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October 12, 2006

Via overnight mail and electronic mail

Michael Thomas, Assistant Executive Director
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: *Proposed CDO's/Los Osos and Baywood Park Residents*

Dear Mr. Thomas:

The undersigned represents the Los Osos Community Services District ("CSD"), a Designated Party in the above-referenced matter. This letter is submitted pursuant to the Order issued by the Chairman of the Central Coast Regional Water Quality Control Board ("RWQCB") on August 4, 2006, and the Notice of Public Hearing issued by the RWQCB's Assistant Executive Officer on September 12, 2006.

Pursuant to the Order and the Notice of Public Hearing, the CSD's evidence and arguments regarding the above-referenced enforcement action are to be submitted on or before October 13, 2006. Thus, this submission is timely. As to documentary evidence, the CSD incorporated by reference hundreds of documents relevant to Los Osos and the CDOs, and also submitted a number of computer discs (in DVD form) containing additional relevant evidence, for the Hearing in the Spring. The CSD is informed and believes that those discs remain on file with the RWQCB in its Los Osos CDO file. We hereby incorporate by reference the discs on file with the RWQCB, but also provide three (3) new discs containing copies of evidence.

I. Background

The RWQCB granted the CSD Designated Party status for these Cease and Desist Order ("CDO") proceedings so that the CSD might represent not only its own interests as a local governmental entity but matters common to the proposed recipients of CDOs and the rest of the Los Osos community. As stated numerous times by both the RWQCB and the RWQCB's Prosecution Team, the CSD is not itself a direct target of these proceedings, but is a party to them in light of the impacts that the proceedings will have on its interests.

These proceedings were initiated in late January 2006, At the time the CSD submitted its request for Designated Party status, we noted that we were unable to submit *all* comments and evidence at that time, but instead submitted a summary of the comments and evidence and requested leave to supplement that summary by March 1, 2006 (the submission date for comments and evidence offered by the original Designated Parties). Thereafter, the RWQCB continued the Hearing to April 28, 2006, and the due date for these comments to April 5, 2006. At the April 28, 2006 hearing, the RWQCB heard comments from interested parties, the Prosecution Team's case, the beginning of the CSD's arguments, and testimony from an engineer appearing on behalf of individual Designated Parties. The proceedings then were suspended in light of due process concerns raised by the CSD in our previous comments and at the hearing. Following the RWQCB's consideration of due process issues and the appointment of a new Prosecution Team, the hearings are now moving forward and are scheduled for November 2 and 9, 2006.

This letter represents the CSD's formal argument as to the propriety not only of the CDOs themselves, but of these proceedings in general. Our written comments will be supplemented by oral presentations at the November 2 and 9 hearings and the documentary evidence attached as Exhibit A to this letter.[1] The following arguments are divided into three parts. The first addresses the remaining due process hurdles raised by these proceedings. The second speaks to other remaining legal hurdles to the issuance of CDOs pursuant to this process, including procedural and substantive violations of controlling law that have arisen because of the nature of the process, concluding that the procedural and substantive defects in this process continue to violate the constitutional rights of the individuals targeted for prosecution, the other residents and businesses of Los Osos and San Luis Obispo County, and the CSD. The third summarizes the documentary scientific evidence offered and the fact that, when all relevant scientific evidence is considered, there is no sufficient basis on which the RWQCB may issue the CDOs.

II. Despite the RWQCB's Postponement of These Proceedings, Substantial Due Process Concerns Remain Unresolved

A. In Light of Previous Statements on the Record in the CSD's Administrative Civil Liability Hearing, The RWQCB Cannot Offer an Unbiased Forum for the Hearings

In an April 27, 2006 letter to District President Schicker, Tam Doduc, Chair of the State Water Resources Control Board wrote:

[1] This documentary evidence is identical to the evidence previously submitted by the CSD in this matter.

> "The State Water Resources Control Board takes due process concerns very seriously. While I cannot actively intervene in the on-going process before the Central Coast Water Board, I have relayed your concerns to the Regional Water Board staff. I have also requested that they carefully consider all procedural requests (such as your request for continuance) and ensure that their hearing procedures protect the due process rights of all individuals."

Chair Doduc's view is certainly consistent with the 5th Amendment to the U.S. Constitution (applied to states via the 14th Amendment) which states that, in relevant part, "[n]o person shall be ...deprived of life, liberty, or property without due process of law." From a procedural perspective, this constitutional right simply means that that the government must ensure a fair decision-making process when it seeks to deprive an individual of life, liberty or property. Due process always requires a relatively level playing field, the "constitutional floor" of a "fair trial in a fair tribunal." In other words, a fair hearing before a neutral or unbiased decision-maker. *Nightlife Partners v. City of Beverly Hills* (2003) 108 Cal.App.4th 81, 90 (citing numerous U.S. Supreme Court due process decisions).

Such constitutional protections have been interpreted broadly in favor of jealously guarding due process rights. As applied to administrative hearings, due process:

> "...also demands an *appearance* of fairness and the absence of even a *probability* of outside influence on the adjudication. In fact, the broad applicability of administrative hearings to the various rights and responsibilities of citizens and businesses, and the undeniable public interest in fair hearings in the administrative adjudication arena, militate in favor of *assuring* that such hearings are fair." *Nightlife Partners, supra* (emphasis added)

Accordingly, the legal standard in the instant CDO proceedings is for this RWQCB to ***assure*** not only ***actual*** fairness but also the ***appearance*** of fairness and favor the protection of rights over concerns for expediency and making political statements.

As noted in the CSD's previous comments to the RWQCB, which comments remain on file with the RWQCB, the decision to initiate prosecution of the individual septic system owners was made by this RWQCB on January 5 when it directed Mr. Briggs to begin such process. That is tantamount to a superior court judge telling a District Attorney which citizens to make defendants and which defendants to take to trial before that very same judge. It **appears** unfair and is **actually** unfair because the

adjudicative arm of the government must be kept separate from the prosecution arm in order for fairness of process to occur. *Withrow v. Larkin* (1975) 421 U.S. 35, 47 In this case, four RWQCB members crossed the line by straying from their role as adjudicators and openly directing that individuals were to be prosecuted before them.

Specifically, at the RWQCB's Administrative Civil Liability hearing for the CSD, comments made by three members of the RWQCB (each of whom could appear on the Hearing Panel in the absence of a quorum) it is abundantly clear that the RWQCB as a whole is *not* an unbiased, neutral arbiter. Chairperson Young stated the intention of the RWQCB to pursue individual enforcement actions. (*See* ACL transcript, 412:10-413:7.) Other members of the RWQCB joined Chairperson Young in stating, for the record, their opinion that individual enforcement actions needed to be taken. Board Member Shallcross went so far as to state that individual enforcement actions might "*create the political will for something to happen*" in Los Osos. (ACL transcript, 424:22-425:1.)

Fatal to the RWQCB's ability to hear this matter, Member Shallcross's statement evinces not only a partial arbiter, but one who seeks to advance an improper purpose with these proceedings. Prosecution, even administrative prosecution, undertaken to bend the political will of the electorate is so clearly improper that it is difficult to fathom a circumstance in which it could be deemed proper. The RWQCB's stated intent to influence the upcoming election of CSD Directors by bringing these enforcement actions against large blocks of Los Osos voters is an outright abuse of the RWQCB's power.

In addition, the secret "random" method by which the first "lucky 50" were selected to be prosecuted may appear "fair" in the sense that all 4500+ septic owners had equal opportunities to be "spared" from the first round of prosecutions, but in practice the process is **actually** unfair from the perspective that the Prosecution Team has stated that all 4500+ prosecutions will be "the same" and all brought between now and 2010 (end of the "cure period"). That means that the "cure period" given to the first CDO recipients will be longer than that given to the last ones and that the interim requirements imposed on the first round of CDO recipients will last for several years, while those same interim requirements will be imposed on the last wave of CDO recipients for a few weeks.[2] Notwithstanding the new proposed CDO and its one-time pumping requirement, the RWQCB retains the ability to issue any interim requirements it chooses, including requirements which may impose a greater burden on the current

[2] There are other problems with the "random" selection, phased prosecution, and interim requirements aspects of these proceedings that go beyond due process and into the realm of civil rights violations and illegal assessments; however, such issues are beyond the scope of the Chair's requested briefing here and are only mentioned to ensure that they are not considered waived.

45 Designated Parties than on the other 4400+ property owners and residents of Los Osos.

B. The Change in the Makeup of the Prosecution Team Does Not Relieve the Bias and Unfairness Created by the Original Team

Compounding this problem is the makeup of the original Prosecution Team and that fact that these proceedings have been restarted not from their very beginnings but midstream. As the RWQCB has already considered, in *Quintero v. City of Santa Ana* (2003) 114 Cal.App.4th 810, the appellate court held that it is violative of due process when the city attorney that routinely advises the city's personnel board also prosecutes before that board...the reason being is that such situation ***creates an appearance of bias and unfairness***. The holding in *Quintero* was recently applied to the SWRCB and its attorneys in a Sacramento Superior Court Case entitled *Morongo Band v. SWRCB*. In *Morongo*, the trial court held that a SWRCB attorney cannot act as an enforcement attorney before the SWRCB while concurrently acting as legal advisor for the SWRCB---even if the two matters are unrelated.

The rationale behind the holdings in both *Quintero* and *Morongo* is that

> "For the Board to allow its legal advisor to also act as an advocate before it creates substantial risk that the Board's judgment in the case before it will e skewed in favor of the prosecution. The chance that the Board will show a preference toward [the deputy city attorney], even 'perhaps unconsciously' is present and unacceptable." *Quintero, supra,* at 817.

Thus, at a minimum in the case at bar, because Ms. Okun regularly advises this RWQCB and was a member of the Prosecution Team that prepared briefs submitted to this RWQCB and presented the Prosecution Team's case to this RWQCB, the **appearance** if not he **actuality** of unfairness is implied as a matter of law. Simply put, this RWQCB has now been unfairly influenced in these proceedings by having its counsel serve as prosecutor, and, to ensure both actual fairness and the appearance of fairness, go one step further than that taken by the courts in *Quintero* and *Morongo*; namely, to require that when and if new prosecutions are initiated that senior RWQCB staff (e.g. Mr. Briggs, Mr. Packard, and Mr. Thompson) be precluded from participating in the prosecution.

The rationale for such conclusion is the same as that applied in *Quintero* and *Morongo*; namely that anyone, an attorney or otherwise, ***who regularly advises the RWQCB*** should not be allowed to prosecute before that same RWQCB.

Executive Officer Roger Briggs advises the RWQCB more often than any other person. Senior staff members Harvey Packard, and Matt Thompson advise the RWQCB often. Presumably, the RWQCB members trust these three senior staff members, otherwise they would not be senior staff. Thus, according to *Quintero*, it would be natural for this RWQCB, which has looked to senior staff for advice and guidance, to give more credence to their arguments when deciding the CDO matters. Whether or not the RWQCB members actually do or not is irrelevant; the appearance of unfairness is sufficient to invalidate the hearing. Coupled with the fact that three of the top six advisors to the RWQCB (four if one counts Ms. Okun) are on the Prosecution Team in this instance, the appearance of manifest unfairness is not just present---it is grossly apparent.

In sum, *Quintero* and *Morongo* prompted the SWRCB to create a new Office of Enforcement and prompted Ms. Okun to withdraw from the Prosecution Team here. *Quintero* and *Morongo* strongly support the legal conclusion that the CDO process at bar has, thus far, violated the due process rights of the accused. Similarly, this RWQCB should follow Chair Doduc's guidance and Supreme Court case law and interpret *Quintero* and *Morongo* liberally so as to apply its rational to those who are in a position of trust and regularly advise the RWQCB regardless of whether they are attorneys.

C. The RWQCB Itself Has Been Influenced and Cannot Now Disclaim that Influence

As to whether the CDO enforcement actions can move forward and not be violative of due process, the answer remains simple: ***no***. The Prosecution Team completed its case-in-chief prior to the postponement, so the influence precluded by *Quintero* and *Morongo* has already taken place, and no matter how this RWQCB proceeds (short of dismissal) that influence cannot be negated. Thus, if these enforcement actions proceed to decision, they will be legally identical to the ones presented in *Quintero* and *Morongo* and ultimately suffer the same fate.

