

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060-4508

VOICE (831) 427-4888 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Piper Reilly

Mailing Address: 691 Woodland Drive

City: Los Osos

Zip Code: 93402

Phone: 805-704-7255

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Los Osos Waste Water Project

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

Prohibition Zone collection to the Cemetery for treatment

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

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

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

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO:

A-3-SLO-09-055

DATE FILED:

October 19, 2009

DISTRICT:

Central Coast**RECEIVED**

OCT 19 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

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

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

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

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

**SECTION III. Identification of Other Interested Persons**

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

a. Name and mailing address of permit applicant:

County of San Luis Obispo  
976 Osos St. Room 300  
San Luis Obispo, CA 93408

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

- (1)
- (2)
- (3)
- (4)

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**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

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

To follow, via fax, is my 5 page explanation of my appeal, supporting documentation will arrive to your office in the US Mail. In essence, I am asking you not to approve the Coastal Development Permit for the Los Osos Waste Water Project because less impactful remedies exist and have not been fairly evaluated as promised. The current LOWWP violates CZLUO 30108, 23.04.430 & 23.08.288(d) California Coastal Act sections 30253 & 30231, Coastal Watershed Policy 1,2,3 &5, Sensitive Habitat Policy 2&7. The County of San Luis Obispo omitted answering many of my concerns in both my comments regarding the EIR as well as in my appeal to the Board of Supervisors. Please see 5 page Supplemental Information for a more detailed response.

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**SECTION V. Certification**

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

  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: 10/19/09

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

**Section VI. Agent Authorization**

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

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

The LOWWP is highly impactive and violates;

**CZLUO Section 30108** which defines "feasible" as "accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."

Public works chose an unsustainable project over sustainable options. In the Recorded Engineers Report for the 218, it was promised that STEP and Gravity costs would compete through the construction bidding phase., (see support doc. A). In January of this year Supervisor Gibson took the STEP option off of the table breaching the 218 contract.

Gravity was found by the County to be the environmentally preferred technology based upon faulty data which can be proven if STEP were allowed to compete fairly in an open bidding process, (see support doc. B for cost of STEP and support doc. C1 & C2 green house gases and STEP). Also please note that in the calculation for ground disruption for STEP the County includes areas, (existing septic tanks), that have already been excavated. Also, STEG was not evaluated at all. These three issues, (excavation, green house gases, and cost), were not compared fairly. If STEP were allowed to compete in the bidding process this information would come forward but the County will not allow that. We have been submitting information through out this two year process and have been difficult. It is very easy to discredit something if you don't actually consider the facts and that is what has happened here.

The purpose of the LOWWP is to conform to a regulatory agency demands based upon controversial, 25 year old data, when 3 year old data shows we are at near legal limits for nitrates and the County has admitted that nitrate levels in the Los Osos basin may not change, even with the LOWWP, for decades.

In contrast, non point source pollution, sea water intrusion,(SWI), has been ignored by both the County and the Water Board for almost thirty years and now we are in serious danger of losing our only drinking water source to chlorides. The nitrate issue is with our groundwater supply and not the bay. Protecting our groundwater is the purpose of the LOWWP and the proposed project does not accomplish this because it does not adequately address SWI..

By taking all of the proposed septic off line, SWI will be exacerbated, further destroying our water supply and habitat will dry up die quickly violating **California Coastal Act 30231**. The loss of vegetation is counter productive to AB32 and it will diminish the amount of water which will percolate into our ground water supply. In Los Osos, some of our water supply comes from the trees catching the fog and bringing the water dripping to the ground. Because we have consistent fog, this allows the ground to stay relatively moist and aids in absorption. Los Osos consists of Baywood fine sands which have a hydrophobic property. Once it gets dry, it is difficult for water to percolate. LOSCD District Engineer, Rob Miller stated at a recent LOSCD Basin Update that Los Osos will look like a very different place, and that if a solution for the basin imbalance is not found soon, importing water or desal is a real possibility.

Supervisor Gibson's most recent position is that the ISJ will solve basin issues. The ISJ, (three water purveyors, business entities, who control 2/3 or less- as current data is incomplete- of the basin, ) are to fix a problem which has gone on for decades.

During those decades, San Luis Obispo County was Los Osos' Water Purveyor and in the early 1990's, in order to solve the Los Osos Basin's problems, the County put together a Technical Advisory Committee consisting of one representative from each of the water purveyors and CSA9 representative, Paavo Ogren.

