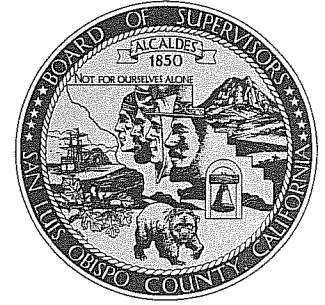


BOARD OF SUPERVISORS

1055 MONTEREY, ROOM D430 • SAN LUIS OBISPO, CALIFORNIA 93408-1003 • 805.781.5450



BRUCE GIBSON
SUPERVISOR DISTRICT TWO

April 15, 2014

Dr. Jean-Pierre Wolff, Chair
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

RE: Rescinding Cease and Desist Orders, Los Osos Prohibition Zone

Dear Dr. Wolff:

At your May meeting, I understand your Board will be receiving an update regarding the Cease and Desist Orders (CDOs) issued to individual Los Osos Prohibition Zone property owners in 2007. I write to renew my request that your Board move to rescind those CDOs at the earliest possible time.

I made a previous request to rescind the CDOs in 2011 (see letter dated March 22, 2011, attached), just after San Luis Obispo County passed a resolution taking responsibility for construction of the Los Osos Wastewater Project (LOWWP).

The LOWWP has made substantial and continuous progress since that time. Construction of the collection system will be complete this July and the water recycling facility is under construction right now. The water recycling facility is scheduled to be complete near the end of 2015 and lateral connections will be made during 2016.

I believe the County, with great support from the community of Los Osos, has shown an extraordinary record of accomplishment on this complex effort. Thus, I believe it is time to rescind the CDOs to remove the "cloud of uncertainty that currently burdens just 45 randomly-selected property owners", as I stated in my previous letter.

Such an action would also send the important message that your Board acknowledges the community's strong commitment to this project -- which comes with a substantial financial burden. Such a message from your Board would provide an important boost to residents of Los Osos, who are now working to re-establish and strengthen a vibrant sense of community.

I thank your Board and staff for their efforts over the past seven years and I look forward to discussing this request with your Board at their earliest convenience. Please don't hesitate to call my office if you should have any questions. Thank you.

Sincerely,

BRUCE GIBSON
Supervisor, District Two
San Luis Obispo County

BOARD OF SUPERVISORS

1055 MONTEREY, ROOM D430 • SAN LUIS OBISPO, CALIFORNIA 93408-1003 • 805.781.5450



BRUCE GIBSON
SUPERVISOR DISTRICT TWC

March 22, 2011

Mr. Jeffrey Young, Chair
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

RE: Rescinding Cease and Desist Orders, Los Osos Prohibition Zone

Dear Mr. Young:

On March 15, the San Luis Obispo County Board of Supervisors unanimously passed a resolution affirming the County's intention to construct and operate the Los Osos Wastewater Project (LOWWP). That action concluded the County's due diligence review of issues authorized by Assembly Bill 2701 (AB 2701, Blakeslee, 2006). As approved, the resolution makes the County solely responsible for implementing the LOWWP on behalf of the residents of the Prohibition Zone.

With the County now bearing formal responsibility for the LOWWP, I request that your Board rescind the Cease and Desist Orders (CDOs) issued to individual Prohibition Zone property owners in 2007. Given the County's obligation to implement this project, I believe the individual CDOs are no longer required as a means of compelling compliance with your Board's Resolution 83-13. The County is now the entity charged with meeting the Water Board's rules and regulations, such as the upcoming Waste Discharge Requirements to be heard at your May meeting.

I believe that rescinding the CDOs now is consistent with the intent of their issuance, which clearly recognized the County's essential role, as provided by AB 2701. As we have shown in conversations with your staff and reports to your Board, the County has an extraordinary record of accomplishment on this complex effort. Progress continues, with recent efforts (summarized below) expected to result in construction contracts awarded by the end of this year.

Since our last update to your Board on February 3, the State Water Resources Control Board awarded an \$86.2 million financing package through their Clean Water State Revolving Fund program. That award, combined with \$87.2 million of USDA financing (awarded 2010), provides all necessary funds for remaining design and construction tasks. Loan repayment is secured through the benefit assessment district (passed 2007) and the service charge ordinance (passed 2010).

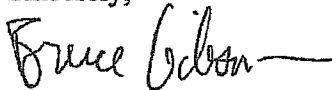
Significantly, the March 15 resolution allows interim financing to be arranged that will fund project efforts to the commencement of construction (expected late this year). This funding will allow the completion of significant work efforts already underway, including final collection system design, Coastal Commission permit condition compliance, and development of water reuse and recycling plans.

In summary, I believe the timely rescission of CDOs is an important and appropriate step at this stage of the LOWWP development process. Most importantly, it would remove a cloud of uncertainty that currently burdens just 45 randomly-selected property owners. I would note that CDO recipients, like all other property owners in the Prohibition Zone, now bear a significant financial obligation and are dependent on the County's implementation of the LOWWP. Rescission of the CDOs is a fundamental matter of fairness that would put everyone on the same footing.

Rescinding the CDOs would also be a strong expression of confidence in the County's efforts to complete this project. Such a message would help resolve a divisive issue of the past and strengthen the community as it engages the future efforts of project construction and operation.

I am grateful for the efforts of your Board and staff over the past four years, as the County has undertaken this challenging project. I look forward to discussing this request with your Board at the earliest appropriate time. Please don't hesitate to contact me or our Director of Public Works, Paavo Ogren, if you have questions or need further information. Thank you.

Sincerely,



BRUCE GIBSON
Supervisor, District Two
San Luis Obispo County

From: [Miss Coleman](#)
To: Packard_Harvey@Waterboards
Subject: Regarding CDO #1002
Date: Wednesday, February 19, 2014 5:35:24 PM
Attachments: [Bob Stark"s Nitrate History.pdf](#)

Dear Harvey,

I'm taking you up on your offer to Chime In regarding CDO #1002

I include the results of decades of testing and knowledge presented by my Father showing the "Basis" for 83-13, the Basin Plan and the Discharge Moratorium, ie, what I'm "guilty" of violating, is based on misinformation that was never qualified nor justified by anyone, even those approving and/or enforcing it.

I'd like to request an "informal" meeting, preferable over a nice Lunch to discuss what our Options are to permanently rescind my CDO, which is still threatening me (since 2006) with fines of "\$5,000.00 a day".

This should be private and you or the representative for CCRWQCB meeting with us will have to have the Authority to approve of whatever we decide might be the best way to proceed.

Then, at the CCRWQCB hearing which is required to rescind CDO #1002, the approval will be a formal recognition of what we previously agreed upon.

I have no interest in, nor allegiance to any of the other CDO recipients....only my own and what's fair for me.

Thanks,
cinthea

Please click on the Attachment

NITRATES IN GROUND WATER A SUMMARY

The nitrates in the Los Osos ground water are not coming from the septic systems.
The nitrates in the ground water never did come from the septic system.

About 1962 the county tested samples from wells that were contaminated and found nitrates.
These wells have construction not to code and were not maintained.
Sample contamination showed high coliforms and TDS.
This was the start of the nitrate scare.

In 1987 an isotope study was done on county supplied samples.
This study concluded nitrates were not septic derived.
This study was buried by the WQCB without any further work.

In 2006 testing of domestic well for isotopes was done.
This testing confirmed results of the 1987 tests.
This testing was done using methods not available in 1987.
The testing showed the nitrates were not coming from fertilizers as well.

In 2006 an extensive analysis of well samples was done by an outside laboratory.
Testing looked for anything that could possibly go through a house to the septic system.
This included about 80 different drugs, hormones, pharmaceuticals, personal care, etc.
Testing results were given in ppb and nothing showed that the water was not safe.
What was found? Nitrates.

In 2009 water from domestic wells was age dated using the tritium method.
It showed the water entered the ground water system about 1956.
This water tested well over the allowable maximum for nitrates
In 1956 there were about 1000-1500 people in Los Osos.
There were about 500 septic systems.
This amount of septic systems could not possibly have produced the amount nitrates to
contaminate the entire basin.
If nitrates were entering the water later, than the age would be younger.

No the nitrates are not coming from the septic systems.
They are coming into the system externally. They are soil nitrates.

Bob 7-22-2011

From: [Bev De Witt-Moylan](mailto:Bev_De_Witt-Moylan)
To: [Packard, Harvey@Waterboards](mailto:Packard_Harvey@Waterboards)
Cc: [Thomas, Michael@Waterboards](mailto:Thomas_Michael@Waterboards); fmecham@co.slo.ca.us; bgibson@co.slo.ca.us; ahill@co.slo.ca.us; cray@co.slo.ca.us; darnold@co.slo.ca.us; cbaltimore@losososcscsd.org; rwright@losososcscsd.org; lmoothart@losososcscsd.org; mochylski@losososcscsd.org; jstorm@losososcscsd.org
Subject: Response to Water Board request for community input on the 2006/2007 CDO's
Date: Monday, March 17, 2014 2:42:11 PM
Attachments: [CDO input for Harvey Packard's proposal.docx](#)

Dear Mr. Packard,

Attached is my response to the invitation you extended seeking contributions from the community for your consideration in making your May Water Board presentation concerning the status of the Los Osos CDO's.