In addition, the CSD is informed and believes that the RWQCB, at a hearing in Monterey in September, refused to allow residents of Los Osos to speak on matters unrelated to the CDOs. The rationale given for the refusal was the fact that ***all*** matters in Los Osos relate to wastewater, and wastewater relates to CDOs—because not all parties to these proceedings were present in Monterey, the RWQCB determined that any comments made by residents would be *ex parte* communications. To the extent

that members of the RWQCB have spoken to ***any*** members of the Prosecution Team or ***any*** witnesses on any matter related to Los Osos at ***any*** time between the April hearing and the November hearings, the same analysis must apply. Unless the RWQCB can definitively prove that no members have spoken with Prosecution Team staff or witnesses (including staff) regarding any Los Osos-related issue, then it must be presumed that *ex parte* communications have taken place and the RWQCB has been unduly influenced.

D. Current RWQCB Members Cannot Adjudicate These or Future CDO (Septic System) Enforcement Actions

Not only do the above facts and applicable law compel dismissal of the instant CDO actions, it also precludes current RWQCB members from adjudicating future ones. By directing Mr. Briggs to prosecute and having been influenced by trusted staff members wearing their prosecutorial hats, RWQCB members Young, Shallcross, Press, and Hayashi have been irreversibly tainted in favor of the prosecution and, therefore must recuse themselves from this and future enforcement actions against the Los Osos septic system owners.

To honor the right to due process, a decision-maker ***MUST***---not "may" or "should"---be disqualified when his role as a non-partisan player has been compromised. *Nightlife Partners, supra,* at 98. Here, RWQCB members who initiated prosecution and have been, as a matter of law, unduly influenced by the Prosecution Team are, without question, compromised as neutral decision-makers.

From a statutory perspective, there are no laws directly addressing the disqualification of biased administrative decision-makers; however, there are rules governing disqualification of judges that are applicable here by analogy because RWQCB enforcement proceedings are quasi-adjudicative in nature and, therefore, the RWQCB's are obligated to assure the same constitutionally-based due process protections as the courts.

28 U.S.C. Section 455 requires that "any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." California Code of Civil Procedure Section 170 states that no judge shall preside in a case in which he is not wholly free, disinterested, impartial, and independent. If a reasonable person, aware of all the facts, would fairly entertain doubt concerning a judge's impartiality, disqualification is mandated, and the existence of actual bias is not required. *CCP Section 170.1(a)(6)(C)* In this case, given the statements of the RWQCB members quoted above coupled with the undue influence of the Prosecution Team, it is certainly reasonable to question whether these four RWQCB members are giving each of the 45 CDO respondents fair and unbiased consideration.

Nor can it be said that the four RWQCB members are independent arbiters because they, themselves, initiated the prosecutions. Combined, these circumstances certainly create enough doubt as to impartiality and, as such, disqualification is mandated.

In *Schmidt v. United States* 115 F.2d 394, 398 (1940) the court concluded that the trial court judge should have recused himself when an affidavit alleged that the judge was informed in advance of the facts by the prosecutor and expressed a prejudicial opinion regarding the facts of the case an alleged guilt of the defendant. Under these circumstances, the court reasoned that "even a judge may not put aside the propensities of human nature as easily as he does his robe." In order to eliminate the possibility of any unfairness, the court remanded the case for further proceedings before another judge. Here, the prejudicial comments by RWQCB members at the conclusion of the ACL action in January, 2006 clearly were slanted toward liability of the individual septic system owners; accordingly, evidence of bias exists and due process is violated absent recusal of the RWQCB members.

Accordingly, because the adjudicators of the CDO actions either ***appear to be*** or ***actually are*** biased, they must recuse themselves from hearing enforcement actions relating to Los Osos septic systems.

Should the RWQCB not recuse itself, it is the position of the CSD that the Hearing will be subject to review by both the SWRCB and the courts. A process initiated in violation of the State and United States Constitutions cannot possibly be upheld as legal and binding, and a Hearing in which the purportedly neutral arbiter has demonstrated bias and a political motivation for its decision prior to the Hearing is similarly unjustifiable.

III. The Legality of this Process is Severely Compromised in Light of Previous Actions by the State and Regional Boards

A. Citizens Have No Control Over the Septic Permitting Process

Los Osos residents and property owners are not responsible for holding discharge permits and have no control over sewage or stormwater collection and treatment. The San Luis Obispo County government currently retains control over individual septic systems (and the planning and permitting thereof), and the County has recently taken over the process of implementing an environmentally-sound wastewater treatment system for the Los Osos area. And the RWQCB has, for years, looked to the County to regulate septic systems in the Los Osos area. Indeed, these proceedings represent the ***first time*** the RWQCB has dealt in any way directly with individual septic tank users.

Accordingly, the CSD hereby moves to implead the County of San Luis Obispo as a Designated Party to these proceedings. Given the County's role in the permitting of and planning for septic systems, the County's role in oversight of those systems for the last twenty years, and the County's recently-adopted role as lead agency for the wastewater treatment system in Los Osos, the County is indispensable both as to the prosecution and defense of the proposed CDOs.

B. Mandating the Manner of Compliance with the CDOs Violates the Porter-Cologne Act and CEQA

As a primary matter, the RWQCB, through the CDO process, is not only requiring the individual property owners targeted for prosecution, but is specifying the manner of compliance. The Porter-Cologne Act, however, specifically ***forbids*** the RWQCB and other Water Boards from issuing such mandates. According to the *California Water Code*, no "waste discharge requirement or other order of a regional board or the state board . . . shall specify the design, location, type of construction, or particular manner" of compliance with the Boards' requirements or orders. (*Water Code* § 13360(a)).

The new draft CDO circulated by the Prosecution Team does just that, mandating the following "interim compliance requirements":

> "By three months after the date of this Order, the Discharger shall (1) have the contents of the Septic System pumped or certify that the Septic System has been pumped within the previous three years, and (2) obtain a report by the County of San Luis Obispo or a septic tank pumper that either describes recommended repairs to the Septic System or states that no repairs are necessary."

In setting out the ***manner*** of compliance, the proposed CDOs lose their otherwise applicable exemption from the California Environmental Quality Act ("CEQA"). It is true that CDOs are, in general, not subject to CEQA because they offer alternative courses of action for the discharger to take to comply with the CDO, and the alternative chosen by the discharger is unknown at the time the CDO is issued (and CEQA review is thus proper at the time the compliance measure is undertaken). But where, as here, the RWQCB actually prescribes the method of compliance, a study of that method of compliance is necessary to satisfy CEQA and a categorical exemption is improper. (*C.f. In the Matter of the Petition of Lindsay Olive Growers*, SWRCB File No. A-823, CAO No. 92-708 of the Central Valley RWQCB (no study needed where the method of compliance not prescribed).)

As such, if the CDOs as currently constituted violate both the Porter-Cologne Act and CEQA, and are subject to judicial invalidation.

C. These Proceedings Were Initiated in Violation of the Bagley-Keene Act

The RWQCB tasked Mr. Briggs with bringing the individual CDO actions during the CSD Administrative Civil Liability hearing on January 5, 2006, and Mr. Briggs' prosecution team issued the CDO notices approximately three weeks later. The individual CDO actions were *not on the agenda* for that hearing, and members of the public were given neither notice that the CDO actions would be discussed nor an opportunity to be heard prior to the RWQCB instructing its Staff to move forward with the prosecutions. Because no emergency circumstances existed to force the RWQCB to act at that hearing (and even if there were, the RWQCB failed even to follow the notice requirements for emergency situations), this clearly represents a lack of due process and a ***violation of the Bagley-Keene Act***. (*Government Code* §§ 11125 *et seq.*) Each individual prosecution undertaken pursuant to the instructions of that date thus violates both the constitutional due process rights of each targeted party and California statutes enacted to prevent just such furtive actions by the government.

D. State Regulations Regarding Doing Business with Entities Subject to CDOs Make CDOs Inappropriate Enforcement Tools

Section 4477 of the California Government Code prohibits all state agencies from entering into contracts of $5000 or more for the purchase of supplies, equipment, or services from *any nongovernmental entity who is the subject of a CDO*. The RWQCB is well aware of this prohibition, as it was discussed by the RWQCB in 2004. The statute was not meant to address individual homeowners but entities in the business of stormwater or sewage treatment – of course, as stated elsewhere in these comments, the use of CDOs against individuals is unprecedented.

In this case, use of CDOs will cause financial havoc for at least two current targeted parties whose home-based businesses depend in large part on governmental contracts – and possibly more parcel owners. The extraordinary use of CDOs to compel these parcel owners to vote in a manner consistent with the RWQCB's liking results, in these instances, in not only massive costs accruing to the property owners, but an extreme detriment to their businesses as well. This compulsion, illegal and unjustifiable on its own, is revealed as truly invidious when viewed in this context.

E. The Potential for a Change in the Enforcement Tool of Choice Further Prejudices the Targeted Parties

The Prosecution Team's submission of September 8, 2006, indicates that RWQCB may, at the last minute, change the enforcement tactic at issue in the Hearing from CDOs to Clean-Up and Abatement Orders ("CAO"s) or ACLs. While such a change might moot some of the statutory and constitutional violations committed by the RWQCB, they would raise other violations. The targeted parties would, after proceeding for over half a year under the presumption that the CDO process would be used and they would have the opportunity to represent their interests and offer evidence on their own behalves, would face a sea change in the manner in which the Hearing would proceed and the extent to which they could advocate their interests.

Indeed, nowhere in the Prosecution Team's submission is there any sort of guarantee that the 45 persons targeted in this round of CDO hearings will be treated similarly to the other 4400+ property owners and residents of Los Osos. The Prosecution Team leaves open the potential for the RWQCB to issue CDOs now and CAOs or ACLs later.

F. Morro Bay Has Been Given Almost a Decade to Complete a Mere Upgrade in an Existing Plant, While the RWQCB Attempts to Force Los Osos to Site and Build an Environmentally-Unfriendly Plant in Just Four Years

In the Spring, and as noted by the CSD at that time, the RWQCB took off of its calendar an action that would force Morro Bay to upgrade its sewage treatment plant to meet all current scientific and environmental standards. That action would have given Morro Bay approximately nine and one-half years to complete its upgrades. In contrast, Los Osos – attempting to site and build a sewage treatment plant from scratch – was given just four years to do so. And when the citizens of Los Osos objected to an environmentally-unfriendly plant sited amidst churches, a park, a school, and the Morro Bay National Estuary, the RWQCB sprang into action, assessing liability against the CSD and now attempting to bend the political will of the residents and force them to accept a scientifically-backward and geographically-unfriendly alternative that has become, somehow, the RWQCB's favorite.

This reveals the extent to which the RWQCB is acting arbitrarily—and leads to a conclusion that the purpose behind the actions are not consistent. It is arbitrary to grant one local government a decade for a mere upgrade while another is forced to act quickly or face punishment when attempting to start from scratch. It is also arbitrary to force the residents of Los Osos to accept an environmentally-unsound treatment plant

which would disrupt their community when alternatives exist which are both environmentally-preferable and geographically-desirable. Clearly, the RWQCB has stopped acting as an advocate of the people of California and is instead acting only to further its own preferences – to the detriment of the residents of Los Osos.

IV. The CDOs are Based on Faulty Scientific, Technical, and Environmental Analyses

While we understand that the RWQCB has limited the scope of the hearing to the two issues identified in the Notice of Public Hearing, the following analyses and associated evidentiary information are relevant to Issue No. 2 (Is the proposed remedy for violation of the prohibition appropriate).

We also note, for the record, that the Prosecution Team's documentation was supposed to be made available on or before Friday, September 29, 2006, for review by other Designated Parties and interested persons. That information was not actually made available until Wednesday, October 4, 2006. This has left the Designated Parties with a scant 6 working days to read, digest, and respond to that evidence. While this is a matter of technical interest, it also goes to the bias inherent in the process, whereby the Prosecution Team need not serve the Designated Parties with the information to which they are to respond, but instead gives the information to the RWQCB Staff, which doles it out to the public at its convenience. Clearly, the hearings should have been postponed—or, at the very least, the time to respond to that evidence should have been extended.

Notwithstanding the above, we offer the following comments.

A. Changes in the Porter-Cologne Act Make Scientific Challenges to Resolution 83-13 Proper at This Time

On a point both scientific and legal, we note that the Porter-Cologne Act was amended after 1983 but before the Hearing on the CDOs. That amendment changed, among other things, the time at which the public could challenge certain actions of the Water Boards, State and Regional. At the time Resolution 83-13 was adopted, no challenge was allowed until actual enforcement took place. Since no enforcement occurred, the public was not able to challenge the evidence relied upon for the Resolution. Now, over 20 years later, the Porter-Cologne Act has been altered to require near-immediate challenge to acts like the Resolution. To the extent that the Prosecution Team argues that the evidence underpinning Resolution 83-13 cannot now be challenged, that argument lacks any compelling authority and must be discarded.

