Appendix A:
Notice of Preparation (NOP), Supplemental Notice of Preparation (SNOP), and Comment Letters

A-1: Notice of Preparation

NOTICE OF PREPARATION

To:
State Clearinghouse
P.O Box 3044
Sacramento CA 95812-3044

From:
Mark Hutchinson
San Luis Obispo County Dept of Public Works
County Government Center Room 207
San Luis Obispo, CA 93408

Subject: Notice of Preparation of a Draft Environmental Impact Report

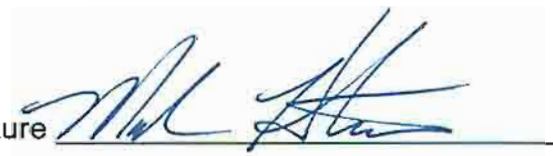
The County of San Luis Obispo will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the environmental impact report prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study is not attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Mark Hutchinson at the address shown above. We will need the name for a contact person in your agency.

Project Title: Los Osos Wastewater Project

Date: December 10, 2007 Signature 

Title: Environmental Programs Manager

Telephone: (805) 781-5252

COUNTY OF SAN LUIS OBISPO

NOTICE OF PREPARATION (NOP)

FOR THE

LOS OSOS WASTEWATER PROJECT

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SECTION I – INTRODUCTION

Background

Los Osos is a small unincorporated coastal community of about 14,600 residents located at the south end of Morro Bay, twelve miles west of the City of San Luis Obispo in San Luis Obispo County, California. The majority of the community's wastewater treatment needs are served by on-site septic systems. A large portion of the community is subject to a wastewater discharge prohibition initially issued by the Regional Water Quality Control Board (RWQCB) in 1983.

In response to the RWQCB discharge prohibition, in the late 1980's the County of San Luis Obispo developed a wastewater collection and treatment project and prepared an Environmental Impact Report (1987 EIR). After preparation of a supplement to the EIR (1988 EIR), the County embarked on the detailed design process. In the mid 1990's the project was modified to relocate the proposed wastewater treatment facility out of the rural area northeast of the community to a site on the east side of the more developed area of the community, necessitating the preparation of a second supplemental EIR (1997 EIR).

In 1998 the community voted to establish a Community Services District with wastewater authority. The newly formed Los Osos Community Services District (LOCSD) developed a wastewater collection and treatment project with the treatment facilities located in the west-central portion of the community. An EIR was prepared and certified for the project on March 1, 2001 (2001 EIR). After receipt of a Coastal Development Permit construction on the project was started in 2005. In the fall of 2005 a majority of the board members of the LOCSD were recalled in a special election; the new CSD board immediately halted construction on the wastewater project. In August 2006 the LOCSD filed for federal bankruptcy protection.

On September 20, 2006 Governor Arnold Schwarzenegger signed AB 2701, a bill authored by Assemblyman Sam Blakeslee. AB 2701 authorizes transfer of wastewater authority from the LOCSD to the County. Based on policies established by the Board of Supervisors in June 2006, the County has, since early 2007, embarked on a process to developing a community wastewater system in Los Osos. That process has produced a Rough Screening Report and a Fine Screening Report, focusing on identifying a set of viable project alternatives for the purpose of establishing the feasibility of various project options and providing a basis for cost estimates for the proposition 218 election that concluded in October 2007. In addition, a Pro-Con report on the Fine Screening Analysis was produced by a Board of Supervisors Technical Advisory Committee composed of members of the community representing financial, engineering, and environmental areas of experience and expertise.

In October 2007, the community approved a proposition 218 election for a $127,000,000.00 assessment to pay for the development of a community wastewater

system by an 80/20 margin. The County expects to produce the necessary CEQA, NEPA and FESA documents during the first half of 2008.

Approach

The County's efforts on the Los Osos Wastewater project since 2006 are the result of an interdisciplinary team approach involving responsible and trustee agencies, consultants and County staff members. The current team, composed of over 20 individuals representing several departments and divisions of the County, four engineering, environmental, and hydro-geotechnical consulting firms, and five public agencies, has established an efficient and interactive team approach to addressing the project. The County desires to continue and expand this approach through the environmental, design, regulatory permitting, and construction phases of the project.

SECTION II – PROJECT DESCRIPTION

Project Purpose

The Los Osos Wastewater Project consists of four main components: collection, treatment, effluent reuse and disposal, and solids treatment and disposal. The primary purpose of the project is to alleviate groundwater contamination, primarily nitrates, that has occurred at least partially because of the use of septic systems throughout the community. However, an important aspect of the wastewater project involves water resource issues. Water resource issues are important because of seawater intrusion that is contaminating the Los Osos groundwater basin. On March 27, 2007, the San Luis Obispo County Board of Supervisors certified a "Level of Severity (LOS)" III for the community of Los Osos while adopting a Resource Capacity Study for the Los Osos groundwater basin. The LOS III determination is the highest determination of a resource problem under the County's Resource Management System (RMS). The wastewater project can be an important first step to solving water resource problems. Consequently, water resource solutions are a key part of the wastewater disposal and reuse components of the project.

Agency representatives may wish to review the August 2007 Viable Project Alternatives Fine Screening Analysis, August 2007 at:

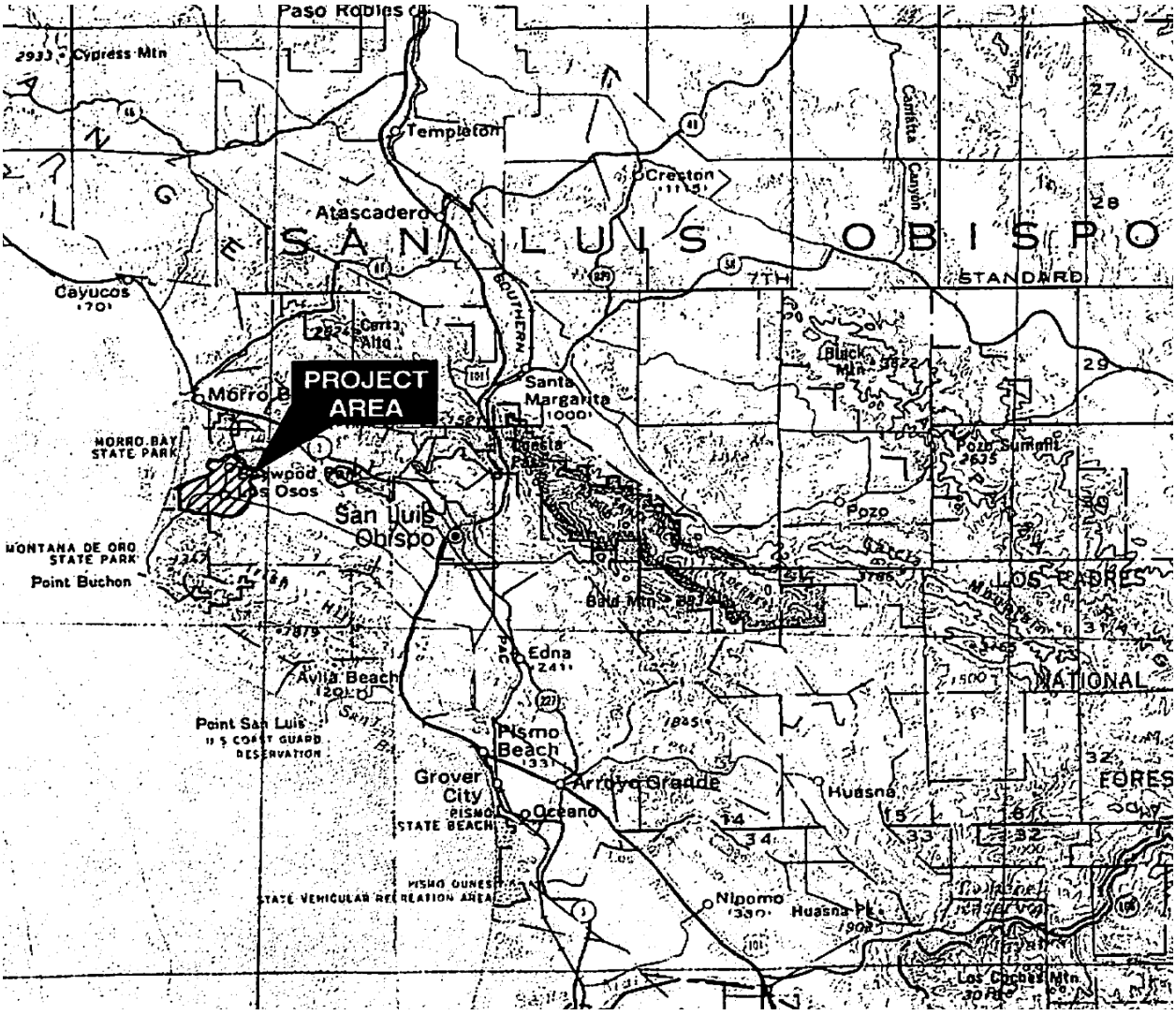
http://www.slocounty.ca.gov/PW/ LOWWP/DOCS/Current_Documents.htm

to gain a better understanding of the various wastewater project components and how they might be employed to create a wastewater project for Los Osos. However, it must be understood that the range of components and alternative projects presented in the Fine Screening Analysis does not limit the range of alternatives that must be addressed in the environmental documents. Since the County's Proposition 218 process is a funding decision and not a project selection decision, it is important to recognize that the community options identified in the Fine Screening Report do not include all of the detailed alternatives that could be developed and implemented by the County. Additional alternatives will be identified and analyzed in the EIR.

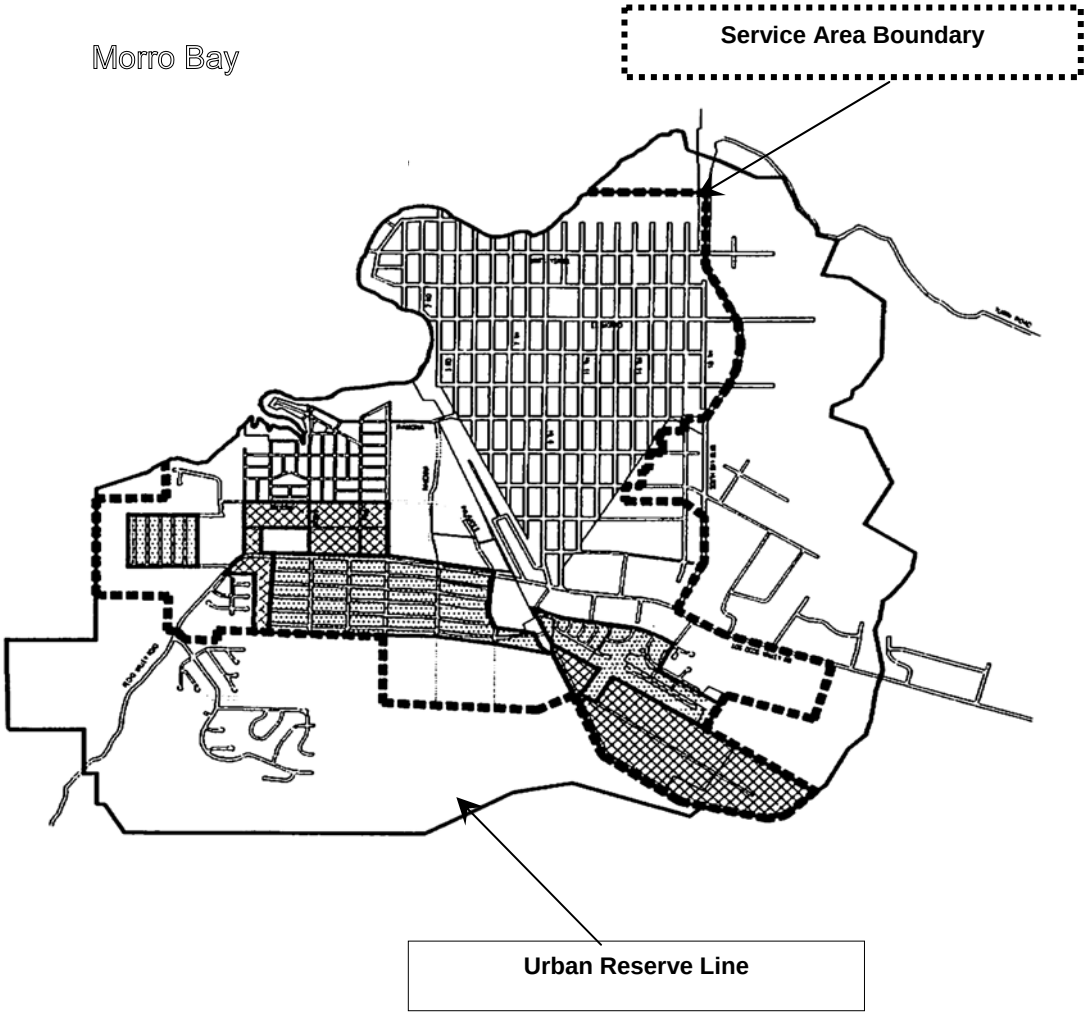
Project Location

Los Osos is located at the south end of Morro Bay, twelve miles west of the City of San Luis Obispo in San Luis Obispo County, California (See location, vicinity, and prohibition are maps). The project would provide wastewater treatment in the prohibition zone designated by the Regional Water Quality Control Board. Depending on the treatment, collection, and effluent disposal or water re-use systems selected for development, the project could be contained within the prohibition zone, or could involve components located outside of community. Regional treatment and disposal options could involve facilities located within the City of Morro Bay or elsewhere in the Chorro Valley; treatment plants and effluent disposal facilities could be located to the east of the community, and effluent disposal option may involve agricultural re-use and/or infiltration systems located south, east, or north of the community.

Los Osos Wastewater Project	**Location Map**



Los Osos Wastewater Project	**Vicinity Map**



Los Osos Wastewater Project	Wastewater Service Area

Historical Perspective

The unincorporated community of Los Osos is located on a series of ancient sand dunes. Underlying the shallow dune sands is a water-bearing zone known as the Paso Robles Formation which provides the community with its sole source of domestic water. Deeper still is the older, non-water-bearing material of the Franciscan Formation which, along with the Pacific Ocean, confines the aquifer to the west end of the Los Osos Valley. The Paso Robles Formation contains intermittent layers of clay that restrict the vertical movement of groundwater, effectively dividing the aquifer into upper and lower components.

The majority of Los Osos was subdivided into small residential lots in the late 19th century which were intended as summer homes and retreats. Over the years, the community developed in the absence of a central wastewater collection and treatment system, relying instead on individual septic tanks and leach fields in combination with wells that extract drinking water from the Paso Robles Formation.

The RWQCB and other health agencies became concerned with the use of individual disposal systems (i.e., septic systems) in the Los Osos area as early as 1971. The basis for this concern was that while depth to groundwater varies in the area, it is shallow enough to flood some leach fields in wet weather. In the Baywood Park area, few of the systems can meet the RWQCB's criteria for separation between the bottom of a leach field and ground water. Furthermore, many of the smaller lots are too small for leach fields, and as a result, utilize deeper seepage pits which may discharge directly to ground water. Concerns regarding the impacts of septic systems on ground water were heightened by the fact that the Los Osos area obtains its water supply from groundwater aquifers. As a result, an interim Basin Plan adopted by the RWQCB in June, 1971 contained a provision prohibiting septic system discharges in the area after 1974.

In 1983, the RWQCB issued Resolution No. 83-13 which made the following findings:

- Previous studies (Brown and Caldwell, 1983) indicated that the quality of water derived from the shallow aquifer underlying the community was deteriorating, particularly as it relates to increasing concentrations of nitrates in excess of State standards.

- The current method of wastewater disposal by individual septic tank systems located in areas of high groundwater may be a major contributing factor to this degradation of water quality. And,

- Continuation of this method of waste disposal could result in health hazards to the community and the continued degradation of groundwater quality in violation of the Porter-Cologne Act.

In January, 1988, the RWQCB established a discharge moratorium which effectively halted new construction or major expansions of existing development until the County provided a solution to the water pollution problem. The County, working with representatives of County Service Area No. 9, which included most of the community of Los Osos, devised a plan for a wastewater treatment system based on conventional collection, treatment and disposal technologies.

A Final Environmental Impact Report (FEIR) was prepared for the original County wastewater project in 1987. The FEIR addressed the following issues:

- Geologic and seismic hazards
- Groundwater hydrology
- Flooding and drainage
- Biological resources
- Cultural resources Visual resources Traffic and circulation Noise
- Air quality
- Agricultural resources
- Growth inducement
- Alternatives
- Economic and fiscal Considerations

An addendum to the Final EIR was prepared in 1987 to address new information that became available regarding isotopes of nitrogen and their impact on the groundwater contamination problem. A second addendum prepared in 1989 included additional information regarding agricultural impacts associated with the proposed treatment plant site as well as more specific data regarding native plant life.

A supplemental EIR was also prepared in 1989 to provide an updated analysis of the following issues:

- Geologic hazards
- Groundwater hydrology
- Sludge disposal
- Growth inducement
- Agricultural resources
- Alternatives

A second supplemental EIR was prepared in 1997 to accomplish the following:

- Update the information contained in the 1987 FEIR to respond to any changes in the environmental setting which may have occurred since the original FEIR was certified, and since completion of the two addenda and the first supplement.

- Evaluate changes and potential changes in the project description relating to the service area boundaries; project phasing; alternative treatment plant site

locations; alternative treatment processes; and modifications to the collection system.

The project evaluated by the 1997 supplemental EIR was a conventional wastewater collection and treatment system which, for a variety of reasons, did not receive community-wide support. The biggest concerns regarding the County-sponsored project related to:

- Cost;
- The potential for the proposed disposal system and the volume of wastewater being introduced on the disposal site to result in the day lighting of discharged treated effluent down slope;
- The use of percolation ponds and their susceptibility to rupture;
- The potential for increased liquefaction potential and flooding down slope from the disposal site.

The Board of Supervisors certified the FEIR and approved the project's Coastal Development Permit (CDP) in 1997. The Board's approval of the CDP was appealed to the California Coastal Commission in 1998. During the course of the Coastal Commission hearings an organized community group presented an alternative approach to the County's project. In response, the Coastal Commission allowed the community the opportunity to demonstrate the feasibility of an alternative to the County project. In November, 1998, voters approved the formation of a Community Services District for Los Osos to assume responsibility for the completion of a wastewater system. The appeal of the county approved wastewater project had been held in abeyance by the Coastal Commission to give the newly-formed LOCSD the opportunity to demonstrate the feasibility of an alternative system involving new technology for the treatment of effluent. The Commission gave the LOCSD until January 2000 to prepare a facilities plan for the alternative wastewater system and to present the plans to the Regional Water Quality Control Board.

In February 2000 the LOCSD's Project Report was submitted to the RWQCB based on a system of wastewater treatment known as Advanced Integrated Wastewater Pond Systems (AIWPS). After considerable study by the LOCSD and after numerous public hearings, the LOCSD concluded that there was insufficient data from AIWPS systems currently in operation to conclude that it could meet RWQCB standards for the removal of nitrates. The LOCSD then began investigating other alternatives.

On March 1, 2001 the LOCSD prepared and certified a Final EIR for a project that would use Membrane Bio Reactor treatment technology at a site near the center of the developed community. The March 1, 2001 FEIR addressed the following issues:

- Geology
- Hydrogeology and Water Resources
- Drainage and Surface Water Quality

- Cultural Resources
- Consistency With Adopted Plans and Policies
- Traffic and Circulation
- Air Quality
- Noise
- Public Health, Safety, and Services
- Visual Resources
- Biological Resources
- Cumulative and Growth Inducing Impacts
- Alternatives

The LOCSD gained approval of a Coastal Development Permit from the County, and on appeal, from the California Coastal Commission. After satisfying numerous conditions of approval, and working through various legal challenges to both the CDP approval and the adequacy of the EIR, construction on the project was started in the late summer of 2005. Shortly thereafter, in the fall of 2005 a majority of the members of the LOCSD board were recalled in a special election; the new LOCSD board immediately halted construction on the wastewater project.

In August 2006 the LOCSD filed for federal bankruptcy protection citing the burden of debts incurred from a number of sources, including the loss of a State Revolving Fund low interest loan, revoked by the State in response to the stoppage of the wastewater project construction, claims from contractors who had initiated construction, litigation, and other obligations.

In early 2006, a team of County officials and staff began reviewing the wastewater situation in Los Osos after a proposal to dissolve the LOCSD was initiated with the Local Agency Formation Commission. In the following months, Assemblyman Sam Blakeslee requested input from the County, along with others, to try and develop legislation that might help solve the wastewater situation. The County Board of Supervisors held a public hearing on June 19, 2006 to consider their formal position. At the conclusion of their hearing the Board adopted policies for the project that included the following six legislative elements:

- Proposition 218 funding/property owner assessments
- A Prop. 218 majority protest = no further County obligations
- Re-establish Low Interest State Revolving Fund (SRF) loans
- Abeyance of Enforcement Action
- LOCSD Liabilities stay with LOCSD
- County Board has sole project authority

The six legislative elements guided the County's review of, and comments on, the Blakeslee legislation (AB 2701) as it moved through the committee hearings of the State Senate and State Assembly. After several amendments, AB 2701 was approved on

combined 110-0 votes of the California State Senate and State Assembly, and it was signed by Governor Arnold Schwarzenegger on September 18, 2006. Effective on January 1, 2007, AB 2701 transferred the authority of developing a community wastewater project from the LOCSD to the County.

On June 19, 2006, the Board of Supervisors also approved numerous project strategies. The project strategies provide guidance for County officials and staff working on the project. After Governor Schwarzenegger signed AB 2701, the County Board, on October 3, 2006 approved a $2.0 million project budget for work needed to meet the requirements of Proposition 218. County project work efforts included the following:

- Analysis of Project Alternatives
- Creation of a Technical Advisory Committee
- Development of a Pro/Con Analysis on Project Alternatives
- Preliminary Environmental Review
- A "Prop. 218" Assessment Hearing

The "Prop. 218" proceedings concluded in October 2007 with an 80% majority approving assessments needed for the County to build a community wastewater project.

Refining the Project Description

The County does not intend to develop a single "proposed project" on which to focus the EIR and base the alternatives analysis. Using 30% design information, the core work effort is to, through the CEQA/NEPA process, in concert with on-going efforts to define project costs and consider community preferences, move through an alternative analysis process that results in a fully developed project description. Based upon the volumes of documentation produced for the project over the past decades, the most recent work produced by the County team, and the clear project purposes of wastewater treatment and water supply, the County desires to examine the widest possible range of feasible alternatives on a co-equal basis.

Public review of the draft EIR is planned to coincide with a community preferences survey and the issuance of a design/build Request for Proposals for two different collection system alternatives (gravity and STEP/STAG). This approach will allow the County to identify the preferred alternative using environmental, economic, and community preferences information. The County would then produce the final EIR identifying the preferred alternative, followed by findings supporting the project decision.

Document Standards

All environmental documents prepared for the project will meet all of the requirements set forth in the following, as applicable:

- California Environmental Quality Act (PRC 21000 et seq.)
- State CEQA guidelines (CCR, section 15000 et seq.)
- National Environmental Policy Act (42 USC 4321 et seq.)
- CEQ NEPA Regulations
- Section 106 of the National Historic Preservation Act (16 USC 470 and 36 CFR Part 800)
- Endangered Species Act (16 USC 1531 et seq.)
- Clean Water Act (33 USC 1251 et seq.) (emphasis on sections 401 and 404)
- Clean Air Act (42 USC Section 7401 et seq.)
- Fish and Wildlife Coordination Act (16 U.S.C. 661-666)
- California Endangered Species Act (Fish and Game Code 2050 et seq.)
- Native Plant Protection Act (Fish and Game Code 1900-1913)
- Section 1600 of the Fish and Game Code
- California Coastal Act
- Federal Executive Order 11990 (Wetlands)
- Federal Executive Order 11988 (Floodplains)
- Federal Executive Order 12898 (Environmental Equity)

SECTION III – PRELIMINARY ENVIRONMENTAL SCOPE

The following preliminary environmental scope generally describes the project's areas of environmental effect:

Preliminary List of Environmental Issues

- Project Description.
  - Alternatives Development and Descriptions
  - System Components
  - On-site Based Alternatives
  - Regional Sludge Treatment
  - Regional Treatment Approaches
  - De-centralized Treatment
  - Water Supply Alternatives
- Impact Areas:
  - Water Quality
  - Water Supply
  - Health and Safety
  - Biological Resources
  - Cultural Resources
  - Air Emissions and Odor
  - Visual Resources
  - Noise
  - Geology
  - Traffic
  - Agricultural Resources
  - Drainage
- Consistency With Plans and Policies:
  - CA Coastal Act/SLO County Local Coastal Plan
  - Energy Use/AB 32 Analysis
  - Marine Life Protection Act
  - HCP Planning
  - Environmental Justice
  - Growth Inducement
- Mitigation Plans and Monitoring
- CEQA/NEPA Processing
  - List of Preparers
  - List of References
  - Notices and Consultations

Discussion of Environmental Issue Areas

The following discussions are presented for consideration as part of the scoping process. They are not intended to be a complete presentation of the document scope, but rather as summary information gathered by the County to date. The final scope will

be established after circulation of the Notice of Preparation and completion of the scoping process.

Previous EIR's have analyzed the majority of these issues in detail. This new work effort must consider all previous information, correct any errors or omissions, update the information to address changed circumstances, and analyze new issues that have arisen as the result of new project elements and alternatives.

Project Description The County's approach is to evaluate a number of feasible alternatives on a co-equal basis (the NEPA approach) in the draft EIR. While the draft EIR will identify the environmentally superior alternative, the process will not identify a preferred alternative until the final EIR stage. The County's approach also involves evaluating two different collection system alternatives (STEP and gravity) on a co-equal basis, not choosing between the two until the results of a community survey and a design-build RFP are known. This approach, along with a high number of treatment alternatives, treatment plant sites, and effluent disposal/water reclamation options generates a complex project description. The initial concept is to develop a set of detailed appendices, each of which describes a major part of the project description. Much like the approach taken in the County's rough and final screening reports, analysis of the various components of the project description will generate a short list of sites, treatment options, disposal/reuse options etc. that can be combined into a set of whole projects. The key challenge for the EIR is to carefully document the process of short-listing to ensure that viable alternatives are not overlooked.

With respect to the set of appendices that comprise the alternatives analysis/project description, the County envisions the following:

- Alternatives Development and Descriptions. This volume will describe the fully developed project alternatives that resulted from the component screening analysis described above, including a range of treatment plant sites. At a minimum, collection system options must include STEP and gravity.

- System Components. This volume will describe the various system components that make up a community wastewater system, eliminating those that are either not feasible or that pose clearly unacceptable environmental consequences. This volume will need to include essentially every treatment plant site that has been included in each of the previous EIRs to ensure that the reasons for eliminating any site from further consideration are clearly articulated.

- On-site Based Alternatives. On-site based alternatives include unconventional systems, such as composting toilets, nitrogen sequestering systems, and others. The EIR must document the feasibility of these kinds of approaches and explain, if they are rejected, why they are not being carried forward.

- Regional Sludge Treatment. This alternative involves establishing a regional sludge treatment facility in conjunction with the treatment plant in order to lower

the Los Osos community's cost of operating the wastewater project. The EIR will need to document the environmental effects, direct or incremental, that would result from implementation of a regional sludge treatment facility so that the community can determine if this option should be pursued.

o Regional Treatment Approaches The regional treatment concept involves combining one or more of the treatment, sludge disposal and effluent disposal/reuse components of the Los Osos project with the Morro Bay/Cayucos Sanitary District's treatment facility in Morro Bay and/or with the California Department of Correction's California Men's Colony treatment facility. The driving concepts behind the regional treatment approach are:

- The belief that larger treatment plants are more energy and cost efficient
- The Morro Bay plant is currently in the planning stages of an upgrade project to increase treatment levels to secondary and possibly tertiary for a least a portion of the flow, therefore the timing is right to implement a regional solution
- The Morro Bay plant should abandon its ocean outfall line in favor of more environmentally acceptable methods.

Three versions of this approach involve:

- Collect wastewater from Los Osos via either a STEP or gravity system and pump all of the untreated wastewater to the existing Morro Bay treatment plant. Effluent, at various levels of treatment, may or may not be pumped back to Los Osos to address water supply issues. The Morro Bay plant would probably need to be expanded to accept the increased volume of wastewater. The volume of effluent/reclaimed water returned to each community may or may not reflect that community's contribution to the inflow. As a result, Los Osos might be able to increase inflows to its water basin above what could be accomplished without regional treatment.
- Collect wastewater from Los Osos, Morro Bay and Cayucos and treat it at a new plant to be constructed somewhere in the Chorro Valley. Disposal of effluent/reclaimed water would be similar to option A, except that the existing outfall line from the Morro Bay plant would more definitely be abandoned and Chorro Valley water needs could be added to the reclaimed water equation.
- Other variations on the same concept focusing on elimination of the existing outfall line, implementing various degrees of treatment and water reclamation, and potentially adding the California Men's Colony Treatment Plant into the mix.

The potential to generate larger volumes of reclaimed water creates a number of potential reuse scenarios. In lieu of pumping reclaimed water back to Los Osos, one option involves exchanging irrigation quality water for treated state water currently used by Morro Bay. This approach, or variations of it, might reduce costs associated with higher effluent treatment levels.

The initial evaluation of the environmental consequences of the regional treatment approach, in concert with an engineering evaluation examining efficiency issues, will determine the degree to which the EIR carries this approach forward. The results of the initial analysis will need to be included in the EIR regardless of whether or not the regional options are fully examined in the EIR.

De-centralized Treatment. De-centralized treatment options consist of a STEP collection system pumping to smaller "neighborhood" sized treatment facilities that then discharge treated effluent to leach fields or return reclaimed water for irrigation. The County is producing an engineering report on this option to determine if it has the potential for use in Los Osos. If so, the EIR will need to include an analysis of the environmental effects of this approach. The results of the initial analysis will need to be included in the EIR regardless of whether or not de-centralized options are fully examined in the EIR.