Please note that I have Cc:'d members of the Water Board in my correspondence and must rely on the good graces of Mr. Michael Thomas to forward it to them, as email contact information for the Water Board is unavailable. I have copied this email to the SLO County Board of Supervisors and the LOCSD, who may have an interest in the discussion. The CDO recipients, interested party, and community members listed at the end of my letter to you have been Bcc:'d in the email in the event that some of them may not appreciate having their personal contact information displayed in the public record.

Thank you for this opportunity to contribute to the discussion of how to approach the "Los Osos 45" CDO's, given the events of the past eight years.

I urge you to reach out to the community as soon as possible, considering your March 31 deadline, using the considerable means at the water Board's disposal to encourage participation from a broad spectrum of respondents. To rely on our contacts is to have extremely limited community outreach as you will see from the Cc: list at the end of my attachment.

For your convenience a hard copy will follow this email.

Sincerely,

Beverley De Witt-Moylan
CDO#R3-2006-1041

CDO #R3-2006-1041
1516 17th Street
Los Osos, CA 93402
March 13, 2014

Mr. Harvey Packard, Enforcement Coordinator
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA. 93401-7906

Dear Mr. Packard,

Recently you wrote my husband, William Moylan, about your plan to approach the CCRWQCB at their May 2014 meeting to make a recommendation on the 2006/2007 "Los Osos 45" CDO's. Your message invited participation from him and from the community. (***"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."***) My husband told you in a recent email that our contacts in the community are limited, making it impossible for him to communicate your intentions community-wide or even CDO-wide. Given your deadline, I hope that you will contact the community without further delay, especially CDO recipients, to solicit their ideas.

As a CDO recipient I appreciate this opportunity to contribute my thoughts to your Board presentation. I heartily support a proposal that the Water Board consider removing the punitive and costly "Los Osos 45" CDO's. Thank you in advance for acknowledging receipt of this message and for your prompt response to my comments.

Below are points for the Board's consideration to support removal of the 2006/2007 Los Osos Cease and Desist Orders.

1) Limiting Los Osos CDO prosecutions to 45 out of approximately 4500 Prohibition Zone families:

As you are aware, Mr. Packard, Water Board records demonstrate that my husband and I have consistently complied with the terms of our CDO. Since 2006 we have paid for three pumping cycles. Before the Los Osos sewer is scheduled to go on line, another cycle will be due. Newer Water Board members should understand that the thousands of dollars spent to comply with CDO requirements since 2006 represent an expense exclusive to the 45 targeted CDO families.

Newer Water Board members may have the same difficulty we did comprehending the clean-water rationale behind choosing just 45 families out of approximately 4500 to clean the waters of Los Osos. Newer Board members may be aware that the Water Board began those 45 CDO prosecutions in January 2006 and imposed no further CDO's in Los Osos after the successful sewer assessment vote in 2007. They may appreciate why some believe that the aim of the CDO prosecutions in Los Osos was, in fact, a YES vote on that 218 sewer assessment. Whatever the original intent, the small number of CDO enforcement orders has been as effective as no enforcement orders at all in cleaning the groundwater basin in Los Osos.

2) Random enforcement:

Newer Board members need to know that the term, "random enforcement" was only loosely applied to the 2006/2007 Los Osos CDO prosecution. Some commercial properties use significantly more water than any single family home and are more likely to degrade groundwater quality. Yet no commercial property in Los Osos became a target for a proposed CDO in that enforcement action. At the same time, home businesses were not exempted.

The proposed CDO required all defendants to disclose to the Water Board in early 2006 the names of all residents on their property or face heavy daily fines. Because of that requirement, the Prosecution Team and the Board knew that some households, like ours, were comprised of just one or two people, many of us not at home during the day. While some small households were being prosecuted at random for polluting the groundwater, other homes housing large groups and families escaped enforcement. One neighbor on our block operated a daycare. A house across the street from us had four adults in residence, two of them stay-at-home, along with four young children. A college rental on our block housed up to ten people per night. At their frequent parties many more used that septic system. Another neighboring home was the off-and-on residence of up to six adults. Except for a now long-vacant house across the street from ours, no other property on our block but our two-person household has a CDO with its frequent pumping requirement.

Newer Water Board members surely understand that distance to groundwater can play a role in water quality. In the random CDO prosecutions, however, distance to groundwater was not considered, because site-specific evidence was irrelevant in choosing CDO targets. Homes sited much too far above groundwater for seepage to occur received the same CDO enforcement with the same pumping schedule as those much closer to groundwater.

The unscientific selection of random targets for individual CDO enforcement provides only accidental opportunities for water quality improvement. Random CDO prosecution to address basin-wide water quality makes no environmental sense.

3) The conduct of the prosecution:

Instead of utilizing a more moderate community-wide mechanism to achieve a potentially reasonable clean-water outcome, the Prosecution Team went directly for extremely limited random application of the high-impact Cease and Desist Order with its inherent threats of up to \$5000/day fines and the possibility of referral to the California Attorney General for criminal prosecution should the sewer project stall. This tactic was the clean water solution the 2006/2007 Water Board visited on 45 law-abiding, taxpaying families to address water quality in Los Osos in 2006/2007. Those orders and those conditions persist to this day. As newer Water Board members may imagine, daily exposure to this toxic influence for more than eight years has resulted in personal consequences to health, relationships, family life, work, and school. Any hint of a potential sewer project delay affects us, but our CDO has no measureable effect on water quality in Los Osos.

The Prosecution Team's approach to evidence was to introduce no site-specific data beyond a Prohibition Zone address. The 2006/2007 Water Board did not require nor consider site-specific evidence in rendering its CDO judgments. Whether a household was two feet or a hundred feet above groundwater, whether a single person working outside the home or a large group used a septic system, whether a septic system was malfunctioning and seeping into groundwater or was functioning perfectly, all were irrelevant to the 2006/2007 charges of groundwater pollution.

To make an informed decision in response to your proposal, Mr. Packard, newer Water Board members need to grasp that the 2006/2007 Water Board and staff made no attempt to find pollution and fix it. Imposition of CDO's was the sole goal, and the record demonstrates that a Prohibition Zone address was the sole requirement for successful prosecution of the proposed CDO's. In considering the CDO's today, newer Water Board members will note that without site-specific pollution evidence and site-specific remediation plans the Los Osos CDO's do not serve the purpose for which CDO's were intended.

Newer Board members are likely unaware that after issuing proposed CDO's in January 2006 the Water Board encouraged defendants to work together to prepare their defenses from stacks of disorganized documents located in a back room on site and sometimes on the CCRWQCB web site. You no doubt remember, Mr. Packard, and can apprise the newer Board members of how, with the careful appearance of proper procedure, the 2006/2007 Water Board led defendants to believe that they had a fair chance to avoid a CDO judgment with a well-researched defense.

As Mr. Jeffries, Mr. Young, and you are well aware, Mr. Packard, but newer Board members may not be, defendants discovered that whether they appeared at their hearings with a solid defense supported by expert testimony, whether they failed to appear and took a judgment by default, or whether they simply did not respond in any

way to the proposed CDO notice, all defendants received the same judgment. It became clear when the individual hearings began, and the Water Board issued blanket CDO's, that no defense could trump a Prohibition Zone address. With no evidence beyond a map of defendants' homes the prosecution team prevailed with 100% success. To meet a Water Board enforcement objective in Los Osos, 45 families were found guilty of living in the Prohibition Zone.

4) Frequent pumping requirement of the "Los Osos 45" CDO's despite expert testimony to the contrary:

Frequent septic tank pumping has not only an ongoing financial impact, but also a negative effect on proper functioning of the septic system. Newer Board members may not know that in 2006 septic experts testified at the CDO hearings that frequent pumping impairs proper operation of septic systems. Newer Board members should be advised that at the time the CDO's were imposed, Water Board staff member, Matt Thompson, testified that no Water Board member, nor Water Board staff, had any formal training in the structure and function of septic systems. Faced with expert testimony, credentials, references, and recommendations from septic systems experts on the hazards of frequent septic tank pumping, staff nonetheless recommended and the Water Board imposed CDO's with an every-three-year pumping requirement.

Each time we have had our tank pumped as required, Al from Al's Septic has told us that our tank did not need pumping, adding that some tanks work well for 30 years without pumping. Nonetheless, we have to follow the CDO requirement to show evidence of compliance by having our tank pumped and submitting receipts every three years.

Dr. Daniel Wickham, who gave expert testimony at the CDO hearings said that it can take up to two years for a tank to recover its bacteria levels and begin to work efficiently again after being pumped. An every-three-year pumping schedule seems to be the wrong way to approach septic tank efficiency. Removing the CDO with its frequent pumping requirement would return our septic system to a healthy balance and more efficient functioning until we hook up to the sewer when the project is complete.

5) No apparent compliance oversight:

In considering removal of the "Los Osos 45" CDO's the current Water Board should also note that CDO compliance has been inconsistent, with effectively no oversight to address non-compliance with the required pumping schedule. Indeed, I have no knowledge of any penalties incurred by, or any Water Board interest expressed in, CDO recipients who have allowed their pumping requirement to lapse.