The bases for Resolution 83-13 are properly subject to challenge at this time, under the theory that a change in the law cannot be used to rob persons of their due process rights.

B. The RWQCB Has Provided No Evidence as to Violations by Any Individual Property Owner or Individual Septic System

With regard to ***actual scientific evidence*** provided in support of the contention that each of the 45 septic tanks has violated Resolution 83-13, we note that the Prosecution Team has ***none***. Indeed, even the list of evidence submitted upon by the Prosecution Team reveals that the RWQCB is relying on general studies rather than measurements of each individual tank.

It is clear that the RWQCB has failed utterly and completely to develop any scientific evidence with regard to individual properties. In the more than 20 years since Resolution 83-13 was adopted, the RWQCB ***never*** collected site-specific or property-specific information, but now seeks to prosecute based not on the required site-specific information but as an *en masse* prosecution with the presumption that the Prosecution Team's evidence applies equally to every property targeted for prosecution. Without actually studying the individual properties, the RWQCB must somehow plan to *prosecute by implication*. This runs counter to the Prosecution Team's claim that the purpose of the CDOs is the actual protection of groundwater and instead serves to support the idea that Member Shallcross's politically-motivated rationale for prosecution is driving this Hearing.

C. The RWQCB Has Never Investigated the Septic Tanks in Use in Los Osos and Addressed by this Hearing

Most of the septic tanks currently in use in Los Osos/Baywood Park are approved septic systems were placed in use prior to Resolution 83-13. At no time has the RWQCB, the County of San Luis Obispo, or the CSD ever inspected the septic systems to determine whether they are faulty or whether they are working as they are *designed to work* and leaching liquids into leach fields in the upper aquifer for additional natural treatment. If the septic systems are working as designed and ***permitted***, then they cannot be the subject of an enforcement hearing. Yet the RWQCB initiated this action without determining whether the septic systems are working as designed and permitted by the County and without determining whether the environmental characteristics – depth of aquifer, proximity of leach field to streams, proximity of leach

field to other leach fields, etc. – of any *individual parcel* lead to the need to revoke the permit for that parcel's septic system and to require pumping.

In addition, because each parcel is located at varying depths to the groundwater and because each parcel is unique in its proximity to other leach fields and to streams, the scientific analysis of each parcel is necessarily unique. Yet the RWQCB has undertaken no individual analyses of parcels, instead relying on blanket studies – which studies are, as stated above, both outdated and inherently insufficient to support the CDOs. Nor has the San Luis Obispo County government provided to the CSD any requested data regarding failing septic tanks – even after the submission of requests under the Public Records Act. Thus, we have no alternative but to presume that every tank is operating as designed and permitted – and that there is no basis for these prosecutions.

V. Documentary Evidence

Attached as Exhibit "A" is a list of the documentary evidence we are submitting with these comments. Please note that the list is divided into two sections: (1) evidence incorporated by reference; and (2) "new" evidence. Please note that the list of documents includes a column denoted "ID." This refers to the CSD's own designation of the documentary evidence. Should the RWQCB fail to have a copy of one of the documents incorporated by reference, the CSD will provide a copy at the hearing. A request to the CSD, accompanied by the CSD ID number, will ease in locating the document.

The evidence incorporated by reference was submitted by the CSD or otherwise arose out of the RWQCB's ACL prosecution and hearing regarding the CSD. That evidence is, the CSD is informed and believes, still in the RWQCB's file for the CSD ACL prosecution. Thus, this evidence is properly incorporated into the record by reference pursuant to 23 C.C.R. § 648.3 (governing incorporation by reference or "IBR").

The "new" documentary evidence was presented electronically on disc (DVD) at the spring Hearing in this matter. To comply with the RWQCB's requirements regarding documentary evidence, one set of DVDs was provided for each person to whom evidence was to be submitted at that time. That evidence is, the CSD is informed and believes, still in the RWQCB's file for the CSD CDO prosecution. Thus, this evidence is properly incorporated by reference into the record for the November Hearings pursuant to 23 C.C.R. § 648.3 (governing incorporation by reference or "IBR"). In addition, please find enclosed three (3) discs with the information included.

The documentary evidence submitted supports both the CSD's assertions that this process fundamentally violates the constitutional rights of the targeted parties, the other residents of Los Osos, and the CSD itself and the CSD's arguments that the remedy in this case is improper due to the changed scientific and technical knowledge about the Los Osos area. We reserve the right to explain in full any and all of these documents at the Hearing.

We look forward to the Hearing and to an opportunity to fully and fairly be heard and rebut the Prosecution Team's misguided efforts. Please feel free to contact me if copies of documents are missing and needed or if you have any other questions or comments at (213) 236-2835; or you may fax me at: (213) 236-2700. In addition, any updates should be sent to myself and to Stephen R. Onstot of our firm by electronic mail at gmurphy@bwslaw.com and sonstot@bwslaw.com.

Sincerely,

BURKE, WILLIAMS & SORENSEN, LLP

Gregory Murphy

Gregory M. Murphy

cc: John Richards, Senior Staff Counsel, SWRCB, Office of Chief Counsel
(jrichards@waterboards.ca.gov)
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Harvey Packard, RWQCB Division Chief
(hpackard@waterboards.ca.gov)

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
	Documents Incorporated by Reference		
1	Measure K-98:		ACL-CSD-1
2	LOCSD Boundary Map		ACL-CSD-2
3	Zones of Benefit Map		ACL-CSD-3
4	Prohibition Zone Map		ACL-CSD-4
5	Water Purveyor Map		ACL-CSD-6
6	Property Tax Allocations FY 05-06		ACL-CSD-7
7	Cease & Desist Order Baywood Park/Los Osos Fire District		ACL-CSD-8
8	Fire District Fund 300		ACL-CSD-9
9	Cease and Desist Order Water Department		ACL-CSD-10
10	Water Department Fund 500		ACL-CSD-11
11	CIEBD Loan		ACL-CSD-12
12	Cease and Desist Order Bayridge		ACL-CSD-13
13	Bayridge Subdivision Fund 200		ACL-CSD-14
14	Cease and Desist Order – Vista De Oro Subdivision		ACL-CSD-15
15	Vista De Oro Subdivision Fund 500		ACL-CSD-16
16	Consolidated Funds Summary		ACL-CSD-17
17	All SRF Loan Documents		ACL-CSD-18
18	Notice to continue		ACL-CSD-19
19	May 27, 2005 Letter – RWQCB (Briggs to Buel)	05/27/05	ACL-CSD-20
20	November 1, 2005 letter – SWRCB (Evoy to Bleskey)	11/1/05	ACL-CSD-21
21	Deposition of Lori Okun in the matter of CASE/Al Barrow v. Superior Court of California San Luis Obispo/LOCSD v. Julie Rodewald		ACL-CSD-22
22	Deposition of Roger Briggs in the matter of CASE/Al Barrow v. Superior Court of California San Luis Obispo/LOCSD v. Julie Rodewald		ACL-CSD-23
23	Declaration of Lori Okun in the matter of CASE/Al Barrow v. Superior Court of California San Luis Obispo/LOCSD v. Julie Rodewald		ACL-CSD-24
24	Declaration of Roger Briggs in the matter of CASE/Al Barrow v. Superior Court of California San Luis Obispo/LOCSD v. Julie Rodewald		ACL-CSD-25
25	Agenda, Staff Report and Minutes of RWQCB Meeting July 7-9, 2004.	07/7/04	ACL-CSD-26
26	Resolution of the LOCSD affirming its commitment to proceed with construction of a wastewater collection and treatment system for the Los Osos Community with attachments.		ACL-CSD-27
27	Undated SWRCB Evoy Letter (Received stamp Nov 0) To LOCSD Bleskey		ACL-CSD-28
28	Those Documents incorpororated by reference by CCRWQCB Prosecution team		ACL-CSD-29
29	7/1/04ESTERO AREA PLAN UPDATE(DRAFT) SLO Planning Commission	07/1/04	ACL-CSD-39
30	7/24/03 LO DEVELOPMENT PERMIT/CEQA/HEARING MATERIALS SLO Planning Commission	07/24/03	ACL-CSD-46
31	4/4/97 CCRWQCB waste discharge requirements Order # 97-8	04/4/97	ACL-CSD-49
32	10/31/97CCRWQCB-Briggs Letter response to CAWS study	10/31/97	ACL-CSD-50
33	10/16/01 CCRWQCB nitrate/ wells report	10/16/01	ACL-CSD-52

EXHIBIT A

Documentary Evidence

	Description	Date	ID
34	10/31/97 CCRWQCB-Briggs ground water Report	10/31/97	ACL-CSD-53
35	12/22/97 CCRWQCB-Briggs Response to solution group proposal	12/22/97	ACL-CSD-54
36	1/23/98 CCRWQCB-Briggs Response to solution group proposal	01/23/98	ACL-CSD-55
37	1/23/98 CCRWQCB-Briggs Q & A Response to solution group	01/23/98	ACL-CSD-56
38	8/7/98 CCRWQCB-Briggs cs-9answers	08/7/98	ACL-CSD-57
39	7/20/99 CCRWQCB-Briggs waste water facilities plan	07/20/99	ACL-CSD-58
40	12/22/97 CCRWQCB-Briggs solution group proposal	12/22/97	ACL-CSD-59
41	11/19/99 CDO order # 99-53 Bayridge Estates	11/19/99	ACL-CSD-60
42	11/19/99 CDO order # 99-54 Baywood Park Water Division	11/19/99	ACL-CSD-61
43	11/19/99 CDO order # 99-55 Baywood park fire district	11/19/99	ACL-CSD-62
44	11/19/99 CDO order # 99-56 Vista de Oro subdivision	11/19/99	ACL-CSD-63
45	12/1/99 CCRWQCB revision of CDO orders 53-56	12/1/99	ACL-CSD-64
46	4/5/01 CCRWQCB-Briggs Project progress funding & enforcement	04/5/01	ACL-CSD-65
47	6/5/01 CCRWQCB comments on draft facilities plan	06/5/01	ACL-CSD-66
48	2/15/00 SWRCB-Jim Marshall Project comments wastewater facilities, SRF loan program	02/15/00	ACL-CSD-67
49	1/13/00 CCRWQCB-Briggs comments on draft facilities plan	01/13/00	ACL-CSD-68
50	2/17/00 CCRWQCB-Briggs comments on revised draft of project	02/17/00	ACL-CSD-69
51	2/18/00 CSD- Buel Wastewater project amendments(inclusion of all in Prohibition zone)	02/18/00	ACL-CSD-70
52	6/1/00 CCRWQCB-Briggs Response-request for extension of compliance schedule	06/1/00	ACL-CSD-71
53	5/1/00 CSD Buel Update/revised Time Schedule Milestones Attachment	05/1/00	ACL-CSD-72
54	6/5/00 CSD-Buel to RWQCB project extension request (denied)	06/5/00	ACL-CSD-73
55	6/13/00 CCRWQCB Briggs SRF loan commitment-RWQCB support	06/13/00	ACL-CSD-74
56	3/21/00 CCRWQCB Status report for regular meeting of Staff	03/21/00	ACL-CSD-75
57	1/19/00 CCRWQCB-Briggs comments on Draft AIWPS WW facilities plan	01/19/00	ACL-CSD-76
58	7/20/99 CCRWQCB- Briggs Wastewater Facilities Plan	07/20/99	ACL-CSD-77
59			ACL-CSD-79
60	2/17/00 CCRWQCB-Briggs comments on revised draft of project	02/17/00	ACL-CSD-80
61	2/18/00 LOCSD- Buel wastewater project amendments	02/18/00	ACL-CSD-81
62	10/27/00 LOCSD Minutes of Adjourned CSD @ RWQCB	10/27/00	ACL-CSD-82
63	6/5/01 CCRWQCB- Briggs request for clarification on AIWPS WW proposal	06/5/01	ACL-CSD-83
64	1/19/00 CCRWQCB- Briggs Comments on draft facilities plan AIWPS-	01/19/00	ACL-CSD-84
65	3/17/00CCRWQCB- Briggs Response to CSD proposed GWR monitoring program & w/w facilities funding plan	03/17/00	ACL-CSD-85
66	3/31/00 Staff Rpt March 2000 RWQCB meeting (TSO)	03/31/00	ACL-CSD-86
67	10/27/00 CCRWQCB Staff report enforcement alternatives- & meeting minutes	10/27/00	ACL-CSD-87
68	10/27/00 TSO draft order #000-131 CCRWQCB to LOCSD	10/27/00	ACL-CSD-88
69	11/20/00 G. Grimm, Time schedule Petition for Review	11/20/00	ACL-CSD-89
70	4/17/01 Q&A CWA enforcement SB 709 &SB 2165	04/17/01	ACL-CSD-90
71	2/13/03-Agenda item B 2/20/03 JLWA re Phase II SWMP regulations- Wallace	02/13/03	ACL-CSD-93
72	11/20/00 Grimm, petition of 00-131	11/20/00	ACL-CSD-103

