

From: [Harris, Ken@Waterboards](mailto:Harris.Ken@Waterboards)
To: Packard, Harvey@Waterboards
Subject: Fwd: Comments for CCRWQCB members, please
Date: Friday, April 18, 2014 12:36:29 PM
Attachments: [image003.jpg](#)

Sent from my iPhone

Begin forwarded message:

From: Ann Calhoun <churadogs2@att.net>
Date: April 18, 2014 at 6:36:35 AM PDT
To: "Harris, Ken@Waterboards" <Ken.Harris@waterboards.ca.gov>
Subject: Re: Comments for CCRWQCB members, please
Reply-To: Ann Calhoun <churadogs2@att.net>

Well, let's hope the Board will read the comments, but I won't hold my breath. I can only hope that Harvey Packard is finally on board and recommends they drop it, but I'm still not sure they won't demand a signed agreement from each CDOer not to sue and I'm not sure, if that's the case, anything will be done. Once everyone's hooked up, they can remove the CDO's and any further lawsuits and "settlements" will all be moot.

Ann Calhoun
Los Osos, CA
<http://www.calhounscannon.blogspot.com/>

From: "Harris, Ken@Waterboards" <Ken.Harris@waterboards.ca.gov>
To: Ron Crawford <sewerwatch@gmail.com>
Cc: Bev De Witt-Moylan <bevdewittmoylan@sbcglobal.net>; Ann Calhoun <churadogs2@att.net>; "Packard, Harvey@Waterboards" <Harvey.Packard@waterboards.ca.gov>
Sent: Thursday, April 17, 2014 10:00 AM
Subject: RE: Comments for CCRWQCB members, please

Mr Crawford, your comments will be part of the board members agenda packet associated with the Los Osos item, and made available to the public when the agenda is publicly released. This is the Board's standard practice. Regarding your question about Mr. Young I am not sure where you are getting such information. I would careful check my sources on that one.

Ken Harris
Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101

San Luis Obispo, CA 93401-7906

Office Phone: 805.549.3140

Fax: 805.543.0397



From: Ron Crawford [<mailto:sewerwatch@gmail.com>]
Sent: Thursday, April 17, 2014 9:44 AM
To: Harris, Ken@Waterboards
Cc: Bev De Witt-Moylan; Ann Calhoun; Packard, Harvey@Waterboards
Subject: Comments for CCRWQCB members, please

Hello Mr. Harris,

I'm (finally) getting ready to publish my recent comments to the CCRWQCB, regarding the Los Osos CDOs, but, before I do, I was hoping I could get a quick follow-up from you, from when I asked you if you could supply copies of my comments to the Board.

Were you able to do that -- supply a copy of my comments to the Board?

And, if so, has Jeff Young resigned yet?

If so, I'll add that to my blog post. If not, I'll add *that* to my blog post.

Thanks,
Ron

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[sewerwatch.blogspot.com](http://sewerwatch.blogspot.com)

**From:** [Elisabeth Allebe](#)  
**To:** [Packard, Harvey@Waterboards](mailto:Packard_Harvey@Waterboards)  
**Subject:** Los Osos C.D.O's  
**Date:** Tuesday, May 06, 2014 10:53:12 AM

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Mr. Packard,

It is my knowledge that you will make a recommendation to the Water Board about the Los Osos C.D.O.'s

The Water Board imposed the C.D.O's on 45 Los Osos homeowners. We asked to have the C.D.O's , first, not be implemented; then, to be rescinded. All of this at various board meetings. To no avail.

Having to have my septic tank pumped since the prosecution has been a hardship since I live alone and am already paying for the sewer on my property taxes for a few years now. And the cost will only go higher in the future.

I also want you to know that I have my deceased husband's license plate and it says "C D O 1019" That alone should tell you the mental torment we went through. 45 homeowners and good citizens put against the wall and prosecuted (if not executed!).

Please, let me know when the CDO's will be discussed on the agenda.