Given the apparent lack of attention to CDO oversight, my husband and I became curious about non-compliance as a way to avoid an unnecessary financial drain with the added benefit to our septic tank of not pumping. We wrote the Water Board to find out

its position on non-compliance with the CDO pumping requirement. Instead of simply answering our question, however, Water Board attorney, Ms. Helen Arens, construed our letter as an attempt to negotiate our CDO. She failed to address the Water Board's policy or position on Los Osos CDO compliance oversight. In the absence of information on the oversight policy for the "Los Osos 45" CDO's we came to believe that none exists. With no apparent mechanism being utilized to oversee compliance it might be difficult for newer Water Board members to appreciate the relevance of our individual CDO's to the quality of groundwater in Los Osos today. Having cost California taxpayers hundreds of thousands of dollars to prosecute, the 2006/2007 CDO's now appear to be all but obsolete.

6) The process currently in place for CDO removal in Los Osos:

Newer Board members may find it intriguing that the Water Board already has a procedure in place for removing the CDO's in Los Osos. They might be surprised to learn that upon sale of a targeted property the new homeowner starts fresh with nothing more than the pro forma NOV sent to all other non-CDO properties in town. In addition, the former homeowner walks away from the property completely free of any enforcement encumbrance. In short, when CDO-targeted property sells, the CDO vanishes.

When targeted families sell their homes, buyers move in CDO-free. This system demonstrates clearly how little the Water Board values our CDO's as effective mechanisms for establishing and maintaining clean groundwater in Los Osos. You and I, Mr. Packard, both know of targeted families, some of them quite elderly in their late 80's and early 90's, who felt forced to sell their Los Osos homes to escape the stress of living with a CDO. Newer Board members may be motivated to consider ways to remove our CDO's that do not force families out of their homes.

7) Present impact of CDO's in Los Osos:

Los Osos residents I have talked to in recent years are shocked to discover that the CDO's remain in place and that we are still paying regularly to pump our tanks. Most believed that the CDO's were removed long ago following the 2007 passage of the 218 sewer assessment. They had their suspicions about the reason for the CDO's in 2006 and thought their YES vote gave the Water Board what it wanted (see comments by Mr. Young as Board Chair in 2005 and 2006 regarding voting in Los Osos and the enforcement actions there). In addition, many of those not targeted for CDO's have been completely unaware of them with no idea what a CDO is. Many who moved here in subsequent years have had no exposure to that tragic chapter in Los Osos history, especially since the popular press has not covered the "Los Osos 45" in recent memory. The only impact of CDO's in Los Osos today is the longterm financial burden on and the implicit threats to the targeted families. The Los Osos CDO's long ago outlived their true purpose by many years and many thousands of dollars.

Mr. Young, Mr. Jeffries, and you, Mr. Packard, were parties to, and can likely find justification in your own minds for all the aforementioned. My hope, however, is that based on the fresh perspective you intend to provide, the 2014 Water Board will agree that it is time to remove the 2006/2007 Los Osos CDO's.

In addition to asking the Water Board to remove the Los Osos CDO's, I request that you make two more proposals on behalf of the Los Osos 45.

1) Apology:

Many in the community believe that the Water Board owes the "Los Osos 45" an apology. Newer Water Board members may be able to appreciate the pointless harm caused to 45 Los Osos families through the random CDO prosecutions of 2006/2007, and more than eight years of enforcement. Video and written records serve as stark reminders of what ordinary Los Osos families faced for months as CDO defendants, and for years thereafter, in a prosecution that ultimately produced no discernible benefit to the waters of the state of California.

Uncomfortable as it may be for some to hear, the CDO prosecutions in 2006/2007 and their aftermath have caused irretrievable losses of life, health, peace of mind, family bonds, homes, income, and time. A written apology is the least the Water Board can offer each family targeted for a year of prosecution and for over seven years of enforcement with persistent threats of daily fines, referral to the California Attorney General for criminal prosecution, and loss of property should the sewer project encounter any unexpected delay.

2) Reparations:

My second request is that those of us who have submitted receipts in compliance with the terms of our CDO's shall receive compensation for all money spent on what amounts to unjust fines for the pumping requirement that none but the "Los Osos 45" have had to fulfill. Newer members of the Board will no doubt comprehend the unfairness of this onerous, unscientifically applied obligation placed on randomly selected families, a number known to be much too small to be of any statistical significance in addressing the condition of the groundwater in Los Osos. Yet, as a member of the Prosecution Team at the time, Mr. Packard, you are aware that addressing impaired groundwater quality was the pretext for the CDO prosecutions, which stopped after successful passage in 2007 of the 218 sewer assessment in Los Osos. No matter what newer Board members may believe to have been the true purpose of our CDO's, they cannot fail to see the obvious. Imposing CDO's on a random selection of 45 families in Los Osos, and enforcing those 45 orders for over eight years could never accomplish a basin-wide clean water objective.

It is my hope that your presentation, Mr. Packard, will allow newer Board members to see the logic of removing the CDO's and the appropriateness of redress. Reparations are a way to address in Los Osos what is ultimately irreparable. By offering an apology and compensation, the Board has an opportunity to reverse a questionable strategy used eight years ago with consequences that reverberate to this day. The actions of the 2006/2007 Water Board forever changed the lives of 45 Los Osos families. The 2014 Water Board has an opportunity finally to compensate them by removing their CDO's, along with refunding their pumping costs, and extending an apology, allowing a long-overdue healing process to begin at last.

For further background on the prosecution of the "Los Osos 45" newer Water Board members could search the archives and links at www.calhounscannon.blogspot.com and www.sewerwatch.blogspot.com.

Thank you, Mr. Packard, for this opportunity to contribute to your May 2014 Water Board presentation. For your convenience I will send you a hard copy of this message with copies to members of the Water Board, the San Luis Obispo County Board of Supervisors, the Los Osos CSD, and other community members with an interest in this process and for whom I have contact information. I hope you will use the abundant resources at the CCRWQCB to advise the Los Osos community of your intentions so that "anyone else interested in the situation" might have an opportunity to contribute their thoughts.

Sincerely,

Beverley De Witt-Moylan,
CDO#R3-2006-1041

Cc:

Dr. Jean-Pierre Wolff, Chair CCRWQCB
Dr. Monica Hunter, Vice Chair
Bruce Delgado, Board Member
Russell Jeffries, Board Member
Michael Johnston, Board Member
Michael Jordan, Board Member
Jeffrey Young, Board Member
Michael Thomas, Assistant Executive Officer
Bruce Gibson, Chair, SLOBOS
Debbie Arnold, Board Member
Adam Hill, Board Member
Frank Mecham, Board Member

Caren Ray, Board Member
Los Osos CSD
Elisabeth Allebe, CDO CDO#R3-2006-1019
CDO #R3-2006-1034 (Redacted)
Laurie McCombs CDO #R3-2006-1026
Antoinette and Bruce Payne, CDO #R3-2006-1000
Ann Calhoun, Interested Party
Ron Crawford, Community Member
Shaunna Sullivan, Community Member

From: [Abe Perlstein](#)
To: [Packard, Harvey@Waterboards](mailto:Packard,Harvey@Waterboards)
Subject: RE: Los Osos CDO"s
Date: Tuesday, March 18, 2014 12:39:47 AM

Harvey Packard
Water Board Enforcement Division

Dear Mr. Packard,

I am a long time Los Osos resident who has kept tabs on the status of the "Los Osos 45." It is way past the time to remove all 45 from this ridiculous list, including Beverly and Bill Moylan. I've known these fine people since around 2000. That they were ever singled out for CDO's is simply ludicrous. Please remove them at once.

Yours Truly,
Abram Perlstein
Los Osos resident since 2000

From: [Jamie Rossetti](#)
To: [Packard, Harvey@Waterboards](mailto:Packard_Harvey@Waterboards)
Subject: Los Osos 45-
Date: Tuesday, March 18, 2014 6:25:41 AM

Good morning, Mr.
Packard.

I am writing to you to hopefully gain some understanding- what is it that the 45 CDO's are accomplishing at this point in time? Perhaps these 45 families have been punished long enough for the mistake of choosing to live in Los Osos. After 8 years, maybe the time has come to release them all from this unnecessary burden of worry and stress , and financial impact. My fingers are crossed- thank you for your attention to this bewildering issue.

Sincerely, Jamie Rossetti, Los Osos, Ca.

From: [Duncan and Marlene McQueen](#)
To: [Packard, Harvey@Waterboards](mailto:Packard_Harvey@Waterboards)
Subject: cdos
Date: Tuesday, March 18, 2014 7:49:04 AM

To Mr Packard

Please relieve all the people with the ridiculous CDOs, of this horrible burden for which they were unlucky to receive. This has never been a fair solution to a problem and they do not deserve to be punished like this. Sincerely, Marlene McQueen, Los Osos resident

From: [Anne R. Allen](#)
To: [Packard, Harvey@Waterboards](mailto:Packard,Harvey@Waterboards)
Subject: Time to remove the CDOs!
Date: Tuesday, March 18, 2014 9:41:42 AM

Hello Mr. Packard,

The CDOs leveled against 45 innocent Los Osos families in 2009 were Draconian at the time. Randomly choosing 45 families to punish for a political brouhaha not of their making reminded me of the horrors in Shirley Jackson's iconic short story, ***The Lottery***. I wrote about it at the time in ***HopeDance: [Shirley Jackson Comes to Los Osos.](#)***

Continuing to perpetuate this totalitarian evil is mindless sadism.

