The cost of that project quickly rose to just under \$1 billion, according to the News-Press.

A 2006 audit found a number of "red flags" in the MWH contract with Cape Coral, including inflating the project cost and bid rigging. The audit findings were forwarded to the Federal Bureau of Investigation and the United States Department of Justice. A representative from the DOJ declined to comment on any investigation and the FBI did not return a call before press time.

Aside from ongoing fights with the Los Osos CSD and similar issues in Cape Coral, MWH still managed to make it on the county's list. That has further inflamed an already livid group of Los Osos residents who have recently shifted their focus away from the design of a new sewer and more toward Public Works Director Paavo Ogren.

They have accused Ogren of having connections to MWH. Ogren has adamantly denied those claims and defended himself at length during the May 5 Board of Supervisors meeting. "... Unequivocally, I have not engaged in any illegal or unethical activities," he responded to the rash of criticism.

Ogren and MWH, however, do have some history. Ogren was the Los Osos CSD's interim general manager shortly before MWH was hired in 1999. The contractor began work in September, but the contract wasn't executed until November. Ogren instructed his replacement, Bruce Buel, to fill in the contract at the district board's request to accommodate the month of work, according to a memo Buel sent to his replacement in early 2006. Buel declined to comment further. Complaints were raised about the contract "backdating" to the District Attorney and county officials but no charges were filed.

Ogren responded: "I was the contract interim general manager prior to Bruce Buel, but the proposal process for project management services was independent from the work I was doing. ... I didn't have involvement in the hiring of Montgomery Watson back then."

The county's legal counsel agreed. County Counsel Warren Jensen made a public statement that he had reviewed claims made against Ogren and MWH but found no problems with either.

Here's how MWH and the other contractors made it to the top:

- The county placed a notice for contractors to submit proposals.
- A five-person committee evaluated the candidates based on qualifications (Ogren was not on that committee).

There is, however, also an MWH connection to the evaluation committee. The current project engineer, Carollo Engineers, used MWH as a subcontracted consultant for the project in 2006. MWH was contracted for \$40,000 of the estimated \$849,498 cost, according to contract documents.

In order to remove MWH as a candidate, the county has to show that they're not qualified. As of press time, the county had not found any reason to disqualify the contractor, regardless of the ongoing lawsuit and numerous allegations in the county and elsewhere.

"They're a huge multinational firm," Schicker said. "Why do they have to stay here? Why won't they just go away and leave us alone?" Δ

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An OPEN Letter to the Press

Date: May 19, 2009

RE: Press Inquiry into Conflict of Interest and Financial Malfeasance by San Luis Obispo County Public Works Director, Paavo Ogren.

It is becoming more apparent to the public that self-dealing is prevalent throughout our County government and concerns about the way the people's business is conducted are at an all time high.

My concerns are for the Los Osos wastewater project and the current contract procurement process that is tainted by the leadership of the compromised public works director. Evidence has been brought to the attention of the County Board of Supervisors, the County Counsel, and the local press.

It is important to investigate all existing and potential civil and criminal violations that connect the Public Works Director, Paavo Ogren, to the current and the previous project contracts, consultants and public funding applications:

1. California Public Contract Code section 20133(Design Build Procurement)
2. Penal Code Section 424 and Government Code section 6200
3. Government Code section 12650 (False Claims Act)
4. Sherman Act – “bid-rigging”, undisclosed conflict of interest and “self dealing”.
5. Violations and conflict of interest related to Assembly Bill 2701 W/ amendments
6. Material Breach of contract-LOCSO Termination of MWH contract for default

Paavo Ogren was contracted by the Los Osos CSD to serve as the interim General Manager while employed by a private consulting firm (Cannon & Associates). Ogren negotiated the original Los Osos CSD wastewater project contracts in 1999. Ogren directed the award of contracts to Montgomery Watson Harza, by executing falsified contracts, which resulted in the eventual payment of millions of dollars.

Penal Code Section 424 and Government Code section 6200 (Falsification of public records and misappropriation of public funds.) were discovered and brought to the attention of the San Luis Obispo District Attorney in 2005-06.

The 2006 LOCSD termination of contracts with the firm Montgomery Watson Harza for default is also connected to the SWRCB funding refusal that occurred in 2005, one that resulted in a default by the State (the CWA SRF loan), also an LOCSD claim that remains active in bankruptcy.

Paavo Ogren also negotiated a County takeover of a government agency outside the knowledge and consent of the Los Osos CSD. In 2006, under extraordinary legislation, (AB 2701, Blakeslee) a \$165-\$200 million project was transferred to the County of San Luis Obispo from the Los Osos CSD. The contracts that Ogren had previously facilitated are now held up in bankruptcy, but constitute a Material Breach Of Contract and False Claim Complaint that remain active.

Now Paavo Ogren serves as the current County Public Works Director, and his past violation of Government Code section 12650 (False Claims Act) may constitute embezzlement as described under the provisions of penal code 434. In his current position, his past and current relationships with the same consultants as before are creating official conflict of interest allegations. Today Mr. Ogren is in charge of the Los Osos wastewater project again, and the same engineering firms are involved again.

As public works director, Paavo Ogren's most recent actions involve potential violations of the California Public Contract Code section 20133 and Design Build Procurement. Paavo Ogren has a long history of repeatedly facilitating county contracts with the same few consultants, which appears to constitute suspicions of bid rigging and subcontract bid rigging, described as criminal offenses under Section 1 of the Sherman Act.

Paavo Ogren may have worked directly with state agencies outside his authority, in order to secure funding based on promises for repayment of disputed claims that were not under his purview, but for claims that remain in the LOCSD bankruptcy.

It also appears that Ogren has applied for federal and state loans, grants and stimulus funding under false pretenses through a manipulated contract procurement process.

Although detailed documents and evidence was sufficient for the DA to find that a crime was indeed committed, prosecution did not occur at the time of the discovery, based on an interpretation of statute on limitations. The current contract procurement processes made in the SLO County Public Works

Department, however, are following a similar pattern of dishonesty and exhibit the same type of code violations that have occurred in the past.

I am not an attorney or an office of the law, but as a previously elected official, I consider this disclosure as my public duty, and felt compelled to come forward with this information.

There are many good investigative reporters out there, and I encourage you to take a closer look at the supporting documents and description of past and current activities. A link is provided to many public record documents that speak for themselves, and please write if you need more information.

Thank you. Lisa Schicker.

Past President and Board Member, Los Osos CSD 2004-2008

lisaschicker@gmail.com

Link to documents:

<https://cid-4552988ff6bd052f.skydrive.live.com/browse.aspx/SLO%20BOS%20Documents%20-%20May%202009>

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