Regards,

Elisabeth Allebe, CDO 1019

**From:** [Miss Coleman](#)  
**To:** [Packard, Harvey@Waterboards](mailto:Packard_Harvey@Waterboards)  
**Subject:** Fwd: Agenda Item No. 14 –Los Osos Cease and Desist Orders  
**Date:** Thursday, May 08, 2014 7:54:34 AM

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I confess I didn't read anything on the link  
So, you're recommending everything stays the same?  
Clever of you, I must say  
This is a total mess that may continue for years  
Just hope none of us find a class action attorney who will sue CCRWQCB  
for doing this for so long, for so much money being threatened, based on  
flawed information that's the Basis of it all.  
Miss C

----- Forwarded message -----  
**From:** **Julie Tacker** <[windmilljt@yahoo.com](mailto:windmilljt@yahoo.com)>  
**Date:** Thu, May 8, 2014 at 7:35 AM  
**Subject:** Re: Agenda Item No. 14 –Los Osos Cease and Desist Orders  
**To:** Miss Coleman <[cintheatcoleman@gmail.com](mailto:cintheatcoleman@gmail.com)>

I am outraged by Harvey's recommendation! This has gone on too long.

Julie Tacker

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**From:** Miss Coleman <[cintheatcoleman@gmail.com](mailto:cintheatcoleman@gmail.com)>  
**To:** "Olson, Tammie@Waterboards" <[Tammie.Olson@waterboards.ca.gov](mailto:Tammie.Olson@waterboards.ca.gov)>  
**Cc:** [hpackard@waterboards.ca.gov](mailto:hpackard@waterboards.ca.gov)  
**Sent:** Wednesday, May 7, 2014 6:43 PM  
**Subject:** Re: Agenda Item No. 14 –Los Osos Cease and Desist Orders

Please tell me, as # 1002, what I should be doing about this?  
Harvey Packard has my opinions and options I've suggested for rescinding this  
CDO.  
He said he'd be presenting on my behalf to the Board.  
For what it's worth, your threats of fines for me are over \$34,675,000.00 and  
counting.  
It's been EIGHT years.  
Miss Cinthea T Coleman

On Wed, May 7, 2014 at 4:27 PM, Olson, Tammie@Waterboards  
<[Tammie.Olson@waterboards.ca.gov](mailto:Tammie.Olson@waterboards.ca.gov)> wrote:

This is a message from the California Regional Water Quality Control Board, Central

Coast Region (3)

Agenda Item No. 14 –Los Osos Cease and Desist Orders, will be presented at the Central Coast Water Board public meeting on May 22-23, 2014, at the Central Coast Water Board Hearing Room, 895 Aerovista Place, Suite 101, San Luis Obispo, CA.

For more information, please go to the link below for the May Agenda notice and the staff report for this item.

[http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2014/may/index.shtml](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2014/may/index.shtml)

**From:** [Ron Crawford](#)  
**To:** [Packard, Harvey@Waterboards](#)  
**Cc:** [Olson, Tammie@Waterboards](#); [cintheatcoleman@gmail.com](#); [bevdewittmoylan@sbcglobal.net](#); [ap3dguy@hotmail.com](#); [hermosaamazon@yahoo.com](#); [dmmcqueen@att.net](#); [annerallen.allen@gmail.com](#); [vmmil@charter.net](#); [avantkern1@aol.com](#); [mex2011@att.net](#); [trochte@sbcglobal.net](#); [bnbmoylan@sbcglobal.net](#); [antoinettepayne1@gmail.com](#); [Ann Calhoun](#); [Harris, Ken@Waterboards](#)  
**Subject:** Re: Agenda Item No. 14 -Los Osos Cease and Desist Orders  
**Date:** Thursday, May 08, 2014 11:33:26 AM

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Hello Harvey,

I'm researching a story, and I was just reading the staff report for Item 14 -- Los Osos Cease and Desist Orders -- on the May 22-23 CCWQCB agenda, at this link:

[http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2014/may/Item\\_14/item14\\_stfrpt.pdf](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2014/may/Item_14/item14_stfrpt.pdf)

... and, in it, you write:

"In November 1998, Los Osos voted to form a CSD to replace the County as the governing body for community services. The Los Osos CSD chose not to proceed with the County's wastewater project, began anew the process for project development, and developed a revised project for wastewater collection, treatment, and disposal.