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
73	11/20/04 Grimm, Jennings SWRCB re: request to further hold petition in abeyance	11/20/04	ACL-CSD-104
74	1998 Questa Engineering 98007 Intro Summary 6/5/98		ACL-CSD-105
75	11/20/00 Grimm, Anton SWRCB, request petition held in abeyance	11/20/00	ACL-CSD-106
76	11/20/00 Grimm, Briggs RWQCB, request petition held in abeyance	11/20/00	ACL-CSD-108
77	CEPA SWRCB ACL CWC 13350 May 2003		ACL-CSD-109
78	02/01/02 CCRWQCB, staff report, plus attachments	02/01/02	ACL-CSD-110
79	5/25/05 Email Sawyer /McPherson LOCSD –history violations public participation 2004-05	05/25/05	ACL-CSD-111
80	06/26/01, Briggs, to Rocky Setting & Nyznyk, Monarch Grove Violations	06/26/01	ACL-CSD-112
81	1/6/05 Schicker comments LOCSD Item 12	01/6/05	ACL-CSD-113
82	05/17/01 CCRWQCB staff report, Bear Valley Chevron	05/17/01	ACL-CSD-114
83	1998-2005 LOCSD water Conservation Program files –by reference		ACL-CSD-115
84	07/30/01 Briggs to Buel, Clarification regarding TSO 00-131	07/30/01	ACL-CSD-116
85	11/07/01 Barrow email to Paul Jagger	11/07/01	ACL-CSD-118
86	11/05 FOIA/PRR RWQCB all email, Telephonic, and letter correspondence/ Los Osos community and LOCSD board & employees 2003-05		ACL-CSD-119
87	10/26/01 CCRWQCB Supplemental staff report – agenda item 19	10/26/01	ACL-CSD-120
88	10/10/01 Briggs to Cantu SWRCB Ex Director, Need for SRF loan	10/10/01	ACL-CSD-122
89	10/10/01 Hyland to Briggs Quarterly Update	10/10/01	ACL-CSD-124
90	10/18/01 Marks/Incident Report Sea Pines Golf Course	10/18/01	ACL-CSD-126
91	11/02/01 Briggs to Budd Sanford; LO Monitoring Wells	11/02/01	ACL-CSD-128
92	11/21/01 Briggs to Coleman response to Records Request	11/21/01	ACL-CSD-131
93	11/26/01 Briggs to Brimm, LO Monitoring Wells	11/26/01	ACL-CSD-133
94	11/26/01 Briggs to Barrow response to Records Request	11/26/01	ACL-CSD-135
95	11/26/01 Briggs to Maldonado response to Wells & Water Quality questions	11/26/01	ACL-CSD-137
96	11/26/01 Briggs to Carver Request for Exclusion from Prohibition Zone	11/26/01	ACL-CSD-139
97	02/01/02 Supplemental Sheet for CCRWQCB meeting item 19, p WWP progress report	02/01/02	ACL-CSD-141
98	01/11/02 Hyland to Briggs, Quarterly Report	01/11/02	ACL-CSD-143
99	01/23/02 Press Release loan increase	01/23/02	ACL-CSD-145
100	09/13/83 Resolution 83-13	09/13/83	ACL-CSD-147
101	02/06/02 Briggs to Carver clarification for exclusion of Prohibition Zone	02/06/02	ACL-CSD-149
102	02/23/02 Gordon Taylor to Sorrell Marks, San Lorenzo questions	02/23/02	ACL-CSD-151
103	01/28/02 Taylor to Tribune Editor responding to Calhoun	01/28/02	ACL-CSD-152
104	02/14/02 Taylor to Calhoun forwarding letter to Tribune Editor	02/14/02	ACL-CSD-153
105	03/21/02 Briggs to Marrocco, Comment letter re: LOWWP	03/21/02	ACL-CSD-154
106	03/21/02 Briggs to Taylor; Clarification	03/21/02	ACL-CSD-155
107	4/16/02 Briggs to public FAQ –fact sheet 1-4	04/16/02	ACL-CSD-156
108	7/30 02 CCRWQCB-Briggs to CSD Telephone documentation re progress beyond the district control	07/30 02	ACL-CSD-157
109	10/17/02 CCRWQCB Marks to Buel: Email re: selection of sites	10/17/02	ACL-CSD-158

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
110	7/31/02 CCRWQCB to Sara Wan-Coastal Commission Re: LCP amendment # SLO-MAJ-3-01	07/31/02	ACL-CSD-159
111	6/12/02 USEPA TO Sanford EPA Supports local decisions	06/12/02	ACL-CSD-160
112	1/10/03 CCRWQCB to So Cal Water Co. W. Morgan	01/10/03	ACL-CSD-161
113	1/21/03 CCRWQCB to SWRCB Kuykendell re: Support for the CSD request for extension of the project milestones	01/21/03	ACL-CSD-162
114	1/13/03 LOCSD to SWRCB Kuykendell re: delays challenging the assessment formation-court found compliance w/prop.218 Updated project schedule attached	01/13/03	ACL-CSD-163
115	1/17/03 Al Barrow to Roger Briggs Email Re Missing requirements of facility plans PE Att Section 6735	01/17/03	ACL-CSD-164
116	1/24/03 CCRWQCB response to Barrow re: professional engineers-Bus & Professional code 6735	01/24/03	ACL-CSD-165
117	9/2/03 Barrow to SWRCB Baggett-CSD project changes and increase costs, letter from Shaffer attached	09/2/03	ACL-CSD-166
118	9/16/03 SWRQB Art Baggett, Ed Shaffer & Mr. Barrow, copied to SWRCB-concerned about cost	09/16/03	ACL-CSD-167
119	9/9/03 CCRWQCB- Briggs to LOCSD Buel Re: response to CSD inquiry of TSO progress & potential results of delays	09/9/03	ACL-CSD-168
120	11/14/03 LOCSD to Citizens and property owners Re: Why the site can't be changed. Signed by all the board members	11/14/03	ACL-CSD-169
121	12/1/03 CCRWQCB-Briggs to Susan Mayer-Diocese of Monterey-Appeal of the Coastal Development Permit FAQ 1-4 attached.	12/1/03	ACL-CSD-170
122	12/4/03 CCRWQC-Brigs to G. Carlocks Re: response to relocate the treatment plant Letter from Carlocks on reverse side.	12/4/03	ACL-CSD-171
123	12/5/03 CCRWQCB to Steve Senet Re: letter to Coastal Commission re: Plant site issues and Public health dangers-copied to CCRWQCB	12/5/03	ACL-CSD-172
124	12/9/03 G. Grimm to SWRCB Chief Counsel, Jennings Re: Petition of L.O. CSD TSO #00-131 for onsite disposal facilities-Request to further hold this petition in abeyance. SWRCB/OCC File A-1337	12/9/03	ACL-CSD-173
125	12/10/03 SWRCB Jennings to G. Grimm Re: Petition held in abeyance until 12/18/04	12/10/03	ACL-CSD-174
126	7/9/04 SWRCB Staff Report Enforcement Alternatives for LOCSD	07/9/04	ACL-CSD-175
127	10/20/04 Grimm to SWRCB Chief Counsel, Jennings Re: Petition of L.O. CSD TSO #00-131 for onsite disposal facilities-Request to further hold this petition in abeyance. SWRCB/OCC File A-1337	10/20/04	ACL-CSD-176
128	12/7/04 CCRWQCB-Briggs to LOCSD Buel Expectation RE TSO Response for clarification	12/7/04	ACL-CSD-177
129	1997-2005 Cleath and Assoc. LOCSD files GWR Monitoring Reports and all Back-up information and data.		ACL-CSD-179
130	1/4/05 LOTTF report –Findings and Recommendations against SRF commitment to increase funding for the State Revolving fund loan	01/4/05	ACL-CSD-180
131	2005 CDP Revocation request report prepared by the LOTTF		ACL-CSD-182

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
132	1998-2005 LOCSD to CCRWQCB quarterly and annual reports		ACL-CSD-184
133	1998-2005 LOCSD to SWRCB quarterly and annual reports		ACL-CSD-185
134	1/12/05 LOCSD to CCRWQCB-Briggs	01/12/05	ACL-CSD-186
135	10/3/05 Taxpayer Watch lawsuit filed 10/7/05 TRO	10/3/05	ACL-CSD-188
136	12/21/04 (email Affordability issues): SWRCB D. Polhemus to John Fouche	12/21/04	ACL-CSD-189
137	12/13/04 LOCSD-Buel to Polhemus rebuttal of McPherson email	12/13/04	ACL-CSD-190
138	5/2/05 Email from LOCSD Buel to Directors Schicker and Tacker Re: Draft ISA & approval process	05/2/05	ACL-CSD-191
139	3/ 2001 MWH Table 4-4 alternatives comparisons-present worth analysis		ACL-CSD-194
140	11/15/01 Ordinance 2001-04 Re: Dedicated source of repayment	11/15/01	ACL-CSD-195
141	2/25/05 SWRCB-Baggett LOTTF-McPherson Bid follow-up and complaint	02/25/05	ACL-CSD-196
142	1/14/04 SWRCB Meeting agenda, minutes, and video tape Re: Polhemus review of procedures for project revisions	01/14/04	ACL-CSD-197
143	1/13/05 Pandora to SWRCB-Pohemus Re: request for special assistance/intimidation	01/13/05	ACL-CSD-198
144	1/16/05 McPherson response to email from Pandora to SWRCB Re: interference with the public process. Copy to AG	01/16/05	ACL-CSD-199
145	LOCSD George's historic notes-Hydrologic-Master Plan-Water		ACL-CSD-205
146	1954-1994 LOCSD Monthly precipitation		ACL-CSD-206
147	LOCSD Groundwater Elevations		ACL-CSD-207
148	1982-1994 Baywood Historical Summary		ACL-CSD-208
149	1982 Bullard & Sons Construction Co. Drainage Plan		ACL-CSD-209
150	1983 SLO County Engineer, Proptopapas, to Brown & Caldwell, Sheehan, "Drainage Problems in Los Osos"		ACL-CSD-210
151	July 18, 1985 Flood Insurance Map	07/18/85	ACL-CSD-211
152	1992 Spring Groundwater Elevations		ACL-CSD-212
153	1994 request for historic 8th Street Well data		ACL-CSD-213
154	1995 Rachel Boddeker's "Water, Water, Everywhere" student essay		ACL-CSD-214
155	1995 Baywood PTA, Nancy Fritch to SLCUSD, Brad Parker		ACL-CSD-215
156	February 10, 1995 San Lorenzo Management Plan	02/10/95	ACL-CSD-216
157	March 9, 1995 item 3 RWQCB Staff Report Baywood Park/Los Osos status	03/9/95	ACL-CSD-217
158	March 2, 1995, Frank Freiler, Alternative Technologies Review	03/2/95	ACL-CSD-218
159	March 9, 1995 RWQCB agenda, Los Osos Workshop	03/9/95	ACL-CSD-219
160	April 5, 1995 Assemblyman Bordonaro to Boddeker	04/5/95	ACL-CSD-220
161	May 11, 1995 CSA-9 unsigned resolution – 8th Street Vault	05/11/95	ACL-CSD-221
162	July 13, 1995 CSA-9 Resolution to expand Zone G	07/13/95	ACL-CSD-222
163	September 6, 1995 CAWS Newsletter	09/6/95	ACL-CSD-223
164	1995? Blue Ribbon Committee		ACL-CSD-224
165	March 1996 Cimarron Way Project Map		ACL-CSD-225
166	April 6, 1996 Deposition Amy Alter	04/6/96	ACL-CSD-226
167	1997 "Turning the Tide" NEP Bacteria Action Plan		ACL-CSD-227
168	May 17, 1995 SLO County, Nanson to Thomas Kwid	05/17/95	ACL-CSD-228