- Water Supply Alternatives. The EIR will include a discussion of various alternatives for addressing the water supply issue in Los Osos. The analyses of the water supply alternatives that are not eliminated from further consideration need to be addressed in each environmental issue area (biology, geology, etc.). Because the solutions to the water supply issue are outside the purview of the lead agency (County) the EIR will need to take a programmatic approach to the analysis of some of the options, given that detailed information is not available. The programmatic approach will lay the environmental analysis foundation for those water supply alternatives that are longer term and/or lack the detail needed to produce a complete environmental analysis.

Impact Areas

Water Quality. The water quality analysis will address both short term and long term water quality issues. Short term water quality issues focus on the construction of the project, including the implications of dewatering excavations in high groundwater areas. Long term water quality issues include the impact(s) to groundwater aquifers that result from the discharge of treated effluent. The County intends to work closely with the water purveyors to address these issues, especially as they might affect the water purveyors' ability to continue to pump groundwater from specific locations. A substantial amount of water quality information has been produced by previous water studies and plans, EIR's, and agency investigations. However, some level of additional detailed information on the long term water quality impacts resulting from effluent disposal above drinking water aquifers will need to be included in the analysis.

Water Supply. Impacts to water supply relate to the re-direction of septic tank effluent from discharging over the groundwater aquifer to other locations such as spray fields, etc. The EIR will examine how various effluent disposal/water reuse components and options affect the long term water supply. This analysis will also connect to the initial discussions regarding the various water supply alternatives described in that section of the project description. The County and community have long worked with Cleath and Associates to examine the relationship between the wastewater project and water supply issues, consultants should review the information contained in the Fine Screening Report to gain a better understanding of this issue.

Health and Safety. Health and safety considerations stem from the handling and management of raw wastewater, the processes used to treat the wastewater, and the disposal or reuse of treated effluent and sludge. The various levels of treatment required for different reuse options and how those standards relate to public health issues are important topics. Also, the public health implications of various failure modes of systems alternatives and components needs to be included. The community has expressed a high level of concern with issues related to:

- potential leakage of the collection system,
- the effects of spills and overflows of the collection system and treatment systems
- potential health effects of the various effluent disposal/reuse methods

Biological Resources. A substantial amount of biological resource information has been generated by EIR's and studies prepared for previous wastewater projects, along with various independent studies focused on the development of the greenbelt around the community, the draft community Habitat Conservation Plan, various development projects, and other efforts. This EIR will consider all previous information, correct any errors or omissions, update the information to address changed circumstances, and analyze new issues that may have arisen as the result of new project elements and alternative sites. Accurate mapping of special status habitats will be critical to the project's success because of the project's location in the coastal zone. The EIR must accurately quantify the areas of impact posed by various alternatives and options so that clear conclusions regarding consistency with coastal plan policies can be reached. The whole of the Los Osos urban area is designated as an Environmentally Sensitive Habitat Area (ESHA) by the coastal commission owing to the unique vegetation found on the dune sands upon which the community is located. In addition, wetlands, as defined by the coastal commission (as opposed to the Clean Water Act definitions) are abundant around the community. Development of any project that impacts either of these habitats is prohibited unless there is no other feasible alternative. Given that any wastewater project will impact both habitat types, accurate information about the extent and degree of biological impacts is critical to the coastal consistency analysis.

Cultural Resources. Los Osos contains a wealth of prehistoric cultural resources with many known sites located throughout the community. As a result, a substantial amount

of cultural resources information has been produced by previous studies and plans, EIR's, and agency investigations. However, additional detailed information on the potential impacts to resources that may be located on treatment plant sites not previously considered will need to be developed. Consultants should be aware that a number of artifacts were already collected during the early stages of work on the previous project (primarily during work on the collection system). That effort confirmed not only the wealth of cultural resources located in the community but issues related to cataloging and long term curation of recovered items as well. Consultants must have significant staff resources and experience in this arena, including the ability to work in a positive manner with Native American peoples. The most recent and most comprehensive cultural resource work on the project was conducted by the Far Western Anthropological Research Group.

Air Emissions and Odor. The EIR will need to identify the level of air emissions from both construction and operation of the project. An important consideration is the potential difference between the amount and type of emissions that could be generated by the two primary types of collection systems that are proposed: STEP and gravity. While gravity systems are typically vented to the air at various points, STEP systems, being pressurized may be more controlled, at least for some parts of the system. Also, because part of the overall waste treatment occurs within the STEP tank, the constituents of vented vapors may be different for each system. Discussions of STEP systems do indicate that the pumped effluent is highly odorous, and that various system vents are typically fitted with filters to trap odors. At the same time, the amount of vapor that is originates in the STEP tank and is vented through the plumbing vents in individual residences is not well understood.

All indications are that STEP collection systems require more routine maintenance work, owing to the need to remove solids and operate numerous STEP pumps. A comparison of emissions from vehicles involved in maintenance operations may be needed to identify difference in overall air emissions between STEP and gravity based systems overall.

Treatment plant odor emissions are especially important to the community. Although the Tri-W project included many elements to control odors, its location within the developed community still brought controversy due to the potential for offensive odors. However, out-of-town locations are relatively new to the community and have already generated concerns based on the potential for odor issues to result. The EIR will need to include a careful, science based analysis of odor issues that considers local climatic conditions that may be unique to the areas proposed for the treatment plant. Methods for accurately describing the level of odor impact may need to include modeling (if feasible), contour mapping, local examples of similar operating plants, etc.

Visual Resources**.** The analysis of visual impacts will be focused on the treatment plant, as the majority of the rest of the system is underground. However, visual treatments of about ground pump stations etc. will need to be addressed.

Out of town locations, being rural, are particularly sensitive because of the need to develop designs, including screening and planting measures, that are compatible with the rural character of the area. Generally, an approach that "blends" an industrial type development into the area, rather than attempts to completely block views of the site, is preferable. However, for sites visible from the cemetery, an approach that blocks all views of the treatment plant may be preferable.

It will important to bring the discussions of visual impacts, noise, and odor together in the context of community impacts so that all three can be addressed through design and/or mitigation. The specific concern in this area is relative to sites that are near the cemetery. Whether or not locating a wastewater treatment plant next to a cemetery is appropriate may or may not be a CEQA issue, however, the EIR must provide the information needed to accurately assess physical impacts on the cemetery.

Noise. The project will generate noise during construction and during operation of the treatment plant, pump stations, lift stations, and during maintenance work on the collection system, etc. Previous EIR's have identified mitigation measures for various phases of the project and found that all noise impacts could be mitigated to a less than significant level. It will be important in this EIR to characterize the different noise environments between urban and rural settings in order to discuss potentially different mitigation levels associated with urban vs. rural sites, if any. In addition, the two alternative collection systems have different routine maintenance and operational requirements that may result in different noise impacts. These differences will need to be described and quantified in the document.

Geology. The project area is subject to several types of related but distinct geologic and seismic hazards, including earthquakes, liquefaction, seismic settlement, soil lurching, and landslides. These hazards have been described and analyzed in all previous EIR's. It will be important for the new EIR to update the geologic information to reflect any new findings, as well as provide focused geologic discussions on all of the treatment plant sites that are carried through to the "short list" of alternatives. This section should also provide the technical information necessary to identify the seismic performance differences between the two types of collection systems, if any.

Traffic. The construction and operation phases of the project will have traffic impacts. Construction period impacts may be significant because there will be full or partial road closures and restrictions on access to various streets as underground work is conducted. Consultants should be aware that previous EIR's have evaluated construction traffic impacts and developed construction period mitigation and mitigation plans to address such impacts. This EIR should review the previous information, update it as necessary, and apply the mitigation plans to any new project alternatives.

With respect to operational phase traffic impacts, it will be important to identify any different traffic impacts generated by the two collection system alternatives, differences resulting from different degrees of sludge treatment, including the regional sludge

treatment option, and the traffic safety aspects of accessing various treatment plant locations.

Agricultural Resources. Previous EIR's did not analyze impacts to agricultural resources in great detail because, other than the original treatment plant location on Turri Road, subsequent projects did not have the potential for substantial effects on agricultural land use or agricultural practices. The current range of treatment plant location alternatives does include sites outside of the urbanized are located on agricultural land. In addition, effluent disposal and reuse options, as well as the overall water supply equation all involve potential agricultural impacts. These effects require an in-depth analysis.

Drainage. Although the majority of Los Osos is located on sandy soils, the community suffers from poor drainage in several areas, which has lead to damage to both private and public property. Therefore, changes in drainage patterns or water absorbtion rates are important topics. Previous EIR's have evaluated drainage and developed construction period mitigation and mitigation plans to address such impacts. This EIR should review the previous information, update it as necessary, and apply the mitigation plans to any new project. Special attention should be given to the alternative treatment plant sites located east of the urban area because they have not been previously analyzed in detail and because some adjacent areas have suffered localized drainage issues in the past.

Consistency With Plans and Policies

California Coastal Act. The Los Osos Wastewater Project, including all of its components and alternatives, is located within the California Coastal Zone. All aspects of the project will require approvals and permits from the California Coastal Commission. Key issues for the Coastal Commission, under the umbrella of consistency with the San Luis Obispo County Local Coastal Plan and the California Coastal Act, include direct and indirect impacts on sensitive coastal resources such as designated (mapped and unmapped) Environmentally Sensitive Habitat Areas (ESHA's), coastal wetlands, and groundwater resources. The effort to provide wastewater service to Los Osos underwent detailed review by the Coastal Commission when the Commission issued permits for the project proposed by the Los Osos CSD in 2004. The County's intent is to develop a project that is entirely consistent with the Commission's approach to all coastal issues identified in 2004. The County's goal is to include, in the draft EIR, a complete coastal consistency analysis for each primary alternative ready to forward to the Planning Commission for consideration of a coastal development permit.

Energy Use/AB 32 Analysis. The community of Los Osos is concerned about the long-term sustainability of the wastewater project, not only with respect to water supply but also with the long-term energy use of the project and its secondary effects on, and potential impacts from, greenhouse gas emissions and global warming. The EIR must include an analysis of these issues, including the feasibility and efficiency of a wide

range of project components and operational techniques that could reduce energy use and greenhouse gas emissions. The list of mitigation measures must also include actions that Los Osos, either as a community or as individuals, could take to reduce the overall "carbon footprint" of the project. The EIR must also discuss how various sea-level rise scenarios associated with global warming could impact the project in the long-term.

Marine Life Protection Act. Morro Bay was recently designated a State Marine Recreational Management Area; the eastern portion of the estuary was designated a State Marine Reserve pursuant to the Marine Life Protection Act. These designations prohibit discharge of pollutants into the bay. The EIR must examine short and long term pollution issues as they relate to the Marine Life Protection Act. An analysis of the probability, magnitude, and effects of spills from various components of the wastewater system will be important, especially is the analysis shows substantial differences in potential impacts from different collection systems types, treatment technologies, or treatment plant and other system component locations. This work must be correlated with the analysis of the health and safety implications of various project alternatives.

HCP Planning. The County does not anticipate that the wastewater project will require the preparation of a Habitat Conservation Plan (HCP). However, a community-wide HCP is being prepared for Los Osos, with the draft plan having been submitted to the U.S. Fish and Wildlife Service in 2005 (http://www.losososcsd.org/hcp/index.html). Although comments from the Service were received in 2005, no action has been taken on moving ahead with the HCP by the LOCSD. The County Department of Planning and Building has prepared a section 9 grant application in order to move the HCP forward. The HCP focuses on providing a mechanism to mitigate the impacts of development within the Los Osos urban area by establishing a management system and long term funding for the Los Osos Greenbelt. The EIR must examine the relationships between the HCP planning effort and the wastewater project and, it there are any conflicts or inconsistencies between the projects provide methods to ensure coordination and consistency between the project and the HCP.

Growth Inducement. Consistent with the requirements of CEQA and NEPA the EIR must describe the potential growth-inducing implications of the wastewater project. Although the plant sizing is consistent with the proposed service area, this section of the EIR should identify the various effects that are likely to result both from build-out of the service area (by reference to various EIR sections discussing water supply, traffic, air quality, biological resources, etc..) as well as the growth inducing effects of treatment plant location alternatives (especially those located outside of the urban reserve line). The EIR must also identify other factors that currently act to limit or control growth and provide a discussion of how those other limits may or may not be affected by the provision of wastewater service to the community.

Environmental Justice

According to the U.S. EPA, “Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair Treatment means that no group of people, including racial, ethnic, or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal environmental programs. and policies. Meaningful Involvement means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the decision-makers seek out and facilitate the involvement of those potentially affected.” The EIR must document the project’s compliance with Environmental Justice principals by discussing the efforts the County has taken and will take to ensure that Environmental Justice prevails.

Mitigation Plans and Monitoring

Draft EIR’s typically do not include detailed mitigation plans because these elements are not required until an agency actually identifies and acts on a preferred alternative. However, because the effectiveness of mitigation measures is a consideration in the analysis of several potential impact areas related to the project (long-term water supply, biological effects, growth management, etc.) and because many of the mitigation plans that are likely to be required of the project are not alternative specific and have already been developed by the LOCSD for the 2004 project, mitigation and monitoring plans should be included in an appendix to the draft EIR.

Document Organization

The County envisions an EIR document that is readable, complete, and manageable. The primary document should be no more than 150 pages in length, accompanied by a separately bound executive summary of 25 pages. However, to accomplish this level of brevity, it will be important that the numerous appendices to the document be well organized and consistent in their internal format and approach. At 150 pages the primary document is itself a summary of the information contained in each of the appendices. To ensure completeness, those appendices addressing specific issue areas will need to contain the full and complete impact analysis, in addition to the technical information commonly found in appendices. The concept of including detailed project and alternatives information in a set of appendices is new to the County, however, as illustrated in the exhibit, the amount of information regarding various components of the project, together with the wide range of alternatives that need to be considered lends itself to this approach.

It should be noted that the County intends to make maximum use of electronic formats for distributing the document. Using the approach described above should facilitate that effort.

Federal Lead Agency Coordination

The County anticipates that the Federal Lead Agency for the project could be the U.S. Environmental Protection Agency, by virtue of the issuance of a State Revolving Fund low interest loan, the Army Corps of Engineers through the administration of a Water Resources Development Act Grant, or the U.S. Department of Agriculture through a federal grant program. The State Water Resources Control Board administers NEPA on behalf of USEPA through a CEQA Plus approach. The USDA also uses the CEQA Plus approach. The Corps of Engineers does not typically use a CEQA Plus approach. Consequently, the NEPA process may be conducted concurrently with CEQA, or, depending on the resolution of various funding approaches, may need to be a follow-on effort.

SECTION IV – AVAILABLE INFORMATION

The following is a partial list of existing information for this project:

Web resources:

1. San Luis Obispo County Los Osos Wastewater Project Website:
   - o http://www.slocounty.ca.gov/PW/LOWWP.htm

   Available information includes:
   - o Final Fine Screening Report
   - o Assessment Engineer's Report
   - o Technical Advisory Committee Final Pro Con Report
   - o Rough Screening Report
   - o County Implementation Plan and Strategies

2. Los Osos Community Services District Website:
   - o http://www.losososcsd.org/

   Available Information includes:
   - o Ground Water Management Plan
   - o Sea Water Intrusion Report
   - o Los Osos Water Master Plan
   - o Draft Habitat Conservation Plan

Document Library:

1. County Documents:
   - o Final Environmental Impact Report; County Service Area No. 9 Wastewater Treatment Facilities Volume I, August 1987
   - o Final Environmental Impact Report; County Service Area No. 9 Wastewater Treatment Facilities Volume II, August 1987
   - o Final Supplemental Environmental Impact Report for the CSA 9 Wastewater Treatment Facilities, February 1997
   - o CA Coastal Commission Staff Report and Coastal Develop Permit for the Los Osos Wastewater Treatment Facility, June 29, 2004
   - o USFWS Comments on the Draft HCP, November 29, 2005

2. Los Osos CSD Documents Relative to the 2001 EIR:

Binder 1 **LOCSD -** CEQA Materials

Tab 1	Certification of the Final EIR Errata
Tab 2	Findings of Fact, Statement of Overriding Consideration & Mitigation Monitoring Program, Part II
Tab 3	Notice of Determination

Final Environmental Impact Report

Binder 2 **LOCSD -** CEQA Materials
- Tab 1 Draft Environmental Impact Report
- Tab 2 Appendix A: Notice of Preparation and Responses to Notice

Binder 3 **LOCSD -** CEQA Materials
- Tab 1 Revised Addendum to the Los Osos Final Environmental Impact Report
  LOCSD Wastewater Treatment Facility
  Notice of Availability and Intent to Adopt a Negative Declaration
  Lateral Line Installation – Biological Resources and Mitigation
  Initial Study of Environmental Impact
  Notice of Availability and Intent to Adopt a Negative Declaration
- Tab 2 5.1 Geology
  Site Assessment Results
- Tab 3 Final Environmental Impact Report

Binder 4 **Coastal Development Permit Application –** Staff Report
- Tab 1 Slide Show Presentation
- Tab 2 Public Hearing Meeting
- Tab 3 Exhibit A – Findings
- Tab 4 Exhibit C – CEQA Findings

Binder 5 **SLO County –** Coastal Development Permit
- Tab 1 Notice of Public Hearing
  30% to 50% Design Changes
  Draft Planning Resolution
  Correspondence re: Public Hearing
- Tab 2 Notification of Meetings/Hearings and supporting documentation
- Tab 3 Statement of Fees
  Land Use Permit Application Package
- Tab 4 Legal documentation
- Tab 5 Maps and matrix on LOS Wastewater Project
  Staff Report of February 7, 3003 meeting
  2003 Quarterly Status Report

Binder 6 **Coastal Development Permit –** Application Materials
- Land Use Permit Checklist
- Land Use Application
- Consent of Landowner
- Environmental Description Form
- Information Disclosure Form
- Identified Hazardous Waste Sites
- Project Facility Inventory
- Preliminary Engineering Evaluation, Los Osos/Baywood Park Community Drainage Project for SLO Service Area No. 91

Appendix B – Safe Yield Analysis of the Los Osos Valley Ground Water Basin
Appendix D – Water System Supply Sources Assessment
Technical Memorandum

Binder 7 **Coastal Development Permit Application –** CEQA Materials
Final Environmental Impact Report
Notice of Public Hearing
Letter - Design Changes
Draft Planning Resolution
Exhibit A – Findings
A Chronology
Land Use Permit Checklist
Exhibit D – CEQA Findings & Overriding Considerations
JLWA Correspondence
Staff Report for Regular Meeting of February 7, 2003
July 2003 Quarterly Status Report
WWTF Site Evaluations

Binder 8 **Coastal Commission –** De Novo Hearing
Coastal Commission – Substantial Issue Hearing
Follow-up assignments from team meeting.
Correspondence

Binder 9 **Coastal Commission –** De Novo Hearing
Exhibits for Coastal Commission Meeting
6/28/04 Letter to CCC
Exhibit 1A – 6/28/04 Review Draft Los Osos Habitat Conservation Plan – Pre-Application Draft
Exhibit 1B – Minutes of 6/17/04 LOCSD Board Meeting
Exhibit 1C – 6/11/04 Letter to LOCSD from SLO Deputy County Counsel
Estero Area Plan
Exhibit 1D – Excerpts from SLO County CDP Permit Conditions
Exhibit 2A1 – Lupine Pump Station Wetland Delineation Report
Exhibit 2A2 – Letters to Regulatory Agencies regarding Wetlands Determinations
Exhibit 2B1 – Wetlands Mapping and Constraints
Exhibit 2C1 – 6/11/04 Memo re Disposition of Harvest Water
Exhibit 2C2 – 6/23/04 Letter of Intent from Sea Pines to Use Harvest Water
Exhibit 3A – 5?21/04 Letter Describing 32 Acre Andre Deed Restrictions
Exhibit 3B – 6/18/04 Letter Describing PG&E's Usage of Andre
Exhibit 3C – MWH Memo Comparing Costs of TriW with Andre
Exhibit 3D – Morro Group Andre Site Biological Constraints Analysis

Report
Exhibit 3E – Fugro West Technical Memorandum re Andre Geo-physical
Exhibit 3F - Bertrando Cultural Resources Inventory of Andre
Exhibit 4A – 6/24/04 Letter from RWQCB
Exhibit 4B – SWRCB Notice of Intent for Bay Discharge
Exhibit 5 – 9th Circuit Federal Appeals Court Memorandum Dismissing Keller
Exhibit 7 – 6/21/04 Memo Regarding Sludge Disposal
Exhibit 8 – Visual Analysis
Exhibit 9 – Wallace Group Technical Memo re Seepage
Exhibit 10A – 2001 Site Plan
Exhibit 10B – Site Plan Reviewed by Commission on 4/15/04
Exhibit 10C – Site Plan Approved by LOCSD Board on 6/17/04

Binder 10 **Coastal Commission -** Revocation Hearing

Draft Meeting Agenda – April 13-15
Summary of the 4/7 Meeting
Revocation of Coastal Development Permit …
Staff Report: Permit Revocation Request
Burke, Williams & Sorensen, LLP Letter re: Permit Revocation Request for Coastal Development Permit
California Coastal Commission Letter re: Request to Revoke Coastal Development Permit
Exhibit G970022X:A - Estero Area Plan
Permit Revocation Request
Response from the Coastal Commission for public records
Staff Report: Regular Calendar Coastal Development Permit

Binder 11 **Coastal Development Permit –** Pre-Permit Condition Compliance

Condition 83. Service Area Revisions.
Condition 82 No Guarantees of Development Approvals
Condition 20 Ground water Monitoring
Condition 18.a. Setbacks a
Monarch Grove / Sea Pines Evaluation
Redesign Construction Cost Estimate
Agenda Item B – 9/2/04 LOCSD Board Meeting Amend Wastewater Project Final Design Agreement to Reflect Coastal Commission Conditions
Update Permit Tracking Matrix
Staff Report Addendum
Conditions of Approval
Permit Application Number A-3-SLO-03-113
Los Osos Wastewater Treatment Facility Costal Development Permit

Binder 12 **Coastal Development Permit –** Pre-Construction Condition Compliance

Compliance with Conditions Required Prior to Construction
Comments on Condition Compliance
Conditions 1 thru 83

Binder 13 **Biological Opinion –** & Supporting Documentation - U.S. Fish & Wildlife Service

Tab 1 Biological Opinion for the Los Osos Wastewater Project
Biological Opinion for Field Test Activities for the Los Osos Service District Wastewater Treatment Facility
Tab 2 Draft Biological Assessment for the Los Osos Wastewater Project
Draft Biological Assessment for the Los Osos Wastewater Project – Supplemental Information
Tab 3 Request for Biologist Authorization
Communications re: Staging Areas
Tab 4 Los Osos Habitat Conservation Plan

Binder 14 **Morro Group -** Wetland Delineations – Species Surve**ys**

Tab 1 Wetland Delineation Report, June 14, 2004
Tab 2 Wetland Delineation Report , September 8, 2004
Tab 3 Wetland Delineation Report , June 7, 2005
Tab 4 Potential Wetland Constraints Maps
Tab 5 Wetland Boundary Determination
Tab 6 Mitigation Measure
Pre-Construction Survey Reports for the Morro Blue Butterfly and Morro Bay Kangaroo Rat
Pre-Construction Monitoring Summary for 2004 and 2005

Binder 15 **Air Pollution Control District (APCD)**

Construction Activity Management Plan (CAMP)
Authority to Construct (ATC) Permit
Odor Control Plan

Binder 16 **Regional Water Quality Control Board (RWQCB)**

Stormwater Plans (SWPPP)
Dewatering Plan
Quarterly Reports

Binder 17 **SLO County Grading Permits**

Tab 1 Grading Permits and Drawings – 8th & Elmoro

Disclosure Form
D.O.S.H. Hazardous Act ivies Clearance
Consent of Landowner

Tab 2 Grading Permits and Drawings – Solano
Disclosure Form
D.O.S.H. Hazardous Act ivies Clearance
Consent of Landowner

Tab 3 Grading Permits and Drawings – East Paso
Disclosure Form
D.O.S.H. Hazardous Act ivies Clearance
Consent of Landowner

Tab 4 Grading Permits and Drawings – Sunny Oaks
Disclosure Form
D.O.S.H. Hazardous Act ivies Clearance
Consent of Landowner

Tab 5 Grading Permits and Drawings – Santa Ysabel
Disclosure Form
D.O.S.H. Hazardous Act ivies Clearance
Consent of Landowner

Plan Review Corrections Report – Matrix and Location Maps

Binder 18 **SLO County Grading Permits**

Department of Planning and Building Reports w/Maps

Binder19 **SLO County Grading Permits**

Permit Fees Accounting
Performance Bond - *Draft*
Construction Permits
Coastal Zone Land Use Ordinance Compliance Review
Pre-construction Reports and Correspondence

Binder 20 **LOCSD - Laterals**

Tab 1 Procedure Sheet
Agreement Between the County of SLO and Los Osos Community Services District
Memorandum of Agreement
Appendix C – Time and Cost Delineations

Tab 2 Summary of Los Osos Cultural Resources
Cultural Resources Treatment Plan for Lateral Installation for the Wastewater Treatment Project

Tab 3 Lateral Installation – Biological Resources and Mitigation Reports
Lateral Installation – Impacts and Permits

Tab 4 Prohibition Zone Map and Report
Habitat Classification Type for Developed Parcels Map and Report

LOWP FEIR 2nd Addendum Topics
Tab 5 Agreement for Services of Independent Consultant
Lateral Analysis Proposal Memos

Binder21 **Coastal Development Permit –** *Construction, Condition Compliance*
Correspondence re: Dewatering, Laterals and Wetlands, Erosion Control, SWPPP Plan and WWTP
Project Daily Field Log – Dustin McKenzie, Far Western Archaeological
Archaeological Monitoring Report
Traffic Control
Condition 41
East Ysabel Access Draft Memo
Encroachment Permit
Air Pollution Control
Construction Hours
Toxic Substances Control
Trespassing
Staging Area
Survey Reports
Biological Opinion
Communication regarding site location
Communication regarding HCP
Broderson

Binder 22 **Project Management**

Construction Manager Notes
Project Team Meeting Agendas and Notes

Binder 23 **Wastewater Project –** Construction Monitoring

Suspensions – Resumption of work
Meetings and Meeting Notes
Work Schedules
Field Memo Log

Binder 24 **Wastewater Project –** Construction Monitoring

Monitoring Update Reports

Binder 25 **LOCSD –** Technical Reports, Andre Property

Tab 1 Letter to CCC
Tab 2 Biological Constraints Analysis Report
Tab 3 Summary of Preliminary Geotechnical Input
Tab 4 Cultural Resources Inventory and Records Review

Binder 26	**Habitat Conservation Plan -** U.S.F.W.S
Tab 1	Draft Los Osos Habitat Conservation Plan
Tab 2	Los Osos HCP/NCCP
Tab 3	Habitat Conservation Plan – Administrative Draft
Binder 27	**Habitat Conservation Plan -** U.S.F.W.S
Tab 1	Habitat Conservation Plan Draft
Tab 2	Adaptive Management and Monitoring Plan for the Los Osos Habitat Conservation Plan Preserve System
Tab 3	Habitat Conservation Plan Administrative Draft
Tab 4	Los Osos Habitat Conservation Plan Species Accounts – Appendix D
Tab 5	Los Osos Habitat Conservation Plan Request for Proposal Coastal Resources Grant Los Osos Multi-Species Habitat Conservation Plan Coastal Resources Agency Coastal Impact Assistance Program Project Proposal Form Final Report for Coastal Impact Assistance Program Grant
Binder 28	**Habitat Conservation Plan -** U.S.F.W.S
Tab 1	Progress Report: Habitat Conservation Efforts for the Los Osos Area
Tab 2	Los Osos Multi-Species
Tab 3	Request for Proposals re: LOHCP
Tab 4	Agreement Between the County of San Luis Obispo and the Los Osos Community Services District Coastal Resources Agency Coastal Impact Assistance Program Project Proposal Form
Tab 5	Amendment No. 1 to Consultant Service Agreement Crawford Multari & Clark Associates 4/12/04 Board Meeting – Consider Options to Complete Los Osos Habitat Conversation Plan Request for Proposal
Tab 6	County of SLO Board of Supervisors Meeting Agenda Item Transmittal re: Requesting the Board consider Co-Applicant or Co-Permitee for the LOHCP Los Osos Habitat Conversation Plan (LOHCP) Draft 2005 Draft Habitat Conservation Plan and comments
Tab 7	Criteria for ESHA Delineation in Los Osos
Binder 29	**Habitat Conservation Plan -** U.S.F.W.S
Tab 1	California Coastal Commission

August 2004 Meeting Notice - *Postponed*
Staff Report Addendum
Los Osos Habitat Conservation Plan (LOHCP) – June 17, 2004
Endangered Species Act Section 7 and 10
Effects of Relocating Wastewater Treatment Facility
Comments on Draft Los Osos Habitat Conservation Plan

Tab 2 Los Osos Habitat Conservation Plan and EIS/EIR
Notice of Preparation of an Environmental Impact Report and Environmental Impact Statement
Environmental Review Committee Meeting Minutes and Meeting Agendas

Tab 3 Los Osos Habitat Conservation Plan Planning and Implementation

Tab 4 Progress Report

Binder 30 **Habitat Conservation Plan -** U.S.F.W.S

Tab 1 LOHCP Meetings, Notes and Comments

Tab 2 Los Osos HCP Process Timelines and Task Lists

Tab 3 LOHCP Scientific Advisory Team Responsibilities
Suitability and Comprehensiveness of Key Principles in the AAMP (as presented in Chapter 1).
Recommended Actions for Incorporating SAT Responses to the Phase One Questions on the Los Osos Habitat Conservation Plan Chapters 1-4 and Responses
Guidance for the NCCP Independent Science Advisory Process
Advisory Team Applicants

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

February 14, 2008

Mark Hutchinson
County Department of Public Works
County Government Center, Room 207
San Luis Obispo, CA 93408

SUBJECT: APCD Comments Regarding the Los Osos Wastewater Project NOP Project Level. (9911103)

Dear Mr. Hutchinson,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed Los Osos Wastewater Project which will consist of four main components: collection, treatment, effluent reuse and disposal, and solids treatment and disposal. The following are APCD comments that are pertinent to this project.