Through a lengthy multi-year process of evaluation and public meetings, the Los Osos CSD developed a technically, environmentally, and financially sound community wastewater project."

I'm very confused by that statement.

I mean, which "project," according to you, did the LOCSO "develop" that was "technically, environmentally, and financially sound" -- the "better, cheaper, faster," 70-acre ponding "project" that was solely responsible for forming the LOCSO in the first place in 1998, AND solely responsible for torpedoing the County's "ready to go" project from the 90s (that "was on schedule to begin construction" in 1997), yet, that **non**-project never even came close to working after the LOCSO wasted two years (1999 and 2000) futilely chasing it, OR the District's disastrous **SECOND** project -- the "bait and switchy" (Coastal Commissioner's words), mid-town, "picnic area"/sewer plant, "Tri-W" disaster, that ALSO never even came close to working (in 2010), after careful county analysis showed it to be the exact disaster I first exposed it to be in my **2004** *New Times* cover story, archived at this link:

<http://archive.newtimeslo.com/archive/2004-09-22/cover/index.html>

Additionally, as I *clearly* show (using nothing but primary sources) in my comments to you last month, and that are now archived at this link:

[http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2014/may/Item\\_14/item14\\_att3.pdf](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2014/may/Item_14/item14_att3.pdf)

... the LOCSO's Tri-W disaster turned out to be the **exact opposite** of "technically, environmentally, and financially sound," and that's *why* it never came close to working.

So, as you can imagine, I'm VERY confused on which LOCSD "project" you are referring to as "a technically, environmentally, and financially sound community wastewater project," the LOCSD's **first** disaster -- the 70-acre ponding non-project, that never even came close to working (after they wasted two years and millions of dollars futilely chasing it), or the LOCSD's **second** disaster -- the "bait and switchy," mid-town, sewer plant/"picnic area," Tri-W disaster, that ALSO never even came close to working (after they wasted five years and millions of dollars futilely chasing it), *because* it was such an embarrassing disaster, as a mountain of official SLO County analysis now *clearly* shows, as I show in my comments.

And that's where I'm confused: Which one of those disasters are you referring to as "technically, environmentally, and financially sound" in that staff report: The LOCSD's FIRST non-project -- the now-failed 70-acre ponding disaster, or the LOCSD's SECOND non-project -- the now-failed mid-town "picnic area"/sewer plant disaster?

Your statement doesn't seem to make any sense (it's, like, 100-percent inaccurate), so now I'm hoping you can help clear up some of my confusion.

Perhaps it's just a typo, and your report *should* read something like:

"Through a lengthy multi-year process of evaluation and public meetings, the Los Osos CSD **FAILED TO** develop a technically, environmentally, and financially sound community wastewater project."

Is that what you meant? Because, *that's* 100-percent accurate.

As always, much thanks,  
Ron

At 11:27 PM +0000 5/7/14, Olson, Tammie@Waterboards wrote:

This is a message from the California Regional Water Quality Control Board, Central Coast Region (3)

Agenda Item No. 14 -Los Osos Cease and Desist Orders, will be presented at the Central Coast Water Board public meeting on May 22-23, 2014, at the Central Coast Water Board Hearing Room, 895 Aerovista Place, Suite 101, San Luis Obispo, CA.

For more information, please go to the link below for the May Agenda notice and the staff report for this item.