That group accomplished nothing and Paavo Ogren, as current head of Public Works, has not focused adequately on the health of the Los Osos aquifers when he is and was fully aware of it's alarming status. There is nothing to indicated that the current ISJ will be any more successful than the efforts headed by Mr. Ogren in the past. This violates CZLUO 23.04.430 water availability. Without current and complete data we have no idea if we will have water for ourselves, the farmers or for future generations.

What could be successful is to be proactive and implement an immediate basin wide conservation element, (as suggested by the Los Osos Sustainability Group and accepted by the Planning Commission but then severely limited by the Board of Supervisors), as well as informing residents of the critical status of our water supply.

Also, implementing LID practices, as Ms. Darla Engles explained in her Planning Commission testimony; in an undeveloped area like Los Osos, it is the perfect opportunity to enact LID strategies which will help reduce flooding, (decreasing current pumping costs), assist with greater recharge therefor decreasing run off/pollution, plus LID has the opportunity for grant funding.

As a member of the Los Osos Sustainability Group please see support **Doc. D** for further information on violation of **LCP Coastal Watershed Policy 1,2,3,5 and Sensitive Habitat Policy 2&7 and more.**

In accordance with **CZLUO Section 23.08.288(d)** STEP/STEG is the least damaging feasible alternative because it utilizes the installation technology of inline directional boring 4" pipe at a depth of 4' which can include a camera to help avoid cultural artifacts, (plentiful in the area). It also can be installed more quickly than gravity collection.

Gravity must dig deep trenches for wide pipes displacing large amounts of dirt and requiring de-watering. This will have a, yet undetermined, effect on SWI, questioning water availability.

Due to Gravity's inadequate slope under conservation conditions, and the Planning Commissions decision to seal 12% of gravity collection pipes, a supplemental EIR should have been done to show redesign of slope, (as mentioned by John Waddel of Public Works, at the Planning Commission hearings), showing it's cost, effects on trench size and de-watering as well as effects on air pollution due to increase in large equipment needed to install large diameter gravity sealed pipes. These have not been evaluate nor compared with STEP/STEG. As stated previously, ground disturbance numbers are questionable given that some tanks would be place in existing location and STEG, (septic tank effluent gravity) was never considered in the equation.

The only reason traditional gravity collection became the "environmentally superior" method of collection is because certain pertinent factor's were completely ignored. Member's of our community would have liked to challenge the EIR but with almost 4,000 pages, ( and CEQA states that the EIR should be concise so that the common man can understand it), the administrative record alone was so costly to produce it would have been a Herclean task to get it into court. As we were told in the begriming of this process, the County took as much money as they wanted from us in order to hire an environmental consultant who never lost an appeal on an EIR.

For the past two years, we have consistently asked for the increased cost of a sealed gravity system, which was easily foreseeable, including installation and dewatering but were ignored. STEP/STEG is 100% sealed. Gravity is not sealed and has a predictable exfiltration/leakage rate. The LOWWP anticipates 300,000 gallons of I/I per day. This is in violation of **California Coastal Act Section 30230** prevention of discharge which could degrade coastal water quality and **LCP Policy 1** preservation of ground water basin.

Currently our septic discharge primary treated effluent to our leach fields and then are filtered through varying depths of Baywood fine sand, vadose zone. On the other hand, Gravity pipes will be releasing raw sewage on a consistent basis where as STEP's 100% sealed pipes are more likely to remain completely leak free.

Since the solids stay in the STEP tank and go through biological processes which break them down, sludge is not in an issue as it reduces itself naturally up to 75%. This is in contrast with Gravity which produces large amounts of sludge. The sludge disposal solution in the LOWWP was poorly defined and uncertain, questioning feasibility and therefore in violation of **CZLUO 23.04.430**. sewage disposal capacity.

The current Gravity plans may require potable water for flushing, defeating conservation measures. The only argument given by the Planning Commission for STEP being unacceptable was that it would rip up resident's front yard. When everyone's septic go off line and their entire yards start to die, people will water more outside again defeating any conservation achieved.. By not maximizing conservation and utilizing LID practices, due to the level three water severity and SWI issues, the current project is again in violation of **CZLUO 23.04.430** water availability. Gravity trenching will require extensive dewatering further depleting supply. This loss of water does not occur with STEP installation.