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
169	July 29, 1997 CSA-9 Drainage Subcommittee agenda	07/29/97	ACL-CSD-229
170	October 7, 1997 Deposition I Amy Alter	10/7/97	ACL-CSD-230
171	October 8, 1997 Deposition II Amy Alter	10/8/97	ACL-CSD-231
172	January 3, 1996 Deposition Jennifer McCallum	01/3/96	ACL-CSD-232
173	October 23, 1997 Supervisor Bud Laurent to SLCUSD, Denton	10/23/97	ACL-CSD-233
174	November 1997, SLCUSD, Livingston to Supervisor Bud Laurent		ACL-CSD-234
175	December 1997, Ogel to Boddeker,		ACL-CSD-235
176	December 22, 1997 Deposition Michelle Gantz	12/22/97	ACL-CSD-236
177	1998 Boddeker notes 8th St. Vault		ACL-CSD-237
178	March 30, 1998 Boddeker Notice to Appear	03/30/98	ACL-CSD-238
179	March 24,1998, RWQCB to Shoreline Resident (draft letter)	03/24/98	ACL-CSD-239
180	March 26, 1998 Morro Bay Shellfish TAC agenda	03/26/98	ACL-CSD-240
181	January 30, 1998, John Chestnut comments on "Bacterial Contamination in the Morro Bay Estuary" staff report	01/30/98	ACL-CSD-241
182	1999 LOCSD Wastewater Committee handout- Morro Bay Estuary" staff report		ACL-CSD-242
183	January 3, 2000, LOCSD Wastewater Project Summary—Buel	01/3/00	ACL-CSD-243
184	February 21, 2000, LOCSD Wastewater Project – D\A Disposal Alternative – Milanes	02/21/00	ACL-CSD-244
185	2000 LOCSD Proactively Approaching Project-		ACL-CSD-245
186	5/27/05 LOCSD-Buel to CCRWQCB-Briggs Re Response to CSD request to clarify TSO-Congratulation on court victory….	05/27/05	ACL-CSD-246
187	9/23/05 SWRCB- Briggs to Tacker Re: response to email Kellog letter to editor etc.	09/23/05	ACL-CSD-247
188	4/11/04 Coastal Commission Appeal No -3-03-113 Reporters transcript of proceedings	04/11/04	ACL-CSD-248
189	4/7/04 LOCSD @ Sea Pines w/ WW committee Review of SRF Loan Costs, O&M Budget information	04/7/04	ACL-CSD-261
190	9/23/05 LOCSD-Tacker to CCRWQCB-Briggs Complaint of interference and collusion	09/23/05	ACL-CSD-263
191	4/4/05 Volume 19, Issue 34 Letter to Editor from Al Kellogg	04/4/05	ACL-CSD-264
192	8/9/05 CCRWQCB to LOCSD-Tacker response to 7/7/05 question w/ timeline and project costs	08/9/05	ACL-CSD-265
193	10/10/00 Fax Cover for Petition for Review LOCSD G. Grimm to SWRCB Letter/10/20/05 and G. Grimm Petition of TSO No 00131 SWRCB File A 1337 to SWRCB Jennings w/request	10/10/00	ACL-CSD-266
194	11/20/00 via Fed Express LOCSD to SWRCB- Anton request for Petition be held in abeyance	11/20/00	ACL-CSD-267
195	8/04 Coastal Commission De Novo Hearing transcripts [Counsel may have a copy and is checking; counsel has a video but much of it is unintelligible]		ACL-CSD-269
196	10/6/05 CCRWQCB ACL Monarch Grove	10/6/05	ACL-CSD-273
197	4/17/04 LOCSD WWP-SRF Addendum No 1	04/17/04	ACL-CSD-274
198	12/02 USEPA Affordability Concerns-Rate options		ACL-CSD-275
199	4/30/03 MWH LO WWP Technical Memorandum VE Response Rpt	04/30/03	ACL-CSD-276
200	12/17/04LOCSD to SWRCB Leo Sarimento- SRF Loan Extension Request and revised revenue plan	12/17/04	ACL-CSD-277

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
201	4/21/05 LOCSD Schicker to Buel Request for revised revenue info	04/21/05	ACL-CSD-278
202	4/11/05 LOCSD Tacker to CC Monowitz Revocation Wetlands amendment 4th & Pismo	04/11/05	ACL-CSD-279
203	4/11/05 LOCSD Schicker to Moniwitz CC revocation-Plant siting required on NON ESHA	04/11/05	ACL-CSD-280
204	4/21/05 Press release LOTTF Bid awards timing coincide with permit revocation hearings	04/21/05	ACL-CSD-281
205	9/2/04 LOTTF/ McPherson comments to LOCSD Board	09/2/04	ACL-CSD-282
206	Summer 2005 CVVC information on LOCSD project timing "Dark Scenario"		ACL-CSD-283
207	7/20 05 Tribune press Letter to editor Dr. Pravin & Mary Bhuta "Honor Democracy In Los Osos"	07/20 05	ACL-CSD-284
208	1/20/05 Tribune viewpoint Plant location/public safety Dr Bhuta	01/20/05	ACL-CSD-285
209	3/31/05 LOCSD Agenda item A Construction Bids Disadvantages and Risks	03/31/05	ACL-CSD-286
210	4/24/03 SRF Loan Guidelines Permits and Appeals Table G	04/24/03	ACL-CSD-287
211	12/28/04 Meeting Agenda for Blakeslee/Schicker/Tacker LOTTF McPherson, SRF Loan increase request for oversight/intervention	12/28/04	ACL-CSD-288
212	1/14/05 LOTTF to SWRCB Baggett-note awaiting audit of WW fund-policy issues	01/14/05	ACL-CSD-289
213	1/05 McPherson remarks to SWRCB1/6/05 Director Schicker comments on LOCSD Item 12-Board protocols		ACL-CSD-290
214	12/16/04 LOCSD Transcript Excerpt Tacker Item 2 Part B	12/16/04	ACL-CSD-290
215	4/25/05 Email Recall committee/LOCSD Majority efforts toward discouraging Public Participation doc	04/25/05	ACL-CSD-291
216	1/26/05 Email SRF Polhemus-Schicker-Buel, letters	01/26/05	ACL-CSD-292
217	2/24/05 LOTTF to Dave Congleton-Message Bid Issues and Information	02/24/05	ACL-CSD-293
218	12/1/04 LOCSD Staff Rpt SRF Revenue plan	12/1/04	ACL-CSD-294
219	Cost Breakdown - Multifamily Residence (Purple Handout) The current estimated one-time and monthly costs for the Wastewater Facility		ACL-CSD-300
220	Effluent Filters 1-page flyer produced by the LOCSD SSMP subcommittee		ACL-CSD-302
221	1999-2005 LOCSD Bear Pride publications incorporated by Reference		ACL-CSD-306
222	7/05 LOCSD Ground water management plan		ACL-CSD-307
223	7/05 Habitat Conservation Plan		ACL-CSD-309
224	2005 Seawater Intrusion Plan		ACL-CSD-311
225			ACL-CSD-356
226			ACL-CSD-360
227	1/23/98 CCRWQCB-Briggs Q&A solution group plan	01/23/98	ACL-CSD-78-
228	12/22/97 CCRWQCB Briggs Solution group proposal	12/22/97	ACL-CSD-78-
229	11/08/05 Email to Mr. Polhemus as forwarded to Sorrel Marks	11/08/05	ACL-PUB-01
230	10/24/05 Letter to Sam Blakeslee	10/24/05	ACL-PUB-02
231	11/03/05 Letter Jeffrey Young	11/03/05	ACL-PUB-03
232	10/25/05 Letter to Assemblyman Blakeslee	10/25/05	ACL-PUB-04
233	10/26/05 Letter to Los Osos CSD Directors	10/26/05	ACL-PUB-05
234	Letter to Jeffrey Young	Letter t	ACL-PUB-06
235	10/20/05 Letter to Jeffrey Young	10/20/05	ACL-PUB-07
236	Letter to Jeffrey Young	Letter t	ACL-PUB-08

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
237	10/18/05 Letter to Jeffrey Young	10/18/05	ACL-PUB-09
238	10/19/05 Letter to Jeffrey Young	10/19/05	ACL-PUB-10
239	10/20/05 Letter to Jeffrey Young	10/20/05	ACL-PUB-11
240	10/21/05 Letter to Los Osos CSD Directors	10/21/05	ACL-PUB-12
241	10/24/05 Letter to Roger Briggs	10/24/05	ACL-PUB-13
242	10/24/05 Letter to Jeffrey Young	10/24/05	ACL-PUB-14
243	10/18/05 Letter to whom it may concern	10/18/05	ACL-PUB-15
244	Unknown	Unknown	ACL-PUB-16
245	10/03/05 Email to Roger Briggs	10/03/05	ACL-PUB-17
246	08/19/05 Letter to Antonio Prado at the Telegram Tribune forwarded to Roger Briggs	08/19/05	ACL-PUB-18
247	08/19/05 Email to Harvey Packard	08/19/05	ACL-PUB-19
248	10/24/05 Letter to Jeffrey Young	10/24/05	ACL-PUB-20
249	Letter to Board Members	Letter t	ACL-PUB-21
250	Letter to Board Members (Same as Letter 21)	Letter t	ACL-PUB-22
251	11/03/05 Letter to Jeffrey Young	11/03/05	ACL-PUB-23
252	10/18/05 Letter to Jeffrey Young	10/18/05	ACL-PUB-24
253	10/19/05 Letter to Jeffrey Young	10/19/05	ACL-PUB-25
254	10/19/05 Letter to Jeffrey Young	10/19/05	ACL-PUB-26
255	10/20/05 Letter to Jeffrey Young	10/20/05	ACL-PUB-27
256	10/18/05 Letter to Ms. Doduc	10/18/05	ACL-PUB-28
257	Letter to Jeffrey Young	Letter t	ACL-PUB-29
258	Letter to Jeffrey Young	Letter t	ACL-PUB-30
259	10/23/05 Letter to Jeffrey Young	10/23/05	ACL-PUB-31
260	10/07/05 Letter to the Board	10/07/05	ACL-PUB-32
261	10/10/05 Letter to Russell Jeffries	10/10/05	ACL-PUB-33
262	10/16/05 Letter to Roger Briggs	10/16/05	ACL-PUB-34
263	10/31/05 Letter to Celeste Cantu	10/31/05	ACL-PUB-35
264	11/08/05 Letter to Roger Briggs	11/08/05	ACL-PUB-36
265	11/08/05 Letter to Jeffrey Young	11/08/05	ACL-PUB-37
266	11/09/05 Letter to Jeffrey Young	11/09/05	ACL-PUB-38
267	Letter to Jeffrey Young (Same as Letter 6)	Letter t	ACL-PUB-39
268	11/06/05 Letter to Jeffrey Young	11/06/05	ACL-PUB-40
269	11/06/05 Letter to Jeffrey Young	11/06/05	ACL-PUB-41
270	11/07/05 Letter to Jeffrey Young	11/07/05	ACL-PUB-42
271	11/06/05 Letter to Jeffrey Young	11/06/05	ACL-PUB-43
272	11/07/05 Letter to Governor Schwartzenneger	11/07/05	ACL-PUB-44
273	11/07/05 Letter to Jeffrey Young	11/07/05	ACL-PUB-45
274	11/05/05 Letter to Jeffrey Young	11/05/05	ACL-PUB-46
275	11/04/05 Letter to Jeffrey Young	11/04/05	ACL-PUB-47
276	11/07/05 Letter to Jeffrey Young	11/07/05	ACL-PUB-48
277	Letter to Jeffrey Young	Letter t	ACL-PUB-49