[http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2014/may/index.shtml](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2014/may/index.shtml)

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[sewerwatch.blogspot.com](http://sewerwatch.blogspot.com)



**From:** [Ann Calhoun](#)  
**To:** [Packard, Harvey@Waterboards](mailto:Packard.Harvey@Waterboards)  
**Subject:** CDO Hearings May 22-23  
**Date:** Friday, May 09, 2014 7:10:45 AM

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Dear Mr. Packard and RWQCB Board Members:

Regarding the upcoming CDO hearings for **The Los Osos 45**, your staff recommendation states you oppose rescinding the CDOs because you *believe* (with no evidence proffered) that a few of these people *may* be "reluctant or refuse to hook up" when the sewer is completed. So you are recommending that the RWQCB declare everyone of the **45** guilty *before the fact* and so continue to hold every one of them hostage on the basis of that *unsupported belief*?

Mr. Packard, I have an alternate suggestion for your Board. As then-chairman Young made clear from the dais during the CDO's Mad Hatter Tea Party "trial," since the CDO's were only being used as a coercive part of the Board's illegal electioneering attempt, and since that assessment vote is long over, rescinding the CDOs will help bring to a close that absolutely embarrassing chapter in your Board's history, and help repair the RWQCB's credibility as it moves forward under new leadership.

And, once the sewer plant is built and IF you find out there actually are a few people who refuse to hook up, there's a simple solution: Put a CDO on the homeowners for an action that can be supported with actual evidence, not some kind of before-the-fact "belief."

Please include a copy of this email to the Board as part of the public comment on this matter.

Thank you.

**Ann Calhoun**  
**Los Osos, CA**  
<http://www.calhounscannon.blogspot.com/>

**From:** [Miss Coleman](#)  
**To:** [Packard\\_Harvey@Waterboards](mailto:Packard_Harvey@Waterboards)  
**Subject:** Fwd: Los Osos CDO's  
**Date:** Sunday, May 11, 2014 7:10:02 AM  
**Attachments:** [Attachment to email 32614.pdf](#)

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Dear Harvey,

I must admit I'm baffled by the "report" you sent.

You're recommending CCRWQCB do nothing about the CDO's that have been threatening fines for us of \$5,000.00 a day for so many years. I guess that will continue. I'm at around \$34,675,000.00.

But, then, I notice ALL the information, evidence of wrongdoing, deceit, with Full Knowledge of the Truth that I sent is included...The letter from Rep Lois Capps, showing how she'd been told lies to get Federal Funds, my Father's conclusive results of valid testing, showing 83-13 is bogus and based on nothing True or Real, etc.

I wonder if, in doing your job, you're helping us to get out of this ongoing Unpleasantness ourselves?

Whatever, I appreciate having what I've been working on for over 8 years finally in the Public Record.

I wish you the Best,

Miss Cinthea T Coleman

CDO #1002

(able to be compliant for 7 years)

----- Forwarded message -----

From: <[legal@sullivanlawcorp.com](mailto:legal@sullivanlawcorp.com)>

Date: Wed, Mar 26, 2014 at 7:02 PM

Subject: Los Osos CDO's

To: Alan Martyn <[amartyn@sbcglobal.net](mailto:amartyn@sbcglobal.net)>, Antoinette and Bruce Payne <[antoinette.payne1@gmail.com](mailto:antoinette.payne1@gmail.com)>, Barry Carney <[barrycarney@sbcglobal.net](mailto:barrycarney@sbcglobal.net)>, Cinthea Coleman <[cinheatcoleman@gmail.com](mailto:cinheatcoleman@gmail.com)>, Dennis and Sally Joller <[salbug555@yahoo.com](mailto:salbug555@yahoo.com)>, Dorothy Tomilson <[dtomilso@calpoly.edu](mailto:dtomilso@calpoly.edu)>, John and Jan DerGarabedian <[hyeder@charter.net](mailto:hyeder@charter.net)>, Julie Miller <[jgmiller@charter.net](mailto:jgmiller@charter.net)>, Larry Kleiger <[kleiger@gmail.com](mailto:kleiger@gmail.com)>, Laurie McCombs <[lodogwood@yahoo.com](mailto:lodogwood@yahoo.com)>, RonandGail McPherson <[ronmcperson@earthlink.net](mailto:ronmcperson@earthlink.net)>, Tim Rochte <[trochte@sbcglobal.net](mailto:trochte@sbcglobal.net)>, [julietacker@charter.net](mailto:julietacker@charter.net), [Lisaschicker@sbcglobal.net](mailto:Lisaschicker@sbcglobal.net), [clcesena@charter.net](mailto:clcesena@charter.net), [stevensenet@yahoo.com](mailto:stevensenet@yahoo.com)