1. Contact Person:

   Melissa Guise
   Air Pollution Control District
   3433 Roberto Court
   San Luis Obispo, CA 93401
   (805) 781-5912

2. Permit(s) or Approval(s) Authority:

   Portable equipment used during construction activities may require statewide registration or a District permit. Additionally, depending on the type of waste water system selected, the plant or components thereof will most likely require District permits and applicants will need to apply for an Authority to Construct. Please contact APCD at (805) 781-5912 for additional information regarding permitting.

   Demolition and remodeling activities have potential negative air quality impacts, including issues surrounding proper demolition and disposal of asbestos containing material (ACM). Demolition and remodeling projects are subject to the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP), which includes but is not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM.

Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 prior to final approval of these types of projects by your agency.

If the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at *http://www.slocleanair.org/business/asbestos.asp* for more information or contact the APCD at 781-5912.

Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact the APCD at 781-5912.

3. Environmental Information:

The potential air quality impacts from construction and buildout of the project should be assessed in the EIR. The project under development has the potential for significant impacts to local air emissions, ambient air quality, sensitive receptors, and the implementation of the Clean Air Plan (CAP). A complete air quality analysis should be included in the DEIR to adequately evaluate the overall air quality impacts associated with implementation of the proposed project. This analysis should address both short-term and long-term emissions impacts. The following is an outline of items that should be included in the analysis:

a) A description of existing air quality and emissions in the impact area, including the attainment status of the District relative to State air quality standards and any existing regulatory restrictions to development. The most recent CAP should be consulted for applicable information.

b) An analysis of the air quality impacts should be conducted to identify the type and quantity of the emissions generated from the project during both the construction and operational phase of the project. A consistency analysis with the CAP should also be conducted to analyze the growth inducing potential from the project. All assumptions used should be fully documented in an appendix to the DEIR. The evaluation needs to address the total impact of

on-site operations and all vehicle trips that are associated with any off site hauling operations (i.e. sludge hauling).

c) Analysis should be performed for each of the proposed alternatives and treatment types identified in the DEIR.

d) While California successfully passed Assembly Bill 32, California's Global Solutions Act of 2006, little guidance was provided to lead agencies regarding how to address greenhouse gas (GHG) impacts in the CEQA process. In the 2007 California legislative session, Senate Bill 97 was passed and required that the California Office of Planning and Research, by July 1, 2009, prepare and develop guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions as required by CEQA, including, but not limited to, effects associated with transportation or energy consumption. As guidelines are not currently available, the APCD suggests that projects subject to CEQA should quantify project related GHG emissions and identify feasible mitigation.

e) Mitigation measures to reduce or avoid significant air quality impacts should be recommended. These measures should include an Odor Control Plan for the project and Construction Activity Management Plan.

4. Permit Stipulations/Conditions:

It is recommended that you refer to the "CEQA Air Quality Handbook" (the Handbook). If you do not have a copy, it can be accessed on the District web page (www.slocleanair.org) in the Business Assistance section, listed under Regulations, or a hardcopy can be requested by contacting the District. The Handbook provides information on mitigating emissions from development (Section 5) which should be referenced in the DEIR.

5. Alternatives:

Any alternatives described in the DEIR should involve the same level of air quality analysis as described in bullet items 3.c and 3.d listed above.

6. Reasonably Foreseeable Projects, Programs or Plans:

The most appropriate standard for assessing the significance of potential air quality impacts for project EIRs is the preparation of a consistency analysis where the proposed project is evaluated against the land use goals, policies, and population projections contained in the CAP. The rationale for requiring the preparation of a consistency analysis is to ensure that the attainment projections developed by the District are met and maintained. Failure to comply with the CAP could result in long term air quality impacts. Inability to maintain compliance with the state ozone standard could bear potential negative economic implications for the county's residents and business community. The District's CEQA Air Quality Handbook provides guidance for preparing the consistency analysis and recommends evaluation of the following questions:

a) Are the population projections used in the plan or project equal to or less than those used in the most recent CAP for the same area?

b) Is the rate of increase in vehicle trips and miles traveled less than or equal to the rate of population growth for the same area?

c) Have all applicable land use and transportation control measures from the CAP been included in the plan or project to the maximum extent feasible?

7. Relevant Information:

As mentioned earlier, the Handbook should be referenced in the EIR for determining the significance of impacts and level of mitigation recommended.

8. Further Comments:
No further comments at this time.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

Melissa Guise

Melissa Guise
Air Quality Specialist

MAG/ksj

cc: Karen Brooks, Enforcement Division, APCD
Tim Fuhs, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

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DONALD O. ASQUITH, PhD
Consulting Engineering Geologist
362 Travis Drive
Los Osos, California 93402
805/528-4369

January 19, 2008

San Luis Obispo County Dept. of Public Works
County Government Center, Room 207
San Luis Obispo, CA 93408

SUBJECT: Los Osos Wastewater Project, Comments on the NOP for DEIR

ATTN: Mr. Mark Hutchinson, Environmental Programs Manager

Dear Mr. Hutchinson:

Thank you for the opportunity to comment on the NOP for the DEIR for the Los Osos Wastewater Project. My comments relate primarily to the Water Quality and Water Supply sections of the NOP as they may be related to Wastewater Reuse as addressed in the Draft and Final Fine Screening Reports but tempered by the statement in the Project Purpose of the NOP that "..... it is important to recognize that the community options identified in the Fine Screening Report do not include all of the detailed alternatives that could be developed and implemented by the County."

FINE SCREENING REPORT

The Water Supply section of the NOP notes that "The EIR will examine how various effluent disposal/water reuse components and options affect the long term water supply", and it directs "consultants" to review the information in the Fine Screening Report. It would appear, therefore, that this report is critical to a meaningful analysis of the impact of the project on the water supply. Comments on this section of the Final Fine Screening Report follow below.

Serious Error in Table 2.3

Note (3) of Table 2.3 of the Draft and Final Fine Screening Reports states: "Harvesting water to prevent mounding when Broderson is used in excess of 448 AFY ....." This statement is difficult to understand because the harvesting wells would be located in Cuesta-by-the-Sea approximately 1.0 mi northwest of the Broderson site and are intended to mitigate the potential for surfacing groundwater near the edge of the bay.

To be sure that the analysis of this aspect of the project had not changed, I contacted Cleath and Associates, and was told that they had recommended that this note be changed to reflect that harvesting in Cuesta-by-the-Sea would mitigate surfacing groundwater NOT mounding at the site. I submitted comment on this error in the draft to Public Works and assumed that it would be fixed in the final. For whatever reason, it was not.

In most cases, an error in a note on a table would be of little consequence. However, the potential for mounding at the Broderson site and the increased potential for liquefaction that would accompany groundwater rising to near the surface at the site has been a major issue in the community, and it was significant in the drive to form the CSD. This issue needs to be addressed in the EIR process as soon as feasible. If harvesting wells in Cuesta-by-the-Sea are to be used to mitigate mounding at the Broderson site, this should be carefully explained. Or, if there are other data that indicate that the potential for mounding at the site is more problematic than thought previously, then these concerns should be carefully documented. This is a major issue in the community particularly the area downslope from the site.

Limitations of the Fine Screening Report

The analysis of the Fine Screening Report limited viable disposal/reuse alternatives to those that did not involve purveyor participation because such would be beyond the control of the County. The analysis of the EIR should include alternatives which may ultimately require purveyor participation (discussed below).

"Harvest Wells" a Misnomer

As noted in the Fine Screening Report on page 2-9: "For the Tri-W project, water purveyor acceptance of upper aquifer water upon initial project start-up was uncertain", presumably because of poor water quality. When the operational concept of the Broderson site was first conceived in the mid-'80's, potable water was still being pumped from the upper aquifer (e.g., Golden State Skyline well), and "harvesting" at start-up appeared to be viable. However, delay of the project for more than 20 years has resulted in further deterioration of upper aquifer water quality by septic-tank effluent, and upper aquifer water in the "harvesting" area may no longer be potable.

As a result of this further contamination by septic-tank discharge, any pumping of the upper aquifer as may be required to prevent surfacing groundwater among the homes near the edge of the bay, would be the responsibility of the sewer project (a special benefit) rather than "harvesting" (a general benefit). At such time as the groundwater would become potable (meet State drinking water standards), or economically treatable so as to become potable, then the extraction system could transition to a "harvesting" system.

OPERATION OF BRODERSON AT FULL CAPACITY

The question is often asked from the community: "How long before the upper aquifer will be cleaned up and we can use it again?" This is a very complex issue, and a definitive answer for the entire basin is probably not feasible nor is it necessary. The point at issue here is the length of time it will take to clean up the upper aquifer within the plume from the Broderson site once the septic tanks are discontinued and infiltration of treated wastewater has begun. As I understand it, the answer to this question is not now known but is amenable to modeling. One thing is clear, however, the process of clean-up will take twice as long if Broderson is operated at half capacity, as suggested in the Fine Screening Report, as it would if it is operated at full capacity.

Based on these considerations, the EIR should evaluate the impacts of the project, including effects on the water resources of the community, of operation of the Broderson site for disposal/recharge AT FULL CAPACITY as well as half capacity, the potentially viable alternative identified in the Fine Screening Report.

DISCHARGE TO THE BAY

An often overlooked fact is that there is a salt-water wedge in the upper aquifer under the sand spit, and all the groundwater in the upper aquifer flowing toward the bay from Los Osos is constrained to rise in the bay rather than flowing to the open ocean. Therefore, while discharging groundwater pumped from the upper aquifer in Los Osos to the bay would affect the rate and location at which these waters reach the bay, these tainted waters will flow to and rise in the bay in any event. The EIR should consider these relationships in evaluating the environmental effects of discharging upper aquifer groundwater from Los Osos to the bay. These waters have been, and will continue to rise in the bay under natural conditions, and the advantages of being able to control the location and timing of the discharges may outweigh any adverse effects of the rate of flow.

If you have any questions on these comments, please call me at 528-4369.

Sincerely,

Donald O. Asquith
Registered Professional Geologist, RPG-2553
Certified Engineering Geologist, CEG-913

cc: Mary Reents

California Regional Water Quality Control Board

Central Coast Region

Linda Adams
Secretary for Environmental Protection

Internet Address: http://www.waterboards.ca.gov/centralcoast
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

January 14, 2008

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

Dear Mr. Hutchinson:

SCOPE OF LOS OSOS WASTEWATER PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Thank you for the opportunity to comment on the scope of the draft environmental impact report (DEIR) for the Los Osos Wastewater Project. We reviewed the Notice of Preparation (NOP) and have only a few comments at this time.

On NOP page 15, you've listed several plans and policies that the project must be consistent with. Please include the *Water Quality Control Plan, Central Coast Basin* (Basin Plan). The Basin Plan is administrative law. It prohibits all individual and community sewage disposal systems (e.g., Bayridge Estates septic system) in the area that will be served by the Los Osos Wastewater Project.

NOP page 16 states that you intend to evaluate onsite-based alternatives such as composting toilets, nitrogen sequestering systems, and others. Composting toilets may not comply with the California Plumbing Code and the County's environmental health officer has indicated that composting toilets would not be appropriate in Los Osos. A separate house plumbing system is required for nitrogen sequestering systems.

NOP Page 17 states that you intend to evaluate, "...combining one or more of the treatment, sludge disposal and effluent disposal/reuse components of the Los Osos project with the Morro Bay/Cayucos Sanitary District's treatment facility in Morro Bay and/or with the California Department of Correction's California Men's Colony treatment facility." Morro Bay and Cayucos recently approved a Facility Master Plan to upgrade their existing facility and are moving forward with the upgrade. California Men's Colony recently completed a major upgrade of their facility. Unless these entities have indicated their willingness to combine with Los Osos, then may not be a very feasible alternative.

If you have any questions, please feel free to contact **Matt Thompson** at **(805) 549-3159**, or Harvey Packard at (805) 542-4639.

Sincerely,

Roger W. Briggs
Executive Officer

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File: Los Osos Wastewater Project

MH

CARMEL NACCASHA LLP

ATTORNEYS at LAW

TIMOTHY J. CARMEL [1]
ZIYAD I. NACCASHA [2]
MICHAEL M. MCMAHON
BRIAN J. BAKER [4]

OF COUNSEL
JEANNIE D. GOSHGARIAN [3]
STEVEN L. SIMAS

[1] ALSO ADMITTED IN NEVADA
[2] ALSO ADMITTED IN ILLINOIS
[3] ALSO ADMITTED IN WASHINGTON
[4] ADMITTED IN WASHINGTON

PHYSICAL ADDRESS:
1410 MARSH STREET
SAN LUIS OBISPO, CA 93401

MAILING ADDRESS:
P.O. BOX 15729
SAN LUIS OBISPO, CA 93406

TEL: 805.546.8785
FAX: 805.546.8015

www.carnaclaw.com

December 21, 2007

VIA FACSIMILE (781-1229) & US MAIL

Mark Hutchinson
San Luis Obispo County Public Works
County Government Center Room 207
San Luis Obispo, CA 93408

RE: NOTICE OF PREPARATION
DRAFT ENVIRONMENTAL IMPACT REPORT
LOS OSOS WASTEWATER PROJECT

Dear Mr. Hutchinson,

This office represents the Cayucos Sanitary District ("District") and is in receipt of the County of San Luis Obispo's ("County") Notice of Preparation ("NOP") of a Draft Environmental Impact Report ("DEIR") for the Los Osos Wastewater Project. Unfortunately, while the NOP specifically includes the City of Morro Bay ("Morro Bay")/District wastewater treatment plant ("MB/CSD WWTP") as a proposed alternative for analysis in the DEIR, the County did not provide the District with a copy of the NOP. We were fortunate to find out about the matter and receive a copy of the NOP from Morro Bay on December 19, 2007. The District co-owns the MB/CSD WWTP and therefore, respectfully requests that the District, as well as our office, receive special notice on all matters pertaining to the DEIR.

After our brief review of the NOP (due to the holiday season, untimely receipt of the NOP and limited available response time), it is clear that the feasibility of the MB/CSD WWTP alternative is seriously mischaracterized. In fact, the NOP appears to be "pushing for" the MB/CSD WWTP alternative. With all due respect, the MB/CSD WWTP alternative is infeasible, impractical and such study in the DEIR is a waste of ratepayer money and precious time. We understand that an EIR must evaluate a reasonable range of project alternatives and that consolidation of wastewater treatment services may have some benefit, however, under the current circumstances regarding the MB/CSD WWTP Upgrade Project, use of such an alternative is absolutely infeasible, unreasonable and such analysis is moot.

An EIR determines feasibility of alternatives based on the economic, environmental, social and technological factors involved. Considering the initial hurdles involved, this project alternative is neither practical nor achievable and its evaluation can serve no useful purpose. The following are intended to provide the County with the District's initial thoughts regarding this alternative:

- As you know, Morro Bay and the District are in the process of upgrading the MB/CSD WWTP to full tertiary treatment. This upgrade is subject to a very strict eight (8) year timeline that Morro Bay, the District and all regulatory agencies involved (including the Regional Water Quality Control Board ("RWQCB") and EPA, as well as a number of environmental organizations including the NRDC, Surfrider Foundation and Sierra Club), have worked long, hard and at significant expense, to make happen. The District is committed to fulfilling its obligations to upgrade the MB/CSD WWTP to full tertiary treatment as quickly as possible in order to timely eliminate the need for a section 301(h) modified discharge permit, and potential regulatory actions associated therewith.

- The time necessary to study, plan and construct such an alternative project will take much longer than the time necessary to complete the ongoing permit process and construct the MB/CSD WWTP Upgrade Project.

- The costs involved in obtaining the necessary easements and constructing infrastructure needed to transport the waste to the MB/CSD WWTP will likely be greater than the actual cost to build the treatment plant itself. Additionally, such infrastructure may need to go through sensitive wetland habitat as well as through the heart of MB in order to reach the MB/CSD WWTP.

- We do not foresee this alternative actually being permitted, especially in light of the fact that the owners of the MB/CSD WWTP, as well as the RWQCB and EPA, oppose such a project. Condemnation of an interest in another public entities wastewater treatment plant would be expensive, divisive and unlikely to succeed and therefore, does not appear to be a viable course of action.

We are hopeful that Los Osos will be able to put its sewer woes to rest shortly and that whatever solution evolves works best for everyone, including our precious environment. The District respectfully requests that the County consider the relevancy, feasibility and impacts associated with pursuing such an alternative and eliminate it from scope of work documents for the DEIR.

Please call if you have any questions or comments.

Sincerely,
CARMEL & NACCASHA LLP

Timothy J. Carmel

TJC/ja

cc: District Board of Directors
Bill Callahan, District General Manager
City of Morro Bay

Coastal San Luis Resource Conservation District

545 Main Street Suite B-1 Morro Bay, CA 93442 (805)772-4391 (fax) 772-4398

December 20, 2007

To: Mr. Mark Hutchinson
Environmental Programs Manager
San Luis Obispo County Depart of Public Works
County Government Center Room 207
San Luis Obispo, CA 93408

Regarding: Notice of Preparation of a Draft Environmental Impact Report for the Los Osos Wastewater Project.

Dear Mr. Hutchinson,

We received a copy of the Notice of Preparation (NOP) from the California State Clearinghouse for the Los Osos Wastewater Project.

The proposed project is located within our District. We would like to receive copies of the environmental documents that will be prepared for the project. Please add the District to your contact list.

Correspondence can by addressed to me.

Thank you for your time and consideration.

Deborah J. E. Barker

Deborah Barker
Watershed Coordinator
Email: dbarker@coastalrcd.org

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
Noel King, Director
County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

Attn: Mark Hutchinson

SCOPING COMMENTS FOR THE LOS OSOS WASTEWATER PROJECT ENVIRONMENTAL IMPACT REPORT

Scoping comments should address the following issue areas:

- Scope and content of the EIR
- Local environmental knowledge
- Methods on how environmental issues are analyzed
- Potential Alternatives to the project
- Potential mitigation measures that would avoid or reduce environmental issues

Comments:

RE: Drainage and the impact of the project on the high groundwater area of 6th through 8th Sts. at El Moro Ave. in Los Osos

In the Dec. 10, 2007 Notice of Preparation of an Environmental Impact Report document, the Historical Perspective on page 9 outlines the role of high groundwater with regard to the need for a sewer. This "leach fields flooded in rainy weather" explanation stops short of relating how the high groundwater in the 6-8th. Sts. and El Moro area has greatly exacerbated the area's surface run off problems, leading in the past to flooded homes and garages and in some cases toilets which have not worked for months at a time.

We have 3 suggestions for project development:

1) A project which **ceases** discharges from septic tanks is absolutely needed.

2) Project planning should take into consideration how the cessation of septic tank discharges will impact the area with regard to avoiding possible damage to homes from subsiding of the ground as the groundwater is lowered.

3) In terms of disposal of treated water, attention should be paid to this area to make sure that excessive water is not reintroduced so that the possibility of surfacing groundwater caused by disposal of treated water is eliminated.

We have been active in drainage issues in Los Osos as far back as 1983 when we worked with Supervisor Bill Coy. We were on the community's Drainage Committee from 1995-2005 as well. We would be glad to give you any information that our knowledge of issues, especially about the El Moro area where we live, could provide.

John & Alison Ball
1412 7th St.
Los Osos
(805) 528-0429

Statement of Key Environmental Issues
Los Osos Wastewater Treatment Project: Collection System

EXECUTIVE SUMMARY

Central to the missions of our groups is sustainability – protecting, preserving, and restoring for future generations the environmental, social, and economic gifts and opportunities we enjoy. Integral to this larger mission is protecting the past, the cultural resources of the California Native American Chumash, and, preserving and enhancing local watersheds, on which other vital systems depend, including coastal ecosystems. We agree that selecting the appropriate collection alternative for the LOWWP, a major component of the project, is key to the project's sustainability.

To achieve sustainability the collection system for the LOWWP should:

- Provide the greatest possible protection against overflows and other releases of partially treated or untreated wastewater from the system, which could pollute Morro Bay Estuary and other sensitive coastal ecosystems (e.g. Sweet Springs Nature Preserve).
- Provide the greatest possible protections to the groundwater of the Los Osos water basin.
- Avoid environmental impacts related to construction and installation of the system to the greatest extent possible, including the impacts of open trenching, e.g., dewatering, soil stabilization, and street reconstruction.
- Avoid impacts to Native American Chumash sites to the greatest extent possible.
- Provide the most energy-efficient solution and enable the use of clean, renewable energy sources, avoiding environmental impacts related to non-renewable energy production (e.g., GHG emissions).

The project's environmental sustainability is ultimately tied to its social and economic sustainability. Therefore, we believe that the project should be as affordable as possible to promote the project's sustainability.

Considering the site-specific characteristics of Los Osos – proximity to Morro Bay National Estuary (a State Marine Reserve), a Prohibition Zone, hilly terrain, sandy soil prone to shifting and liquefaction, high ground water, and sites of cultural significance to the California Native American Chumash – we agree that a STEP/STEG collection system is the most environmentally appropriate alternative. Based on our review of the LOWWP project reports and our own research, a STEP/STEG collection system affords significantly greater protections to the groundwater, sensitive ecosystems, and culturally significant sites in the area than either a conventional gravity collection system or a low pressure-conventional gravity combined system (LPCS) – while also providing other benefits important to a sustainable project.

We thank Chairman Patterson for the opportunity to provide input on this important matter, and the Board for its support for sustainability as stated in the LOWWP *Mission Statement*. This report contains our analysis of STEP and gravity collection systems, and conclusion regarding the collection system we see as the environmentally appropriate solution to meet the complex needs of Los Osos.

INTRODUCTION

After the August 5, 2008, San Luis Obispo County Board of Supervisors Los Osos Wastewater Treatment Project (LOWWP) Update, Chairman Patterson requested that local environmental groups prepare an informational document that analyzes the environmental benefits and impacts of the collection systems under consideration for Los Osos and include a recommendation for an environmentally preferred system. The following is the work product of the San Luis Bay Chapter of the Surfrider Foundation, Santa Lucia Chapter of the Sierra Club, SLO Green Build, Los Osos Sustainability Group, The Terra Foundation, and Northern Chumash Tribal Council.

The collective mission of our organizations is to preserve, enhance, and protect the biological health of our coastal environment and its contributing watersheds as well as the cultural resources of the California Native American Chumash. We are aligned with the statement of Jonathan Todd, CEO of the natural resources planning firm Todd Ecological, Inc., that the fate of the bay is dependent upon the town's having a managed wastewater system.[1] Los Osos' proximity to the least tidal area of the bay makes a sewer system a necessity. The consideration of the type of collection system and the treatment plant's location is also vital to the protection of the coastal environment and watershed.

We appreciate Chairman Patterson's request that we *differentiate* between the two primary collection systems being considered, STEP/STEG and conventional gravity combined with low pressure. We recognize that the Draft EIR has not yet been released nor has the NWRI Independent Peer Review occurred. We are specifically responding to Chairman Patterson's request for input at this time and hope that the following will raise issues that will receive further evaluation in the environmental review process.

BACKGROUND

Los Osos is located on the "Back Bay" of the Morro Bay National Estuary. A portion of the community, about 5,000 residences, has been designated a "Prohibition Zone" by the Central Coast State Regional Water Quality Control Board. This portion of the community, much of it adjacent to the bay, is the site of the LOWWP. The terrain in the Prohibition Zone is hilly with sandy soil, so the area is prone to ground movement and liquefaction with earthquakes or severe weather conditions. Due to the hydrogeology of the basin, many areas have high groundwater, even in the higher elevations, while the Prohibition Zone's location makes the groundwater basin (and collection system) prone to the effects of seawater intrusion – a factor particularly relevant with predicted sea level rises due to global warming trends. Having been a district of Chumash villages for thousands of years, Los Osos is situated on top of land that is of great sacred and cultural significance to the California Native American Chumash. Further, socio-economic factors come into play. A significant percentage of residents are retired, on fixed incomes, with most of the community middle and lower income. For these reasons, constructing a wastewater project in Los Osos requires a balance of environmental, cultural, social, and economic considerations in order to decide the most appropriate collection system solution. The solution must be in accord with the balanced metrics of Environmental, Social, and Financial Sustainability.[2]

A key consideration is the fact that the portion of the Morro Bay Estuary adjacent to Los Osos and the Prohibition Zone was recently designated a State Marine Reserve. The

Department of Fish and Game has stated Marine Reserves "shall be maintained to the extent practicable in an undisturbed and unpolluted state," and that "Take is not limited to fishing activities…. The high level of protection created by an SMR [State Marine Reserve] is based on the assumption that no other appreciable level of take or alteration of the ecosystem is allowed (e.g., sewage discharge…)." [3]

Alex Hinds, former SLO County Director of Planning and Building, noted, "As wetlands continue to disappear, Morro Bay's international significance continues to grow. Morro Bay supports many birds protected by international treaty and provides a secure harbor for offshore marine fisheries." [4] Unlike the recent CMC 20,000 gallon raw sewage spill into Morro Bay, a spill from Los Osos would not have 6 miles or 10 minutes of dilution provided by creek waters before impacting the bay. The impact would be to the part of the bay with the least tidal flux. Therefore, it is imperative to build a collection system that offers the greatest protection to the bay.

DISCUSSION

In our analysis of the two collection systems, we have identified several key issues relating to wastewater collection and have examined each collection system within the context of these issues:

1. I/I (Inflow/Infiltration) and Exfiltration

In line with our mission to preserve, enhance, and protect the biological health of our coastal environment and its contributing watersheds, one of our primary concerns is I/I (Inflow/Infiltration) and exfiltration. I/I is water leaking into a collection system; exfiltration is sewage or effluent leaking out. Both occur where a system is not sealed (water tight). Some main sources of I/I are rainwater (during storms), seawater (in locations near a bay or open ocean), and groundwater (in high groundwater areas). A system prone to I/I is also prone to exfiltration because both originate from leaks in a system. Peaks in I/I can lead to SSOs (Sanitary System Overflows), while significant exfiltration can pollute ground water and surface waters (through subsurface percolation and seeps). SSOs and exfiltration are leading causes of ground and surface water pollution in the United States.[5]

Contamination from raw sewage leaks would violate protection measures afforded by the bay's designation as an SMR and would be detrimental to the health of the bay, local wildlife, and the fishing industry. Prevention of sewage spills and unregulated discharges that would degrade coastal water quality or harm marine resources is consistent with Sections 30230 and 30231 of the Coastal Act, as well as Section 2852(d) of the California Fish and Game Code.

By demarcating part of Los Osos a "Prohibition Zone", it appears that the CCRWQCB identified what they see as the "low-lying area." As such, the structural integrity of the collection system, be it STEP or conventional gravity, is key to preventing I/I and exfiltration into the groundwater basin and SMR. Furthermore, future sea level rise could cause additional I/I and exfiltration issues that need to be considered. Conservative global warming predictions estimate sea level rise to be between 8 inches to two feet by 2050.[6] This will only be 35 years into the LOWWP's lifespan. It has also been predicted that the rise in tides will bring larger coastal storm events, which further affirms the need for a sealed pipe solution that minimizes I/I and exfiltration and avoids capacity stressors to the system.

STEP/STEG Collection System:

The STEP/STEG collection system (hereafter referred to as STEP) by design is a sealed pipe solution, with pipes laid (on average) at 4 feet deep following the natural topography. Because of the shallowness of the pipe (compared to gravity pipe being between 7'-23' deep) there is ease in leak detection, clean up and repairs. The matter transported through the pipes is effluent, not biosolids sewage as with gravity, thus reducing the impacts of leaks polluting the groundwater. Furthermore, there is a greater soil interface with STEP, which creates a barrier to pathogen transport. Any excessive pumping due to leaks would be known immediately through the nearly real-time feedback information of STEP pump activity; if there were a pipe rupture or pinhole leak, it would be detected early on.[7] STEP systems do not require manholes, further reducing potential I/I that would result from runoff or storm events.