The sewer is being built. These people have no power to stop it--not that they ever did.

Please put an end to this evil. You can never put it right, but at least you can stop perpetuating the senseless persecution of these innocent citizens.

Best,

Anne R. Allen

--

Author of THE GATSBY GAME, FOOD OF LOVE, THE LADY OF THE LAKEWOOD DINER, and the Camilla Randall mysteries. Co-Author of [HOW TO BE A WRITER IN THE E-AGE](#) Amazon author page , [Anne R. Allen's blog](#) Twitter @annerallen

From: [Michael Miller](#)
To: [Packard, Harvey@Waterboards](mailto:Packard_Harvey@Waterboards)
Subject: CDO's Los Osos
Date: Tuesday, March 18, 2014 11:38:33 PM

Dear Mr. Packard;

In response to your request for input from the citizens in Los Osos regarding the imposition of CDO's on 45 households in Los Osos in 2006 and your intention to ask the RWQCB board members to consider rescinding them, I would like to encourage you to do so.

I have always been of the opinion that these were imposed simply to frighten the residents of Los Osos with threats of legal action to be certain that they voted "yes" on the 218 Sewer Assessment. Obviously, it worked. Thus there is no reason to continue these unjust and unreasonable requirements of 45 households.

I have read the lengthy letter from Bev De-Witt Moylan and agree with all of her statements particularly her request for reparations for the actions of the RWQCB which as she said, have not resulted in one drop of nitrate reduction in our aquifer or Bay.

It is alarming that the expert testimony at the time of the CDO Hearings was completely disregarded in spite of admissions from RWQCB staff that they had no knowledge of the operations of septic systems. It is quite apparent that the influence of certain members of the community in Los Osos who advocated that Los Osos residents should be "fined out of existence" for their resistance to a sewer plant in the middle of town, weighed heavily on these staff members.

Please do the right thing. I am understanding that many of the CDO recipients have sold their property because of the heavy burden

imposed on them. It was and remains an egregious action by a regulatory agency and was ill-advised from the onset.

Vita Miller

Prohibition Zone Inhabitant without a CDO

1205 Bay Oaks Dr.

Los Osos, CA 93402

805-528-5926

Cc: all RWQCB Board members

18. March, 2014

Harvey C. Packard, PE
Section Manager and Enforcement Coordinator
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Greetings Mr. Packard,

I understand you're interested in Los Osos's thoughts regarding the families who received CDOs some years ago.

We've lived in Los Osos since 1984, at our present address since 1990 and we feel strongly that the CDO concept is seriously flawed. We simply don't comprehend why a random group of innocent people should be punished because the County Board of Supervisors ignored the Health Code for decades and issued building permits for Los Osos homes that should never have been issued.

Please do whatever is possible to reconcile with the CDO families.

Thanks very much,
Ellen & Chet Perryess
Ellen & Chet Perryess
800 Santa Ysabel
Los Osos, California 93402

From: [Pat](#)
To: [Packard, Harvey@Waterboards](mailto:Packard.Harvey@Waterboards)
Subject: Los Osos CDO's
Date: Wednesday, March 19, 2014 3:30:28 PM

Dear Mr. Packard

I support and encourage your proposal to the Water Board; that they consider removing the punitive and costly "Los Osos 45" CDO's, at the meeting of the CCRWQCB in May 2014.

Sincerely,

Patricia Avant-Kern
2325 Osos Ct.
Los Osos, CA
93402

From: [Anne Norment](#)
To: [Packard, Harvey@Waterboards](mailto:Packard.Harvey@Waterboards)
Subject: Los Osos CDO Recipients- please recommend that CDOs are lifted
Date: Wednesday, March 26, 2014 4:50:00 PM

Dear Mr. Packard,

I am writing in reference to recent communication you have had with Bill Moylan in Los Osos about your upcoming recommendation to the RWQCB regarding CDOs applied to several residences in Los Osos. My understanding is that you are open to community input regarding your recommendation. So please consider this letter as strong support for removal of the CDOs from the 45 recipients, as well as any ongoing burden related to septic tank pumping or documentation.

First let me say that I personally am not a CDO recipient, but have followed the situation over the years. I have a number of friends and neighbors in Los Osos who have had the unfortunate experience of being CDO recipients. From my perspective the CDO recipients have shouldered a heavy burden (both psychologically and financially) that is very disproportionate to the rest of the Los Osos community. As you understand the construction of the Los Osos wastewater system is well underway and will be completed within the next 2-3 years under the direction of San Luis Obispo County Public Works department. The community (myself included) voted to assess residents and businesses within the prohibition zone to fund the project. We have already started paying toward construction through assessments added to property taxes. Many in the community even pushed for tertiary treatment, agricultural exchange or ag in lieu programs, as well as water conservation as part of the project in order to help balance our water basin. Given the current drought in California, I hope these efforts (which come with added cost to the community) are appreciated by the RWQCB. However to continue to single out a small group of households who were never in a position to directly influence the outcome of the project strikes me as highly unnecessary at this point in time. Having the CDOs in place has no impact on the water quality of the Los Osos basin, as this represents only ~1% of households. It even interferes with time that residents might take to focus on water conservation efforts such as retrofits etc. It also represents an unnecessary administrative burden for the RWQCB, which could otherwise focus that time/resources toward efforts that benefit water quality in the region.

All members of the community face the financial burden of on lot costs, the assessment and upcoming monthly charges for use of the Los Osos wastewater system. It is my understanding that since 2007, the CDO recipients have been obligated to pay for extra pumping of septic tanks that is not necessary and is actually considered to negatively impact the proper functioning of the tank. Thus at this time in particular, it seems only reasonable and fair to take away the obligation of CDO recipients to go through yet one more round of septic tank pumping. In addition, you may understand that due to the heavy equipment and truck traffic during construction of the wastewater system, road conditions in Los Osos have been severely impacted. So it is best if unnecessary truck traffic can be avoided, which naturally comes with the extra septic tank pumping required.

I appreciate your time and consideration. I also appreciate the work of the RWQCB to protect our water supply in the central coast. In conclusion, I ask you to enthusiastically recommend that the CDOs be lifted from residents in Los Osos, as well as any ongoing financial, reporting or septic pumping obligation.

Sincerely,
Anne Norment
Los Osos, CA

From: [Tim Rochte](#)
To: [Packard, Harvey@Waterboards](mailto:Packard.Harvey@Waterboards)
Subject: Remove the CDO's/CAO's from the Los Osos "Random 45"
Date: Thursday, March 27, 2014 12:57:01 PM

Dear Mr. Packard,

I am writing to strongly urge you to recommend removing the CDOs and CAO's from the "Random 45" property owners in Los Osos to the Water Board members at their May 20th meeting.

As one of the "45" who opted for a CAO, I personally feel that the action your Board took in 2006 accomplished their goals of having a Waste Water Collection Project built within the prohibition zone.

An excellent indicator of this strategy, as I see it, was the passage of the Proposition 218 vote by the affected property owner's with an overwhelming margin.

As I recall, if the vote was successfully passed the Board was going to consider removing the CDO's and CAO's at that time. I was never clear why the Board didn't take that action other than to "keep the heat on" the residents, and thus the county until the project had met critical milestones. I'd say by having most of the sewer lines and laterals laid, plus a signed and approved contract by the Board of Supervisors to build the Waste Water Facility is proof enough that the CDO's/CAO's accomplished the Board's goals.

Now your Board has a clear opportunity to take a step in the right direction for the entire community of Los Osos by having the CDO's and CAO's rescinded immediately. I see no further need for them.

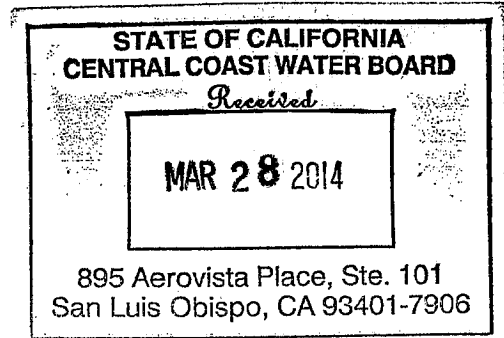
It's time to move on and remove the CDO's and CAO's. I hope you will make that recommendation to your Board.

I would appreciate hearing back from you with any thoughts or comments on the request I have made.

Sincerely,
Timothy Rochte

CDO #R3-2006-1041
1516 17th Street
Los Osos, CA 93402
March 27, 2014

Mr. Harvey Packard, Enforcement Coordinator
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA. 93401-7906



Mr. Packard,

My wife, Beverley, hand delivered a letter addressed to you on March 17, 2014 which was time stamped by one of the CCRWQCB's clerks. Her eight-page letter comments on the issuance of the CDO's placed upon just 45 families and their homes in 2006 and 2007. She discussed several points about those CDO's: their relevance, their significance, their impact on the recipients, their impact on the other property owners in the Prohibition Zone, and whether the mandatory pumping of just 45 septic tanks on a three year schedule would have any positive impact on the groundwater in Los Osos.