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
278	11/07/05 Letter to Jeffrey Young	11/07/05	ACL-PUB-50
279	11/04/05 Letter to Jeffrey Young	11/04/05	ACL-PUB-51
280	11/04/05 Letter to Jeffrey Young	11/04/05	ACL-PUB-52
281	11/09/05 Letter to Jeffrey Young	11/09/05	ACL-PUB-53
282	11/14/05 Email to Roger Briggs	11/14/05	ACL-PUB-54
283	10/16/05 Letter forwarded to Roger Briggs	10/16/05	ACL-PUB-55
284	10/16/05 Letter to the editor of the Telegram Tribune as forwarded to Roger Briggs	10/16/05	ACL-PUB-56
285	10/16/05 Email Roger Briggs	10/16/05	ACL-PUB-57
286	Letter not related.	Letter n	ACL-PUB-58
287	10/18/05 Email to Roger Briggs	10/18/05	ACL-PUB-59
288	10/18/05 Email to Roger Briggs	10/18/05	ACL-PUB-60
289	10/19/05 Email to Roger Briggs	10/19/05	ACL-PUB-61
290	10/19/05 Email to Debbie Irvin	10/19/05	ACL-PUB-62
291	10/19/05 Email response to Lois Thompson	10/19/05	ACL-PUB-63
292	10/20/05 Email to Roger Briggs	10/20/05	ACL-PUB-64
293	10/20/05 Email to Roger Briggs	10/20/05	ACL-PUB-65
294	10/20/05 Email to Roger Briggs	10/20/05	ACL-PUB-66
295	10/20/05 Email to Roger Briggs	10/20/05	ACL-PUB-67
296	10/21/05 Email to Roger Briggs	10/21/05	ACL-PUB-68
297	10/21/05 Email to Roger Briggs	10/21/05	ACL-PUB-69
298	10/23/05 Email to Roger Briggs	10/23/05	ACL-PUB-70
299	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-71
300	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-72
301	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-73
302	10/25/05 Email response to Katie Franklin	10/25/05	ACL-PUB-74
303	10/25/05 Email response to Katie Franklin (Same as Letter 74)	10/25/05	ACL-PUB-75
304	10/25/05 Email to Sorrel Marks	10/25/05	ACL-PUB-76
305	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-77
306	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-78
307	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-79
308	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-80
309	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-81
310	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-82
311	10/25/05 Email response to Don Asquith	10/25/05	ACL-PUB-83
312	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-84
313	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-85
314	10/25/05 Email response to John Fergus	10/25/05	ACL-PUB-86
315	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-87
316	10/25/05 Email to Sorrel Marks	10/25/05	ACL-PUB-88
317	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-89
318	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-90

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
319	10/25/05 Email to Roger Briggs	10/25/05	ACL-PUB-91
320	10/26/05 Email to Roger Briggs	10/26/05	ACL-PUB-92
321	10/27/05 Email to Roger Briggs	10/27/05	ACL-PUB-93
322	10/29/05 Email to "Private List" as forwarded to Roger Briggs	10/29/05	ACL-PUB-94
323	10/31/05 Email to Roger Briggs	10/31/05	ACL-PUB-95
324	11/02/05 Email to Sorrel Marks	11/02/05	ACL-PUB-96
325	11/03/05 Email to Roger Briggs	11/03/05	ACL-PUB-97
326	11/07/05 Email to Roger Briggs	11/07/05	ACL-PUB-98
327	11/08/05 Email to Roger Briggs	11/08/05	ACL-PUB-99
328	11/09/05 Email to Roger Briggs	11/09/05	ACL-PUB-100
329	11/15/05 Email to Sorrel Marks	11/15/05	ACL-PUB-101
330	11/10/05 Letter to Jeffrey Young	11/10/05	ACL-PUB-102
331	11/09/05 Letter to Jeffrey Young	11/09/05	ACL-PUB-103
332	11/09/05 Letter to Jeffrey Young	11/09/05	ACL-PUB-104
333	11/07/05 Letter to Jeffrey Young	11/07/05	ACL-PUB-105
334	11/07/05 Letter to Jeffrey Young	11/07/05	ACL-PUB-106
335	11/08/05 Letter to Jeffrey Young	11/08/05	ACL-PUB-107
336	11/08/05 Letter to Jeffrey Young	11/08/05	ACL-PUB-108
337	Letter to Jeffrey Young	Letter t	ACL-PUB-109
338	11/09/05 Letter to Jeffrey Young	11/09/05	ACL-PUB-110
339	11/08/05 Letter to Jeffrey Young	11/08/05	ACL-PUB-111
340	11/09/05 Letter to Jeffrey Young	11/09/05	ACL-PUB-112
341	Letter to Jeffrey Young	Letter t	ACL-PUB-113
342	11/09/05 Letter to Jeffrey Young	11/09/05	ACL-PUB-114
343	11/07/05 Letter to Jeffrey Young	11/07/05	ACL-PUB-115
344	11/03/05 Letter to Jeffrey Young	11/03/05	ACL-PUB-116
345	11/16/05 Email response to Lois Thompson	11/16/05	ACL-PUB-117
346	10/12/05 Letter to Board Members	10/12/05	ACL-PUB-118
347	10/22/05 Letter to Los Osos CSD Directors	10/22/05	ACL-PUB-119
348	10/23/05 Letter to Jeffrey Young	10/23/05	ACL-PUB-120
349	11/09/05 Letter response to Molly Brown	11/09/05	ACL-PUB-121
350	10/23/05 Letter to Jeffrey Young	10/23/05	ACL-PUB-122
351	11/16/05 Email to Sorrel Marks	11/16/05	ACL-PUB-123
352	11/16/05 Email to Sorrel Marks	11/16/05	ACL-PUB-124
353	11/16/05 Email to Sorrel Marks	11/16/05	ACL-PUB-125
354	11/17/05 Email to Sorrel Marks	11/17/05	ACL-PUB-126
355	Authority (included by reference only): a. Water Quality Control Plan, Central Coast Basin b. Water Quality Enforcement Policy (Feb. 19, 2002), State Water Resources Control Board		ACL-WB -1

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
356	All Central Coast Water Board files, exhibits, and agenda material pertaining to this matter, including the administrative record filed in the matter of California Cities Water Company v. Regional Water Quality Control Board, Central Coast Region (Los Oso		ACL-WB -2
357	11-07-05 Los Osos CSD Resolution Affirming Commitment to Proceed	11-07-05	ACL-WB -3
358	11-01-05 Letter regarding review of proposal TO: Dan Bleskey FROM: Barbara L. Evoy	11-01-05	ACL-WB -4
359	Oct 2005 Various Tribune, Bay News and Sun Bulletin newspaper articles regarding the Los Osos Wastewater Project	Oct 2005	ACL-WB -5
360	10-31-05 Letter responding to request for immediate assistance TO: Lisa Schicker, LOCSD FROM: Tam Doduc, SWRCB	10-31-05	ACL-WB -6
361	10-27-05 Revised Notice of Public Hearing concerning Consideration of ACL for LOCSD	10-27-05	ACL-WB -7
362	10-26-05 Los Osos CSD meeting partial transcript from video	10-26-05	ACL-WB -8
363	10-24-05 Notice of Public Hearing concerning Consideration of ACL for LOCSD	10-24-05	ACL-WB -9
364	10-23-05 Position Paper on Los Osos Sewer BY: Ocean Outfall Group	10-23-05	ACL-WB -10
365	10-21-05 Letter regarding agreement for structured negotiations TO: Assemblyman Blakeslee FROM: Celeste Cantu, SWRCB	10-21-05	ACL-WB -11
366	10-21-05 Letter Regarding ACL Complaint TO: Roger Briggs FROM: Dan Bleskey, LOCSD	10-21-05	ACL-WB -12
367	10-21-05 Notice to Proceed and Resumption of Work, with conditions TO: Milton Burleson, Monterey Mechanical FROM: Dan Bleskey, LOCSD	10-21-05	ACL-WB -13
368	10-21-05 Notice to Proceed and Resumption of Work, with conditions TO: Scott Gruber, Whitaker Contractors FROM: Dan Bleskey, LOCSD	10-21-05	ACL-WB -14
369	10-21-05 Notice to Proceed and Resumption of Work, with conditions TO: Milton Burleson, Monterey Mechanical FROM: Dan Bleskey, LOCSD	10-21-05	ACL-WB -15
370	10-21-05 Memorandum regarding permit issues and compliance TO: Dan Bleskey, LOCSD FROM: Chris Clark	10-21-05	ACL-WB -16
371	10-20-05 Letter regarding Los Osos Wastewater Project TO: Arthur Baggett, SWRCB FROM: Shirley Bianchi, SLO Co. Supervisor	10-20-05	ACL-WB -17
372	10-20-05 Los Osos CSD Meeting, partial transcript from video (see attachment to Staff Report)	10-20-05	ACL-WB -18
373	10-19-05 Email message regarding project monitoring update TO: Permitting Agencies FROM: Chris Clark	10-19-05	ACL-WB -19
374	10-14-05 Letter regarding urgent request for assistance TO: Wayne Nastri, US EPA FROM: LOCSD	10-14-05	ACL-WB -20
375	10-14-05 Letter regarding urgent request for assistance TO: Wayne Nastri, US EPA FROM: LOCSD	10-14-05	ACL-WB -21
376	10-14-05 Quarterly Status Report on the Los Osos wastewater project TO: Roger Briggs FROM: Daniel Bleskey, LOCSD	10-14-05	ACL-WB -22
377	10-03-05 Letter regarding suspension of work TO: Milt Burleson, Monterey Mechanical FROM: Karen Vega for Bruce Buel, LOCSD	10-03-05	ACL-WB -23
378	10-02-05 Memorandum regarding project stop permit considerations TO: Lisa Schicker, LOCSD FROM: Chris Clark	10-02-05	ACL-WB -24

EXHIBIT A

	Documentary Evidence Description	Date	ID
379	Oct. 2005 Los Osos Water Quality Impacts & Status of Sewer Project BY: Central Coast Water Board	Oct 2005	ACL-WB -25
380	09-30-05 Election Summary Report	09-30-05	ACL-WB -26
381	Undated Measure B text and voter information		ACL-WB -27
382	Undated "Contract with Los Osos" and campaign materials for Cesena, Fouche and Senet		ACL-WB -28
383	09-23-05 Letter responding to questions regarding consequences of terminating project TO: Bruce Buel, LOCSD FROM: Darrin Polhemus, SWRCB	09-23-05	ACL-WB -29
384	09-19-05 San Luis Obispo Tribune, "Viewpoint" BY: Chuck Cesena	09-19-05	ACL-WB -30
385	Fall 2005 Bear Pride public information newsletter BY: Los Osos CSD	Fall 2005	ACL-WB -31
386	08-08-05 Fully executed Agreement No. 04-806-550-0, ISA Number C-06-4014-110 (State Revolving Fund loan agreement)	08-08-05	ACL-WB -32
387	July 2005 Sea Water Intrusion Assessment (Draft Final Report) BY: Cleath & Associates	Jul 2005	ACL-WB -33
388	Summer 2005 Bear Pride public information newsletter BY: Los Osos CSD	Summer 20	ACL-WB -34
389	Date Unknown Portion of contract between LOCSD and Monterey Mechanical (wastewater treatment plant construction contractor) pages 00700CA-25 – 31, 40 and 41	Date Unkn	ACL-WB -35
390	07-15-05 Quarterly Status Report on the Los Osos wastewater project TO: Roger Briggs FROM: Bruce Buel, LOCSD	07-15-05	ACL-WB -36
391	07-06-05 CSD Letter Transmitting Agreement for Bid Schedule 2 to Barnard Construction Company, Inc., including attached contract provisions	07-06-05	ACL-WB -37
392	07-06-05 CSD Letter Transmitting Agreement for Bid Schedule 3 to Monterey Mechanical, including attached contract provisions	07-06-05	ACL-WB -38
393	07-06-05 CSD Letter Transmitting Agreement for Bid Schedule 1 to Whitaker Contractors, Inc., including attached contract provisions	07-06-05	ACL-WB -39
394	June 2005 Los Osos Nitrate Monitoring Program (April 2005 data)(Ground Water Monitoring Well details included)	Jun 2005	ACL-WB -40
395	05-27-05 Letter regarding expectations for compliance with Time Schedule Order No. 00-131 TO: Bruce Buel FROM: Roger Briggs	05-27-05	ACL-WB -41
396	05-06-05 Letter transmitting Initial Installment Sales Agreement TO: Leo Sarmiento, SWRCB FROM: Bruce Buel	05-06-05	ACL-WB -42
397	05-06-05 Bayridge Estates & Vista de Oro self-monitoring reports	05-06-05	ACL-WB -43
398	04-11-05 Letters (2) requesting revocation of the Coastal Development Permit TO: Steve Monowitz, California Coastal Commission FROM: Lisa Schicker	04-11-05	ACL-WB -44
399	04-08-05 Quarterly Status Report on the Los Osos wastewater project TO: Roger Briggs FROM: Bruce Buel, LOCSD	04-08-05	ACL-WB -45
400	03-11-05 Letter regarding expectations for compliance with Time Schedule Order No. 00-131 TO: Bruce Buel, LOCSD FROM: Roger Briggs	03-11-05	ACL-WB -46
401	02-08-05 Email message undermining support for septic system mgnt. plan legislation TO: Senator Maldonado FROM: Julie Tacker	02-08-05	ACL-WB -47