The most likely place for I/I issues in a STEP collection system is between the STEP tank and connection to the house. Prevention of I/I at this location can occur with maintenance and monitoring just as with on-lot monitoring of I/I with a gravity collection system.[8] As noted in the Technical Memorandum, "Flows and Loads", I/I within a STEP collection system "presumably would be much lower than that estimated for a gravity collection system." [9] Per Dr. Tchobanoglous' comments in the *Release of Draft Fine Screening Report*: all existing septic tanks must be replaced if a STEP system is used. This is to assure a watertight system from the beginning.[10]

Conventional Gravity Collection System:

A conventional gravity (combined with low pressure) collection system (hereafter referred to as gravity) can also be fusion welded, but the LOWWP Project Team has not indicated a firm position on the scope and extent of sealing. This is best summarized by an excerpt from the Technical Memorandum, "Flows and Loads", which states, "If a gravity collection system is selected, only a system that was constructed of fusion-welded PVC piping could be operated with as little I/I as the other types of systems." [11] The LOWWP *Fine Screening Analysis* points out that an active maintenance program can reduce I/I in a gravity collection system, but the maintenance would be more expensive than for STEP.[12] More detailed concerns include the following:

- A conventional gravity system means 45+ miles of pipe laid will have approximately 12,000 unfused joints (this figure does not include the additional 5,000 connections to homes nor the lateral joints every 20 feet from the main to the residences).[13] Even with the newer PVC pipe, gravity bell and spigot joints are known for loosening over time and will be laid at a *minimum* of 7 feet in depth (pipes will be laid 7'-9' deep in 63% of the roads, 10'-14' deep in 34% of the roads, 14'-18' deep in 2% of the roads and 18'-23' deep in 1% of the roads – compared to 4 feet for STEP), making leaks more difficult to detect and expensive to repair.[14] According to the LOWWP *Fine Screening Analysis*, Section 1.3, there is a higher risk of ground water pollution with gravity than with STEP because of the bell and spigot joints loosening over time. Exfiltration from the loosened joints would further pollute Los Osos' drinking water as well as have damaging impacts to the bay.[15]

- The sandy soils of Los Osos make conventional gravity bell and spigot pipes particularly vulnerable to earthquakes, increasing the chances of I/I and exfiltration.
- 807 manholes (each with 2-4 unfused manhole penetrations) are proposed for the gravity collection system, where STEP has none.[16] Here, too, is an opportunity for I/I and exfiltration: rainwater that would have recharged the aquifer is taken to the treatment plant for treatment instead, and, in a major storm event, this load on the collection system can cause sewage to be pushed up through these openings. Again, STEP is a sealed system so these issues are negligible. Furthermore, the STEP tank is designed with a 1-2 day emergency holding capacity for a storm event.
- For Los Osos, a conventional gravity collection system requires 20 pump stations, which also makes the system more susceptible to I/I and exfiltration due to surges and/or system failures (pumps and valves). Larger conventional gravity pipe (8" diameter) allows for greater I/I, whereas STEP's 3-4" diameter pipe is more restrictive simply because of the size. As the NWRI Independent Advisory Review stated December 4, 2006, "The economic benefits to reduced inflow and infiltration (I/I) achieved by the use of small-diameter effluent pressure collection should be considered in the cost estimate for alternative treatment technologies." [17]
- It is our understanding that at present 5% of the gravity collection pipe will be laid in groundwater thus requiring dewatering to install it. This will also make the pipe more susceptible to causing groundwater pollution from exfiltration.
- Unlike a STEP tank, which settles out greases through pretreatment, gravity collection pipes carry greases to the treatment plant. As stated by the State Water Sources Control Board, grease blockages (along with manhole structure failures, pump station mechanical failures and excessive storm or ground water I/I) are a major cause of SSOs.[18] SSOs may pollute surface and ground waters, threaten pubic health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters.[19]
- The newer PVC gravity pipe has a maximum allowable exfiltration rate, which indicates that exfiltration is assumed and already calculated into the system's design.[20]

Summary:

The LOWWP *Fine Screening Analysis* estimates the average wet weather flow for a LOWWP conventional gravity system will be 200,000 gallons/day more than for a STEP system due to I/I. The LOWWP Technical Memorandum "Loads and Flows" estimates a gravity system's peak storm flows will be 800,000 gallons/day more than STEP (2.5 million gallons/day versus 1.7 million gallons/day). These peak flows make a gravity system more susceptible to controlled or uncontrolled releases of partially treated or untreated sewage.[21] The Regional Water Quality Control Board notes, "Communities need to address overflows during sewer system master planning and facilities planning," and, based upon these findings, a collection system that uses sealed pipes would be environmentally preferable to minimize I/I, exfiltration, and associated releases of sewage as well as to allow for diagnosis and repair of breaks or leaks in the system as they develop.[22] Therefore, we see STEP as the environmentally preferred collection system technology as regards this key issue.

2. Soil Disturbance – General

Soil disturbance is a key issue with two separate components: General, and, California Native American Chumash Sites. This section addresses the general issues of soil disturbance, runoff pollution, road and traffic disruption and personal property disruption. The size and depth of soil displaced for gravity pump stations and for the 45+ miles of deep trenches for gravity pipe to be laid or for placing STEP tanks into the ground on properties will be analyzed.

STEP/STEG Collection System:

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] To reduce disturbance of personal property in the case of a STEP collection system, boring (as opposed to trenching) can be used to connect the lateral pipe to the STEP tank. There is very little road/traffic disturbance for boring the 4-inch diameter opening for inserting STEP pipe in roads, and it can be laid within 12-18 months. To further reduce soil disturbance, with 75% of the septic systems in front yards, STEP tanks can go where septic tanks are now with site enlargement. STEP tanks are approximately 50% larger than the preexisting septic tanks.[24] Boring avoids the significant impacts and mitigations associated with excavation, runoff pollution, and dewatering open trenches in high groundwater areas (e.g., disposing of the polluted water).

On-lot disturbance for monitoring and maintenance is equivalent to other utilities' on-lot disturbance (e.g. electricity, water, and gas) though usually only once/year instead of once/month.

Conventional Gravity Collection System:

For gravity, pipes will be laid 7'-9' deep in 63% of the roads, 10'-14' deep in 34% of the roads, 14'-18' deep in 2% of the roads and 18'-23' deep in 1% of the roads.[25] It is estimated that the width of the 7'-8' feet deep trenches will be a minimum of 6 feet for the trenches spanning 45+ miles.[26] A gravity collection system will also require disturbance of personal property in the form of trenching the lateral connection to the house and the decommissioning of the septic tanks.

There will be additional gravity collection soil disturbance for building 12 Pocket pump stations (10'L x 10'W x 10'D), 6 Duplex pump stations (10'L x 10'W x 10'D), and 2 Triplex pump stations (12'L x 12'W x 12'D). Additionally, Duplex and Triplex stations require a standby power station that will also add to soil disturbance.[27]

Open trenching requires shoring, restabalizing soils, and reconstructing streets for the 45+ miles of trenching as well as for the 20 pump stations. Unlike STEP, the soils removed are hauled away and new material brought in that can be compacted and stabilized to allow maintenance of the required pipe grades. The trenches must be dug deeper than the actual pipe level to allow room for the new compactable material.

On-going monitoring and maintenance will be an on-lot disturbance to prevent on-lot gravity I/I and exfiltration.

Summary:

Conventional gravity trenching will greatly impact roads/traffic for a minimum estimated time of two years.[28] The reduced time to bore for STEP pipe means lower construction costs and fewer impacts to roads and traffic. Based on the similarity of width and depth, the calculations of mileage length required to install 5,000 STEP tanks (compared to the 45+ miles of gravity pipe trenching) is less than 14 miles and is only 7 miles if STEP tanks are placed where the septic tanks are now.[29] The cubic yard soil disturbance estimates are 440,000cy for gravity versus 260,000cy for STEP.[30] We understand that the County is considering trenching the STEP lateral pipe with 4-feet deep trenches (but bore the 45+ miles for STEP mains). This trenching of the laterals appears unnecessary when horizontal boring can be utilized and displaces significantly less soil. Based on our analysis, we disagree with the statement on soil disturbance made by TAC member David Dubink during a meeting of the LOWWP Technical Advisory Committee estimating that STEP and conventional gravity collection systems will displace an approximately equal amount of soil, and instead find that STEP/STEG will displace less soil.

3. Soil Disturbance – Native American Chumash Sacred Sites

The town of Los Osos, the Valley of the Bears, was built on an ancient Chumash district, multiple villages occupied for thousands of years.[31] In 1990, over 60 new Chumash archaeological sites were recorded in the area of Los Osos.[32] Because of this, the aforementioned environmental groups support the Northern Chumash Tribal Council (NCTC) in their position that "the least amount of ground disturbance in Los Osos is the best." [33] Ancient Chumash sites are to "remain avoided whenever possible and complete data recovery when we have to disturb or destroy a site. Ancestral burials need to be avoided at all cost, and a plan in place for unavoidable encounters." [34]

Section 30244 of the Coastal Act also provides protections to archaeological and paleontological resources as identified by the State Historic Preservation Office requiring reasonable mitigation. Development would not likely be prohibited based on the presence of these resources, but steps to minimize impacts to these resources should be part of the development plan.

STEP/STEG Collection System:

The LOWWP *Fine Screen* Section 3.3.2 addresses the impacts of STEP/STEG stating, "Archeological impacts will occur, but determination of extent will be made complicated by subsurface installation (horizontal boring)," meaning damage to a site could occur for approximately 50' before evidence of damage is revealed.

As stated in the previous section, a minimum of 75% of the STEP tanks should be able to be located where there are currently septic tanks, creating less soil disturbance on properties and reducing the risk to California Native American Chumash cultural resources. For roadways, STEP is seen as preferred because the planned depth is 4' for horizontal boring that follows the natural topography. The LOWWP Technical Advisory Committee (TAC) in the *Pro-Con Analysis* showed that STEP is believed to pose less risk.[35]

When discussing the complexity of these issues, Fred Collins, Tribal Administrator for the Northern Chumash Tribal Council (NCTC), said, "With the data available today and with not having any meaningful communication with the County concerning this project, NCTC has determined after meeting with local environmental group members that if the

STEP system and Gravity System were to be compared for soil disturbance and if both systems disturb the same amount of cubic soil, the surface 100 centimeters disturbance that the Gravity system would displace would be much more than the STEP system, therefore NCTC is supporting the STEP system. When you add the advantage of boring which is very accurate and with proper Archaeological planning and research using every means known (which includes Test Pits, Core Drilling, Ground Penetration Radar, Knowledge of the Chumash Elders, Geomorphology, Geology, Paleontology and Ground Disturbance Chumash/Archaeological Monitoring), the STEP system will be much more efficient and protect California Native American Chumash Cultural Resources in an effective way that will be the future for project planning." [36]

If culturally significant sites are encountered in the installation of STEP tanks, greater flexibility and time is afforded to provide for proper care of the sites in accordance with cultural traditions. Furthermore, STEP pipe can be directed around preexisting buried utility lines and archeological sites.[37]

Conventional Gravity Collection System:

The LOWWP *Fine Screening Analysis* states in Section 3.3.1, "Archaeological resources are located throughout the community and will require pipeline route relocation, or possible reburials" if conventional gravity is implemented, resulting in additional delays, costs and need for Change Orders.

For the NCTC, their greatest concern is the 45+ miles of gravity collection trenching as was confirmed by the LOWWP Technical Advisory Committee's *Pro/Con Analysis* which states that gravity collection poses a "higher risk of impacts on archeological resources." [38] With deep and wide trenching, sites and burials could be uncovered within the entire 45+ miles of trenched roads for gravity collection pipe because of Los Osos being a district with multiple Chumash village sites for thousands of years.[39] With gravity systems, downhill slopes must be maintained at all times, therefore, an encountered site must be excavated and burials moved. Collins stated that with gravity collection, "this could be one mass grave relocation project." [40] This also means the project would be stopped in those places where cultural resources are found delaying the project and increasing the cost.[41]

Summary:

The information provided above substantiates that the STEP collection system construction would create the least amount of soil disturbance and minimize impacts as they pertain to the California Native American Chumash cultural resources in Los Osos.[42]

4. Energy Usage

Energy usage is important to consider within the LOWWP collection system because 20% of energy used in California is for the movement and treatment of water.[43] Section 30253(4) of the Coastal Act requires that new development minimize energy consumption. The goal of AB 32 is to meet 1990 levels of energy usage by 2020 and an additional 80% reduction below that by 2050. The present septic tanks in Los Osos require zero energy, and this means any sewer project will *increase* energy use in Los Osos unless it is also designed to *generate* energy. Smart design, such as incorporating solar energy via photovoltaics and capturing methane, can reduce carbon emissions associated with other forms of energy.

STEP/STEG Collection System:

Dana Ripley, CEO of Ripley Pacific Company, estimates the overall power consumption would be 68% less with STEP collection and trickling filter secondary treatment than with the gravity collection/MBR design concept.[44] Based on the 2006 rate, "the total power cost for collection, treatment, and distribution of the gravity/MBR design is approximately $960,000 per year assuming an effluent production volume of 1,455 acre-feet per year. The alternative STEP/trickling filter design option would have an annual power budget of approximately, $310,000 per year." [45] In a meeting on August 3, 2007, Greg Nishi, Account Representative for PG&E in San Luis Obispo, expressed to Dr. Mary Fullwood, Chuck Cesena and Dana Ripley that when comparing the STEP design of 2006 to the conventional gravity midtown project, STEP was significantly less demanding in energy usage and would qualify for a rebate to reward the project for its low-energy usage as well as adaptability in utilizing solar power, photo voltaics, for the ½ horsepower (hp) effluent pumps required for 95% of the residences. These low-energy pumps only run approximately 20 minutes/day.[46] It is easier to install solar with STEP collection than with gravity's larger municipal collection system pumps (5 hp and above) at the pump stations. The NWRI Independent Advisory Review stated December 4, 2006, "The economic benefits of septic treatment [i.e., STEP tank treatment] should be considered in the cost estimates for alternative treatment technologies. Such an analysis should also include the economic benefit of reduced biosolids production." [47] Because a STEP system allows natural processing (primary treatment) of solids on site in the STEP tanks, it reduces the total septage in the system by 75%, thus reducing the energy needed to treat and/or dispose of solids.[48] Lastly, the energy-free STEG component, a STEP tank that relies on gravity instead of pressure, has not been calculated into the STEP collection system design estimates because, as described by Dana Ripley, "We wanted to begin with a conservative starting point on energy consumption and defer the whole STEG issue to the detailed design stage. This is when we will have the resources to do the hydraulic grade profile based on final pipeline routing." [49]

Conventional Gravity Collection System:

As stated in the LOWWP *Fine Screening Analysis*, the energy usage of the gravity collection system is estimated at 500,000 kwh/year based on energy required to convey 1.4 mgd to an out-of-town treatment facility. STEP is estimated at 425,000 kwh/year based on energy required to convey 1.2 mgd to an out-of-town treatment facility.[50] If the Low Pressure alternative is utilized in the high groundwater areas it will add approximately 400 2 hp grinder pumps to the gravity system.

Summary:

Since our findings regarding energy usage – which are reflective of industry-based comparative reporting – conflict with the information in the *Fine Screening Analysis* – which concluded that the energy usage of STEP and gravity collection systems would be equivalent – further evaluation of the energy usage information on both collection systems is needed. However, even if after further scrutiny and analysis, energy usage is found to be equivalent, the fact that STEP can easily utilize solar makes it favorable and likely to be rewarded by rebates and/or grants in this time of transition to renewable, low-carbon energy sources by the State of California.

5. Water Conservation

Since water conservation is becoming a necessity for the State of California, and a key focus of the Morro Bay National Estuary Program (MBNEP), the Central Coast Regional Water Quality Control Board (CCRWQCB), San Luis Obispo County, and, the Los Osos Community Services District (LOCSD) – to name a few entities developing water conservation programs and Low-Impact Development (LID) practices, manuals and policy clearinghouses – it is only prudent to select the wastewater treatment option that facilitates the implementation of these measures.

STEP/STEG Collection System:

For STEP, the average wet weather flows are estimated at 1.2 million gallons per day (mgpd) with average peak storm flows estimated at 1.7 mgpd. According to wastewater systems experts, the STEP collection system enables greater water conservation and related energy-savings from reduced water and wastewater pumping.[51]

There may be places where installation of STEP tanks will be in high groundwater areas and will require dewatering. However, dewatering would be limited to an 8 foot single spot compared to an 18 foot extended trench in highly permeable sandy soils with gravity sewers.[52]

Conventional Gravity Collection System:

For gravity, the average wet weather flows are estimated to be 1.4 mgpd, 200,000 gallons per day (gpd) greater than for STEP.. The average peak storm flows are 800,000 gpd greater than STEP at 2.5 mgpd.[53]

The high levels of I/I associated with gravity reduce beneficial recharge of the basin's ground water by diverting rainwater into the collection system. I/I represents a substantial source of recharge (200,000 to 800,000 gpd during wet weather).

Gravity collection systems require greater volumes of water than STEP collection systems to function properly (to flush solids through the system), therefore, they set limits on the levels of conservation achievable by individuals and the community.[54]

The LOWWP *Fine Screening Analysis* states, "a viable project could not result in an increase of the groundwater balance deficit, maintaining the existing basin balance (i.e. level 1) was considered the minimum viable project." Dewatering the trenches to lay gravity pipelines will use a considerable amount of water depleting the aquifer. This water will be polluted in the process and will need to be disposed of elsewhere (thus also a carbon footprint/GHG concern). The dewatering of a Sewer Line Project in Salinas, California, for example, required pumps running around the clock for three weeks before the crew could work on the drained area. The pumps used for that specific project pumped a combined 12,000 gallons per minute in order to dewater the trenches. Because of the impact this would have on Los Osos' groundwater basin and the potential for drawing in seawater intrusion, we ask that the matter of dewatering be fully evaluated.[55]

Summary:

Because of its ability to operate with reduced flows, the STEP collection system stands out as the superior collection system to facilitate increased water conservation measures.[56] As Ronald Crites and Dr. Tchobanogrous state,

> Although the use of conventional gravity-flow sewers for the collection of wastewater continues to be the accepted norm for sewerage practice in the United State, alternative collection systems…are becoming increasingly popular. In some areas the use of conventional gravity sewers is becoming counterproductive because the use of water conservation devices continues to increase. The minimum flows required for gravity-flow sewers to operate make them problematic where development occurs slowly in a large development or where water conservation reduces the wastewater flows significantly. In many cases, the water used to flush conventional gravity-flow collection systems for the removal of accumulated solids far exceeds the water saved through water conservation measures.[57]

6. Greenhouse Gas Emissions

Greenhouse gas emissions contribute to the rate of global climate change. The Intergovernmental Panel on Climate Change (IPCC) asserts that "most of the observed increase in globally averaged temperatures since the mid-twentieth century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations." [58] The California Global Warming Solutions Act of 2006 (AB 32) requires reduction of greenhouse gas emissions below 1990 levels by the target year of 2020.

The complexity and depth of the issue of Greenhouse Gas Emissions as they pertain to collection systems construction, operation and maintenance is beyond the scope of this document and will be addressed more fully upon the release of the Draft EIR and the analytical report by the NWRI Independent Peer Review. Below, we have provided a brief overview of greenhouse gas issues generally pertaining to the collection systems, regardless of size, etc.

STEP/STEG Collection System:

The LOWWP Tech Memo on Green House Gas Emissions raised significant concern for the emissions of methane by the STEP collection system. We acknowledge their concern as methane is released at the high points within the collection system; however, with innovation the gas could be captured and turned into an asset. This is already being done in 20% of all conventional wastewater treatment plants in the U.S. and typically supplies 30-50% of the plants' energy needs. For instance, Dana Ripley of Ripley Pacific Company recently shared the following:

> Anaerobic pretreatment followed by aerobic polishing can be a potential net energy producer, compared to conventional systems. Even with anaerobic solids digestion, conventional systems are net energy consumers. This is an intriguing concept since the STEP interceptor tanks are in fact already the "anaerobic pretreatment." The only missing element is collection of the biogas (50-75% methane) for energy production. I am currently working on a biogas collection system (from STEP tanks) for a project in the Central Valley and the concept just may have application in Los Osos. I discussed this concept with Dr. Tchobanoglous last Saturday, and we both feel that it is technically and economically doable. We would simply mimic the biogas collection systems used for about three decades in landfills, and apply it to the interceptor tanks. This is still on the drawing boards, but we hope to have it far enough along later this year that we include it in our team's response to the County's RFP.

> We know there is no (known) precedent for this for STEP tanks, however there is plenty of precedent for collection of similar biogas from dispersed landfill gas wells. Theoretically, if it works, the whole tertiary wastewater system could power itself and potentially produce an excess for sale to the grid.[59]

Regarding greenhouse gas emissions associated with operation of the collection system, we note that the advantage of primary treatment and holding at the STEP tank utilizes natural organisms to digest raw sewage, reducing demand and volume on treatment process and solids disposal, thus reducing pumping.

Because the collection system is integral to the treatment system, we must address the issue of methanol which is being recognized by the LOWWP as the only carbon source treatment solution for treating the high nitrate levels of effluent for a STEP treatment plant. As Bill Cagle, National Accounts, Orenco Systems Inc. stated, "Other sources used for de-nitrification include acetic acid, glucose, benzoic acid, and micro-C" without as great an impact on the environment.[60] Micro C, for instance, is derived from renewable agricultural products that are abundant in the United States while methanol (the current industry standard) is derived from non-renewable natural gas.[61] With an Agricultural Exchange/Reuse program, denitrification is unnecessary because the treated water containing nitrates could be used on selected crops eliminating the need for nitrate fertilizers. Lastly, after reviewing the County's figures for methanol, Greg Dolan, Vice President of the Methanol Institute, stated, "Based on actual operating experience, we show that methanol manufacturing plants emit 3.8 lbs of CO2 per gallon of methanol, versus the 15.6 lbs quoted in the County report." [62]

Conventional Gravity Collection System:

The LOWWP Technical Memorandum, "Project Alternatives Greenhouse Gas Emissions Inventory" does not address the GHG emissions of the gravity collection system but focuses on treatment. However, it does address GHG emissions as they pertain to construction. Gravity's GHG emission levels are approximately 20-25% higher than the GHG emissions estimated for the construction of a STEP system.[63]

Like STEP, Gravity treatment also requires denitrification and this can be eliminated through the use of Ag Exchange.

Summary:

STEP systems have associated methane emission issues; however, with the implementation of a methane capturing solution, this problem could be mitigated and provide further benefits in the form of an energy source for the wastewater project. Conventional gravity collection systems also contribute greenhouse gas emissions because the systems employ pumping, which is one of the greatest producers of GHG. To better understand the amount of greenhouse gasses that each collection system would contribute, we believe that GHG Emissions issues warrant further analysis beyond that provided in the LOWWP Technical Memorandum, "Project Alternatives Greenhouse Gas Emissions Inventory."

7. Biosolids

Biosolids are a key environmental issue because the quantity and quality of biosolids dictate the likelihood of creating a small community composting facility, thereby allowing the liability of biosolids to become an asset.

STEP/STEG Collection System:

The primary treated biosolid from a STEP system yields itself more effectively to the future development of a small community biosolids composting facility that can transform the biosolids liability into a compost matter asset. At present, the new tertiary conventional gravity wastewater treatment plant at the California Men's Colony (CMC), one the same size as that proposed for Los Osos, 1.2mgd, produces 600 tons of biosolids per year which are hauled to Kern County twice/year. The expense for Kern County to receive the biosolids is $24,000/year and this does not include the cost of fuel/trucking or GHG emissions. Kern County is then turning the biosolids into compost and selling the CMC liability as their asset.[64]

STEP tank pretreatment reduces biosolids mass by 75% creating a more suitable matter and quantity to compost.[65]

Additionally, STEP collection systems provide short-term emergency storage in the STEP tank in the event of a major storm or if there is an on-lot system failure, thereby minimizing the risk of spills to the bay.

Conventional Gravity Collection System:

A conventional gravity collection system pumps the biosolid as well as effluent through 45+ miles of pipe, and, as stated in the I/I and Exfiltration section, places the bay at greater risk during a major storm event or system/power failure (at the 20 pump stations).[66] We have recently seen the damage caused by a gravity system failure with the CMC spill of 20,000 gallons of sewage going into the bay in 10 minutes.[67]

The gravity collection system estimated solids volume is averaged at 4,000 lbs/day dry weight, meaning 730 tons/yr dry weight compared to STEP's 1,000 lbs/day dry weight, or 182.5 tons/yr dry weight. Gravity biosolids, therefore, are 75% greater in mass with associated impacts for hauling, GHG emissions, and land impacts.[68]

Summary:

The STEP collection system estimated solids volume is 75% less than that of gravity and therefore we believe that the pumping of primary treated biosolids every 5-10 years from a STEP system will be less in volume than the biosolids removed from a gravity system.[69] Presently, the new CMC tertiary gravity sewer system, one the size planned for the LOWWP (1.2mgd), hauls 1,200 tons of solids annually to Kern County.[70] Depending on whether the LOWWP biosolids would need to be trucked out of the county or whether they are composted locally, the increased frequency of biosolid removal from STEP tanks could be viewed negatively or positively. However, the *Pro/Con Analysis* states that the STEP collection system "provides primary treatment in septic tanks, thereby reducing down-line costs for treatment system and solids treatment and disposal." [71] We believe a STEP system yields itself more effectively to the future development of a small community biosolids composting facility for the above-stated reasons.

8. Odors

Odors are an environmental-cultural-aesthetic issue. To live, play and work in a community, one hopes not to engage foul odors coming from a sewer system.

STEP/STEG Collection System:

The LOWWP Fine Screen Analysis states, "Odor control measures will be required at high points throughout the system where air within the piping is released to prevent air bubbles from forming. Odor control will consist of carbon media canisters that remove the odorous compounds such as hydrogen sulfide from the air as it passes through the media. The canisters and air release valves on the pressurized main lines would be enclosed in a small (approx. 3 by 4 by 4 feet) buried vault. STEP tanks would be vented to roof level, similar to existing septic tanks." [72]

Conventional Gravity Collection System:

For gravity, the potential collection system odors would occur at the 807 manholes and 20 pump stations located throughout the community, however, the LOWWP *Fine Screen Analysis* has inadequately addressed gravity collection system odor issues and we request there be further analysis.[73]

Summary:

Rob Miller, Principal Engineer, Wallace Group, and, Vice Chair on the LOWWP Technical Advisory Committee, has noted that both collection systems have potential odor sources. For STEP they are slightly higher, but both can be managed.[74]

9. Economic Sustainability

The collection system's economic sustainability is integral with balanced metrics of Environmental, Social, and Financial Sustainability." [75] The LOWWP collection system should be as affordable as possible to promote its sustainability. Ultimately, a project's environmental sustainability is tied to its social and economic sustainability.

STEP/STEG Collection System:

The LOWWP *Fine Screening Analysis* found that the STEP/STEG collection system would be the least costly.[76] Further refinement in costs, with further review and actual project bids, we believe, will reveal greater costs savings of a STEP/STEG collection system. As Jonathan Todd stated,

> I do feel that any sewering is better then none. The fate of the bay depends on it. That said, conventional gravity sewers are not the most cost effective or environmental solution for Los Osos. I believe that a small diameter pressure system will suit the community best.[77]

Determining the number of STEG units (without pumps) needed for the STEP/STEG collection system will further reduce the cost of the collection system and its energy usage impact. STEP tanks placed in the 25% of backyards which already have their septic tanks located there would also decrease energy demands as well as the expense of the collection system (eliminating the need for 2 hp grinder pumps).[78] Reevaluating the notion that STEP tanks must be pumped every five years will also reduce the cost and GHG emissions from pumping. STEP tank primary treatment reduces biosolids by 75% that of conventional gravity (182.5 dry weight tons/year instead of 730 dry weight tons/year) and the health and

effectiveness of the STEP tank is dependent upon the biosolids ecosystem where an average pumping of every 10 years is adequate.[79] Furthermore, because of the significant reduction in biosolids, hauling costs are reduced and creating a small community composting facility is more viable.

The cost of the entire STEP/STEG system can be further reduced during treatment through Ag-Exchange, wherein certain crops could utilize the treated water containing nitrates (thus eliminating the need for fertilizer). Cost reductions, reduced energy usage, and reduced GHG emissions would occur by replacing methanol with a less toxic and dangerous carbon source denitrification solution. Every gallon of MicroC used (instead of methanol) saves the energy equivalent of heating 0.5 US households per day or providing electricity for 0.7 US households per day. MicroC requires only one third the overall energy input as methanol. The manufacturing and distribution of MicroC is far less energy-intensive than methanol and results in an overall energy savings of 72,000 BTU for each gallon of methanol replaced by MicroC.[80]

Conventional Gravity Collection System:

The potential need to seal (fuse weld) bell-and-spigot joints in significant portions of a gravity collection system to achieve minimum environmental safeguards (e.g., against earthquakes, I/I and exfiltration, to meet CCRWQCB Prohibition Zone zero discharge requirements, and future sea level rises with predicted increases in storm and tidal energy) have yet to be factored in to the cost of a gravity system. However, the LOWWP *Fine Screening Analysis* does address the cost of loosening bell-and-spigot joints: "Properly installed bell-and-spigot sewers will be watertight at first, and then slowly lose their integrity as the surrounding soils shift, compressing the pipes, and compromising their seals at the joints. The water-tightness of a bell-and-spigot sewer can be preserved if a maintenance program is conducted on an ongoing basis to detect and repair leaks. This program would add to the cost of a gravity sewer compared to a STEP/STEG sewer with similar levels of I/I." [81]

The gravity collection system estimated solids volume is averaged at 4,000 lbs/day dry weight, meaning 730 tons/yr dry weight compared to STEP's 1,000 lbs/day dry weight, or, 182.5 tons/yr dry weight. Gravity, therefore, has a 75% greater impact on hauling fees and associated GHG emissions.[82]

The costs of the gravity system can be reduced through Ag-Exchange, wherein certain crops could utilize the treated water containing nitrates (thus eliminating the need for fertilizer).

Summary:

At present, the LOWWP *Fine Screening Analysis* has determined that the STEP system is the least expensive without factoring in the above-stated environmentally enhancing solutions that would reduce the cost of the STEP system even further. In contrast, the LOWWP *Fine Screening Analysis* has not factored in the cost of fuse welding gravity collection system pipes in the high groundwater areas or factored in fuse welding gravity collection system pipes in the areas that will be impacted by an 8 inches to 2 feet sea level rise prediction within the lifespan of the LOWWP.[83] Based on the economic benefits, that the LOWWP *Fine Screening Analysis* shows STEP as potentially $25 million less expensive than gravity in construction costs, it further substantiates the conclusion that STEP is the environmentally sustainable preferred solution.[84]

CONCLUSION

Morro Bay is the only major California estuary south of San Francisco that is not significantly altered by human activities and, based on the factors outlined above, we believe that a STEP collection system will best assist the bay's protection and stands out as the environmentally appropriate collection system for Los Osos.

We are very pleased to have had the opportunity to make this assessment upon Chairman Patterson's request. We look forward to seeing these issues will be addressed within the scope of the upcoming NWRI Independent Peer Review and to participating in the future stages of the LOWWP and the soon-to-be-released Draft EIR. We close with a statement by Chumash Elder, Fred Collins,

> It is time for the community of Los Osos to come together and get this job done. As we go into the future, we want our great-grandchildren to be able to enjoy the Back Bay as it once was, and they will possibly study this challenge as one where all people came together to accomplish a great task.[85]

Submitted by:

The San Luis Bay Chapter of the Surfrider Foundation

slb@surfrider.org / www.slosurfrider.org

Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of the world's waves, oceans, and beaches for all people, through conservation, activism, research and education.

The Santa Lucia Chapter of the Sierra Club

http://santalucia.sierraclub.org/

The mission of the Sierra Club is to explore, enjoy and protect the wild places of the earth; To practice and promote the responsible use of the earth's ecosystems and resources; To educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

SLO Green Build

SLO Green Build is a non-profit group of architects, builders, community planners and area residents dedicated to increasing the use of green building on the Central Coast. We help local governments, building professionals and homeowners design, construct and remodel homes and facilities using sustainable building practices and materials.

http://www.slogreenbuild.org/

Los Osos Sustainability Group

The mission of the Los Osos Sustainability Group is to participate locally in the worldwide effort to protect, preserve, restore, and expand for future generations the environmental, social, and economic gifts and opportunities enjoyed by current generations.