Her letter to you was eloquent, complete, and meaningful. She thanked you in advance for your response, and yet after ten days you have not responded in any way, nor have you even acknowledged her letter to you. It would seem appropriate and considerate for you to send her a response to that eight-page letter.

I can not begin to expand on her letter or elucidate any of the points she raised about those still existent CDO's, but I can let you know what comments I have heard over the last eight years concerning our CDO's from some of our friends and many strangers who have recognized me from the CDO hearings eight years ago. Here are but just a few of those comments concerning those CDO's.

"What's a CDO?"

"Do you still have that CDO, even now, after all this time? I thought that they went away after the 218 was passed."

"My God, I hope I never get one of those CDO's. That's terrible, what those people have done to you. How are you coping?"

"Just what do those Water Board people hope to accomplish with those crazy orders? What are they called anyway? It's just not right."

"You know, what those people in the Water Board did to you and those other families-it is so wrong."

"I swear to God, if I ever got one of those things, I would have my lawyer on their backs so fast..."

"So, are you still being bothered by that Water Board?"

"I bet you're glad that CDO thing is over. What? You still have one, after all this time? What purpose does that serve?"

"Well, they're never going to enforce them, are they? They can't do that. They can't tell you not to use your toilet-that's just insane."

"Since the project is underway, they have to remove them, don't they?"

"I don't know how you do it-isn't there something you can do to get them to stop this craziness?"

"You know, everyone in Los Osos should have gotten one of those things, not just 45 families. That's not fair. Isn't there some law saying they can't single out just a few?"

"This is the United States of America. How can they do that?"

I could go on about the comments people have made about the Water Board and the CDO's, but I believe you get the idea. Strangely, not one person who has spoken to me about those CDO's has thought that the CDO's were fair or legitimate or made sense, but they all figured out that the Water Board did it to get the people of Los Osos to pass the 218 assessment. Some people have called it electioneering. And everyone believes that those CDO's should have been rescinded years ago. As one person said to me, "What purpose can they possibly serve, after all this time?"

I believe, Mr. Packard, that you know that there is significant evidence those CDO's have done great harm to the Los Osos 45 families and absolutely no evidence that any good has come to the Los Osos aquifers from the issuance of those CDO's. I also believe that you should ask the Board to remove those 45 CDO's/CAO's immediately.

Finally, I firmly believe, as my wife so clearly stated in her letter to you ten days ago, that a public apology from the CCRWQCB is warranted, and that financial remuneration to those who complied with the required septic pumping of the CDO's is justified and necessary for any healing to take place between the CCRWQCB and the citizens of Los Osos. I would like a rapid response to this letter. Thank you.

Sincerely,


William R. Moylan

Cc:

Dr. Jean-Pierre Wolff, Chair
Dr. Monica Hunter, Vice Chair
Bruce Delgado, Board Member
Russell Jeffries, Board Member
Michael Johnston, Board Member
Michael Jordan, Board Member
Jeffrey Young, Board Member
Michael Thomas, Assistant Executive Officer

From: [william](#)
To: Thomas.Michael@Waterboards; Packard.Harvey@Waterboards
Subject: concerning the CDO's
Date: Friday, March 28, 2014 10:03:13 PM

Mr. Thomas,

I delivered hard copies of the letter below to the CCRWQCB today. There were copies for Mr. Packard, you, and all of the directors listed below. I want each person listed below to also get an e-mail of this letter and I am entrusting you to see that this e-mail gets forwarded to them. This is just a convenience for the board members, as well as another way of contacting them. I could not find any e-mail addresses for them on the CCRWQCB's website. Thank you and please let me know when you forward this letter to them.

Sincerely,
William R. Moylan

CDO #R3-2006-1041

1516 17th Street

Los Osos, CA 93402

March 27, 2014

Mr. Harvey Packard, Enforcement Coordinator

Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA. 93401-7906

Mr. Packard,

My wife, Beverley, hand delivered a letter addressed to you on March 17, 2014 which was time stamped by one of the CCRWQCB's clerks. Her eight-page letter comments on the issuance of the CDO's placed upon just 45 families and their homes in 2006 and 2007. She discussed several points about those CDO's: their relevance, their significance, their impact on the recipients, their impact on the other property owners in the Prohibition Zone, and whether the mandatory pumping of just

45 septic tanks on a three year schedule would have any positive impact on the groundwater in Los Osos.

Her letter to you was eloquent, complete, and meaningful. She thanked you in advance for your response, and yet after ten days you have not responded in any way, nor have you even acknowledged her letter to you. It would seem appropriate and considerate for you to send her a response to that eight-page letter.

I can not begin to expand on her letter or elucidate any of the points she raised about those still existent CDO's, but I can let you know what comments I have heard over the last eight years concerning our CDO's from some of our friends and many strangers who have recognized me from the CDO hearings eight years ago. Here are but just a few of those comments concerning those CDO's.

"What's a CDO?"

"Do you still have that CDO, even now, after all this time? I thought that they went away after the 218 was passed."

"My God, I hope I never get one of those CDO's. That's terrible, what those people have done to you. How are you coping?"

"Just what do those Water Board people hope to accomplish with those crazy orders? What are they called anyway? It's just not right."

"You know, what those people in the Water Board did to you and those other families-it is so wrong."

"I swear to God, if I ever got one of those things, I would have my lawyer on their backs so fast..."

"So, are you still being bothered by that Water Board?"

"I bet you're glad that CDO thing is over. What? You still have one, after all this time? What purpose does that serve?"

"Well, they're never going to enforce them, are they? They can't do that. They can't tell you not to use your toilet-that's just insane."

"Since the project is underway, they have to remove them, don't they?"

"I don't know how you do it-isn't there something you can do to get them to stop this craziness?"

"You know, everyone in Los Osos should have gotten one of those things, not just 45 families. That's not fair. Isn't there some law saying they can't single out just a few?"

"This is the United States of America. How can they do that?"

I could go on about the comments people have made about the Water Board and the CDO's, but I believe you get the idea. Strangely, not one person who has spoken to me about those CDO's has thought that the CDO's were fair or legitimate or made sense, but they all figured out that the Water Board did it to get the people of Los Osos to pass the 218 assessment. Some people have called it electioneering. And everyone believes that those CDO's should have been rescinded years ago. As one person said to me, "What purpose can they possibly serve, after all this time?"

I believe, Mr. Packard, that you know that there is significant evidence those CDO's have done great harm to the Los Osos 45 families and absolutely no evidence that any good has come to the Los Osos aquifers from the issuance of those CDO's. I also believe that you should ask the Board to remove those 45 CDO's/CAO's immediately.

Finally, I firmly believe, as my wife so clearly stated in her letter to you ten days ago, that a public apology from the CCRWQCB is warranted, and that financial remuneration to those who complied with the required septic pumping of the CDO's is justified and necessary for any healing to take place between the CCRWQCB and the citizens of Los Osos. I would like a rapid response to this letter. Thank you.

Sincerely,

William R. Moylan

Cc:

Dr. Jean-Pierre Wolff, Chair

Dr. Monica Hunter, Vice Chair

Bruce Delgado, Board Member

Russell Jeffries, Board Member

Michael Johnston, Board Member

Michael Jordan, Board Member

Jeffrey Young, Board Member

Michael Thomas, Assistant Executive Officer

From: [Antoinette Payne](#)
To: [Packard, Harvey@Waterboards](mailto:Packard_Harvey@Waterboards)
Subject: Remove Ceast & Desist order from the random 45 in LO
Date: Sunday, March 30, 2014 7:18:09 PM

Dear Harvey Packard,

I remember back in 2007 being gathered at the RWQCB's detainment room with other neighbors who were picked to endure the mock trials for owning a home in the LO prohibition one. The whole thing was surreal. I remember you as a kind man, asking if I wanted a seat. I got the sense that you were only doing your job. As the weeks went by the RWQCB staff and board got more abusive towards us who were US citizens and felt as though we had been transported to Nazi Germany in a room in San Luis Obispo on Aerovista Dr. We were told that if the sewer was not built and the rest of our town was not hooked up by a certain date, we might as well move from our homes, walk away from our real estate investment and incur thousands of dollars per day in fines .. all this because we choose to live in Los Osos.

I am sorry to report that I responded in fear just as the RWQCB wanted me to. I advised friends, neighbors and clients to vote "yes" on the 218 vote, I cried at my "trial" and pleaded with my husband to accept the the alternative to the CDO that was being offered. I in essence pleaded guilty to owning a home in the "prohibition area" which has the ominous sound akin to Area 51, the military base located within the U.S. Air Force's Nevada Test and Training Range.

I have complied with costly, unnecessary and likely damaging 3 year pumpings of my septic system.

Some neighbors who had CDO's sold their homes and the new owners were not burdened with the same threats of fines or periodic pumpings.

The whole episode was a huge waste of time, money and cost several people their marriages and their good health.

The people who moved away were smart. Unfortunately for me I have a business in town, a large mortgage and little equity so the timing was not right for me to move from the RWQCB's threats.