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
402	02-05-05 Letter requesting legislation supporting septic system mgnt. Plan TO: Senator Maldonado FROM: Bruce Buel, LOCSD	02-05-05	ACL-WB -48
403	01-20-05 State Water Resources Control Board Resolution 2005-0016	01-20-05	ACL-WB -49
404	01-19-05 Coastal Development Permit	01-19-05	ACL-WB -50
405	01-12-05 Quarterly Status Report on the Los Osos wastewater project TO: Roger Briggs FROM: LOCSD	01-12-05	ACL-WB -51
406	01-04-05 State Water Resources Control Board, Los Osos item meeting video	01-04-05	ACL-WB -52
407	01-04-05 Findings and Recommendations Against SRF Loan Commitment BY: Los Osos Technical Task Force & Concerned Citizens of Los Osos	01-04-05	ACL-WB -53
408	12-07-04 Letter regarding expectations for compliance with Time Schedule Order No. 00-131 TO: Bruce Buel FROM: Roger Briggs	12-07-04	ACL-WB -54
409	11-29-04 Bayridge Estates & Vista de Oro self monitoring reports	11-29-04	ACL-WB -55
410	07-30-04 California Coastal Commission Staff Report for Coastal Permit	07-30-04	ACL-WB -56
411	06-22-04 Letter regarding De Novo Review of Coastal Development Permit TO: Steve Monowitz, Coastal Commission FROM: Bruce Buel, LOCSD	06-22-04	ACL-WB -57
412	09-19-03 Letter regarding expectations for compliance with Time Schedule Order No. 00-131 TO: Bruce Buel FROM: Roger Briggs	09-19-03	ACL-WB -58
413	02-07-03 Order No. R3-2003-0007, Waste Discharge/Recycled Water Requirements for Los Osos Community Services District, Los Osos Wastewater Facilities, adopted by the Board on 2/7/03, and Resolution No. 2003-0006, Mitigation and Mitigation Monitoring Progr	02-07-03	ACL-WB -59
414	02-07-03 Staff Report presented to the Board at its 2/7/03 meeting including Supplemental Staff Report and powerpoint slides. Attachments: draft Resolution No. R3-2003-0006, draft Order No. R3-2003-0007, 10/3/02 letter from Bruce Buel, 1/10/03 Quarterly	02-07-03	ACL-WB -60
415	11-06-02 Election Results summary	11-06-02	ACL-WB -61
416	11-06-02 Los Osos Nitrate Monitoring Program (June/July 02 data)(Ground Water Monitoring Well details included)	11-06-02	ACL-WB -62
417	10-26-02 "New group convenes to oppose sewage treatment plant" Tribune article	10-26-02	ACL-WB -63
418	10-25-02 "CSD tries to stop latest suit over sewer" Tribune article	10-25-02	ACL-WB -64
419	10-04-05 Quarterly Status Report on the Los Osos wastewater project TO: Roger Briggs FROM: Montgomery Watson	10-04-05	ACL-WB -65
420	Fall 2002 'Bear Pride' newsletter from Los Osos CSD	Fall 2002	ACL-WB -66
421	08-06-02 Letter supporting Coastal Commission redesignation of treatment plant site TO: Coastal Commissioners FROM: Morro Bay National Estuary Program	08-06-02	ACL-WB -67
422	Aug. 2002 Los Osos Community Services District (final draft) Water Master Plan BY: John Wallace & Associates and Cleath & Associates	Aug 2002	ACL-WB -68
423	07-30-02 Letter regarding clarification of project progress requirements TO: Bruce Buel FROM: Roger Briggs	07-30-02	ACL-WB -69
424	07-26-02 Public Notice and Staff Report regarding Coastal Commission consideration of Local Coastal Plan Amendment for Los Osos wastewater facilities	07-26-02	ACL-WB -70

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
425	07-10-02 "Grand jury clears sewer vote" and letter to Editor from Sun Bulletin	07-10-02	ACL-WB -71
426	07-08-02 Quarterly Status Report on the Los Osos wastewater project TO: Roger Briggs FROM: Montgomery Watson Harza	07-08-02	ACL-WB -72
427	06-28-02 Report of Waste Discharge for the Los Osos Wastewater Project BY: Montgomery Watson Harza for Los Osos CSD	06-28-02	ACL-WB -73
428	06-25-02 Memo regarding Grand Jury investigation, Attachment: Grand Jury Report TO: Los Osos CSD Board FROM: Bruce Buel	06-25-02	ACL-WB -74
429	Press Release regarding U.S. Court of Appeals ruling in favor of the CSD		ACL-WB -75
430	06-06-02 U.S. Court of Appeals for the Ninth Circuit Denial of Ulrich Keller, et al. petition for rehearing	06-06-02	ACL-WB -76
431	Spring 2002 Frequently Asked Questions flyers (4) sent to all property owners in Los Osos	Spring 2002	ACL-WB -77
432	Spring 2002 'Bear Pride' newsletter from Los Osos CSD	Spring 2002	ACL-WB -78
433	Spring 2002 The Wastewater Project (public information brochure) from Los Osos CSD	Spring 2002	ACL-WB -79
434	04-30-02 Memorandum regarding appeal from the U.S. District Court	04-30-02	ACL-WB -80
435	04-30-02 Email correspondence regarding U.S. EPA's role in Wastewater Project TO: Bruce Buel, et al. FROM: Elizabeth Janes, U.S. EPA	04-30-02	ACL-WB -81
436	04-11-02 Quarterly Status Report on the Los Osos wastewater project TO: Roger Briggs FROM: Montgomery Watson	04-11-02	ACL-WB -82
437	03-29-2002 Report: Identifying the Sources of Escherichia coli Contamination to the Shellfish Growing Areas of the Morro Bay Estuary (DNA Study) BY: Drs. Kitts, Schaffner and Samadpour, RB Staff McNeill and Duffield	03-29-02	ACL-WB -83
438	03-17-02 Memo regarding ground water network design, Attachment: Monitoring Plan TO: Gerhardt Hubner FROM: Bruce Buel	03-17-02	ACL-WB -84
439	12-05-01 Letter regarding progress, possible enforcement actions, and conversion of septic tanks for storm water disposal TO: Bruce Buel FROM: Roger Briggs	12-05-01	ACL-WB -85
440	10-24-01 U. S. District Court Order denying Motion to Disqualify Judge in Ulrich Keller, et al. v. Los Osos CSD	10-24-01	ACL-WB -86
441	10-10-01 Quarterly Status Report on the Los Osos wastewater project TO: Roger Briggs FROM: Montgomery Watson	10-10-01	ACL-WB -87
442	09-28-01 Letter regarding SWRCB approval of Facilities Plan TO: Bruce Buel FROM: James Kuykendall, SWRCB	09-28-01	ACL-WB -88
443	09-19-01 U. S. District Court Order granting Motion to Dismiss Motion for Preliminary Injunction filed by Ulrich Keller, et al. v. Los Osos CSD	09-19-01	ACL-WB -89
444	08-13-01 Letter regarding proposal for nitrate monitoring program TO: Bruce Buel FROM: Spencer Harris, Cleath & Associates	08-13-01	ACL-WB -90
445	07-30-01 Letter regarding progress relative to Time Schedule Order No. 00-131 TO: Bruce Buel FROM: Roger Briggs	07-30-01	ACL-WB -91
446	07-03-01 Quarterly Status Report on the Los Osos wastewater project TO: Roger Briggs FROM: Montgomery Watson	07-03-01	ACL-WB -92

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
447	06-05-01 Letter clarifying project review, Attachment: 1/19/00 comments on draft wastewater plan (Advanced Integrated Wastewater Pond System) TO: Bruce Buel FROM: Roger Briggs	06-05-01	ACL-WB -93
448	05-17-01 Status Report regarding the status of the wastewater project prepared for Regional Board meeting, Attachments: 4/5/01 letter to Bruce Buel, 4/12/01 quarterly status report	05-17-01	ACL-WB -94
449	Spring 2001 Public information flyers from Los Osos CSD (in English & Spanish)	Spring 2001	ACL-WB -95
450	Undated Los Osos CSD Wastewater Facilities Project, Project Report Summary	Undated L	ACL-WB -96
451	03-07-01 Wastewater Facilities Project Final Project Report BY: Montgomery Watson	03-07-01	ACL-WB -97
452	03-01-01 Final EIR for Los Osos CSD Wastewater Facilities (includes 11/00 Draft EIR) BY: Crawford, Multari & Clark Associates	03-01-01	ACL-WB -98
453	02-21-01 Memorandum regarding attached evaluation of future basin safe yield prepared by Cleath & Associates TO: Bruce Buel FROM: Rob Miller	02-21-01	ACL-WB -99
454	02-05-01 Letter regarding impediments to timely project implementation TO: Roger Briggs FROM: Bruce Buel	02-05-01	ACL-WB -100
455	01-11-01 Quarterly Status Report on the Los Osos wastewater project TO: Roger Briggs FROM: Montgomery Watson	01-11-01	ACL-WB -101
456	Dec. 2000 Urban Water Management Plan BY: John Wallace & Associates and Maddaus Water Management	Dec 2000	ACL-WB -102
457	11-28-00 Letter acknowledging petition and request to hold in abeyance TO: Gary Grimm FROM: Elizabeth Jennings	11-28-00	ACL-WB -103
458	11-20-00 Letter regarding petition for SWRCB review of Time Schedule Order TO: Roger Briggs FROM: Gary Grimm	11-20-00	ACL-WB -104
459	11-03-00 Letter regarding Time Schedule Order, Attachment: Order No. 00-131 TO: Bruce Buel FROM: Roger Briggs	11-03-00	ACL-WB -105
460	10-27-00 Staff report and supplemental staff report regarding enforcement alternatives considered by RWQCB, Attachments: 10/13/00 Quarterly Status Report, 10/8/00 & 10/8/00 letters from Bob van't Riet, 9/19/00 letter from Co. Health Agency, 10/18/00 lett	10-27-00	ACL-WB -106
461	10-05-00 Agenda for Los Osos CSD public meeting regarding wastewater project	10-05-00	ACL-WB -107
462	10-04-00 Letter regarding proposed Time Schedule Order, Attachment: draft Order TO: Bruce Buel FROM: Roger Briggs	10-04-00	ACL-WB -108
463	10-02-00 Letter regarding Board meeting to consider wastewater project components TO: Los Osos CSD Board of Directors FROM: Bruce Buel	10-02-00	ACL-WB -109
464	09-21-00 Agenda and notes from Los Osos CSD public meeting regarding alternatives	09-21-00	ACL-WB -110
465	09-05-00 Hydrogeologic Investigation of the Broderson Site Phase 2 – Impacts Assessment BY: Cleath & Associates	09-05-00	ACL-WB -111
466	BLANK	BLANK	ACL-WB -112
467	Summer 2000 'Bear Pride' Los Osos CSD newsletter regarding wastewater project	Summer 2000	ACL-WB -113
468	07-25-00 Los Osos CSD Alternatives Report for Wastewater Treatment (final draft)	07-25-00	ACL-WB -114
469	07-11-00 Hydrogeologic Investigation of the Broderson Site BY: Cleath & Associates	07-11-00	ACL-WB -115