The Terra Foundation

www.terrafoundation.org (under construction)

The Terra Foundation works toward creating and enhancing connection with the earth through community education and stewardship of the land.

Northern Chumash Tribal Council

http://northernchumash.org/

NCTC mission is to offer a foundation for the Chumash people of San Luis Obispo County to bring our culture and heritage back to life, create dignity with the people, educate the public that the Chumash have always been here we have not gone anywhere and we will always be here, one continuum. We are the Chumash of over 20,000 years of habitation in San Luis Obispo County.

[1] "As you know, I do feel that any sewering is better then none. The fate of the bay depends on it. That said conventional gravity sewers are not the most cost effective or environmental solution for Los Osos. I believe that a small diameter pressure system will suit the community best." - Jonathan Todd, CEO, John Todd Ecological Design, Inc. Email correspondence with Dr. Mary Fullwood, August 7, 2008. Also see http://www.toddecological.com/

[2] For further elaboration on the tri-metrics of Sustainability see, for example, Assemblyman Sam Blakeslee, "Redefining the Rules and Roles of Environmental Politics", *Santa Lucian*, July/Aug. 2008 (p. 9). http://santalucia.sierraclub.org/lucian/lucian.html.

[3] California Department of Fish and Game. *Master Plan for Marine Protected Areas,* April 13, 2007 (p. 52).

[4] Alex Hinds, former SLO County Director of Planning and Building. *Resolution Supporting the Proposal of the Central Coast National Marine Sanctuary Designation*. Submitted to Joseph Uravitch, Chief, Marine and Estuarine Management Division, Office of Ocean and Coastal Resource Management, National Ocean Service/NOAA on December 24, 1990.

[5] The United States Environmental Protection Agency (USEPA) estimates that there are at least 40,000 sewage overflows each year. (State of California Regional Water Quality Control Board Central Coast Region Staff Report for Special Meeting of November 19, 2004.)

[6] Larry Allen, Executive Director, SLO County Air Pollution Control District. Panel presentation, *Faith, the Environment and You* hosted by Congesswoman Lois Capps at First Presbyterian Church, San Luis Obisop, CA, August 6, 2008.

[7] Dana Ripley, Ripley Pacific Company. Personal communication with Dr. Mary Fullwood, August 29, 2008.

[8] We would like the NWRI Independent Peer Review panel to address this issue and clarify the actual vulnerability of STEP systems at the point of connection and the tank.

[9] SLO County LOWWP Development. *Technical Memorandum: Flows and Loads*. Final Draft, February 2008, pp. 7 and 10.

[10] http://www.slocounty.ca.gov/Assets/PW/LOWWP/document%2Blibrary/Dr.%2BT%24!27s%2Bcomments.pdf

[11] SLO County LOWWP Development. *Technical Memorandum: Flows and Loads*. Final Draft, February 2008, pp. 7 and 10.

[12] SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007, p. 1-9. For instance, the Rocky Mountain Institute stated that in 2004 the maintenance cost of hydroflush cleaning services averaged $512 per mile hydroflushed per year and television inspection services averaged $4,600 per mile TV-inspected per year. See *Valuing Decentralized Wastewater Technologies: A Catalogue of Benefits, Costs, and Economic Analysis Techniques*, 2004, p. 107.

[13] Section 3.3, SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007 states "over 45 miles of pipelines" will be required for the LOWWP.

[14] LOWWP Technical Advisory Committee *Pro/Con Analysis on Project Component Alternatives*, August 6, 2007, p. 4. The Rocky Mountain Institute stated that in 2004 the maintenance cost of television inspection services averaged $4,600 per mile TV-inspected per year. See *Valuing Decentralized Wastewater Technologies: A Catalogue of Benefits, Costs, and Economic Analysis Techniques*, 2004, p. 107.

[15] Exfiltration pollutes ground water and surface water (e.g., seeps to bay), and is assumed to be a major cause of pollution and beach closures (see EPA Exfiltration and Beach Closure reports).

[16] See Table 3.1, SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007.

[17] National Water Research Institute (NWRI) *Final Report of the Independent Advisory Panel on Reviewing the Los Osos Wastewater Management Plan Update*, December 4, 2006, Section 3.2.8, p. 5.

[18] State Water Resources Control Board Order No. 2006-0003, *State General Waste Discharge Requirements for Sanitary Sewer Systems*, May 2, 2006, p. 1.
[19] Ibid.
[20] See, for instance, Seacoast Utility Authority, Palm Beach County, Section IV – Sanitary Sewer System.
[21] SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007, 1-11; and, SLO County LOWWP Development, *Technical Memorandum: Flows and Loads*. Final Draft, February 2008, p. 11.
[22] California Regional Water Quality Control Board Central Coast Region, *Staff Report for Special Meeting of November 19, 2004*, p. 1. SLB Surfrider's "Statement of Key Environmental Issues: LOWWP 7/17/07."
[23] Dana Ripley, Ripley Pacific Company. Personal communication with Dr. Mary Fullwood, August 17 and 19, 2008.
[24] See Table 3.4, SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007. This figure can be 100% if STEP tanks also go in the 25% of septic locations in backyards.
[25] LOWWP Technical Advisory Committee *Pro/Con Analysis on Project Component Alternatives*, August 6, 2007, p. 4.
[26] Rob Miller noted, "Where very deep trenching is required, the width depends heavily on the method of construction. There are costly ways to keep the trench impact narrow, but it requires specialized shoring equipment." Rob Miller, Principal Engineer, Wallace Group and Vice Chair, LOWWP Technical Advisory Committee. Personal communication with Dr. Mary Fullwood, August 11, 2008.
[27] See Table 3.1, SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007.
[28] This estimate is based on the contract estimate for the previously proposed conventional gravity midtown project which is now being considered in relation to alternative systems and locations.
[29] See Table 3.4, SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007. This figure can be 100% if STEP tanks also go in the 25% of septic locations in backyards.
[30] Dana Ripley, Ripley Pacific Company. Personal communication with Dr. Mary Fullwood, September 1, 2008.
[31] Fred Collins, Administrator, Northern Chumash Tribal Council. Direct communication with Dr. Mary Fullwood, August 9, 2008.
[32] Alex Hinds, former SLO County Director of Planning and Building. *Resolution Supporting the Proposal of the Central Coast National Marine Sanctuary Designation*. Submitted to Joseph Uravitch, Chief, Marine and Estuarine Management Division, Office of Ocean and Coastal Resource Management, National Ocean Service/NOAA on December 24, 1990.
[33] Fred Collins, Administrator, Northern Chumash Tribal Council. Direct communication with Dr. Mary Fullwood, August 9, 2008.
[34] Northern Chumash Tribal Council statement submitted to the SLO County Board of Supervisors and LOWWP Project Team, June 19, 2007.
[35] LOWWP Technical Advisory Committee *Pro/Con Analysis on Project Component Alternatives*, August 6, 2007, p. 4.
[36] Additional notes: Core drilling – do core drilling every 100ft to see at which depth is it safe to bore without encountering a site. When near a site, core every 20-50ft to be cautious. If four feet shows evidence of a site but at five feet hitting nothing than bore that section at 5', 10'. Gravity V-trenching, 8ft deep in sandy soil can easily be 25ft wide. Fred Collins, Administrator, Northern Chumash Tribal Council. Direct communication with Dr. Mary Fullwood, August 9, 2008.
[37] Ronald Crites and George Tchobanogrous, *Small and Decentralized Management Systems.* New York: McGraw-Hill, 1998, p. 348; and, LOWWP Technical Advisory Committee *Pro/Con Analysis on Project Component Alternatives*, August 6, 2007, p. 4.

[38] LOWWP Technical Advisory Committee *Pro/Con Analysis on Project Component Alternatives*, August 6, 2007, p. 4. Section 3.3, SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007 states "over 45 miles of pipelines" will be required for the LOWWP.
[39] Fred Collins, Administrator, Northern Chumash Tribal Council. Direct communication with Dr. Mary Fullwood, August 9, 2008.
[40] Ibid.
[41] Ronald Crites and George Tchobanogrous, *Small and Decentralized Management Systems.* New York: McGraw-Hill, 1998, p. 348; and, LOWWP Technical Advisory Committee *Pro/Con Analysis on Project Component Alternatives*, August 6, 2007, p. 4.
[42] Collins concluded, "NCTC is working on the Nacimiento Water Pipeline as Chumash Consultants and observing the accuracy of boring technologies and it is amazing, it is truly the way of the future. The Chumash Community has always stood on the principle of Chumash Site avoidance, always keep our sites in-place, undisturbed, because for us our Ancestors Energies are still present, as this is our truth. So for us that write words and make appearances for the protection of our ancient civilization, we who are the Guardians, would be very happy if this project would be conducted with our Spiritual Understanding in consideration, which will help with the destruction that we will have to face and endure. STEP System Boring allows for the least amount of soil displacement and is the best way to go." Fred Collins, Administrator, Northern Chumash Tribal Council. Direct communication with Dr. Mary Fullwood, August 9, 2008.
[43] Larry Allen, Executive Director, SLO County Air Pollution Control District. Panel presentation, *Faith, the Environment and You* hosted by Congesswoman Lois Capps at First Presbyterian Church, San Luis Obisop, CA, August 6, 2008.
[44] Dana Ripley, *Tech Memo #8: Energy Intensity of Collection and Treatment Alternatives*, Los Osos Wastewater Management Plan Update, July 24, 2006, p. 5.
[45] Ibid.
[46] Dana Ripley stated, "I am now assuming that 95% of effluent pumps will be ½ hp. There may be a few isolated instances where a ¾ hp or 1 hp pump may be needed for larger STEP tanks. Email correspondence with Dr. Mary Fullwood, August 19, 2008.
[47] National Water Research Institute (NWRI) *Final Report of the Independent Advisory Panel on Reviewing the Los Osos Wastewater Management Plan Update*, December 4, 2006, Section 3.2.7, p. 5.
[48] SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007, p. 5-4, Table 5.1; and, LOWWP Technical Advisory Committee *Pro/Con Analysis on Project Component Alternatives*, August 6, 2007, p. 4.
[49] Dana Ripley, CEO, Ripley Pacific Company. Email correspondence with Dr. Mary Fullwood, August 26, 2008.
[50] SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007, pp., 3-25 & 3-26.
[51] Ronald Crites and George Tchobanogrous, *Small and Decentralized Management Systems.* New York: McGraw-Hill, 1998, p. 8.
[52] Dana Ripley, CEO, Ripley Pacific Company. Email correspondence with Dr. Mary Fullwood, August 29, 2008.
[53] SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007,1-9.
[54] Ronald Crites and George Tchobanogrous, *Small and Decentralized Management Systems.* New York: McGraw-Hill, 1998, p. 8.
[55] See http://www.wwdmag.com/Self-performed-Dewatering-Enhances-California-Sewer-Line-Project-article2339
[56] Larry Allen has stated, "20% of energy use in California is water pumping. Water conservation reduces pumping." Larry Allen, Executive Director, SLO County Air Pollution Control District. Panel presentation, *Faith, the Environment and You* hosted by Congesswoman Lois Capps at First Presbyterian Church, San Luis Obisop, CA, August 6, 2008.

[57] Ronald Crites and George Tchobanogrous, *Small and Decentralized Management Systems.* New York: McGraw-Hill, 1998, p. 8.
[58] "Summary for Policymakers." *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change.* Intergovernmental Panel on Climate Change (2007-02-05).
[59] Dana Ripley, Ripley Pacific Company. Email correspondence with Dr. Mary Fullwood, August 7, 2008.
[60] Bill Cagle, National Accounts, Orenco Systems Inc. Personal email correspondence, August 15, 2008.
[61] See www.eosenvironmental.com
[62] Greg Dolan, Vice President, Methanol Institute. Exchange with Bill Cagle, National Accounts, Orenco Systems, Inc., July 7, 2008. See www.methanol.org
[63] LOWWP Technical Memorandum, "Projects Alternatives Greenhouse Gas Emissions Inventory, June 2008, p. 14.
[64] John Kellerman, Plant Manager, California Men's Colony Wastewater Treatment Plant. Scheduled tour for SLB Surfrider and SL Sierra Club, March 7, 2008.
[65] SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007, p. 5-4, Table 5.1.
[66] See Table 3.1, SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007.
[67] http://www.sanluisobispo.com/news/local/story/260066.html
[68] SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007, p. 5-4, Table 5.1.
[69] LOWWP Technical Advisory Committee *Pro/Con Analysis on Project Component Alternatives*, August 6, 2007, p. 3. Note: if conventional gravity is selected, we favor treatment Ponds over the other treatment options, e.g., Oxidation Ditch, MBR.
[70] SLB Surfrider and SL Sierra Club CMC Sewer Tour lead by John Kellerman, Plant Manager, March 7, 2008.
[71] LOWWP Technical Advisory Committee *Pro/Con Analysis on Project Component Alternatives*, August 6, 2007, p. 4.
[72] SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007, pp. 3-8 and 3-9.
[73] LOWWP Technical Advisory Committee *Pro/Con Analysis on Project Component Alternatives*, August 6, 2007, p. 4. SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007, p. 3-27.
[74] Rob Miller, Principal Engineer, Wallace Group and Vice Chair, LOWWP Technical Advisory Committee. Personal communication with Dr. Mary Fullwood, August 8, 2008.
[75] For further elaboration on the tri-metrics of Sustainability see, for example, Assemblyman Sam Blakeslee, "Redefining the Rules and Roles of Environmental Politics", *Santa Lucian*, July/Aug. 2008 (p. 9). http://santalucia.sierraclub.org/lucian/lucian.html.
[76] SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007, pp. 3-23 and 3-24, Tables 3.17 and 3.18, and, p. 7-8, Table 7.4.
[77] Jonathan Todd, CEO, John Todd Ecological Design, Inc. Email correspondence with Dr. Mary Fullwood, August 7, 2008.
[78] For single family units, the grinder pumps would be 2 hp, for larger commercial properties, grinder pumps would be 5 hp and up. Dana Ripley, Ripley Pacific Company. Email correspondence with Dr. Mary Fullwood, August 25, 2008.
[79] SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007, p. 5-4, Table 5.1.
[80] See www.eosenvirnmental.com

[81] SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007, p. 1-9.
[82] Ibid., p. 5-4, Table 5.1.
[83] Larry Allen, Executive Director, SLO County Air Pollution Control District. Panel presentation, *Faith, the Environment and You* hosted by Congesswoman Lois Capps at First Presbyterian Church, San Luis Obisop, CA, August 6, 2008.
[84] SLO County LOWWP *Viable Project Alternatives Fine Screening Analysis* August 2007, pp. 3-23 and 3-24, Tables 3.17 and 3.18. Dana Ripley noted the STEP design for the LOWWP is 15-20% complete and believes the costs of a STEP/STEG system remain comparable to those listed in the 2006 LOCSD *Los Osos Wastewater Management Plan Update*, p. 9. Dana Ripley, Ripley Pacific Company. Email correspondence with Dr. Mary Fullwood, August 25, 2008.
[85] Fred Collins, Administrator, Northern Chumash Tribal Council statement submitted to the SLO County Board of Supervisors and LOWWP Project Team, June 19, 2007.

<JLenthall@co.slo.ca.us>,
07/16/2008 07:33 <bgibson@co.slo.ca.us>,
AM <JPatterson@co.slo.ca.us>,
<hovitt@co.slo.ca.us>,
<kachadjian@co.slo.ca.us>
cc
<pogren@co.slo.ca.us>, "'John Schempf'"
<jschempf@losososcsd.org>, "'C Cesena'" <clcesena@charter.net>,
<lisaschicker@hotmail.com>
Subject
Los Osos WWTP Disposal at Broderson

Dear Chairman Patterson and Honorable Board of Supervisors:

I came to speak about Los Osos yesterday only after I heard what was being discussed on the radio I had read my agenda packet and since there was no staff report attached, I was not prepared to give details but thought it was important enough to run over and speak to you.

The Broderson information that was presented by your public works staff yesterday does not seem to be updated or accurate, nor does it even match the information that was recently given to the public at the TAC meeting, just a few weeks ago!

I ask that you please request staff to review the following information, I think they have all of these reports, I have also attached one for their convenience:

1. The LOCSD Cleath reports, stating that ONLY 10% of discharge at Broderson will ever reach the lower aquifer, due to clay lens etc., the rest rolls downhill under the homes, on top of the clay lens, either flooding peoples homes or running into the BAY! This may not be cost effective nor is it excellent groundwater recharge, as was stated yesterday in the presentation;

2. The Fugro report which used what is called a rapid infiltration model for modeling the capacity at Broderson, which calls for periods of drying and rest between the application of effluent (but this would NOT be the case at Broderson, it seems that they used the wrong model, but for reasons that Mr. Waddell did not explain);

3. LOCSD UPDATED Project report (Ripley Pacific 2006), including the NWRI independent review, Dr. George Tchobanoglous chair regarding cost effective and sustainable disposal options for Los Osos;

4. The latest version of AB 885 which demands standards for subsurface treatment that must be also considered at Broderson;

5. Letter from LOCSD interim general manager to Montgomery Watson Harza, asking for an explanation of the disposal rates they recommended for Broderson based on using the wrong EPA manuals and also questioning the requirements of AB 885 (page numbers that your staff requested from me can be found here) - no reply was ever received;

6. The latest information on residual endocrine disrupters found in treated wastewater (its been in all the newspapers that last six months), and the lack of treatment of these chemicals at wastewater treatment plants, even with tertiary treatment;

7. The TAC and others have requested that a cost and energy analysis be conducted for the Broderson disposal site, that perhaps the cost of using Broderson is no longer what it was what people care about most in Los Osos is the cost of the project and the environment;

As both an elected official and a citizen activist with many years of intimate knowledge of the situation in Los Osos, I am frustrated that I am dismissed so quickly and treated so poorly by your staff and do not understand why the information that we present is ignored so often. I have good information to share and have the best interests of my community at heart.

Accurate honest information, all of it, out to the public, that has what I have asked for and ran for and stand for -
As an elected person, I am supposed to be watching and supposed to ask tough questions and I am trying to participate in making it a good project this time around what I do not expect is the dismissive nature and hostility that I often receive from your staff as a public official, and a public employee as well, I would never consider treating the public or an elected official as I have been treated by your staff.

In summary, please request that your staff and the environmental consultants:

1. Re-review all reports that discuss Broderson, update information if necessary and also provide this updated information to both you and the public,

2. Discuss and explain the discrepancies that were made between the TAC presentation and your presentation,

3. Explain the implications and costs of AB 885 in relation to Broderson

4. Provide the public with a both a cost and energy analysis of using Broderson for disposal

Make sure all of this gets into the draft EIR,

Thank you very much from Lisa

.....

Lisa Schicker, LOCSD Director
305-9166 cell
lisaschicker@sbcglobal.net

for instance:
john said,
"good recharge of the groundwater basin".....

BUT No, its 10% recharge Paavo and that IS FROM a Cleath and a Fugro report - the rest rapidly infiltrates THE UPPER AQUIFER, AND THEN ALSO RAPIDLY RUNS DOWNHILL, UNDERGROUND, ON TOP OF THE CLAY LENS, RIGHT INTO THE BAY OR BY FLOODING PEOPLE'S YARDS!!!

Lisa Schicker LOCSD 805-305-9166
(See attached file: LOCSD Broderson Application Rate.pdf)

Mark Hutchinson

CHAFFE McCALL L. L. P.

New Orleans Office

KEITH M. BENIT, PARTNER
Admitted in Louisiana and Mississippi

Direct Dial No: (504) 585-7582
Direct Fax No: (504) 544-6040
E-mail:benit@chaffe.com

April 24, 2008

Via Certified Mail
Paavo Ogren, Director
San Luis Obispo County
Public Works Department
1055 Monterey Street
San Luis Obispo. CA 93408

Re: Los Osos Wastewater Project

Dear Mr. Ogren:

We represent S. E. Acquisition of Los Osos Mortuary and Memorial Park, Inc., d/b/a Los Osos Valley Memorial Park, whose address is 2260 Los Osos Valley Road, Los Osos, CA 93402 (the "Los Osos Cemetery"). At the request of our client, we have been asked to contact you regarding the proposed location of the Los Osos Wastewater Project ("Sewer Plant") by the San Luis Obispo County Public Works Department ("County").

Until recently, we believed that the Sewer Plant was to be constructed at the Los Osos Tri-W site, which consists of property owned by the City of Los Osos and allegedly permitted by the appropriate regulatory agencies for the construction of the Sewer Plant. Apparently, the permits have been allowed to expire and/or not renewed by the City. We now understand that the property that comprises the Los Osos Cemetery and two (2) adjoining parcels of real estate are considered as "High Priority Sites" for the location of the Sewer Plant, as more particularly described in the Viable Project Alternatives Fine Screening Analysis.

As you are aware and as referenced in various materials that address this matter, there is a substantial concern that the location of the Sewer Plant on any of the high priority sites and in particular on the property of Los Osos Cemetery will be not only detrimental to our client's operations but also effect families at a point in time that is both stressful and difficult in dealing with the death of a family member or friend. Los Osos Cemetery holds many funeral services outdoors and has significant acreage for further development within the boundaries of the cemetery property. Furthermore, after burial of an individual, families and friends often visit the cemetery to pay their respects and grieve. Needless to say, none of the families that purchased cemetery property from our client ever anticipated the location of a Sewer Plant in close proximity to or on the cemetery property. Having a sewer on Los Osos Cemetery property or

New Orleans: 2300 Energy Centre • 1100 Poydras Street • New Orleans, LA 70163-2300 • Tel: (504) 585-7000 • Fax: (504) 585-7075
Baton Rouge: 202 Two United Plaza • 8550 United Plaza Blvd. • Baton Rouge, LA 70809 • Tel: (225) 922-4300 • Fax: (225) 922-4304
www.chaffe.com

next to the property will significantly alter the tranquil ambiance of the cemetery, be distracting when visiting the cemetery, and deter families who might otherwise choose the Los Osos Cemetery for their services.

Based upon our investigation, Los Osos Cemetery has never been given any official notice or even informal notification by the County that its property was being considered for the location of the Sewer Plant. While such notice may not be legally required (or if notice was via publication, we are not aware of it), Los Osos Cemetery would have appreciated an opportunity to participate fully in this process. Our client strives to be an excellent corporate citizen and hopes that it can work with the County in an amicable manner.

We understand that the final decision for the Sewer Plant has not been reached but that the Environmental Impact Report ("EIR") is scheduled for release in August 2008. To the extent possible, we would appreciate being placed on your distribution list as it relates to the project and welcome an opportunity to meet with you to discuss this matter further.

In conclusion, we reiterate our client's opposition to the location of the Sewer Plant on any of the three high priority sites currently under consideration and, in particular, on any portion of the Los Osos Cemetery property.

Should you have any questions, please do not hesitate to contact me.

Very truly yours

CHAFFE McCALL, L.L.P.

Keith M. Benit

KMB/gf
cc: Mike Miller
Bruce Gibson, San Luis Obispo County Board of Supervisors
Harry Ovitt, San Luis Obispo County Board of Supervisors
Jerry Lenthall, San Luis Obispo County Board of Supervisors
K. H. Katcho Achadjian, San Luis Obispo County Board of Supervisors
James R. Patterson, San Luis Obispo County Board of Supervisors

STATE OF CALIFORNIA Arnold Schwarzenegger, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

December 11, 2007

Mark Hutchinson
San Luis Obispo County
County Government Center, Room 207
San Luis Obispo, CA 93408-2040

RE: SCH# 2007121034 Los Osos Wastewater Project; San Luis Obispo County.

Dear Mr. Hutchinson:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5-minute quadrangle name, township, range, and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst

CC: State Clearinghouse

Native American Contacts
San Luis Obispo County
December 11, 2007

Puilulaw Khus
2001 San Bernardo Creek
Morro Bay , CA 93442
Chumash

Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties
Shirley Macagni, Cultural Resources Representative
1550 Guadalupe Road
Nipomo , CA 93444
805 343-1015
805 343-2726-Fax
Salinan

Lei Lynn Odom
1339 24th Street
Oceano , CA 93445
(805) 489-5390
Chumash

Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties
Bonnie Pierce
PO Box 6202
Los Osos , CA 93412
Salinan

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach , CA 93433
pshoemaker@santaynezchumash.org
(805) 481-2461
(805) 474-4729 - Fax
Chumash

Mona Olivas Tucker
660 Camino Del Rey
Arroyo Grande , CA 93420
(805) 489-1052 Home
(805) 748-2121 Cell
Chumash

Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties
John W. Burch
14650 Morro Road
Atascadero , CA 93422
805 235-2730 Cell
805 461-5192 Fax
Salinan

Matthew Darian Goldman
660 Camino Del Rey
Arroyo Grande , CA 93420
(805) 550-0461 Home
Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2007121034 Los Osos Wastewater Project; San Luis Obispo County.

Native American Contacts
San Luis Obispo County
December 11, 2007

Northern Chumash Tribal Council
Fred Collins, Spokesperson
1177 Marsh Street, Suite 110 Chumash
San Luis Obispo , CA 93401
(805) 801-0347 (Cell)

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2007121034 Los Osos Wastewater Project; San Luis Obispo County.

City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200
www.morro-bay.ca.us

January 8, 2008

Mr. Mark Hutchinson
San Luis Obispo County Dept of Public Works
County Government Center Room 207
San Luis Obispo, CA 93408

Subject: Notice of Preparation of a Draft Environmental Impact Report

Dear Mr. Hutchinson,

This letter is written to provide city staff comments on the Notice of Preparation of a Draft Environmental Impact Report (NOP) for the Los Osos Wastewater Project dated December 10, 2007.

1-EIR Approach

City staff has serious concerns that your approach does not include a detailed project description upon which to focus the EIR. Not having a detailed project description makes the comment process more difficult while at the same time leaving many people in the dark about what the actual project will be. This approach requires interested parties to remain intimately involved in every step of the process. Developing co-equal alternatives will require the same level of analysis and review for each approach. This approach is not realistic and City staff does not have the time or resources to put forth the effort for the extensive review process that your approach will require.

2-Regional Treatment Approach

City of Morro Bay staff has serious concerns about the regional treatment approaches outlined in the NOP. Staff questions the prudence of pursuing a regional treatment approach at this time. City staff believes that it would not be in the best interest of Morro Bay or its ratepayers to pursue a regional treatment approach as outlined in the NOP. Morro Bay recommends the County eliminate the regional approach from your co-equal analysis based on the following considerations and determine the approach is not feasible.

A)Impacts to the Morro Bay and Cayucos Time Schedule

The City and District have proactively and voluntarily agreed to upgrade the wastewater treatment process per the 8-year time schedule adopted by the City and Cayucos Sanitary District (District) in April 2006. The 8-year time schedule was negotiated with, and recommended for approval to both the Central Coast Regional Water Quality Control

Board (RWQCB) as well as the USEPA. To date, the City and District have made great progress in their upgrade project to the existing plant, including adoption of a Facility Master Plan (FMP), adoption of a Revenue Program, the implementation of a revised wastewater user fee schedule, and the public noticing of a Request for Proposal for Environmental Services for the Morro Bay – Cayucos Wastewater Treatment Plant Upgrade.

It should also be noted that the Morro Bay – Cayucos Wastewater Treatment Plant is already a regional facility handling the wastewater for the coastal communities of Morro Bay and Cayucos.

B) Morro Bay – Cayucos WWTP Facility Master Plan

The City and District recently adopted a Facility Master Plan prepared by Carollo Engineers. The City and District voted to adopt full tertiary treatment utilizing oxidation ditches with filtration prior to ocean discharge. In addition, the Council and District voted to meet tertiary treatment standards with the intention to move towards reclamation. The project description contained in the FMP will be used for evaluation of the upgrade of the existing plant during the environmental review process.

C) Impacts to Morro Bay and Cayucous Rate Payers

In addition, the City recently adopted new wastewater user fees based on the full tertiary treatment project outlined in the FMP. The City adopted the wastewater user fees structure following the completion of a Revenue Program by Carollo Engineers. The wastewater fees were adopted following the process outlined by Proposition 218. The new wastewater fees were the subject of much debate within the local community, and any change in project description would undermine the significant progress the two communities have made in the upgrade project. Staffs at both the RWQCB and the USEPA have expressed their satisfaction with the progress of the upgrade project to date, and any significant change in the adopted project description would not be looked upon in a favorable light by either the RWQCB or USEPA.

D-Permitting Concerns

The construction of a regional treatment facility or transporting sewage from Los Osos to the existing MBCSD would also necessitate the construction of significant infrastructure through or along the Morro Bay National Estuary as well as the newly formed Morro Bay East Estuary State Marine Reserve, and also through the City of Morro Bay. This would result in substantial capital costs, as well as an extremely onerous environmental permitting process. City staff has concerns about the ability to permit such a project. If such a project were pursued, any delays in the construction or environmental permitting process could jeopardize the City and District's ability to meet the 8-year time schedule for upgrading the existing plant, resulting in severe regulatory actions against the City and District. The existing wastewater treatment plant has a limit on the amount of discharge from the plant that could be impacted by the addition capacity for Los Osos.

E) Irrigation vs State Water

The Regional Treatment approach outlined included the possibility to exchange reclaimed water from Los Osos for State Water Project water from Morro Bay. The legal, and financial constraints of Morro Bay selling State Water to Los Osos would require negotiations far outside the scope of constructing a wastewater treatment plant. Additionally the Regional Treatment Approach outlined hinted at the potential for returning a disproportionate share of reclaimed water to Los Osos. This arrangement would potentially violate the joint powers agreement between Morro Bay and Cayucos. Furthermore Morro Bay cannot provide new sewer service to areas outside of the City limits without contemplating annexation per our existing Municipal Code.

3-Ocean Outfall

City staff is perplexed by the numerous comments that the "*...plant should abandon its ocean outfall line in favor of more environmentally acceptable methods.*" Over two decades of intensive monitoring have documented that the existing outfall is not having an adverse impact on the receiving waters or surrounding benthic habitats. Both the RWQCB and the USEPA have concurred with this during the renewal of the plant's section 301(h) modified discharge permit in 1985, 1992, and 1998. Staff recommends that all comments concerning *abandoning* or *elimination of the existing outfall line* be deleted from the document and further consideration and that the environmental review performed on the project be coupled with adherence to scientific standards.