Now that the county and the town have made considerable progress in sewerage and the citizens have been paying on our tax bills the last several years, the least the RWQCB can do is apologize for dragging 45 innocent families through the mud in a pretense of justice which was actually a scare tactic and remove the CDO's.

Sincerely,

Antoinette Payne

ANTOINETTE PAYNE ,Broker, GRI
1316 2nd St. Los Osos, Ca 93402
www.PacificCoastBrokers.com

DRE 01047029
PH:[805 234 7890](tel:805-234-7890)
Fx:[805-888-2712](tel:805-888-2712)

From: [Ron Crawford](#)
To: [Packard, Harvey@Waterboards](#)
Cc: [BDaniels@EarthSci.UCSC.edu](#); [Thomas, Michael@Waterboards](#); [fmecham@co.slo.ca.us](#); [bgibson@co.slo.ca.us](#); [ahill@co.slo.ca.us](#); [cray@co.slo.ca.us](#); [darnold@co.slo.ca.us](#); [Bev De Witt-Moylan](#); [Ann Calhoun](#); [pogren@co.slo.ca.us](#); [Carl, Dan@Coastal](#); [mhutchinson@co.slo.ca.us](#)
Subject: Los Osos CDOs input
Date: Monday, March 31, 2014 12:52:11 PM
Attachments: [item48_attachment2.pdf](#)

Hello Mr. Packard,

Thank you for this opportunity to provide input towards your recommendation to the CCRWQCB at the May Water Board meeting involving the Cease and Desist Orders in Los Osos.

As you're about to read, I believe the CDOs should be immediately removed (or whatever the technical term is), due to a mountain of evidence that has surfaced since the prosecutions back in 2006 -- evidence that NOW shows that the only reason the CDOs were issued in the first place, proved to be completely inaccurate, and therefore, the CCRWQCB prosecuted 45 completely innocent property owners, for what-turned-out-to-be no reason whatsoever.

Here's how:

If you review the transcript of the 1/6/2006 ACL hearing, at this link:

http://www.swrcb.ca.gov/rwqcb3/board_info/minutes/2006/01_06_los_osos_hearing_transcript.pdf

... you'll see that then-Board Chair, Jeff Young, says:

"I can tell you one thing, that had the community not put the blocks on the current project (the Los Osos CSD's Tri-W "project") that we would not be here with an ACL hearing."

So, to be clear, according to Mr. Young, had the voters of Los Osos not recalled three LOCSD Board members that were responsible for developing the CSD's Tri-W (so-called) "project," and, therefore putting that "project" "on blocks" back in late 2005, the ACL hearings (that led to the CDOs) would have never even happened... **according to Mr. Young.**

Now, I want to take Mr. Young's quote, and couple it with the attached letter, also archived at this link:

www.waterboards.ca.gov/rwqcb3/board.../item48_attachment2.pdf

... dated Feb. 6 2004, from then-Chair of the CCRWQCB, **Bruce Daniels**, to then-California Coastal Commission Chair, **Mike Reilly**.

As you'll read in that letter, Mr. Daniels is actually "urging" the CCC to deny an appeal of the Coastal Development Permit for the Los Osos CSD's Tri-W "project," and therefore "urging" the CCC to approve the LOCSD's "project" -- a "project" that included a "mid-town" sewer plant/"picnic area."

In his letter, Mr. Daniels writes things like:

"We (the CCRWQCB) do not believe there is a viable alternative project (to the LOCSD's mid-town Tri-W "project") that would meet the community's water quality objectives and/or be more cost effective."

and;

"The (Tri-W) wastewater project is truly a community-based project in the fullest sense of the words."

and;

"The (Tri-W) project development... has included the most extensive public outreach and participation effort ever encountered by this Regional Board."

and;

"This project and potential alternatives were rigorously evaluated and examined through a process of dozens of public workshops and meetings."

and;

"The result of this effort is that the Los Osos CSD has developed a technically, environmentally, and economically sound project to address the community's water quality issues."

Now, in the time since Mr. Young said the above quote in 2006, and Mr. Daniels wrote the above-referenced letter in 2004, something VERY interesting happened:
AB 2701

As you know, Mr. Packard, that was the 2006/7 state law that transferred control of the Los Osos wastewater project from the LOCSD, to the County of SLO, and the county's wastewater system development process, from 2007 - 2010, included studying numerous alternatives, **including** the LOCSD's Tri-W "project," that Mr. Daniels raves about in his letter.

However, the county's lengthy and careful analysis of the LOCSD's Tri-W "project," **directly contradicts** Mr. Daniels' 2004 letter.

For example, the county's LOWWP Technical Advisory Committee's "Pro/Con" report of the various project options in Los Osos, archived at this link:

<http://www.slocounty.ca.gov/Assets/PW/LOWWP/TAC/TAC+Final+Pro-Con+Component+Analysis+8-6-07.pdf>

... contains the following quotes involving the LOCSD's **now-failed** Tri-W "project:"

- "(Tri-W's) downtown location (near library, church, community center) and the high density residential area require that the most expensive treatment technology, site improvements and odor controls be employed."

and;

- "It (the Tri-W sewer plant) has high construction costs..." (\$55 million. The next highest treatment facility option is estimated at \$19 million.)

and;

- "Very high land value and mitigation requirements"

and;

- Tri-W energy requirements: "Highest"

and;

- "Small acreage and location in downtown center of towns (sic) require most expensive treatment"

and;

- "higher costs overall"

and;

- "Limited flexibility for future expansion, upgrades, or alternative energy"

and;

- "Source of community divisiveness"

and;

- "All sites are tributary to the Morro Bay National Estuary and pose a potential risk in the event of failure. Tri-W poses a higher risk..."

and;

- "It was the unanimous opinion of the (National Water Research Institute) that an out of town site is better due to problematic issues with the downtown site."

and;

- "ESHA - sensitive dune habitat"

Additionally, in a June 29, 2009 memo to the SLO County Planning Commission, archived at this link:

www.slocounty.ca.gov/.../Final+PC+Hearing+Memo+6-29-09.pdf

... officials from the SLO County Public Works Dept. write [all bolding mine]:

"The (county's Los Osos wastewater) Project team, given **the clear social infeasibility issue** associated with Mid Town (Tri-W "project") and **the infeasible status of the LOCSD disposal plan**, believes that if either of those options are deemed by decision-makers to be the best solution for Los Osos, then **serious consideration should be given by the Board to adopt a due diligence resolution and not pursue Project implementation.**"

and;

"In other words, if decision makers collectively decide, through perhaps a denial of the current CDP application, that the Tri-W project should be implemented, then the

Board will have a challenging decision to make... the Board would need to consider directing the County team to implement the Tri-W Project - **contrary to the (2007) community wide survey that only provided 10% support for the once-failed alternative.**"

Finally, when the county ultimately "short listed" its project alternatives to the final three, as required by CEQA, the LOCSD's Tri-W "project" didn't even come close to making the county's short list of alternatives... I repeat: **it didn't even make the short list of alternatives...** BECAUSE it was such a "infeasible" disaster, and now, that non-project will never -- repeat: **never** -- exist, **after** some six years and nearly \$25 million, was completely wasted on its development.

So, look at this situation today, in 2014. It's fascinating.

Here we have Mr. Daniels' letter from 2004, where he's raving about the Tri-W disaster, and actually "urging" the Coastal Commission to **approve** it, yet every point he makes in his letter turned out to be completely inaccurate, and I mean **180-degrees wrong.**

For example, Mr. Daniels writes:

"We (the CCRWQCB) do not believe there is a viable alternative project (to the LOCSD's mid-town Tri-W "project") that would meet the community's water quality objectives and/or be more cost effective."

Well, as the county's analysis clearly shows, there were NUMEROUS "viable alternative projects" available at the time of his letter, **including** the project being constructed today -- a reality-based project that includes a treatment plant out of town, downwind, and "picnic area"-less.

Mr. Daniels writes:

"The (Tri-W) wastewater project is truly a community-based project in the fullest sense of the words."

Contrast that with the county's analysis that found:

"... the (2007) community wide survey that only provided 10% support for the once-failed (Tri-W) alternative,"

and;

"... **the clear social infeasibility issue** associated with Mid Town (Tri-W 'project'),"

... and we discover that the Tri-W disaster was "a community-based project" in **ZERO** "sense of the words."

Mr. Daniels writes:

"The result of this effort is that the Los Osos CSD has developed a technically, environmentally, and economically sound project (the Tri-W disaster) to address the community's water quality issues."

The Tri-W disaster, clearly, was **never** "technically sound." ["... the infeasible status of the LOCSD disposal plan...", and; "While the (LOCSD's disposal) approach had uncertainty for them, it is fully infeasible for the County."]

The Tri-W disaster was **not** "environmentally sound." ["All sites are tributary to the Morro Bay National Estuary and pose a potential risk in the event of failure. Tri-W poses a higher risk...", and, "It was the unanimous opinion of the (National Water Research Institute) that an out of town site is better due to problematic issues with the downtown site," and, "(the Tri-W site is considered) ESHA - sensitive dune habitat"]

The Tri-W disaster was **not** "economically sound." ["(Tri-W's) downtown location (near library, church, community center) and the high density residential area require that **the most expensive** treatment technology, site improvements and odor controls be employed," and, "higher costs overall."]