The Gravity plan uses the Mid Town site as a central sewage collection point and chemical mixing station. This component, located on ESHA and surrounded by a protected Marine Reserve, the town's only park and a residential neighborhood, would not be required in a STEP/STEG design. STEP/STEG does not require any major pump stations, (currently planned in the Gravity system are several major pump stations to be built on ESHA). Again, STEP/STEG is less impactful than Gravity supporting **CZLUO section 23.08.288(d)** and this unique area should be protected by **California Coastal Act 30253**

Only the current Gravity plan requires Broderon as a recharge site. It is a highly controversial due to speculative speculations through the large clay aquitard as discussed by soil scientist's Larry Raio and the late Thomas Rhor and by Jeffery Young, of the CCRWQCB in a 2006 response to the CDO's. in Los Osos. The Broderon disposal site is located on top of a hill with 600 residences below and could become a liquefaction zone threatening homes and thousands of lives.

Also placing effluent at Broderon would reintroduce endocrine disruptors to our potable water supply defeating part of the purpose of collecting it in the first place. The California PTA and EPA have resolutions against this practice and these emerging contaminants are quickly becoming a major issue nation wide. To put them back into where you just took them out of makes no sense. Paavo Ogren has publically stated that Broderon may not even work. With all of the downfalls, (pun intended since Broderon is a hill with 600 home), it should be eliminated.

We have 2 major fault lines in the Los Osos vicinity and slides are a probability. In regards to earthquakes, it is much easier to fix damage in a low pressure waste water system then it is to fix the trunk lines of a gravity system. Northridge is a perfect example of this. In the event of an emergency, replacement parts for the collection system would have to be staged locally. The impacts and costs of this element have also not been examined.

The LOWWP chose Biolac for treatment which violates CZLUO section 23.04.430 and section 30108. Biolac perpetuates the sludge problem gravity collection begins. The LOWWP does not have a certain disposal solution for the ample sludge produced by gravity collection and Biolac treatment.

In contrast, by using STEP with a passive ponding system, sludge is natural reduced to such a great extent that disposal of sludge may not come up for at least 50 years. The current LOWWP expects hauling twice per week to a place which may not be a permanent solution.

Biolac treatment uses high energy compared with passive or AES ponds and Biolac has a greater visual impact bringing into question California Coastal Act section 30251. In an area of scenic beauty, such as Los Osos, flat ponds can be hidden with landscaping and their extended turn over rates eliminate spills. In contrast, failure of generators in a conventional system frequently do cause spills, (examples: CMC and Marin County early 2008), violating California Coastal Act section 30231. Utilizing a combination of sites, Cemetery, Giacamazi, etc., a ponding system could be created in a park like setting which could include storage, wetland polishing and have the opportunity for carbon credits or cash crop and to install solar and/or wind power.

This inexpensive, unobtrusive and productive solution should be put back on the table. STEP and Ponds were actually the first systems to be approved in an EIR for Los Osos in 2001. Then Montgomery Watson Harza "mysteriously" arrived on the scene and we have been in a battle for a sustainable system ever since. Old fashioned conventional technology is not appropriate for our unusual, Baywood, fine sands and active fault area. These factors make big pipes highly problematic.

We need current data and third party oversight in order for this to become a sustainable project. Studies need to be done as to where SWI is today and to account for all the "straws" in the aquifer. Currently it is approximated that 1/3 of water drawn from the aquifer is not accounted for.

The process needs to be opened up to include the promised STEP comparison and a passive ponding system needs to be re evaluated for the new treatment location. This, accompanied by the reworking of the 12% sealed gravity system under conservation numbers, should be re-evaluated to determine the most truly environmentally protective system and one which the community can afford.

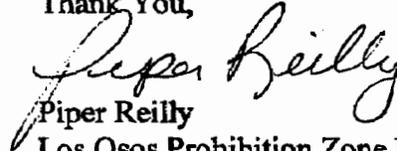
The 218 passed before the global economic crash and the 218 then promised a fair comparison of technology and price. Many more can now not afford the LOWWP's unnecessary high price tag than before. The costs submitted by Orenco for collection accompanied by quotes from several ponding companies, comes to about 1/3 of the cost of the proposed LOWWP

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Displacing thousands from their homes, due to avoidable economic hardship, when less impactful and less expensive technologies are available, violates **CZLUO section 30108 and section 23.08.288(d)**.

Please put **STEP/STEG and passive ponds** back into the process for consideration and do not approve the **LOWWP** in its current form..

Thank You,



**Piper Reilly**  
Los Osos Prohibition Zone Property Owner  
Los Osos Sustainability Group Member