4-Chorro Valley WWTP Analysis

The City of Morro Bay has examined the feasibility of constructing a wastewater treatment plant in the Chorro Valley. The City recently contracted with Cannon Associates to update the 1999 CDBG Reclamation Study Phase II to determine the feasibility of developing a wastewater treatment plant in the Chorro Valley. The outcome of that study (the Chorro Valley Study) was that construction of a treatment facility in the Chorro Valley represented significantly higher capital costs, notably higher operations and maintenance costs, and significantly more stringent effluent requirements for a creek discharge into an impaired waterway that could require reverse osmosis for 100% of the effluent with a brine return line to the ocean discharge line at the existing plant.

During the course of the Chorro Valley Study, RWQCB staff noted that based on stringent effluent standards, and potentially more stringent requirements in the future, that an inland water discharge is a tremendous liability.

5- Revision to the Vicinity Map

If the County proceeds with the Regional Approach to Wastewater Treatment then the vicinity map provided in the notice is inaccurate as it does not include all of the Chorro valley, The City of Morro Bay, and Cayucos.

Staff would like to thank you for the opportunity to provide comments on the NOP. If you have any questions or require any further information please contact me at 772-6272.

Sincerely,

Bruce Keogh
Wastewater Division Manager

Manager/C/Bkeogh/Los Osos/Comments onNOP EIR Dec 07rev2

Sincerely,

Dylan Wade
Senior Civil Engineer

Sincerely,

Mike Prater
Planning Manager

MH

CARMEL NACCASHA LLP

ATTORNEYS at LAW

TIMOTHY J. CARMEL [1]
ZIYAD I. NACCASHA [2]
MICHAEL M. MCMAHON
BRIAN J. BAKER [4]

OF COUNSEL
JEANNIE D. GOSHGARIAN [3]
STEVEN L. SIMAS

[1] ALSO ADMITTED IN NEVADA
[2] ALSO ADMITTED IN ILLINOIS
[3] ALSO ADMITTED IN WASHINGTON
[4] ADMITTED IN WASHINGTON

PHYSICAL ADDRESS:
1410 MARSH STREET
SAN LUIS OBISPO, CA 93401

MAILING ADDRESS:
P.O. BOX 15729
SAN LUIS OBISPO, CA 93406

TEL: 805.546.8785
FAX: 805.546.8015

www.carnaclaw.com

December 21, 2007

VIA FACSIMILE (781-1229) & US MAIL

Mark Hutchinson
San Luis Obispo County Public Works
County Government Center Room 207
San Luis Obispo, CA 93408

RE: NOTICE OF PREPARATION
DRAFT ENVIRONMENTAL IMPACT REPORT
LOS OSOS WASTEWATER PROJECT

Dear Mr. Hutchinson,

This office represents the Cayucos Sanitary District ("District") and is in receipt of the County of San Luis Obispo's ("County") Notice of Preparation ("NOP") of a Draft Environmental Impact Report ("DEIR") for the Los Osos Wastewater Project. Unfortunately, while the NOP specifically includes the City of Morro Bay ("Morro Bay")/District wastewater treatment plant ("MB/CSD WWTP") as a proposed alternative for analysis in the DEIR, the County did not provide the District with a copy of the NOP. We were fortunate to find out about the matter and receive a copy of the NOP from Morro Bay on December 19, 2007. The District co-owns the MB/CSD WWTP and therefore, respectfully requests that the District, as well as our office, receive special notice on all matters pertaining to the DEIR.

After our brief review of the NOP (due to the holiday season, untimely receipt of the NOP and limited available response time), it is clear that the feasibility of the MB/CSD WWTP alternative is seriously mischaracterized. In fact, the NOP appears to be "pushing for" the MB/CSD WWTP alternative. With all due respect, the MB/CSD WWTP alternative is infeasible, impractical and such study in the DEIR is a waste of ratepayer money and precious time. We understand that an EIR must evaluate a reasonable range of project alternatives and that consolidation of wastewater treatment services may have some benefit, however, under the current circumstances regarding the MB/CSD WWTP Upgrade Project, use of such an alternative is absolutely infeasible, unreasonable and such analysis is moot.

An EIR determines feasibility of alternatives based on the economic, environmental, social and technological factors involved. Considering the initial hurdles involved, this project alternative is neither practical nor achievable and its evaluation can serve no useful purpose. The following are intended to provide the County with the District's initial thoughts regarding this alternative:

- As you know, Morro Bay and the District are in the process of upgrading the MB/CSD WWTP to full tertiary treatment. This upgrade is subject to a very strict eight (8) year timeline that Morro Bay, the District and all regulatory agencies involved (including the Regional Water Quality Control Board ("RWQCB") and EPA, as well as a number of environmental organizations including the NRDC, Surfrider Foundation and Sierra Club), have worked long, hard and at significant expense, to make happen. The District is committed to fulfilling its obligations to upgrade the MB/CSD WWTP to full tertiary treatment as quickly as possible in order to timely eliminate the need for a section 301(h) modified discharge permit, and potential regulatory actions associated therewith.

- The time necessary to study, plan and construct such an alternative project will take much longer than the time necessary to complete the ongoing permit process and construct the MB/CSD WWTP Upgrade Project.

- The costs involved in obtaining the necessary easements and constructing infrastructure needed to transport the waste to the MB/CSD WWTP will likely be greater than the actual cost to build the treatment plant itself. Additionally, such infrastructure may need to go through sensitive wetland habitat as well as through the heart of MB in order to reach the MB/CSD WWTP.

- We do not foresee this alternative actually being permitted, especially in light of the fact that the owners of the MB/CSD WWTP, as well as the RWQCB and EPA, oppose such a project. Condemnation of an interest in another public entities wastewater treatment plant would be expensive, divisive and unlikely to succeed and therefore, does not appear to be a viable course of action.

We are hopeful that Los Osos will be able to put its sewer woes to rest shortly and that whatever solution evolves works best for everyone, including our precious environment. The District respectfully requests that the County consider the relevancy, feasibility and impacts associated with pursuing such an alternative and eliminate it from scope of work documents for the DEIR.

Please call if you have any questions or comments.

Sincerely,
CARMEL & NACCASHA LLP

Timothy J. Carmel

TJC/ja

cc: District Board of Directors
Bill Callahan, District General Manager
City of Morro Bay

Coastal San Luis Resource Conservation District

545 Main Street Suite B-1 Morro Bay, CA 93442 (805)772-4391 (fax) 772-4398

December 20, 2007

To: Mr. Mark Hutchinson
Environmental Programs Manager
San Luis Obispo County Depart of Public Works
County Government Center Room 207
San Luis Obispo, CA 93408

Regarding: Notice of Preparation of a Draft Environmental Impact Report for the Los Osos Wastewater Project.

Dear Mr. Hutchinson,

We received a copy of the Notice of Preparation (NOP) from the California State Clearinghouse for the Los Osos Wastewater Project.

The proposed project is located within our District. We would like to receive copies of the environmental documents that will be prepared for the project. Please add the District to your contact list.

Correspondence can by addressed to me.

Thank you for your time and consideration.

Deborah J. E. Barker

Deborah Barker
Watershed Coordinator
Email: dbarker@coastalrcd.org

Linda Adams
Secretary for Environmental Protection

California Regional Water Quality Control Board
Central Coast Region

Internet Address: http://www.waterboards.ca.gov/centralcoast
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

January 14, 2008

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

Dear Mr. Hutchinson:

SCOPE OF LOS OSOS WASTEWATER PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Thank you for the opportunity to comment on the scope of the draft environmental impact report (DEIR) for the Los Osos Wastewater Project. We reviewed the Notice of Preparation (NOP) and have only a few comments at this time.

On NOP page 15, you've listed several plans and policies that the project must be consistent with. Please include the *Water Quality Control Plan, Central Coast Basin* (Basin Plan). The Basin Plan is administrative law. It prohibits all individual and community sewage disposal systems (e.g., Bayridge Estates septic system) in the area that will be served by the Los Osos Wastewater Project.

NOP page 16 states that you intend to evaluate onsite-based alternatives such as composting toilets, nitrogen sequestering systems, and others. Composting toilets may not comply with the California Plumbing Code and the County's environmental health officer has indicated that composting toilets would not be appropriate in Los Osos. A separate house plumbing system is required for nitrogen sequestering systems.

NOP Page 17 states that you intend to evaluate, "...combining one or more of the treatment, sludge disposal and effluent disposal/reuse components of the Los Osos project with the Morro Bay/Cayucos Sanitary District's treatment facility in Morro Bay and/or with the California Department of Correction's California Men's Colony treatment facility." Morro Bay and Cayucos recently approved a Facility Master Plan to upgrade their existing facility and are moving forward with the upgrade. California Men's Colony recently completed a major upgrade of their facility. Unless these entities have indicated their willingness to combine with Los Osos, then may not be a very feasible alternative.

If you have any questions, please feel free to contact **Matt Thompson** at **(805) 549-3159**, or Harvey Packard at (805) 542-4639.

Sincerely,

Roger W. Briggs
Executive Officer

S:\WDR\WDR Facilities\San Luis Obispo Co\Los Osos\project reviews\Scope of County EIR, Jan 2008.doc
File: Los Osos Wastewater Project

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

Notice of Preparation

December 7, 2007

To: Reviewing Agencies

Re: Los Osos Wastewater Project
SCH# 2007121034

Attached for your review and comment is the Notice of Preparation (NOP) for the Los Osos Wastewater Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Mark Hutchinson
San Luis Obispo County
County Government Center, Room 207
San Luis Obispo, CA 93408-2040

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Project Analyst, State Clearinghouse

Attachments
cc: Lead Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2007121034
Project Title Los Osos Wastewater Project
Lead Agency San Luis Obispo County

Type NOP Notice of Preparation

Description The Los Osos Wastewater project consists of four main components: collection, treatment, effluent reuse and disposal, and solids treatment and disposal. The primary purpose of the project is to alleviate groundwater contamination, primarily nitrates, that has occurred at least partially because of the use of septic systems throughout the community. However, an important aspect of the wastewater project involves water resource issues because of seawater intrusion that is contaminating the Los Osos groundwater basin. Los Osos is located at the south end of Morro Bay, twelve miles west of the City of San Luis Obispo in San Luis Obispo County.

Lead Agency Contact

Name Mark Hutchinson
Agency San Luis Obispo County
Phone (805) 781-5252 **Fax**
email
Address County Government Center, Room 207
City San Luis Obispo **State** CA **Zip** 93408-2040

Project Location

County San Luis Obispo
City
Region
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways Morro Bay, Los Osos Creek
Schools San Luis Coastal Unified Schools (2)
Land Use Urban and rural, Coastal Zone

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Sewer Capacity

Reviewing Agencies California Coastal Commission; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 4; Office of Emergency Services; Native American Heritage Commission; Caltrans, District 5; Integrated Waste Management Board; State Water Resources Control Board, Clean Water Program; State Water Resources Control Board, Division of Water Rights; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 3; Resources Agency

Date Received 12/07/2007 **Start of Review** 12/07/2007 **End of Review** 01/07/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

County: San Luis Obispo SCH# 2007121034

esources Agency

- [ ] Resources Agency
  Nadell Gayou
- [ ] Dept. of Boating & Waterways
  David Johnson
- [ ] California Coastal Commission
  Elizabeth A. Fuchs
- [ ] Colorado River Board
  Gerald R. Zimmerman
- [ ] Dept. of Conservation
  Sharon Howell
- [ ] California Energy Commission
  Paul Richins
- [ ] Cal Fire
  Allen Robertson
- [ ] Office of Historic Preservation
  Wayne Donaldson
- [ ] Dept of Parks & Recreation
  Environmental Stewardship Section
- [ ] Reclamation Board
  DeeDee Jones
- [ ] S.F. Bay Conservation & Dev't. Comm.
  Steve McAdam
- [ ] Dept. of Water Resources
  Resources Agency
  Nadell Gayou
- [ ] _____
  Conservancy

sh and Game

- [ ] Depart. of Fish & Game
  Scott Flint
  Environmental Services Division
- [ ] Fish & Game Region 1
  Donald Koch
- [ ] Fish & Game Region 1E
  Laurie Harnsberger
- [ ] Fish & Game Region 2
  Banky Curtis
- [ ] Fish & Game Region 3
  Robert Floerke
- [ ] Fish & Game Region 4
  Julie Vance
- [ ] Fish & Game Region 5
  Don Chadwick
  Habitat Conservation Program
- [ ] Fish & Game Region 6
  Gabrina Gatchel
  Habitat Conservation Program
- [ ] Fish & Game Region 6 I/M
  Gabrina Gatchel
  Inyo/Mono, Habitat Conservation Program
- [ ] Dept. of Fish & Game M
  George Isaac
  Marine Region

Other Departments

- [ ] Food & Agriculture
  Steve Shaffer
  Dept. of Food and Agriculture
- [ ] Depart. of General Services
  Public School Construction
- [ ] Dept. of General Services
  Robert Sleppy
  Environmental Services Section
- [ ] Dept. of Health Services
  Veronica Malloy
  Dept. of Health/Drinking Water

Independent Commissions,Boards

- [ ] Delta Protection Commission
  Debby Eddy
- [ ] Office of Emergency Services
  Dennis Castrillo
- [ ] Governor's Office of Planning & Research
  State Clearinghouse
- [ ] Native American Heritage Comm.
  Debbie Treadway
- [ ] Public Utilities Commission
  Ken Lewis
- [ ] Santa Monica Bay Restoration
  Guangyu Wang
- [ ] State Lands Commission
  Jean Sarino
- [ ] Tahoe Regional Planning Agency (TRPA)
  Cherry Jacques

Business, Trans & Housing

- [ ] Caltrans - Division of Aeronautics
  Sandy Hesnard
- [ ] Caltrans - Planning
  Terri Pencovic
- [ ] California Highway Patrol
  Shirley Kelly
  Office of Special Projects
- [ ] Housing & Community Development
  Lisa Nichols
  Housing Policy Division

Dept. of Transportation

- [ ] Caltrans, District 1
  Rex Jackman
- [ ] Caltrans, District 2
  Marcelino Gonzalez
- [ ] Caltrans, District 3
  Jeff Pulverman
- [ ] Caltrans, District 4
  Tim Sable
- [ ] Caltrans, District 5
  David Murray
- [ ] Caltrans, District 6
  Marc Birnbaum
- [ ] Caltrans, District 7
  Cheryl J. Powell
- [ ] Caltrans, District 8
  Dan Kopulsky
- [ ] Caltrans, District 9
  Gayle Rosander
- [ ] Caltrans, District 10
  Tom Dumas
- [ ] Caltrans, District 11
  Mario Orso
- [ ] Caltrans, District 12
  Ryan P. Chamberlain

Cal EPA

Air Resources Board

- [ ] Airport Projects
  Jim Lerner
- [ ] Transportation Projects
  Ravi Ramalingam
- [ ] Industrial Projects
  Mike Tollstrup

- [ ] California Integrated Waste Management Board
  Sue O'Leary
- [ ] State Water Resources Control Board
  Regional Programs Unit
  Division of Financial Assistance
- [ ] State Water Resources Control Board
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [ ] State Water Resouces Control Board
  Steven Herrera
  Division of Water Rights
- [ ] Dept. of Toxic Substances Control
  CEQA Tracking Center
- [ ] Department of Pesticide Regulation

Regional Water Quality Control Board (RWQCB)

- [ ] RWQCB 1
  Cathleen Hudson
  North Coast Region (1)
- [ ] RWQCB 2
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- [ ] RWQCB 3
  Central Coast Region (3)
- [ ] RWQCB 4
  Teresa Rodgers
  Los Angeles Region (4)
- [ ] RWQCB 5S
  Central Valley Region (5)
  - [ ] RWQCB 5F
    Central Valley Region (5)
    Fresno Branch Office
  - [ ] RWQCB 5R
    Central Valley Region (5)
    Redding Branch Office
- [ ] RWQCB 6
  Lahontan Region (6)
  - [ ] RWQCB 6V
    Lahontan Region (6)
    Victorville Branch Office
- [ ] RWQCB 7
  Colorado River Basin Region (7)
- [ ] RWQCB 8
  Santa Ana Region (8)
- [ ] RWQCB 9
  San Diego Region (9)

- [ ] Other _____

Last Updated on 09/11/07

Gravity Sewer Threatens Morro Bay East Estuary State Marine Reserve

The Marine Life Protection Act left its mark on the Morro Bay Estuary in the form of a State Marine Reserve (SMR) designation for the Morro Bay East Estuary. Under the Marine Life Protection Act Initiative, this is the highest designation for protection, where any 'take' of living marine organisms is prohibited'.

The Master Plan of Marine Protected Areas states that 'take' of living marine organisms is not limited to fishing activities, but also includes sewage discharge, such as would be released from a gravity-design wastewater treatment plant sited at Tri W.

The SMR designation in Morro Bay East Estuary took full effect last September 21st. It is clear to the Ocean Outfall Group that a gravity-type sewer system is no longer suitable for the Tri W site in Los Osos.

Gravity systems are an old-fashioned design and require wastewater treatment plants to be built in low spots, which tend to be dangerously close to bodies of water they should instead be protecting, and the risk of spilling sewage into these bodies is great. Gravity systems are designed to leak after 5 years and last for about 50 years.

In the case of the Gravity-style wastewater treatment plant being considered for Los Osos at the Tri W parcel -one of these low spots- every significant storm event will surcharge (overwhelm the plant), causing spillage of raw sewage into the estuary, just downhill and downstream, leaving such raw sewage with just a short way to travel to enter the protected SMR.

Such siting of a gravity sewer would not only threaten the living marine organisms in the Morro Bay East Estuary State Marine Reserve, but would jeopardize the integrity of the entire MLPA process. It is the opinion of the Ocean Outfall Group that a pressure system or a decentralized system would reduce the risk of spillage and be more protective of the precious natural resources within the new State Marine Reserve.

Best of all would be a wastewater system built to be expandable, so as to allow a watershed-wide full tertiary regional wastewater treatment system that recycles, eliminates all intakes and outfalls, and creates a source of water.

Joey Racano, Director
Ocean Outfall Group
www.stopthewaiver.com

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
Noel King, Director
County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

Attn: Mark Hutchinson

SCOPING COMMENTS FOR THE LOS OSOS WASTEWATER PROJECT ENVIRONMENTAL IMPACT REPORT

Scoping comments should address the following issue areas:

- Scope and content of the EIR
- Local environmental knowledge
- Methods on how environmental issues are analyzed
- Potential Alternatives to the project
- Potential mitigation measures that would avoid or reduce environmental issues

Comments:

RE: Drainage and the impact of the project on the high groundwater area of 6th through 8th Sts. at El Moro Ave. in Los Osos

In the Dec. 10, 2007 Notice of Preparation of an Environmental Impact Report document, the Historical Perspective on page 9 outlines the role of high groundwater with regard to the need for a sewer. This "leach fields flooded in rainy weather" explanation stops short of relating how the high groundwater in the 6-8th. Sts. and El Moro area has greatly exacerbated the area's surface run off problems, leading in the past to flooded homes and garages and in some cases toilets which have not worked for months at a time.

We have 3 suggestions for project development:

1) A project which **ceases** discharges from septic tanks is absolutely needed.

2) Project planning should take into consideration how the cessation of septic tank discharges will impact the area with regard to avoiding possible damage to homes from subsiding of the ground as the groundwater is lowered.

3) In terms of disposal of treated water, attention should be paid to this area to make sure that excessive water is not reintroduced so that the possibility of surfacing groundwater caused by disposal of treated water is eliminated.

We have been active in drainage issues in Los Osos as far back as 1983 when we worked with Supervisor Bill Coy. We were on the community's Drainage Committee from 1995-2005 as well. We would be glad to give you any information that our knowledge of issues, especially about the El Moro area where we live, could provide.

John & Alison Ball
1412 7th St.
Los Osos
(805) 528-0429

Please include our resolution and RESCINDING the SOC's for the 2001 FEIR in your NOP Package sent to the Clearinghouse – Thank you.

The LOCSD Board rescinded the 2001 EIR's CEQA/NEPA Statement of Overriding Considerations (SOC) in Resolution 2006-20.

.....

Tri W is Dead –

This Viewpoint was written by Lisa Schicker, LOCSD Director and Baywood Park Resident on December 10, 2007 Published in Sun Bulletin December 5th and also mailed to County Staff and BOS on December 10, 2008.

.....

A recent article about Los Osos and snails at the old downtown sewer site (Tri-W), states that the County says they are "required by law" to re-evaluate TRI-W.

As an environmental professional who writes CEQA/NEPA documents for a living, I disagree with that statement – I can find no environmental law that "REQUIRES" the County to re-evaluate the abandoned downtown (TriW) sewer site. If that were true, the County would also have to re-evaluate all of their past selected sewer sites – are the Turri Road and Pismo sites, for instance, also being re-evaluated?

As an elected official who helped expose the numerous environmental, engineering, health and safety flaws of the abandoned downtown-by-the-National Estuary-sewer site, I also disagree that the County must re-evaluate Tri-W.

There is ample evidence to abandon Tri-W now, and not waste another minute of time: The citizens of Los Osos elected a Board of Directors (and recalled three old directors) in three separate elections that ran on a "Move the Sewer" platform (move it away from tri-w). The citizens voted and approved Measure B – an environmental siting ordinance based on the original flawed selection of the downtown site.

The LOCSD Board rescinded the 2001 EIR's CEQA/NEPA Statement of Overriding Considerations (SOC) in Resolution 2006-20, because most of the 2001 SOC's were based on fraudulent statements and unsubstantiated conclusions. Coastal Commission official transcripts reveal "had they known then, what they know now, they would have never approved a project" at TRI-W.

New laws and the newly designated Morro Bay State Marine Reserve have made it unlikely that the downtown site is environmentally viable at all. The County's 2007 Fine Screening Report, the 2006 Ripley Project Report Update and 2006 National Water Institute's Independent Professional Review have also discounted the environmental viability and logic for choosing this site.

The County has ample justification under the laws of our state to abandon any further evaluation of this old sewer site, especially when our budget is so tight and the project will be so expensive and also because Tri-W is "ESHA" (environmentally designated sensitive habitat). Since the County has already identified several other feasible, non-ESHA sites, that instantly makes building at Tri-W a gross violation of their land use ordinance called the CZLUO. ("CZLUO Section 23.08.288d allows public facilities within ESHA only where there is no other feasible location.").

There is no justifiable reason or law to keep Tri-W alive any longer. SLO County, please don't waste any more of our money and time, those of us who are paying for this project and your services, with any further consideration of this Tri-w downtown sewer site. Thank you.

Lisa Schicker, LOCSD Director and Baywood Park Citizen

.....

Please also publish on your website the following attachments, to support these claims that Tri-W should be abandoned now, and not later.

SLO County CZLUO Section 23.08.288d allows public facilities within ESHA only where there is no other feasible location.
http://www.slocounty.ca.gov/Assets/PL/Ordinances/Title+23+-+Coastal+Zone+Land+Use+Ordinance.pdf

Link to 2007 County Fine Screening Report:
http://www.slocounty.ca.gov/Assets/PW/LOWWP/document+library/FINAL+Fine+Screening+Report+8-07.pdf

Link to 2006 Ripley Project Report: http://www.losososcsd.org/
SLO County CZLUO Section 23.08.288d allows public facilities within ESHA only where there is no other feasible location.
http://www.slocounty.ca.gov/Assets/PL/Ordinances/Title+23+-+Coastal+Zone+Land+Use+Ordinance.pdf

2006 National Water Research Institute Report (attached) and linked
http://www.slocounty.ca.gov/Assets/PW/LOWWP/NWRI+LOWWMP+Update-Dec+4+2006.pdf.pdf

LOCSD Resolution 2006-20 – Rescission of 2001 EIR Statement of Overriding Considerations (attached)

Link to Research conducted by Ron Crawford and Ann Calhoun Independent Journalists: http://sewerwatch.blogspot.com/2006/08/loopiest-of-loopholes-recently.html and http://calhounscannon.blogspot.com/

DATE: August 3, 2006
AGENDA ITEM NO: A
(✓) APPROVED
( ) DENIED
( ) CONTINUED

RESOLUTION NO. 2006-20

A RESOLUTION OF THE LOS OSOS COMMUNITY SERVICES DISTRICT RESCINDING THE STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE LOS OSOS WASTEWATER TREATMENT PROJECT

WHEREAS, in 1999, the Los Osos Community Services District ("District") took over from San Luis Obispo County the task of creating a wastewater collection, treatment, and disposal system ("Project") for the benefit of the Los Osos community ("Community");

WHEREAS, upon assuming the role of "lead agency" for the Project, the District caused an environmental impact report ("EIR") to be prepared for the Project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*: "CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (Title 14, California Code of Regulations, Section 15000 *et seq.*: "CEQA Guidelines");

WHEREAS, in accordance with Sections 21002.1(a), 21003(c), and 21100(b)(4) of CEQA, and Section 15126.6 of the CEQA Guidelines, the EIR identified and discussed a reasonable range of alternatives to the Project's design and siting;

WHEREAS, the various feasible alternatives evaluated in the EIR included the alternative of siting the Project's wastewater treatment facility outside the Community as well as at a location in the center of the Community commonly called the "Tri-W Site;"

WHEREAS, the EIR concluded that building the wastewater treatment facility outside the Community was the environmentally superior alternative whereas locating it at the Tri-W Site would result in significant adverse environmental impacts;

WHEREAS, Section 21002 of CEQA sets forth the Legislature's policy, commonly referred to as "CEQA's substantive mandate," that public agencies shall not approve projects as proposed if there are feasible alternatives available which would substantially lessen the significant environmental effects of such projects; in implementation of this Legislative policy, Section 21081 of CEQA, and Sections 15091, 15092, and 15093 of the CEQA Guidelines, prohibit a public agency from rejecting an environmentally superior Project alternative unless that agency (i) makes certain specified findings that are supported by substantial evidence, and (ii) adopts a Statement of Overriding Considerations ("SOC");

WHEREAS, in March 2001, the District's Board of Directors ("Board") considered the Final EIR ("FEIR") and certified it, finding that all potentially significant effects except air quality impacts could be mitigated to a level of insignificance; the Board also concluded that various benefits of the Project outweighed its unavoidable adverse environmental impacts, rejected the environmentally superior siting alternative, and adopted a SOC pursuant to Section 15093 of the CEQA Guidelines;

WHEREAS, in the five (5) years since the Board's certification of the FEIR, significant new information has been obtained that warrants reconsideration and rescission of the SOC. Such information includes (but is not limited to) that developed and presented by the Ripley Pacific Team and the research firm Cleath and Associates;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Los Osos Community Services District as follows:

1. After reviewing the Project's record of proceedings and new information that has recently become available, the Board makes the following findings of fact:

   A. The SOC's claim that gravity collection combined with locating the Project's wastewater treatment facility at the Tri-W Site "provides a cost effective wastewater management solution" is not true; therefore, this claim was misidentified as an "overriding benefit;"

   B. The SOC's claim that a Tri-W wastewater treatment facility "improves local groundwater quality" is misleading; therefore, this claim was misidentified as an "overriding benefit;"

   C. The SOC's statement that a Tri-W wastewater treatment facility "creates a cultural amenity" is not true; therefore, this statement was misidentified as an "overriding benefit;"

   D. The SOC's claim that the environmentally inferior Tri-W wastewater treatment facility "promotes sustainable use of local groundwater resources" is misleading; therefore, this claim was misidentified as an "overriding benefit;"

   E. The SOC's statement that gravity collection combined with the environmentally inferior Tri-W wastewater treatment facility "protects the Morro Bay estuary" is misleading; therefore, this claim was misidentified as an "overriding benefit;"

   F. The SOC's claim that the environmentally inferior Tri-W wastewater treatment facility "reduces saltwater intrusion" is misleading; therefore, this claim was misidentified as an "overriding benefit;"

   G. STEP/STEG collection and hybrid treatment, combined with locating the Project's wastewater treatment facility outside the Community, which the FEIR identified as environmentally superior alternatives, would achieve, and in most cases surpass, the purported overriding benefits the SOC erroneously associated with gravity collection combined with siting the Project's wastewater treatment facility at the Tri-W Site.

2. The District finds that there are no beneficial aspects associated with gravity collection and siting the Project's wastewater treatment facility at the Tri-W Site, either individually or as a whole, that warrant the selection of that site over the environmentally

superior alternatives of STEP/STEG collection, hybrid treatment, and/or locating the wastewater treatment facility outside the Community.

3. The District finds, based upon substantial evidence (including, without limitation, new information recently developed by the Ripley Pacific Team and Cleath and Associates), that there would be a substantial increase in the severity of previously identified significant effects if the Project's wastewater treatment facility were to be located at the Tri-W Site; therefore, major revisions of the previously certified FEIR will be required as a prerequisite to siting the Project's wastewater treatment facility at the Tri-W Site;

4. The District finds, based upon substantial evidence (including, without limitation, new information recently developed by the Ripley Pacific Team and Cleath and Associates), that since 2001, substantial changes have occurred with respect to the circumstances under which the District previously rejected the environmentally superior alternatives of STEP/STEG collection, hybrid treatment, and the siting of the Project's wastewater treatment facility outside the Community and instead selected gravity collection terminating at the Tri-W Site and that those changes will require major revisions of the previously certified FEIR as a prerequisite to siting the Project's wastewater treatment facility at the Tri-W Site;

5. The District finds, based upon substantial evidence (including, without limitation, new information recently developed by the Ripley Pacific Team and Cleath and Associates), that new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence in 2001 when the FEIR was certified shows that: (A) locating the Project's wastewater treatment facility at the Tri-W Site will have one or more significant effects not discussed in the FEIR; (B) the significant effects previously examined with regard to the Tri-W Site will be substantially more severe than shown in the FEIR; (C) the environmentally superior alternatives of STEP/STEG collection, hybrid treatment and siting the Project's wastewater treatment facility outside the Community that were previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more of the Project's significant effects on the environment; (D) mitigation measures significantly different from those analyzed in the FEIR would substantially reduce one or more of the Project's significant effects on the environment.