Mr. Daniels also writes:

"This (Tri-W) project and potential alternatives were rigorously evaluated and examined through a process of dozens of public workshops and meetings."

That statement is **so 100-percent wrong**, that I actually find it funny.

According to the LOCSD's own documents, the highly controversial decision to build a sewer plant in the middle of Los Osos was locked-in at just ONE "workshop."

For example, according to the "Los Osos Community Services District Alternatives Report for Wastewater Treatment," dated July 25, 2000, and that I've made available for public download at this link:

http://www.slocreek.com/ALT_REPORT.pdf

... on page 3, it reads:

"On June 20, 2000 the first workshop was held with the (LOCSD) Wastewater Subcommittee... The clearest result of the first workshop was that (the Tri-W site) was found to be the best site (for the LOCSD's mid-town sewer plant)."

Additionally, a couple years back, I actually did an official Public Records Request to the LOCSD for copies of all the documents associated with that **alleged** June 20, 2000 workshop, and the District responded that they do not have any documents "responsive to my request," leaving me to conclude that even that ONE workshop **never happened**.

So, again, when Mr. Daniels writes, "This (Tri-W) project... (was) rigorously evaluated and examined through a process of dozens of public workshops and meetings," he couldn't be more wrong.

"Dozens of public workshops?"

No, there were ZERO "public workshops" on the decision to build a sewer plant/"picnic area" in the middle of Los Osos. The laughably awful decision to build

an industrial sewer plant in the middle of Los Osos, just so the town's residents could more easily "picnic" in it, was made by the 2000 LOCSD, with ZERO public input.

And all of this, in 2014, NOW begs the question:

How in the world did CCRWQCB members like Mr. Daniels, and Mr. Young, get SO confused on the feasibility of the now-failed Tri-W disaster?

I mean, that June 20 2000 document, that clearly shows the decision to build a sewer plant in the middle of Los Osos was made at just ONE **alleged** "workshop," was easily available to Mr. Daniels when he wrote, "This (Tri-W) project... (was) rigorously evaluated and examined through a process of dozens of public workshops and meetings."

Which **clearly** means that CCRWQCB members like Mr. Daniels, and Mr. Young just simply got lazy. That got lazy, didn't do their due diligence to verify that what the 2000 - 2005 LOCSD was telling them was actually accurate, and therefore they **inexplicably** "urged" the California Coastal Commission to **approve** the Tri-W disaster, and then, when the voters of Los Osos finally did the right thing, by putting the Tri-W disaster "on blocks" in 2005, Mr. Young turned right around and brought hardcore prosecution on 45 completely innocent property owners (and their families), for doing what Mr. Young and Mr. Daniels should have done years earlier - putting the Tri-W disaster "on blocks."

In other words, had Mr. Daniels NOT been so embarrassingly confused on the feasibility of the Tri-W disaster in 2004, his letter to the CCC, instead of urging the Commission to actually approve the Tri-W disaster, should have been **begging** the Commission to NOT approve the Tri-W disaster.

If he had, it's likely that the past 10 years (and counting) of Los Osos sewer delay would have never happened.

Mr. Daniels also writes, "Every day that the (Los Osos sewer) problem is not resolved, approximately one million gallons (356 million gallons a year) of partially treated wastewater is being discharged to the community's sole source of drinking water."

Now, let's do the math. It's breathtaking:

10-years-and-counting of delay simply because the CCRWQCB got lazy, and, therefore, terribly confused on the facts surrounding the Tri-W disaster back in 2004, at "356 million gallons a year," means that the Board's **own** laziness/confusion added more than **3 billion (with a "b") gallons of water pollution** to the State's water.

So, in conclusion, clearly, according to a mountain of primary source documents that has surfaced since the original prosecutions back in 2006, the delays in implementing a reality-based sewer system in Los Osos had absolutely nothing to do with the property owners, and everything to do with the CCRWQCB simply not doing its homework regarding the LOCSD's Tri-W disaster.

However, it was the CCRWQCB that brought hardcore enforcement on 45 completely

innocent property owners for delaying a sewer project in Los Osos -- a delay that is directly attributable to the CCRWQCB's laziness.

And THAT's why the Cease and Desist orders that are still weighing heavily on those innocent property owners, should immediately should just go away... or whatever the legal terminology is for that process.

Recently, I read on Ann Calhoun's excellent blog, at this link:

<http://calhounscannon.blogspot.com/2014/03/dear-mr-packard.html>

... that CDO recipient, Bev Moylan, wrote to you, "A written apology is the least the Water Board can offer each family targeted for a year of prosecution and for over seven years of enforcement with persistent threats of daily fines, referral to the California Attorney General for criminal prosecution, and loss of property should the sewer project encounter any unexpected delay."

I very much agree with Ms. Moylan's request for an apology, however, I would also ask that the CCRWQCB apologize to ALL the People of California, for the immense cost to the state for the senseless prosecution, and the massive amount of water pollution to the state's water that the Board's laziness caused when they actually **supported** building the LOCSD's now-miserably-failed, "infeasible," Tri-W disaster.

Finally, I see that Jeff Young is still a member of the CCRWQCB.

I **strongly suggest** that, due to his gross incompetence in this extremely costly embarrassment, Mr. Young also immediately resign from the Board, **after** he apologizes.

Again, thank you very much for the opportunity to provide input towards your recommendation to the CCRWQCB involving the CDOs in Los Osos, and, if you have any questions, please just ask.

Sincerely,
Ron

--

~ ~ ~ ~ ~
sewerwatch.blogspot.com



California Regional Water Quality Control Board

Central Coast Region



Terry Tamminen
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

February 6, 2004

Mr. Mike Reilly, Chairman
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Chairman Reilly and Commissioners:

APPEAL OF COASTAL DEVELOPMENT PLAN/PERMIT NO. D020283D, LOS OSOS CSD WASTEWATER PROJECT, SAN LUIS OBISPO COUNTY

I am writing you regarding the appeal of the above referenced Coastal Development Permit for the Los Osos Community Services District (CSD) wastewater project. Please consider these five points regarding that appeal:

- Ongoing degradation of coastal resources (Morro Bay Estuary and local ground water) continues as long as septic systems are allowed to discharge partially treated wastewater in Los Osos.
- The Coastal Commission's unanimous approval of the Local Coastal Plan Amendment for the treatment facilities (in August 2002) supported the Los Osos CSD's design of the current project.
- The wastewater project is truly a community-based project in the fullest sense of the words.
- Further project delay will increase the cost burden to residents and allow continued coastal resource degradation.
- You should deny the appeal

Please consider the following elaboration on these five key points:

Ongoing Coastal Resource Degradation: Resolving Los Osos wastewater management problems has been one of this Regional Board's highest priorities for many years. Implementing the wastewater project is vital in order to restore the Los Osos ground water basin, protect the Morro Bay State and National Estuary, the shellfish industry in the Bay, and other marine resources. Degradation of ground water and surface waters from high-density use and septic systems in Los Osos will continue until the sewer system is built. Every day that the problem is not resolved, approximately one million gallons (356 million gallons a year) of partially treated wastewater is being discharged to the community's sole source of drinking water. Therefore it is essential that the project proceed as soon as possible.

Project Development after Coastal Commission Approval of Location: On August 8, 2002, the Coastal Commission unanimously approved a Local Coastal Plan Amendment to accommodate the proposed treatment plant location at the Tri-W property. Based upon this approval, the Los Osos CSD proceeded to design and undergo the extensive multi-agency permitting required for a project of this complexity. On July 24, 2003, after lengthy public hearing, San Luis Obispo County Planning Commission unanimously approved the Coastal Development Plan/Permit for the Los Osos Wastewater Project. On October 21, 2003, after a lengthy public hearing, the San Luis Obispo County Board of Supervisors unanimously denied appeal of the Coastal Development Plan/Permit. The project is not

California Environmental Protection Agen



EO REPORT ATTACHMENT NO. 2
MAY 13-14, 2004 MEETING
FEBRUARY 6, 2004 REG. BOARD
LETTER TO MIKE REILLY 3

May 22-23, 2014
Comments

substantially altered from that which was considered by the Coastal Commission in 2002 (for the Local Coastal Plan Amendment).

The Community Based Wastewater Project: In 1997, the Coastal Commission postponed a decision regarding appeal of the County's community wastewater project, and granted the request of the residents of Los Osos to form a local CSD that would direct development and implementation of this important community infrastructure. In 1998, at the urging of the Coastal Commission, the community of Los Osos formed its own governing body (Los Osos CSD). Since then the Los Osos CSD has undertaken the monumental task of developing a wastewater project, which meets the goals and standards of a multitude of State and Federal resource agencies as well as community priorities. The project development and permitting process has included the most extensive public outreach, education and participation effort ever encountered by this Regional Board. This project and potential alternatives were rigorously evaluated and examined through a process of dozens of public workshops and meetings. The result of this effort is that the Los Osos CSD has developed a technically, environmentally and economically sound project to address community's water quality issues.