Recipients of CDO's and CAO's requiring continued pumping of septic tanks every three years:

Dear Members of the "Random 45":

Apparently the Regional Board is considering revocation or

modification of the current CDO's issued in the prohibition zone for consideration during their San Luis Obispo May 22 and 23 RWQCB hearing. The agenda has not yet been posted and I suspect once it is posted it should allow time to respond to staff recommendations. However, apparently a few select CDO recipients have received contact from Harvey Packard indicating that he would like comments and requests for revocation on or before March 31, 2014. I have attached a copy of correspondence related to some of those inquiries. It is unclear if the staff is considering revocation or modification of the clean up and abatement order with those of you who agreed to CAO's. In the past the Regional Board took the position that they could not revoke the CDO's without conducting formal hearings. I am sending this on to you for your information only as all of you may be interested in obtaining releases from the RWQCB orders.

<<...>>

Sullivan & Associates  
A Law Corporation  
2238 Bayview Heights Drive, Suite C  
Los Osos, CA 93402  
[\(805\) 528-3355](tel:8055283355)  
[\(805\) 528-3364](tel:8055283364) fax  
[Legal@SullivanLawCorp.com](mailto:Legal@SullivanLawCorp.com)

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**Sullivan & Associates**

**From:** Shaunna Sullivan [Legal@SullivanLawCorp.com]  
**Sent:** Wednesday, March 26, 2014 11:22 AM  
**To:** legal@sullivanlawcorp.com  
**Subject:** FW: Los Osos CDO's

Sullivan & Associates  
 A Law Corporation  
 2238 Bayview Heights Drive, Suite C  
 Los Osos, CA 93402  
 (805) 528-3355  
 (805) 528-3364 fax  
 Legal@SullivanLawCorp.com

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**From:** Bev De Witt-Moylan [mailto:bevdewittmoylan@sbcglobal.net]  
**Sent:** Monday, March 17, 2014 10:32 PM  
**Subject:** Fwd: Los Osos CDO's

Dear Friends,

Below is an email string between Bill Moylan and Harvey Packard of the Water Board Enforcement Division that you may find worth reading (up from the bottom). You will see that Mr. Packard mentions asking members of the community to comment on the CDO's currently being enforced on 45 families in Los Osos. He is considering asking to have them removed. He expected Bill to get the word out. Bill told him that we don't know enough people, and that he needs to communicate with the community, himself, using the Water Board's considerable resources. But he has not done that yet, and so we are forwarding the message string below to help at least a few community members to communicate thoughts on retaining or removing the "Los Osos 45" CDO's.

Mr. Packard is looking for community input on a topic that means a lot to those of us with CDO's in our lives for the past eight years.

Bill and I hope you'll take some time to send Harvey Packard a message to say what you think the CDO's are accomplishing, and whether or not they should remain in force or be removed from the 45 properties and all the people they have affected since 2006. His email address is [hpackard@waterboards.ca.gov](mailto:hpackard@waterboards.ca.gov). Your neighbors with CDO's appreciate your taking the time to speak up briefly to express your opinion on whether the "Los Osos 45" CDO's should be removed.