6. The District finds, based upon substantial evidence (including, without limitation, new information recently developed by the Ripley Pacific Team and Cleath and Associates), that the alternatives of STEP/STEG collection, hybrid treatment and locating the Project's wastewater treatment facility outside the Community, identified as the environmentally superior alternatives in the FEIR, are, in fact, feasible.

7. The District finds, based upon substantial evidence (including, without limitation, new information recently developed by the Ripley Pacific Team and Cleath and Associates), that there are no economic, legal, social, technological, or other beneficial aspects associated with siting the Project's wastewater treatment facility at the Tri-W Site sufficient to support a rejection of the environmentally superior siting alternatives.

8. The previously adopted CEQA Guidelines Section 15091 findings and Section 15093 Statement of Overriding Considerations for the Project are hereby rescinded. In accordance with Section 21166 of CEQA and Section 15162(c) of the CEQA Guidelines, a subsequent or supplemental EIR will need to be prepared by the public agency granting the next discretionary approval for the Project.

9. In accordance with Sections 21080(b)(5) and 21152(b) of CEQA, the District Clerk shall forthwith file a Notice of Exemption reflecting this action with the appropriate governmental agencies.

The District Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

On the motion of **Director** Casey, seconded by **Director** Schicker and on the following roll call vote, to wit:

AYES: **Directors** Seitz, Casey, Tacker, Fouch, Schicker
NOES: _____
ABSENT: _____
CONFLICTS: _____

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Los Osos Community Services District this 3rd day of August 2006.

Lisa Schicker
President, Board of Directors
Los Osos Community Services District

ATTEST:

Karen L. Vega
Interim Administrative Services Manager and Assistant Secretary to the Board

City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200
www.morro-bay.ca.us

January 8, 2008

Mr. Mark Hutchinson
San Luis Obispo County Dept of Public Works
County Government Center Room 207
San Luis Obispo, CA 93408

Subject: Notice of Preparation of a Draft Environmental Impact Report

Dear Mr. Hutchinson,

This letter is written to provide city staff comments on the Notice of Preparation of a Draft Environmental Impact Report (NOP) for the Los Osos Wastewater Project dated December 10, 2007.

1-EIR Approach

City staff has serious concerns that your approach does not include a detailed project description upon which to focus the EIR. Not having a detailed project description makes the comment process more difficult while at the same time leaving many people in the dark about what the actual project will be. This approach requires interested parties to remain intimately involved in every step of the process. Developing co-equal alternatives will require the same level of analysis and review for each approach. This approach is not realistic and City staff does not have the time or resources to put forth the effort for the extensive review process that your approach will require.

2-Regional Treatment Approach

City of Morro Bay staff has serious concerns about the regional treatment approaches outlined in the NOP. Staff questions the prudence of pursuing a regional treatment approach at this time. City staff believes that it would not be in the best interest of Morro Bay or its ratepayers to pursue a regional treatment approach as outlined in the NOP. Morro Bay recommends the County eliminate the regional approach from your co-equal analysis based on the following considerations and determine the approach is not feasible.

A)Impacts to the Morro Bay and Cayucos Time Schedule

The City and District have proactively and voluntarily agreed to upgrade the wastewater treatment process per the 8-year time schedule adopted by the City and Cayucos Sanitary District (District) in April 2006. The 8-year time schedule was negotiated with, and recommended for approval to both the Central Coast Regional Water Quality Control

Board (RWQCB) as well as the USEPA. To date, the City and District have made great progress in their upgrade project to the existing plant, including adoption of a Facility Master Plan (FMP), adoption of a Revenue Program, the implementation of a revised wastewater user fee schedule, and the public noticing of a Request for Proposal for Environmental Services for the Morro Bay – Cayucos Wastewater Treatment Plant Upgrade.

It should also be noted that the Morro Bay – Cayucos Wastewater Treatment Plant is already a regional facility handling the wastewater for the coastal communities of Morro Bay and Cayucos.

B) Morro Bay – Cayucos WWTP Facility Master Plan

The City and District recently adopted a Facility Master Plan prepared by Carollo Engineers. The City and District voted to adopt full tertiary treatment utilizing oxidation ditches with filtration prior to ocean discharge. In addition, the Council and District voted to meet tertiary treatment standards with the intention to move towards reclamation. The project description contained in the FMP will be used for evaluation of the upgrade of the existing plant during the environmental review process.

C) Impacts to Morro Bay and Cayucous Rate Payers

In addition, the City recently adopted new wastewater user fees based on the full tertiary treatment project outlined in the FMP. The City adopted the wastewater user fees structure following the completion of a Revenue Program by Carollo Engineers. The wastewater fees were adopted following the process outlined by Proposition 218. The new wastewater fees were the subject of much debate within the local community, and any change in project description would undermine the significant progress the two communities have made in the upgrade project. Staffs at both the RWQCB and the USEPA have expressed their satisfaction with the progress of the upgrade project to date, and any significant change in the adopted project description would not be looked upon in a favorable light by either the RWQCB or USEPA.

D-Permitting Concerns

The construction of a regional treatment facility or transporting sewage from Los Osos to the existing MBCSD would also necessitate the construction of significant infrastructure through or along the Morro Bay National Estuary as well as the newly formed Morro Bay East Estuary State Marine Reserve, and also through the City of Morro Bay. This would result in substantial capital costs, as well as an extremely onerous environmental permitting process. City staff has concerns about the ability to permit such a project. If such a project were pursued, any delays in the construction or environmental permitting process could jeopardize the City and District's ability to meet the 8-year time schedule for upgrading the existing plant, resulting in severe regulatory actions against the City and District. The existing wastewater treatment plant has a limit on the amount of discharge from the plant that could be impacted by the addition capacity for Los Osos.

E) Irrigation vs State Water

The Regional Treatment approach outlined included the possibility to exchange reclaimed water from Los Osos for State Water Project water from Morro Bay. The legal, and financial constraints of Morro Bay selling State Water to Los Osos would require negotiations far outside the scope of constructing a wastewater treatment plant. Additionally the Regional Treatment Approach outlined hinted at the potential for returning a disproportionate share of reclaimed water to Los Osos. This arrangement would potentially violate the joint powers agreement between Morro Bay and Cayucos. Furthermore Morro Bay cannot provide new sewer service to areas outside of the City limits without contemplating annexation per our existing Municipal Code.

3-Ocean Outfall

City staff is perplexed by the numerous comments that the "*...plant should abandon its ocean outfall line in favor of more environmentally acceptable methods.*" Over two decades of intensive monitoring have documented that the existing outfall is not having an adverse impact on the receiving waters or surrounding benthic habitats. Both the RWQCB and the USEPA have concurred with this during the renewal of the plant's section 301(h) modified discharge permit in 1985, 1992, and 1998. Staff recommends that all comments concerning *abandoning* or *elimination of the existing outfall line* be deleted from the document and further consideration and that the environmental review performed on the project be coupled with adherence to scientific standards.

4-Chorro Valley WWTP Analysis

The City of Morro Bay has examined the feasibility of constructing a wastewater treatment plant in the Chorro Valley. The City recently contracted with Cannon Associates to update the 1999 CDBG Reclamation Study Phase II to determine the feasibility of developing a wastewater treatment plant in the Chorro Valley. The outcome of that study (the Chorro Valley Study) was that construction of a treatment facility in the Chorro Valley represented significantly higher capital costs, notably higher operations and maintenance costs, and significantly more stringent effluent requirements for a creek discharge into an impaired waterway that could require reverse osmosis for 100% of the effluent with a brine return line to the ocean discharge line at the existing plant.

During the course of the Chorro Valley Study, RWQCB staff noted that based on stringent effluent standards, and potentially more stringent requirements in the future, that an inland water discharge is a tremendous liability.

5- Revision to the Vicinity Map

If the County proceeds with the Regional Approach to Wastewater Treatment then the vicinity map provided in the notice is inaccurate as it does not include all of the Chorro valley, The City of Morro Bay, and Cayucos.

Staff would like to thank you for the opportunity to provide comments on the NOP. If you have any questions or require any further information please contact me at 772-6272.

Sincerely,

Bruce Keogh
Wastewater Division Manager

Manager/C/Bkeogh/Los Osos/Comments on NOP EIR Dec 07rev2

Sincerely,

Dylan Wade
Senior Civil Engineer

Sincerely,

Mike Prater
Planning Manager

2/7/08

Anne Norment
2401 Alexander Ave.
Los Osos, CA 93402
805-534-9485
mex2011@yahoo.com
Re: LOWWP EIR

Mark Hutchinson
Department of Public Works
County Government Center Room 201
San Luis Obispo, CA 93408

Dear Mr. Hutchinson,

Please consider the following scoping comments for the EIR for the Los Osos Waste Water Project (LOWWP). My comments pertain to technical memorandums (TMs) on Low Pressure Collection System and Decentralized Treatment, as well as more general comments for the EIR.

Low Pressure Collection System (LPCS) TM

Use of LPCS thorough out Los Osos may have significant environmental impact issues associated with it including:

1) High energy use of grinder pumps (2 horse power motor), which would be in violation of AB32 requirements to minimize carbon footprint.

2) Failure of grinder pumps during power outages. This would represent a significant nuisance to homeowners if a low capacity reservoir is present, as they would need to minimize water use. The LPCS TM fails to discuss what might happen during a power outage should water use not be minimized (does sewage back up into the home or might a sewage spill result?). This type of information should be detailed in the TM and EIR.

3) As for impact issues, the LPCS TM lacks and EIR should include a detailed comparison of impacts of having a grinder pump vs a STEP/STEG tank on a given lot including electrical hook up costs, control panel costs, frequency of expected failures leading to alarms, pump noise level, frequency that pump noise is present, issues with tree roots (need to remove existing trees), grease clogging, and odors. The TM focuses on size of the grinder pump vs STEP/STEG tanks and does not adequately address these additional issues which will have ongoing impact on water, health and safety, air quality, noise and other quality of life issues. Fig 3 of the TM should include electrical connection as well as emptying septic tanks as part of homeowner responsibility.

4) The LPCS TM fails to discuss the likelihood of sewage spills into Morro Bay and the State Marine Preserve with installation of this technology. Communities with LPCS cited in the TM generally do not appear to be coastal. The TM should include specific information about success or failure of LPCS in coastal communities with environmentally sensitive habitat like Los Osos. In addition, should a spill result due to failure of a grinder pump at an individual homeowner's property, who pays for the resulting fines and who is responsible for cleanup? These issues are central to

environmental justice, health and safety, marine life protection, as well as requirements by the State of California for a Sanitary Sewer System Management Program. The TM and EIR should address these issues in detail.
5) In the TM, it is suggested that LPCS offers the ability to perform directional boring, and thus would be an advantage over a conventional gravity system. However, all of the communities listed installed their collection systems by open trenching. Open trench development of the LPCS collection system would add significant cost, disruption to traffic, noise, and potential for disruption of Chumash artifacts. The TM should discuss and EIR should include specific information about conditions under which communities have chosen to install LPCS collection systems by open trenching and directional boring and costs should be estimated for both situations. There should be specific discussion of whether directional boring for LPCS is a viable option in Los Osos.

Decentralized Treatment (DT) TM

DT offers an important option for the LOWWP that would allow for significant mitigation of sea water intrusion, potentially serving as a cost effective viable alternative to other proposed projects in the fine screening report. However the TM bases cost projections and community impacts on a DT scenario with 30 mini-treatment plants in town, and subsurface irrigation to each residential lot. Based on discussions between Lawson Schaller and Lombardo and Associates (experts in DT technology) DT may be applied with many fewer treatment plants (4-6) and treated water could be applied to irrigate parks, school yards, Sea Pines golf course, wetlands and other large users, allowing for sea water mitigation and taking pressure off of the Broderson recharge site without high cost of individual lot irrigation. In this regard the DT TM and EIR should include/address the following:
1) Cost analysis of DT that is appropriate for Los Osos and based on 4-6 treatment plants, with a focus on sites at larger tracts of land such as Tri-W. This would greatly reduce the construction costs for treatment sites, as well as costs of monitoring effluent. Cost analysis breakdown with treated water to be used for irrigation of larger parcels as described above, and not subsurface drip to individual homes.
2) Description of the likely nature of in town treatment plants including visual, odor and noise impacts (are they below ground?) as well as energy footprint. If treatment systems require high energy use due to the small footprint required for in town treatment sites, then this would prove a significant disadvantage of DT (lack of compatability with AB32).
3) Industry experts in DT should be consulted to identify a likely scenario for DT that would best fit needs of the LOWWP.
4) Comparison of ESHA impacts of DT plants vs impacts of commercial or residential building at the same lot.
5) Discussion of decreased risks and costs of in town treatment through DT, relative to wastewater conveyance to an out of town site followed by subsequent transport of treated effluent back to Los Osos of basin recharge. Discussion of these risks in light of potential in town sewage spills with DT that could impact safety and marine life in Morro Bay.
6) In contrast to what is stated in the TM section 4.1.5, multiple in town discharge sites were previously permitted by the RWQCB for development of the Tri-W site, providing

precedent that the RWQCB may permit multiple DT discharge sites. The TM should accurately convey this point.
7) Multiple discharge sites would take pressure off of recharge at the Broderson site. Given that the proposed application of 400,000 gallons treated effluent per day is proposed at the Broderson site (15x EPA guidelines), DT recharge at other sites potentially offers a safer alternative (see below).
8) The TM indicates that use of treated wastewater for irrigation in Los Osos would reintroduce nitrates into groundwater basin. This does not account for decreased use of nitrogen containing fertilizers, a point which should be included.
9) Direct comparison of expected sea water mitigation by DT and in town application for irrigation vs that expected with an out of town site and agricultural exchange.

Broderson Recharge Site

Although there has been hydro geological analysis, the safety and efficacy of recharge at the Broderson site remains controversial. While 400,000 gallons per day is half of what was planned for the Tri-W project, it is still 15x greater than EPA guidelines. Introduction of this high volume of treated wastewater in one area could impact ground stability in the Redfield Woods neighborhood, especially homes downhill from the proposed area between Broderson and Doris. Unstable ground could lead to significant potential property damage including cracking and buckling of home foundations, moisture damage, mudslides, or flooding. In addition, water may flow vertically downward through sand, hit subsurface clay layers and daylight further down the hill toward Los Osos Valley road, near Monarch Grove Elementary School. Either scenario may prove particularly problematic during rainy months. While recharge of the groundwater basin is critical, alternatives to the proposed 400,000 gallons per day must be developed. This should include running a purple pipe to irrigate high volume users such as schools, parks, Sea Pines golf course, create wetlands areas as well as agricultural exchange (if an out of town treatment plant is constructed). Release of water at the Broderson site should meet EPA guidelines, or if above, only exceed guidelines by 5x. Due to the controversial nature of this element of the LOWWP, water release should be increased very slowly over time to insure safety with multiple other areas for discharge in place, should problems at the Broderson site arise. In addition, environmental impacts (noise, trucking, erosion) and costs of digging up the Broderson leach field (potentially every 5 years) due to clogging of soil must be included in the EIR.

Water Supply

Los Osos is in a level III water shortage severity, with sea water intrusion due to overdraft from the lower aquifer. Current use of septic tanks allows for some recharge of the basin. Without onsite or in town decentralized treatment, water will be exported from Los Osos, further decreasing basin recharge. Because of significant costs and uncertainty of Los Osos obtaining water from outside the basin, water recharge is a critical component of the LOWWP. In this regard use of an in town DT approach with local irrigation or an out of town site with agricultural exchange is critical. In addition, the project should include features to enhance natural recharge of the basin (as opposed to surface run off) including use of permeable paving in street gutters, bioswale development, rain gardens, and rain gutter run off into decommissioned septic tanks at

individual residences. Programs to encourage water conservation should be included in the budget, as this would lead to decreased O&M costs at the treatment site and also serve to preserve the groundwater basin.

Environmental Justice

It is quite likely that the LOWWP may represent the most expensive per capita sewer system ever installed in the US. This is of particular concern because many citizens in Los Osos are middle-low income. The LOWWP is being mandated due to increased nitrate levels, assumed by the RWQCB to occur through septic tank discharge. This is controversial as the town of Morro Bay with a WWP has much higher nitrate levels in ground water than Los Osos. In addition, several other factors may contribute to increased nitrate levels in the upper aquifer such as area horse farms, agricultural discharge etc. In this regard the Los Osos community is being asked to fund a project that will potentially decrease groundwater nitrates and nitrate levels in Morro Bay. Multiple other groups will benefit from LOWWP development including California State (ground water belongs to the state), San Luis Obispo County, Federal Government (Morro Bay is a national estuary), as well as citizens outside of the prohibition zone (PZ). In this regard, it is a significant hardship for the limited number of citizens inside of the PZ to fund the project. A proposed cost of over $200 per household per month is well beyond affordability guidelines. Efforts must be successful to attract funding and financing support that minimize the cost of the project passed on to PZ residents. Contract bids must establish hard bid numbers and not allow cost overruns to be passed onto PZ residents.

Sewage Spills

An objective analysis of likelihood of sewage spills, and the nature of the spill (expected volume, raw sewage vs STEP effluent, location) should be performed for all collection and treatment plant options. For example, a gravity collection system would allow for raw sewage spills but STEP/STEG spills from pipes would have already undergone primary treatment at the initial tank. Estimates of the cost of fines and clean up of specific types spills should be provided. The Tri-W site would pose an increased risk of sewage discharge into Morro Bay, relative to an out of town treatment site. Inflow and infiltration with gravity collection systems may also lead to increased likelihood of sewage spills. This is evidenced by multiple spills which recently occurred during heavy rains. An estimated spill frequency should be calculated based on wastewater systems in other communities. The EIR should discuss who is responsible for payment of fines and clean up costs in the case of sewage spills. If fines are passed on to PZ residents, then this would be an additional environmental justice concern.

Biosolids/Sludge

Sludge removal is becoming increasingly difficult and costly for WWP in California, posing a serious issue for long term O&M budgets. A project should be chosen that minimizes any necessity to haul sludge off site. This is also important to minimize traffic, energy footprint due to trucking of sludge (AB32 consistency), and impacts to air quality. An out of town treatment plant with significant acreage would offer flexibility for on site biosolids processing. EcoMachines such as those designed by J. Todd and

Associates should be evaluated as a cost effective biosolids processing option. STEP/STEG systems would minimize sludge generation at the treatment plant due to initial treatment in tanks at residences.

Green Building

The treatment facility should use green building practices consistent with US Greenbuilding Council Certification to minimize use of non-renewable energy resources.

Thank you for your efforts and please do not hesitate to contact me with questions or comments.

Sincerely,
Anne Norment

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

Notice of Preparation

December 7, 2007

To: Reviewing Agencies

Re: Los Osos Wastewater Project
SCH# 2007121034

Attached for your review and comment is the Notice of Preparation (NOP) for the Los Osos Wastewater Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Mark Hutchinson
San Luis Obispo County
County Government Center, Room 207
San Luis Obispo, CA 93408-2040

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Project Analyst, State Clearinghouse

Attachments
cc: Lead Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2007121034
Project Title Los Osos Wastewater Project
Lead Agency San Luis Obispo County

Type NOP Notice of Preparation

Description The Los Osos Wastewater project consists of four main components: collection, treatment, effluent reuse and disposal, and solids treatment and disposal. The primary purpose of the project is to alleviate groundwater contamination, primarily nitrates, that has occurred at least partially because of the use of septic systems throughout the community. However, an important aspect of the wastewater project involves water resource issues because of seawater intrusion that is contaminating the Los Osos groundwater basin. Los Osos is located at the south end of Morro Bay, twelve miles west of the City of San Luis Obispo in San Luis Obispo County.

Lead Agency Contact

Name Mark Hutchinson
Agency San Luis Obispo County
Phone (805) 781-5252 **Fax**
email
Address County Government Center, Room 207
City San Luis Obispo **State** CA **Zip** 93408-2040

Project Location

County San Luis Obispo
City
Region
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways Morro Bay, Los Osos Creek
Schools San Luis Coastal Unified Schools (2)
Land Use Urban and rural, Coastal Zone

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Sewer Capacity

Reviewing Agencies California Coastal Commission; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 4; Office of Emergency Services; Native American Heritage Commission; Caltrans, District 5; Integrated Waste Management Board; State Water Resources Control Board, Clean Water Program; State Water Resources Control Board, Division of Water Rights; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 3; Resources Agency

Date Received 12/07/2007 **Start of Review** 12/07/2007 **End of Review** 01/07/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

County: San Luis Obispo

SCH# 2007122034

Resources Agency

- [ ] Resources Agency
  Nadell Gayou
- [ ] Dept. of Boating & Waterways
  David Johnson
- [ ] California Coastal Commission
  Elizabeth A. Fuchs
- [ ] Colorado River Board
  Gerald R. Zimmerman
- [ ] Dept. of Conservation
  Sharon Howell
- [ ] California Energy Commission
  Paul Richins
- [ ] Cal Fire
  Allen Robertson
- [ ] Office of Historic Preservation
  Wayne Donaldson
- [ ] Dept of Parks & Recreation
  Environmental Stewardship Section
- [ ] Reclamation Board
  DeeDee Jones
- [ ] S.F. Bay Conservation & Dev't. Comm.
  Steve McAdam
- [ ] Dept. of Water Resources
  Resources Agency
  Nadell Gayou
- [ ] _____
  Conservancy

Fish and Game

- [ ] Depart. of Fish & Game
  Scott Flint
  Environmental Services Division
- [ ] Fish & Game Region 1
  Donald Koch
- [ ] Fish & Game Region 1E
  Laurie Harnsberger
- [ ] Fish & Game Region 2
  Banky Curtis
- [ ] Fish & Game Region 3
  Robert Floerke
- [x] Fish & Game Region 4
  Julie Vance
- [ ] Fish & Game Region 5
  Don Chadwick
  Habitat Conservation Program
- [ ] Fish & Game Region 6
  Gabrina Gatchel
  Habitat Conservation Program
- [ ] Fish & Game Region 6 I/M
  Gabrina Gatchel
  Inyo/Mono, Habitat Conservation Program
- [ ] Dept. of Fish & Game M
  George Isaac
  Marine Region

Other Departments

- [ ] Food & Agriculture
  Steve Shaffer
  Dept. of Food and Agriculture
- [ ] Depart. of General Services
  Public School Construction
- [ ] Dept. of General Services
  Robert Sleppy
  Environmental Services Section
- [ ] Dept. of Health Services
  Veronica Malloy
  Dept. of Health/Drinking Water

Independent Commissions,Boards

- [ ] Delta Protection Commission
  Debby Eddy
- [x] Office of Emergency Services
  Dennis Castrillo
- [ ] Governor's Office of Planning & Research
  State Clearinghouse
- [x] Native American Heritage Comm.
  Debbie Treadway
- [ ] Public Utilities Commission
  Ken Lewis
- [ ] Santa Monica Bay Restoration
  Guangyu Wang
- [ ] State Lands Commission
  Jean Sarino
- [ ] Tahoe Regional Planning Agency (TRPA)
  Cherry Jacques

Business, Trans & Housing

- [ ] Caltrans - Division of Aeronautics
  Sandy Hesnard
- [ ] Caltrans - Planning
  Terri Pencovic
- [ ] California Highway Patrol
  Shirley Kelly
  Office of Special Projects
- [ ] Housing & Community Development
  Lisa Nichols
  Housing Policy Division

Dept. of Transportation

- [ ] Caltrans, District 1
  Rex Jackman
- [ ] Caltrans, District 2
  Marcelino Gonzalez
- [ ] Caltrans, District 3
  Jeff Pulverman
- [ ] Caltrans, District 4
  Tim Sable
- [x] Caltrans, District 5
  David Murray
- [ ] Caltrans, District 6
  Marc Birnbaum
- [ ] Caltrans, District 7
  Cheryl J. Powell
- [ ] Caltrans, District 8
  Dan Kopulsky
- [ ] Caltrans, District 9
  Gayle Rosander
- [ ] Caltrans, District 10
  Tom Dumas
- [ ] Caltrans, District 11
  Mario Orso
- [ ] Caltrans, District 12
  Ryan P. Chamberlain

Cal EPA

Air Resources Board

- [ ] Airport Projects
  Jim Lerner
  - [ ] Transportation Projects
    Ravi Ramalingam
  - [ ] Industrial Projects
    Mike Tollstrup
- [x] California Integrated Waste Management Board
  Sue O'Leary
- [x] State Water Resources Control Board
  Regional Programs Unit
  Division of Financial Assistance
- [ ] State Water Resources Control Board
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [x] State Water Resouces Control Board
  Steven Herrera
  Division of Water Rights
- [x] Dept. of Toxic Substances Control
  CEQA Tracking Center
- [ ] Department of Pesticide Regulation

Regional Water Quality Control Board (RWQCB)

- [ ] RWQCB 1
  Cathleen Hudson
  North Coast Region (1)
- [ ] RWQCB 2
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- [x] RWQCB 3
  Central Coast Region (3)
- [ ] RWQCB 4
  Teresa Rodgers
  Los Angeles Region (4)
- [ ] RWQCB 5S
  Central Valley Region (5)
  - [ ] RWQCB 5F
    Central Valley Region (5)
    Fresno Branch Office
  - [ ] RWQCB 5R
    Central Valley Region (5)
    Redding Branch Office
- [ ] RWQCB 6
  Lahontan Region (6)
  - [ ] RWQCB 6V
    Lahontan Region (6)
    Victorville Branch Office
- [ ] RWQCB 7
  Colorado River Basin Region (7)
- [ ] RWQCB 8
  Santa Ana Region (8)
- [ ] RWQCB 9
  San Diego Region (9)

- [ ] Other _____

Last Updated on 09/11/07

A-2: Supplemental Notice of Preparation and Comments/Responses

SUPPLEMENTAL

NOTICE OF PREPARATION

LOS OSOS WASTEWATER PROJECT

To:
State Clearinghouse
P.O Box 3044
Sacramento CA 95812-3044

From:
Mark Hutchinson
San Luis Obispo County Dept of Public Works
County Government Center Room 207
San Luis Obispo, CA 93408

Subject: **Supplemental Notice of Preparation of a Draft Environmental Impact Report**

On December 10, 2007, the County of San Luis Obispo, acting as the Lead Agency, issued a Notice of Preparation for the Los Osos Wastewater Project. The EIR process has yielded additional information regarding potential wastewater treatment plant and effluent disposal and reuse sites. This supplemental Notice of Preparation invites agencies to express the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with this additional information. Your agency will need to use the environmental impact report prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the December 10, 2007 NOP is attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Mark Hutchinson at the address shown above. We will need the name for a contact person in your agency.

Project Title: Los Osos Wastewater Project (SCH # 2007121034)

Date: June 30, 2008

Signature

Title: Environmental Programs Manager

Telephone: (805) 781-5252

COUNTY OF SAN LUIS OBISPO

SUPPLEMENTAL NOTICE OF PREPARATION (NOP)

FOR THE

LOS OSOS WASTEWATER PROJECT

June 23, 2008

INTRODUCTION

On December 10, 2007, the County of San Luis Obispo issued a Notice of Preparation (NOP) for the Los Osos Wastewater Project (copy attached). The NOP described the project history, purpose, location and probable environmental effects in detail. The NOP also stated that:

> *"The County does not intend to develop a single "proposed project" on which to focus the EIR and base the alternatives analysis. Using 30% design information, the core work effort is to, through the CEQA/NEPA process, in concert with on-going efforts to define project costs and consider community preferences, move through an alternative analysis process that results in a fully developed project description. Based upon the volumes of documentation produced for the project over the past decades, the most recent work produced by the County team, and the clear project purposes of wastewater treatment and water supply, the County desires to examine the widest possible range of feasible alternatives on a co-equal basis".*

Consequently, although the NOP contained location and vicinity maps for the project, and identified the wastewater service area, it did not identify specific potential locations for treatment plant(s) or the effluent disposal and reuse elements of the project. Through the project development process, the County has identified a range of potential sites for these elements of the project. Agencies are invited to review these potential sites and provide information as to the scope and content of the EIR as it pertains to your agency's jurisdiction over the sites and/ore resources that may exist on each site.

POTENTIAL TREATMENT PLANT SITES

For those project alternatives that utilize a single wastewater treatment facility, the project development process has yielded information on several sites that may be suitable for the location of a wastewater treatment plant. These sites are described below and shown in the attached figures. It should be noted that some project options may utilize more than one site, or the majority of a single site and portions of adjacent sites.

Giacomazzi

The Giacomazzi property is a rectangular 38.2-acre parcel north of Los Osos Valley Road and west of Clark Valley Road. The site slopes gently downward to the north and east toward an ephemeral drainage that extends along the easterly portion of the site to Warden Lake (offsite). The channel supports a small oak woodland along its northerly reaches. There is a collection of farm-related buildings along the western border with numerous tall trees surround the buildings. The level areas of the site have been cultivated with crops. The property is in the Agriculture Land Use Category.

Cemetery

The Cemetery Property consists of a rectangular 47.4 parcel north of Los Osos Valley Road; the Los Osos Mortuary and Memorial Park occupies the southerly portion of the site (about 19 acres). The site slopes gently downward to the north; the westerly boundary slopes downward to the west to a dirt road that provides access to surrounding farming operations. About 6.5 acres in the northwest corner is cultivated with row crops, with the remainder fallow. There are no large trees or other natural features. The property is in the Public Facilities Land Use Category.

Branin

The Branin property consists of an irregularly shaped 42.2 acre parcel north of Los Osos Valley Road and adjacent to Warden Lake, which consists of native wetland and riparian vegetation. The site slopes to the north and contains two ephemeral drainages. Access to the site is provided by a dirt road that wraps around the Cemetery Property and provides access to surrounding farming operations. The property is in the Agriculture Land Use Category.

Tonini

The Tonini property consists of an irregularly shaped approximate 650 acre parcel north of Los Osos Valley Road, immediately west and south of Turri Road. Approximately ½ of the site is too steeply sloped to be used for a wastewater treatment facility. Access to the site is provide by Turri Road, which fronts the property on the east and north sides. Current uses include farm support residences, farm support buildings, grazing, forage crops and row crops. The property is in the Agriculture Land Use Category, and is under a Williamson Act (Agricultural Preserve) contract.