Delays Result in Increased Cost to Community: Millions of dollars have already been spent on the wastewater project design and purchase of property for the treatment and disposal facilities. In 2001, Los Osos property owners voted overwhelmingly to support forming an assessment district to finance the project. In November of 2002, bonds were sold to pay for a portion of the project and repayment of those bonds has already begun (on fall 2003 property tax assessments). In short, the community is already beginning to pay for the project. Due to the substantial cost of the project, the Los Osos CSD continues to pursue any available funding assistance in order to reduce costs to individual property owners. However, every month of project delay adds over \$150,000 to the cost of the project. Furthermore, delay also threatens potential loss of a \$64 million State Revolving Fund loan (an integral part of the wastewater project's funding package). Delay may also result in loss of a Community Block Grant to assist low income residents with project related expenses. Over the past two decades, delays have resulted in tens of millions of dollars of project cost increases. These financial impacts do not even consider the ongoing coastal resource degradation, which will continue until the project is implemented.

Deny Appeal/No Substantial Issue: My staff has reviewed the documents provided by the three appellants and finds no substantial basis to deny or alter the Coastal Development Plan or Permit. We do not believe there is a viable alternative project that would meet the community's water quality objectives and/or be more cost effective. Furthermore, delays will add to the cost of the project, as has been demonstrated repeatedly over the past decades. It is unreasonable to believe that the CSD could develop a project upon which every community member will agree. This project meets water quality requirements and when fully operational will begin the process of restoring degradation of coastal resources and ground water. We urge you to support this important environmental and public health protection project by **denying the appeal of the Coastal Development Plan/Permit No. D020283D for the Los Osos Wastewater Project at your March 2004 Meeting in Monterey.**

If there is any information our staff can provide (from the thirty year history and dozens of studies performed in Los Osos) please contact **Roger Briggs at 805-549-3140, Gerhardt Hubner at 805-542-4647, or Sorrel Marks at 805-542-3695.**

Sincerely,



Bruce Daniels, Chairman
Central Coast Region

California Environmental Protection Agency



cc:

California Coastal Commission Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Mr. Bruce Buel, General Manager
Los Osos Community Services District
P. O. Box 6064
Los Osos, CA 93412

Mr. Darrin Polhemus, Supervising WRCE
Division of Financial Assistance
State Water Resources Control Board
P. O. Box 944212
Sacramento, CA 94244-2120

Steve Monowitz, Senior
Permitting Unit
California Coastal Commission, Santa Cruz Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

S:/wdr/wdr facilities/san luis obispo co/los osos/coastalcommissionappealltr02-09-04

From: [Miss Coleman](#)
To: [Packard, Harvey@Waterboards](mailto:Packard_Harvey@Waterboards)
Cc: [Salazar-Thompson, Sandra@Waterboards](mailto:Salazar-Thompson_Sandra@Waterboards)
Subject: Fwd: Los Osos Treatment Plant
Date: Friday, April 04, 2014 12:00:34 PM
Attachments: [capps.jpg](#)
[ctc capps 1.jpg](#)
[ctc capps 2.jpg](#)

Harvey,

I was disappointed that you didn't return my call

This is what I was going to tell you:

I can't help but feel that CCRWQCB's in a rather precarious position with the CDO's, draft CDO's, CAO's, etc, ie, threatening us with fines of \$5,000.00 a day for 8 years based on 83-13 which is based on nothing but flawed data, unverified and not questioned by anyone.

That we "randomly-selected" property owners were not allowed to even mention The Basin Plan at our ridiculous "hearings" when were found guilty and punished is telling enough.

That I spent so much money (\$25K) I needed to live on a System for Compliance with CDO #1002 and was continually told "You're compliant as long as the County continues to work on the sewer" is unfortunate

I continue to fight for my God-given and Constitutionally-protected Rights
It's not too late

We can still meet and figure out how you (all) can make it up to me.

Best,

Cinthea

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

From: **Miss Coleman** <cintheacoleman@gmail.com>

Date: Fri, Apr 4, 2014 at 8:48 AM

Subject: Los Osos Treatment Plant

To: info@auburnconstructors.com

Hello,

I'm one of the property owners who cannot afford the San Luis Obispo County sewer.

A few of us have been fighting for our Rights as the County, USDA RD, Rep Lois Capps, CCRWQCB and others lie to get this project and a huge revenue stream set up at the expense of 4500 property owners in a verified Economically Depressed area.

Wednesday I was chatting with Special Agent Clay M Brown at the Office

of the Inspector General in Washington, DC. He's been so helpful and supportive as well as understanding of my/our Plight. We were discussing the CA State Revolving Fund that's funded by US EPA and is supposedly being used to pay you @ Auburn Constructors to build the sewage treatment plant.

The SRF money was to have been started to come into SLO Co in January, but, as of this date, it's been held up, allegedly for "paperwork".

Clay Brown told me, "We're not sending ANY money to (states) SRF any more and I'd be really surprised if California SRF has any money at all"

I'm sure you're aware of the \$15million lawsuit by ARB Construction v SLO County brought by Rutan & Tucker for changes in Work Orders not under contract where the work was done and no payment was made.

The County's blown thru the \$83M+ from 9 USDA RD loans received by lying to a member of Congress (see attached), spent most of the \$10M they loaned themselves, about \$14M is still owed ARB & WA Rasic, who might be filing suit also.

I send this because the \$69M SRF money was promised ONLY because "It's for a sewage treatment plant" and "They have the ability to repay" No offense to you & what you do, but that's so irresponsible.

I hope this is interesting and will help you from being disappointed by a bunch of men who've gone around the proverbial Bend with Greed and False Power.

Sincerely,

Miss Cinthea T Coleman

1399 14th Street

Los Osos 83402

[805 439 1524](tel:8054391524)

URGENT! FOR IMMEDIATE ATTENTION

LOIS CAPPS
2310 DIXIE BLVD., CAJON VALLEY, CA 95128

2231 BAKER ST. SUITE 200 OFFICE SUITE
SAN LUIS OBISPO, CA 95070
TEL: 805.749.1234

www.loiscapps.com

COMMITTEE ON
ENERGY AND COMMERCE



Congress of the United States

House of Representatives

August 16, 2012

ESTABLISHED
L 1111 YARD STREET, SUITE 205
SAN LUIS OBISPO, CA 95070
TEL: 805.749.1234

E 30 EAST CARRILLO STREET, SUITE 4
SAN LUIS OBISPO, CA 95070
TEL: 805.749.1234

2675 SOUTH VALLEY ROAD, SUITE 101
SAN LUIS OBISPO, CA 95070
TEL: 805.749.1234

Cynthia Coleman
1399 14th Street
Los Osos, CA 93402-1411

MISS
DEAR Mrs. Coleman:

Thank you for contacting me to express your concerns with the construction of a waste water treatment plant in the community of Los Osos. As your Representative, I appreciate you sharing your views with me on this important issue for our community.

① As you know, San Luis Obispo County is constructing a waste water treatment plant in order to respond to the regional water quality control board's order to replace the community's current septic system, eliminate nitrate contamination, and protect groundwater supplies. This project includes tertiary treatment, 100 percent urban and agricultural reuse, no ocean outfall, and increased water conservation. It also addresses all state and federal clean water mandates and is expected to provide lasting protection to the adjacent national estuary.

② The community recognized the critical nature of the project and voted for—with 80 percent approval—an assessment of almost \$25,000 per single family home over the course of the project. This self-assessment is particularly striking in light of the fact that nearly 25 percent of Los Osos households are over the age of 60 and are on fixed incomes. ③

④ To assist Los Osos residents, and at the request of the Board of Supervisors, I worked closely with other elected officials in our area to help secure a federal loan and grant from the U.S. Department of Agriculture to offset the local cost of the project. I also remain committed to helping Los Osos residents by trying to secure additional federal funds that would bring the monthly costs of building the waste water system down significantly. ⑤

Again, thank you for contacting me. I appreciate your valuable input and assure that I will continue working to support the people of Los Osos in anyway I can. Please keep in touch by visiting my website, liking my Facebook page, following me on Twitter, or signing up for my e-newsletter.

Sincerely,

LOIS CAPPS

Member of Congress

to: Rep Lois Capps 20 Aug, 2012
2251 Rayburn House Bldg
Washington, DC 20515-0522
Re: Los Osos \$ 200m sewer

MRS. Capps -

Thank you for your letter dated
16 August, 2012 (see enclosed)
- Responses -

- ① please provide me with this
"order" from CRWACB. (It doesn't
exist) there's NO proof we're
polluting with our septic, myriad
proof were NOT.
- ② this was AN OPEN WEIGHTED
vote & was carried by 17
property owners
- ③ we've already had our proper-
ties liened for \$25K each,
property taxes up over \$70
a month. we payed on your
USDA loan before SLD counts
got any money (2011-2012 tax)

(2)

④ this was NINE \$9 million loan meant for NINE smaller projects for NINE small areas. not legal, I hear.

⑤ the monthly cost for this \$237 sewer paid for by 4500 property owners is over \$400 A month w/ more if the county gets their way + were forced to pay to import water from NACIMENTZ

lastly, it's Miss Coleman and I'll be one of THOUSANDS wh cant afford this monstrosity (w/ta DAN?) and will lose/our Homes.

you've been misinformed and manipulated by DIXONEST MEN!!

I'm sorry for US ALL

Miss Cynthia T