Please feel free to pass this message along. Anyone who needs to be reminded of the CDO prosecutions can go to [www.waterboards.ca.gov](http://www.waterboards.ca.gov) and search los osos CDO's for los osos enforcement actions 2006, or other colorful and

imaginative possibilities. There you will find transcripts of the April 28, 2006/December 15, 2006/January 22, 2007 enforcement hearings, among other intriguing documents.

Thank you for taking a look below and for taking the time to communicate with Mr. Packard, if you are so inclined.

Best,

Bev.

**From:** william <[bnbmoylan@sbcglobal.net](mailto:bnbmoylan@sbcglobal.net)>

**Subject:** Re: Los Osos CDO's

**Date:** February 24, 2014 7:38:37 PM PST

**To:** "Packard, Harvey@Waterboards" <[Harvey.Packard@waterboards.ca.gov](mailto:Harvey.Packard@waterboards.ca.gov)>

Dear Mr. Packard,

Thank you for your prompt reply to my message and for your invitation to provide input for your May proposal to the Water Board.

To let interested parties know about your proposal, however, requires information I do not have. But your agency does have it..

As the compliance officer for the CCRWQCB, you are the appropriate party to encourage input for your May 2014 CDO proposal by contacting all individual enforcement recipients and by making a timely public announcement.

Sincerely,

William Moylan

On Feb 24, 2014, at 9:26 AM, Packard, Harvey@Waterboards wrote:

Mr. Moylan,

I agree that it is my job to make a recommendation to the Water Board about the CDOs, and I plan on doing so in a written report to the board for the May 2014 meeting. The board will not take any action at the meeting, but could provide direction to staff.

If you or anyone else interested in the situation would like to provide input toward my recommendation, please provide that information to me by March 31.

Thanks,

Harvey C. Packard, PE  
 Section Manager and Enforcement Coordinator  
 Central Coast Water Board  
 895 Aerovista Place, Suite 101  
 San Luis Obispo, CA 93401  
 (805) 542-4639  
 (805) 543-0397 fax

**From:** william [mailto:[bnbmoylan@sbcglobal.net](mailto:bnbmoylan@sbcglobal.net)]  
**Sent:** Saturday, February 22, 2014 11:08 PM  
**To:** Packard, Harvey@Waterboards  
**Subject:** Fwd: Los Osos CDO's

Dear Mr. Packard,

I sent you an e-mail on February 10, 2014 (12 days ago) saying that my wife and I believed that it was your responsibility to submit a proposal to the Water Board to remove the Cease and Desist Orders that were issued to 45 households in Los Osos in 2006 and early 2007. I still have not received a response from you. I believe that you have had ample time to respond to my e-mail. I request that you send me a response regarding my first e-mail within the next five days. Below is a copy of that first e-mail.

Sincerely,

William Moylan

Begin forwarded message:

**From:** william <[bnbmoylan@sbcglobal.net](mailto:bnbmoylan@sbcglobal.net)>  
**Subject:** Los Osos CDO's  
**Date:** February 10, 2014 8:42:54 PM PST  
**To:** [hpackard@waterboards.ca.gov](mailto:hpackard@waterboards.ca.gov)

Dear Mr. Packard,

Recently you spoke to me at the CCRWQCB office suggesting that my wife and I join forces with other CDO families to ask the Water Board "to remove" the Cease and Desist Orders they imposed on us in 2006 and 2007.

It is my understanding that the original individual enforcement proposal came from CCRWQCB staff. You

were on staff at the time of those hearings that resulted in a 100% successful prosecution rate.

After carefully considering your suggestion, I concluded that the party who proposed individual enforcement is the appropriate party to request its removal. As CCRWQCB Enforcement Coordinator and Advisor to the Board you are in the proper position to ask the Board to remove the individual Cease and Desist Orders that resulted from the prosecution of the "Los Osos 45."

I request that you submit that proposal as soon as possible.

Sincerely,

William Moylan