Turri Road

The Turri Road site is the location proposed for a wastewater treatment plant by the County in 1987. The property is an irregularly shaped approximate 87 acre parcel adjacent to the south site of Turri Road, which provides access. Only the northern 17 acre portion of the property would be suitable for a wastewater treatment plant; the southern portion is very steeply sloping and is mostly occupied by the now closed Turri Road landfill. The property is in the Agriculture Land Use Category, and is under a Williamson Act (Agricultural Preserve) contract.

Robbins/Andre

The Robbins/Andre site consists of three adjacent parcels (Two owned by Robbins and one owned by Andre) that together comprise a trapezoidal 94.5 acre area adjacent to the north side Los Osos Valley Road, which provides access. The property is adjacent to the south side of Warden Lake. Approximately ½ of the property slopes to the south

and is visible from Los Osos Valley Road, the other ½ slopes northerly into Warden Lake. The property is in the Agriculture Land Use Category.

Mid-Town

The mid-town site is the location of the wastewater treatment facility proposed by the Los Osos Community Services District in 2001. Construction was started on this site, but halted in 2005. The site is an irregularly shaped 11.7 acre parcel adjacent to the north side of Los Osos Valley Road, which provides access. The property is currently "dual-zoned" with allowed uses in the Office/Professional and Commercial Retail or Public Facilities Land Use Categories.

POTENTIAL EFFLUENT DISPOSAL AND REUSE SITES

Broderson

The Broderson property consists of a rectangular shaped 81 acre parcel located south of Highland Drive. The Broderson property has been proposed as an effluent disposal site in every version of the Los Osos Wastewater project, beginning with the County's 1987 proposal. Access to the site is off of the south end of Broderson Avenue. Approximately 8 acres of the site would be used to construct an effluent disposal leach field; the remainder of the site would be placed in permanent open space and added to the Los Osos Greenbelt. The property is currently in the Residential Single Family and Residential Suburban Land Use Categories.

Tonini

The Tonini property consists of an irregularly shaped approximate 650 acre parcel north of Los Osos Valley Road, immediately east and south of Turri Road. Approximately ½ of the site is too steeply sloped to be used for effluent disposal spray fields. Access to the site is provide by Turri Road, which fronts the property on the east and north sides. Current uses include farm support residences, farm support buildings, grazing, forage crops and row crops. The property is in the Agriculture Land Use Category, and is under a Williamson Act (Agricultural Preserve) contract.

Urban Re-use

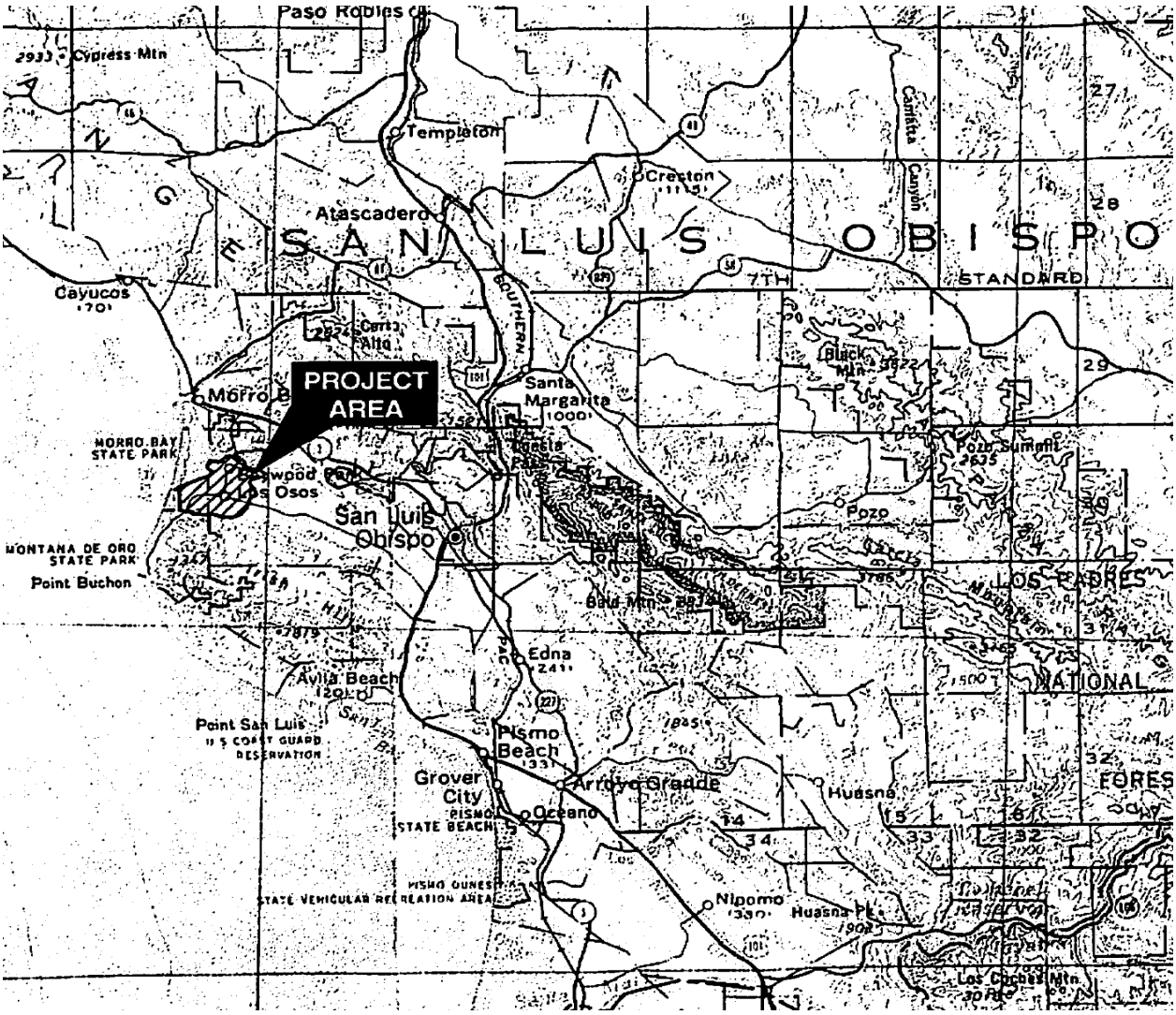
Several sites have been identified as potential future urban reuse locations. The current project description does not include an urban reuse component; however, construction of a central wastewater treatment facility would allow the option of urban reuse to be further developed. Under urban re-use, wastewater is treated to the appropriate water quality level and then applied as irrigation in lieu of using potable water. All of the potential urban reuse sites are currently developed with larger turf areas and include the Los Osos Cemetery and Memorial Park on Los Osos Valley Road, the Los Osos

Community Park on Los Osos Valley Road near the center of the community, the Sea Pines Golf Course and several school sites.

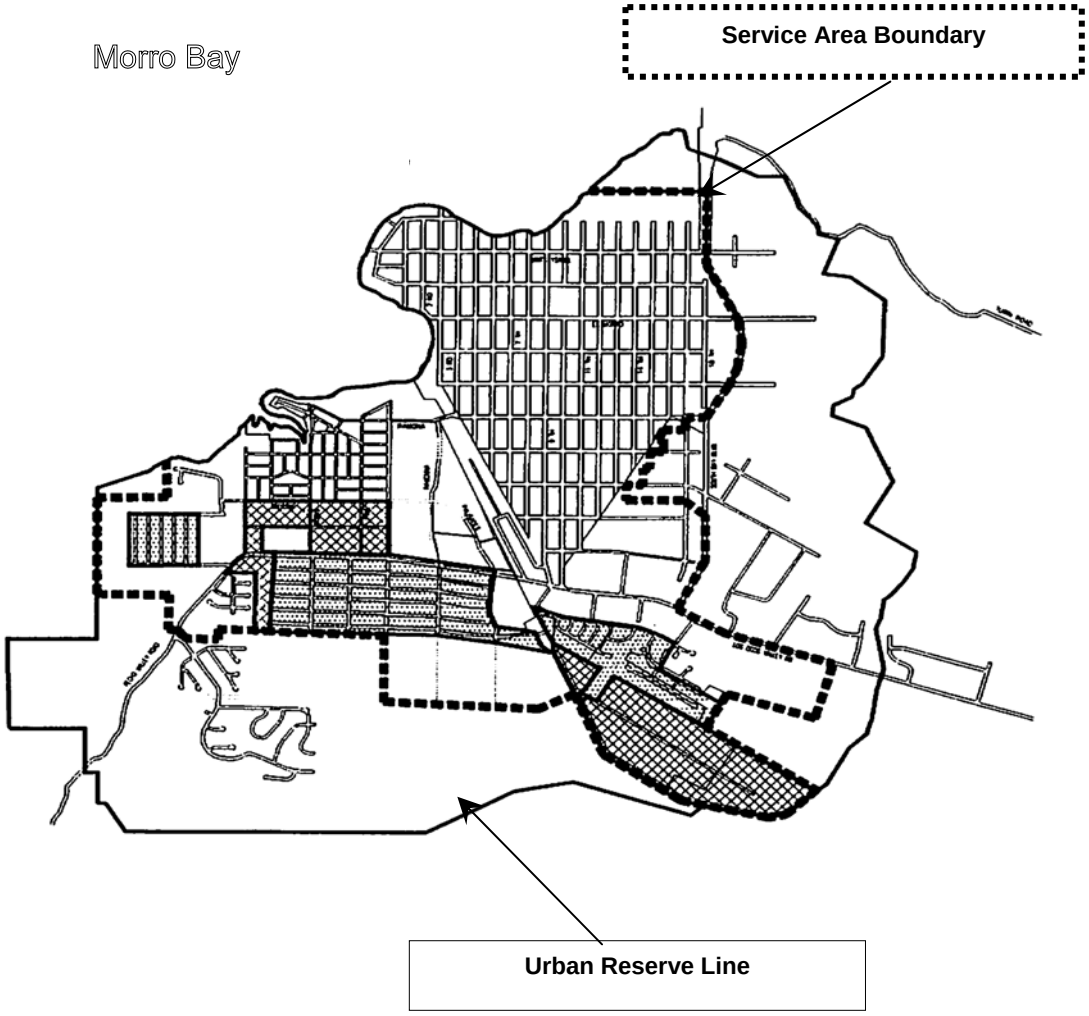
Agricultural Reuse

Several sites have been identified as potential future agricultural reuse locations. The current project description does not include an agricultural reuse component; however, construction of a central wastewater treatment facility would allow the option of agricultural reuse to be further developed. Under agricultural reuse, wastewater is treated to the appropriate water quality level and then applied to agricultural crops, in lieu of or in exchange for pumped groundwater. All of the potential agricultural reuse sites are currently developed with irrigated agricultural uses and include the Los Osos Valley along the main stem of Los Osos Creek.

Los Osos Wastewater Project	**Location Map**



Los Osos Wastewater Project	**Vicinity Map**

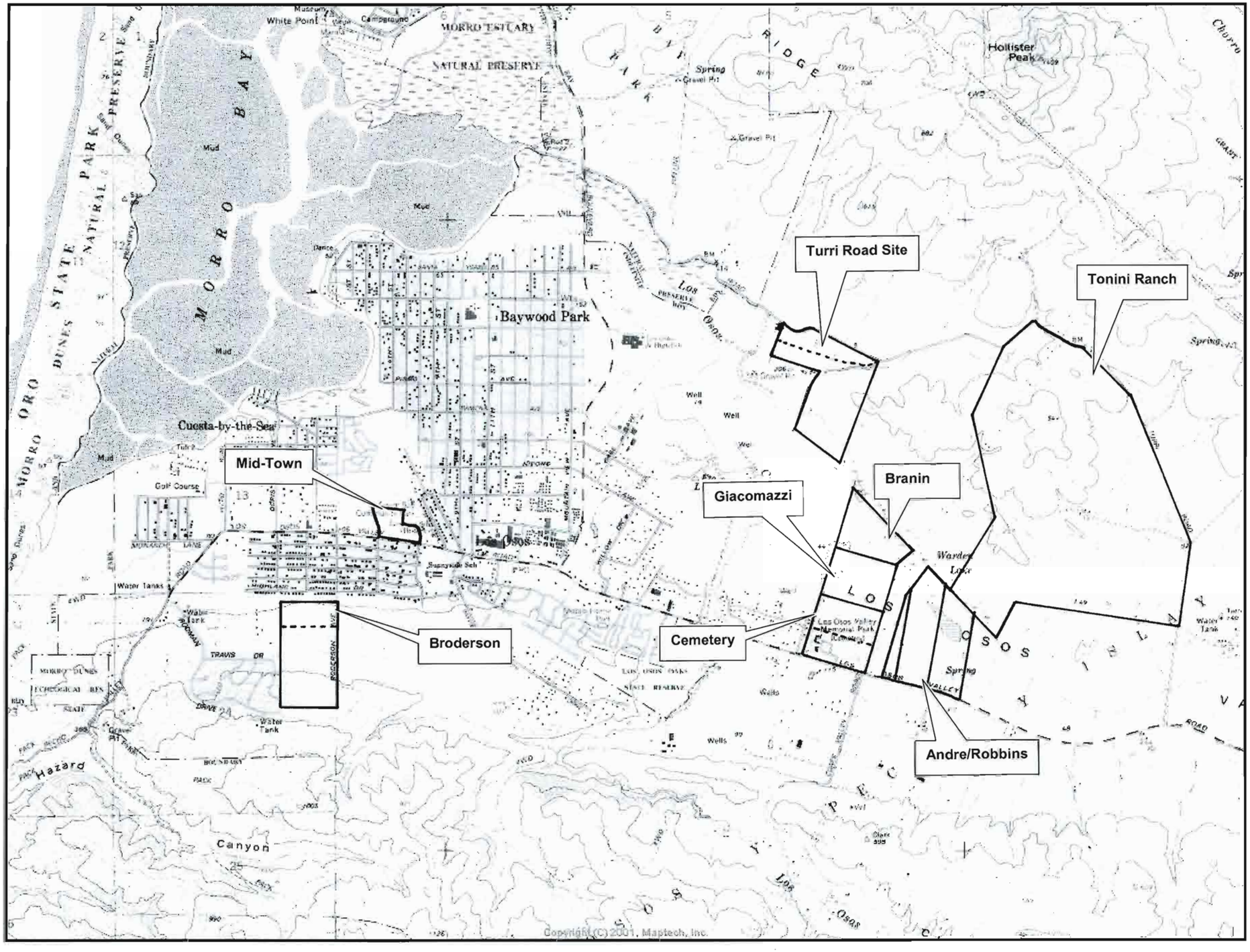


Los Osos Wastewater Project	Wastewater Service Area

LOS OSOS WASTEWATER PROJECT

SUPPLEMENTAL NOP

POTENTIAL TREATMENT PLANT AND EFFLUENT DISPOSAL SITES



COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Weights and Measures
2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISIONER/SEALER FAX (805) 781-1035
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

DATE: **July 29, 2008**

TO: **Mark Hutchinson, Environmental Programs Manager**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Los Osos Wastewater Project Supplemental Notice of Preparation (1375)**

Thank you for the opportunity to review the supplemental Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) required for the Los Osos Wastewater Project. The County has identified a range of potential sites for a treatment plant and associated effluent disposal. It appears that a treatment plant and/or disposal areas located on the majority of these sites would significantly impact agricultural resources and/or operations and be inconsistent with general plan policies aimed at protecting agricultural resources. The Agriculture Department recommends the DEIR include, but not be limited to, analysis of the following agricultural resource issues.

Conversion of Agricultural Resources

The Tonini Ranch, Turri Road, Branin, Andre/Robbins, and Giacomazzi sites are all within the Agriculture land use category and have adequate resources to support production agriculture. The proposed development would result in the conversion of these agricultural resources, including prime farmland. Such impacts and potential mitigation should be evaluated in the DEIR.

Williamson Act Contract

Both the Tonini Ranch and Turri Road sites are currently under Williamson Act contract. The county's Rules of Procedure indicate the proposed facilities are not an allowed/compatible use on coastal prime soils. The areas that appear most likely to accommodate the proposed development consist of prime soils. Prior to advancing the proposal on either of these sites, contract cancellation would need to occur. One of the required findings for cancellation includes "...that there is no proximate, noncontracted land which is both available and suitable for the proposed use, or, that development of the contracted land would provide more contiguous patterns of urban development." The DEIR should discuss Williamson Act issues and provide an adequate level of information to determine if cancellation findings can be supported.

Local Coastal Plan Policies

There are several Coastal Plan Policies aimed at maintaining and protecting agricultural lands. In general, allowed uses can only occur when it has been demonstrated that: 1) no alternative building site exists except on prime or non-prime agricultural land; 2) the least amount of agricultural land possible is converted; and 3) the use will not conflict with surrounding agricultural lands and uses. Each proposed site should be evaluated for consistency with Coastal Plan Policies.

Agriculture and Open Space Element Policies

The county's Agriculture and Open Space Element (AOSE) includes several policies aimed at protecting agricultural resources including: AGP2-Public and Private Lands, AGP17-Agricultural Buffers, AGP18-Location of Improvements, and AGP24-Conversion of Agricultural Land. Each site should be evaluated for consistency with these policies. In general, these policies would direct public facilities to urban or village areas and away from agricultural lands, particularly the most productive lands such as those found on Tonini Ranch.

Land Use Incompatibilities

The proposed uses within an agricultural area could be incompatible with agriculture production on the project site as well as adjacent agricultural properties. The DEIR should evaluate both long and short term land use incompatibilities associated with the proposal including, but not limited to, dust, change in water quality/availability, altered drainage patterns, reduced access, and trespass.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

If we can be of further assistance, please call 781-5914.

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

August 4, 2008

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

SUBJECT: APCD Comments Regarding the Supplemental Notice of Preparation of a Draft Environmental Impact Report for the Los Osos Wastewater Project (SCH# 2007121034)

Dear Mr. Hutchinson,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the referral material for the Supplemental Notice of Preparation (NOP) for the Los Osos Wastewater project Draft Environmental Impact Report (DEIR). The Supplemental NOP was issued so that new information that was not available in the project's NOP for the DEIR could be evaluated. The NOP contained location and vicinity maps for the potential wastewater treatment plant project and identified the wastewater service area. The Supplemental NOP identifies specific potential locations for the treatment plant(s), the effluent disposal, and reuse elements of the project. ***The following are APCD specific updates to sections of our February 14, 2008 NOP comment letter (attached) for this project.***

1. New Contact Person:

   Andy Mutziger
   Air Pollution Control District
   3433 Roberto Court
   San Luis Obispo, CA 93401
   (805) 781-5912

3. Environmental Information:

   (d) On June 19, 2008, the California Office of Planning and Research (OPR) released a Technical Advisory titled CEQA and Climate Change: Addressing Climate Change through CEQA Review (http://opr.ca.gov/index.php?a=ceqa/index.html). In this document, OPR verifies that GHG emissions are appropriate subjects for CEQA analysis that should be evaluated even without the presence of established thresholds. Further, OPR establishes that lead agencies must assess whether emissions are individually or cumulative significant. The APCD suggests that lead agencies become familiar with the

recommendations outlined in this Technical Advisory and ensure that projects subject to CEQA quantify GHG emissions and implement feasible mitigation.

5. Alternatives:

Any alternatives described in the DEIR should involve the same level of air quality analysis as described in item 3 in the February 14, 2008 and the updated to item 3 in this comment letter.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

Andy Mutziger
Air Quality Specialist

AJM/arr

Attachment: 2309-3.doc

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AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

February 14, 2008

Mark Hutchinson
County Department of Public Works
County Government Center, Room 207
San Luis Obispo, CA 93408

SUBJECT: APCD Comments Regarding the Los Osos Wastewater Project NOP Project Level. (9911103)

Dear Mr. Hutchinson,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed Los Osos Wastewater Project which will consist of four main components: collection, treatment, effluent reuse and disposal, and solids treatment and disposal. The following are APCD comments that are pertinent to this project.

1. Contact Person:

   Melissa Guise
   Air Pollution Control District
   3433 Roberto Court
   San Luis Obispo, CA 93401
   (805) 781-5912

2. Permit(s) or Approval(s) Authority:

   Portable equipment used during construction activities may require statewide registration or a District permit. Additionally, depending on the type of waste water system selected, the plant or components thereof will most likely require District permits and applicants will need to apply for an Authority to Construct. Please contact APCD at (805) 781-5912 for additional information regarding permitting.

   Demolition and remodeling activities have potential negative air quality impacts, including issues surrounding proper demolition and disposal of asbestos containing material (ACM). Demolition and remodeling projects are subject to the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP), which includes but is not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM.

Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 prior to final approval of these types of projects by your agency.

If the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at *http://www.slocleanair.org/business/asbestos.asp* for more information or contact the APCD at 781-5912.

Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact the APCD at 781-5912.

3. Environmental Information:

The potential air quality impacts from construction and buildout of the project should be assessed in the EIR. The project under development has the potential for significant impacts to local air emissions, ambient air quality, sensitive receptors, and the implementation of the Clean Air Plan (CAP). A complete air quality analysis should be included in the DEIR to adequately evaluate the overall air quality impacts associated with implementation of the proposed project. This analysis should address both short-term and long-term emissions impacts. The following is an outline of items that should be included in the analysis:

a) A description of existing air quality and emissions in the impact area, including the attainment status of the District relative to State air quality standards and any existing regulatory restrictions to development. The most recent CAP should be consulted for applicable information.

b) An analysis of the air quality impacts should be conducted to identify the type and quantity of the emissions generated from the project during both the construction and operational phase of the project. A consistency analysis with the CAP should also be conducted to analyze the growth inducing potential from the project. All assumptions used should be fully documented in an appendix to the DEIR. The evaluation needs to address the total impact of

on-site operations and all vehicle trips that are associated with any off site hauling operations (i.e. sludge hauling).

c) Analysis should be performed for each of the proposed alternatives and treatment types identified in the DEIR.

d) While California successfully passed Assembly Bill 32, California's Global Solutions Act of 2006, little guidance was provided to lead agencies regarding how to address greenhouse gas (GHG) impacts in the CEQA process. In the 2007 California legislative session, Senate Bill 97 was passed and required that the California Office of Planning and Research, by July 1, 2009, prepare and develop guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions as required by CEQA, including, but not limited to, effects associated with transportation or energy consumption. As guidelines are not currently available, the APCD suggests that projects subject to CEQA should quantify project related GHG emissions and identify feasible mitigation.

e) Mitigation measures to reduce or avoid significant air quality impacts should be recommended. These measures should include an Odor Control Plan for the project and Construction Activity Management Plan.

4. Permit Stipulations/Conditions:

It is recommended that you refer to the "CEQA Air Quality Handbook" (the Handbook). If you do not have a copy, it can be accessed on the District web page (www.slocleanair.org) in the Business Assistance section, listed under Regulations, or a hardcopy can be requested by contacting the District. The Handbook provides information on mitigating emissions from development (Section 5) which should be referenced in the DEIR.

5. Alternatives:

Any alternatives described in the DEIR should involve the same level of air quality analysis as described in bullet items 3.c and 3.d listed above.

6. Reasonably Foreseeable Projects, Programs or Plans:

The most appropriate standard for assessing the significance of potential air quality impacts for project EIRs is the preparation of a consistency analysis where the proposed project is evaluated against the land use goals, policies, and population projections contained in the CAP. The rationale for requiring the preparation of a consistency analysis is to ensure that the attainment projections developed by the District are met and maintained. Failure to comply with the CAP could result in long term air quality impacts. Inability to maintain compliance with the state ozone standard could bear potential negative economic implications for the county's residents and business community. The District's CEQA Air Quality Handbook provides guidance for preparing the consistency analysis and recommends evaluation of the following questions:

a) Are the population projections used in the plan or project equal to or less than those used in the most recent CAP for the same area?

b) Is the rate of increase in vehicle trips and miles traveled less than or equal to the rate of population growth for the same area?

c) Have all applicable land use and transportation control measures from the CAP been included in the plan or project to the maximum extent feasible?

7. Relevant Information:

As mentioned earlier, the Handbook should be referenced in the EIR for determining the significance of impacts and level of mitigation recommended.

8. Further Comments:
No further comments at this time.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

Melissa Guise

Melissa Guise
Air Quality Specialist

MAG/ksj

cc: Karen Brooks, Enforcement Division, APCD
Tim Fuhs, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

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NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

July 14, 2008

Mark Hutchinson
San Luis Obispo County
County Government Center, Room 207
San Luis Obispo, CA 93408-2040

RE: SCH#2007121034 Los Osos Wastewater Project; San Luis Obispo County.

Dear Mr. Hutchinson:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,
Katy Sanchez
Program Analyst

CC: State Clearinghouse

Native American Contacts
San Luis Obispo County
July 14, 2008

Puilulaw Khus
2001 San Bernardo Creek
Morro Bay , CA 93442
Chumash

Mona Olivas Tucker
660 Camino Del Rey
Arroyo Grande , CA 93420
(805) 489-1052 Home
(805) 748-2121 Cell
Chumash

Lei Lynn Odom
1339 24th Street
Oceano , CA 93445
(805) 489-5390
Chumash

Matthew Darian Goldman
660 Camino Del Rey
Arroyo Grande , CA 93420
(805) 550-0461 Home
Chumash

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach , CA 93433
cheifmvigil@fix.net
(805) 481-2461
(805) 474-4729 - Fax
Chumash

Northern Chumash Tribal Council
Fred Collins, Spokesperson
1177 Marsh Street, Suite 110
San Luis Obispo , CA 93401
(805) 801-0347 (Cell)
Chumash

Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties
John W. Burch, Traditional Chairperson
8315 Morro Rd, #202
Atascadero , CA 93422
salinantribe@aol.com
805-460-9202
805 235-2730 Cell
805-460-9204
Salinan

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2007121034 Los Osos Wastewater Project; San Luis Obispo County.

Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Financial Assistance
1001 I Street, Sacramento, California 95814 • (916) 341-5700
Mailing Address: P.O. Box 944212 • Sacramento, California 94244-2120
FAX (916) 341-5707 • http://www.waterboards.ca.gov

Arnold Schwarzenegger
Governor

JUL 28 2008

Mr. Mark Hutchinson
San Luis Obispo County
County Government Center, Room 207
San Luis Obispo, CA 93408-2040

Dear Mr. Hutchinson:

NOTICE OF PREPARATION (NOP) FOR COUNTY OF SAN LUIS OBISPO (COUNTY); LOS OSOS WASTEWATER PROJECT (PROJECT); STATE CLEARINGHOUSE NO. 2007121034

Thank you for the opportunity to review the County's NOP. We understand that the County is pursuing funds from the State Revolving Fund (SRF) Program to construct components of the Project. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information for the environmental document prepared for the Project.

Following the public review period of the Environmental Impact Report (EIR), please send us a copy of: (1) the draft and final EIR, (2) a resolution certifying the EIR, adopting the Mitigation Monitoring and Reporting Plan (MMRP), and making California Environmental Quality Act (CEQA) findings, including any Statement of Overriding Considerations for significant, adverse impacts that can not be fully mitigated or avoided, (2) all comments received during the review period and the County's responses to those comments, (3) the adopted MMRP, and (4) the Notice of Determination filed with the Governor's Office of Planning and Research for the Project. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

The SRF Program is partially funded by the U.S. Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of an SRF funding commitment for the Project.

It is important to note that prior to an SRF funding commitment, projects are subject to provisions of the Federal Endangered Species Act and must obtain Section 7 clearance from the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) for any potential effects to special status species. Please be advised that under the SRF Program, the State Water Board may consult with USFWS and/or NMFS regarding all federal special status species the Project has the potential to impact. The County will need to identify whether the Project will involve any direct effects from construction activities or indirect effects, such as growth inducement, that may affect federally listed threatened or endangered species that are known, or have a potential, to occur on-site, in the surrounding areas, or in the service area. Identify applicable conservation measures to reduce such effects.

In addition, projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act. Please contact the State Water Board's Cultural Resources Officer, Ms. Cookie Hirn, at (916) 341-5690 to find out more about the requirements and to initiate the Section 106 process if the County is pursuing SRF financing. Note that the County will need to identify the Area of Potential Effects (including construction, staging areas and depth of any excavation).

Other federal requirements pertinent to the Project under the SRF Program include the following:

I. Compliance with the federal Clean Air Act: (a) provide air quality studies that may have been completed for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan: (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutants in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.

II. Compliance with the Coastal Zone Management Act: identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.

III. Protection of Wetlands: identify any portion of the proposed Project area that may contain areas that should be evaluated for wetland or U.S. waters delineation by the U.S. Army Corps of Engineers (USACE) or require a permit from the USACE, and identify the status of coordination with the USACE.

IV. Compliance with the Flood Plain Management Act: determine if the Project is within the 100-year flood zone and if new structures created would impede flood flows and include a flood map.

V. Compliance with the Migratory Bird Treaty Act: list any birds protected under this Act that may be impacted by the Project and identify conservation measures to minimize impacts.

VI. Compliance with the Farmland Protection Policy Act: identify whether the project will result in the conversion of farmland. State the status of farmland (Prime, Unique or of Local Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.

VII. Compliance with the Wild and Scenic Rivers Act: identify whether any Wild and Scenic Rivers could be potentially impacted by the Project and include any conservation measures to minimize such impacts.

Following are my specific comments on the County's NOP:

1. Page 2 states that there are ephemeral drainages located on both the Glacomazzi and Branin properties. Include an analysis of potential impacts and measures to avoid, minimize, and mitigate these impacts to the drainages.

2. Page 3 mentions that both the Turri and Tonini properties are under a Williamson Act Contract. Discuss impacts to these properties with respect to the Williamson Act Contract and how the County will resolve or reduce the impacts.

3. Page 19 states that "wetlands ... are abundant around the community." Include a thorough discussion on the potential impacts to wetlands and identify any jurisdictional waters within the Project's area and include a wetland delineation study.

Thank you for the opportunity to review the County's NOP. If you have any questions or concerns, please feel free to contact me at (916) 327-9401 or contact Ms. Justine Herrig at (916) 327-9117.

Sincerely,

Lisa Lee
Environmental Scientist

cc: State Clearinghouse
(Re: SCH# 2007121034)
P. O. Box 3044
Sacramento, CA 95812-3044