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	Documentary Evidence		
	Description	Date	ID
470	03-30-00 Letter summarizing project obstacles and delays TO: Roger Briggs FROM: Mark Ysusi, Montgomery Watson	03-30-00	ACL-WB -116
471	01-06-00 Los Osos CSD Wastewater Facilities Draft Project Report (w/review notes) BY: Oswald Engineering Associates, Inc.	01-06-00	ACL-WB -117
472	10-22-99 Staff report regarding possible enforcement alternatives for Los Osos	10-22-99	ACL-WB -118
473	09-07-99 Staff Report regarding workshop on wastewater alternatives for Los Osos, Attachments: County & Solution Group maps, Comparative Analysis summary, CSD project schedule, issues summary, other attachments included above	09-07-99	ACL-WB -119
474	06-09-99 Letter regarding transfer of Waste Discharge Requirements and Cease and Desist Orders, Attachments: WDR Order Nos. 99-72 & 99-73, Cease & Desist Order Nos. 99-53, 54, 55 & 56 TO: Rosemary Bowker FROM: Roger Briggs	06-09-99	ACL-WB -120
475	05-21-99 Staff Report regarding transfer of WDR and CDO from County to Los Osos CSD	05-21-99	ACL-WB -121
476	01-15-99 Letter regarding water quality issues in Los Osos TO: Sorrel Marks FROM: Gregory Thomas, Co. Public Heath Dpt.	01-15-99	ACL-WB -122
477	10-02-98 Letter regarding public notification of severity of sewage issues, Attachments: 9/2/98 letter to Robert van't Riet, 6/8/98 letter to Donald Burlingame TO: Susan Zepeda, Co. Health Agency FROM: Roger Briggs	10-02-98	ACL-WB -123
478	06-05-98 Comprehensive Comparative Analysis of Alternative Wastewater Treatment Plans for Los Osos, San Luis Obispo County, California BY: Questa Engineering Corporation	06-05-98	ACL-WB -124
479	03-31-98 Public Notice urging public to take precautions to avoid contaminated water FROM: Co. Public Health Dept.	03-31-98	ACL-WB -125
480	12-22-97 Coastal Commission Staff Report regarding Los Osos Wastewater Project Coastal Development Permit Appeal	12-22-97	ACL-WB -126
481	11-24-97 Los Osos/Baywood Park Comprehensive Resource Management Plan BY: Solution Group	11-24-97	ACL-WB -127
482	11-21-97 Draft Evaluation of Effluent Disposal at the Proposed Broderson Water Board staff Recharge Site BY: Metcalf & Eddy, Inc.	11-21-97	ACL-WB -128
483	02-26-96 Hydrogeologic Evaluation of the Proposed Broderson Recharge Site BY: Metcalf & Eddy, Inc.	02-26-96	ACL-WB -129
484	Dec. 1995 Assessment of Nitrate Contamination in Ground Water Basins of the Central Coast Region, Preliminary Working Draft BY: California Regional Water Quality Control Board, Central Coast Region	Dec 1995	ACL-WB -130
485	07-26-95 Los Osos Wastewater Study Task G – Report on Detailed Evaluation of Alternatives BY: Metcalf & Eddy, Inc.	07-26-95	ACL-WB -131
486	06-27-95 Letter regarding complaints of surfacing sewage TO: Bill Moylan FROM: Jerry LeMoine, Co. Health Dept.	06-27-95	ACL-WB -132
487	March 1995 Los Osos Wastewater Study Task F – Report on Sanitary Survey and Nitrate Source Study BY: Metcalf & Eddy, Inc.	Mar 1995	ACL-WB -133

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	Documentary Evidence		
	Description	Date	ID
488	06-17-93 Letter regarding preliminary draft report for Los Osos Nitrogen Study TO: Percy Garcia FROM: William Leonard	06-17-93	ACL-WB -134
489	01-29-93 Memorandum regarding Baywood Park/Los Osos Sewer Project, Attachments: Los Osos Nitrogen Study data, Baywood Park Ground Water Study data, chronology, news clippings TO: Regional Board Members FROM: William Leonard	01-29-93	ACL-WB -135
490	October 1989 Second Addendum to EIR for CSA 9 Wastewater Treatment Facilities BY: The Morro Group	Oct 1989	ACL-WB -136
491	September 1989 Final Supplemental EIR for CSA 9 Wastewater Treatment Facilities BY: The Morro Group	Sep 1989	ACL-WB -137
492	July 1989 Geohydrology and Management of Los Osos Valley Ground Water Basin BY: State of California, Dept. of Water Resources	Jul 1989	ACL-WB -138
493	1988 Hydrogeology and Water Resources of the Los Osos Valley Ground-Water Basin, San Luis Obispo County BY: Eugene Yates and John Wiese, U. S. Geological Survey	1988	ACL-WB -139
494	12-02-87 Addendum to EIR for County Services Area 9 Wastewater Treatment Facilities BY: The Morro Group	12-02-87	ACL-WB -140
495	August 1987 Staff Report regarding Water Quality Data, Los Osos/Baywood Park BY: Leonard, Briggs, DeMarco, Goni, Wilder & Echelmeier	Aug 1987	ACL-WB -141
496	August 1987 Final EIR for County Services Area No. 9 Wastewater Treatment Facilities BY: The Morro Group (with appendices from 9/86 draft EIR)	Aug 1987	ACL-WB -142
497	May 1986 Draft Phase I Sewerage Planning Study, CSA No.9 – Los Osos, Baywood Park, Cuesta-by-the-Sea BY: Engineering Science	May 1986	ACL-WB -143
498	September 1984 Supplement to Phase II Facilities Planning Study Project Report and Environmental Impact Statement BY: Brown & Caldwell	Sep 1984	ACL-WB -144
499	Jan. 1984 Los Osos Baywood Park Phase II - Facilities Planning Study BY: Brown & Caldwell	Jan. 1984	ACL-WB -145
500	01-19-84 SWRCB Resolution No. 84-13 considering amendment of the Central Coast Basin Plan by addition of prohibition of waste discharges in Los Osos	01-19-84	ACL-WB -146
501	01-04-84 SWRCB Staff Report for consideration of Basin Plan amendment prohibiting septic system discharges in Los Osos, Attachment: RWQCB Staff Report for Resolution No. 83-13	01-04-84	ACL-WB -147
502	09-27-83 Memorandum with attached documentation on Basin Plan Amendment, Resolution 83-13 (Los Osos discharge prohibition) TO: Walter Petit FROM: RWQCB, Central Coast Region	09-27-83	ACL-WB -148
503	09-16-83 Staff Report for Resolution No. 83-12, consideration of amendments to Water Quality Control Plan concerning individual/community disposal systems	09-16-83	ACL-WB -149
504	12-14-04 Petition for Writ of Mandate Etc., CCLO v. Coastal Commission, LOCSD, SWRCB, Case No. 041047	12-14-04	ACL-WB -150
505	03-23-05 Order on Demurrer (first two causes of action), Case No. 041047	03-23-05	ACL-WB -151
506	07-13-05 Letter from Roger W. Briggs to Amy E. Morgan regarding deposition transcript	07-13-05	ACL-WB -152

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	Documentary Evidence		
	Description	Date	ID
507	07-20-05 Petition for Writ of Mandate (CCP § 1085): Complaint Etc., LOTA v. LOCSD, SWRCB, Case No. CV 050649	07-20-05	ACL-WB -153
508	08-23-05 Verified Petition for Writ of Mandate Etc., Barrow, CASE and CCLO v. SWRCB, Polhemus et al., Sacramento Superior Ct. Case No. CV 05 CS01231	08-23-05	ACL-WB -154
509	08-24-05 Verified Petition for Writ of Mandate Etc., CCLO v. LOCSD, Case No. CV 050763	08-24-05	ACL-WB -155
510	10-03-05 Letters from District to Whittaker Contractors, Inc. and Barnard Construction Company, Inc., suspending work	10-03-05	ACL-WB -156
511	10-04-05 Letter from Stephen R. Onstot to Justice Gilbert	10-04-05	ACL-WB -157
512	10-21-05 District Revocation of Suspension of Work, Monterey Mechanical	10-21-05	ACL-WB -158
513	10-21-05 District Revocation of Suspension of Work, Barnard Construction	10-21-05	ACL-WB -159
514	10-21-05 District Revocation of Suspension of Work, Whittaker Contractors	10-21-05	ACL-WB -160
515	10-24-05 Letter from Ed Moore, Monterey Mechanical to MWH Americas, Inc.	10-24-05	ACL-WB -161
516	10-31-05 Memorandum from District to State Water Resources Control Board re: Compromise Proposal to Resolve Current Impasse	10-31-05	ACL-WB -162
517	10-31-05 District resolution proposing changes to SRF Loan, passed October 30, 2005	10-31-05	ACL-WB -163
518	11-02-05 Letter from Ed Moore, Monterey Mechanical to MWH Americas, Inc.	11-02-05	ACL-WB -164
519	11-08-05 District Revocation of Suspension of Work, Monterey Mechanical	11-08-05	ACL-WB -165
520	11-08-05 District Letter to Barnard Construction re Resumption of Work	11-08-05	ACL-WB -166
521	11-08-05 District Letter to Whittaker Contractors re Resumption of Work	11-08-05	ACL-WB -167
522	11-09-05 Letter from Ed Moore, Monterey Mechanical Letter to MWH Americas, Inc.	11-09-05	ACL-WB -168
523	11-14-05 Four letters from Montgomery Watson Harza to Dan Bleskey	11-14-05	ACL-WB -169
524	11-16-05 State Water Board Resolution 2005-0083	11-16-05	ACL-WB -170
525	11-16-05 Settlement Agreement between the District and Al Barrow, et al., regarding LOCSD v. Rodewald, providing for payment by the District of $125,000 in attorneys fees and costs	11-16-05	ACL-WB -171
526	11-23-05 Letter from District President Lisa Schicker to State Water Board Chair Tam Doduc	11-23-05	ACL-WB -172
527	11-23-05 Settlement Agreement between the District and CCLO regarding Case No. CV 050783[sic], providing for payment by the District of $79,249 in attorneys fees and costs.	11-23-05	ACL-WB -173
528	11-23-05 Settlement Agreement between the District and CCLO regarding Case No. CV 050060, providing for payment by the District of $193,626 in attorneys fees and costs.	11-23-05	ACL-WB -174
529	11-23-05 Settlement Agreement between the District and Concerned Citizens of Los Osos (CCLO) regarding Case No. CV 041047, providing for payment by the District of $48,848 in attorneys fees and costs.	11-23-05	ACL-WB -175
530	11-23-05 Settlement Agreement between the District and Citizens for an Affordable and Safe Environment (CASE) and Al Barrow regarding Case No. 05CS01231 (Sacramento County), providing for payment by the District of $41,000 in attorneys fees and costs.	11-23-05	ACL-WB -176
531	12-07-05 Letter from Michael A.M. Lauffer to Daniel M. Bleskey dated December 7, 2005.	12-07-05	ACL-WB -177

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	Documentary Evidence		
	Description	Date	ID
532	12-07-05 Complaint for breach of contract filed by the District against the State Water Resources Control Board, Sacramento County Superior Court Case No. 05AS05422 (December 7, 2005).	12-07-05	ACL-WB -178
533	12-08-05 Order dated December 8, 2005, denying District's request for temporary restraining order in Case No. 05AS05422.	12-08-05	ACL-WB -179
534	12-08-05 Claim letter dated December 8, 2005, against Montgomery Watson Harza seeking cancellation of contract and recovery of moneys paid.	12-08-05	ACL-WB -180
535	12-09-05 Staff Report for State Water Resources Control Board meeting on December 9, 2005.	12-09-05	ACL-WB -181
536	12-09-05 State Water Board Resolution 2005-0088	12-09-05	ACL-WB -182

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	Documentary Evidence Description	Date	ID
	Documents Submitted on DVD		
537	10/24/01 CCRWQCB-Briggs Letter Response to CAWS Study	10/24/01	ACL-CSD-51
538	8/10/04 CCRWQCB, Briggs To CSD-Drainage from 8th & El Morro…	08/10/04	ACL-CSD-91
539	11/3/04 Wallace Grp. low Threat NOI-Suppmtl Description… Rob Miller	11/3/04	ACL-CSD-92
540	8/10/04-Transmittal of shoreline GWR seep data, Bacteria analysis-Briggs	08/10/04	ACL-CSD-95
541	11/6/03 Simulated effects of a Proposed Sewer…Nitrate concentration in GWR	11/6/03	ACL-CSD-97
542	11/16/00 CCRWQCB, Briggs to DHS Curphey Development of the LO WWF	11/16/00	ACL-CSD-102
543	6/5/98 Questa Engineering Full Study By Reference	06/5/98	ACL-CSD-107
544	12/28/04 CCRWQCB to SWRCB Polhemus Re comments by McPherson/Swanson emails recommitment of SRF loan	12/28/04	ACL-CSD-178
545	1/14/05 LOCSD Buel to CCRWQCB Marks Re: inquires from Constituents attached letters J. Tkach Q for Briggs-email from Director Schicker	01/14/05	ACL-CSD-192
546	1/13/05 Jim Tkach to CCRWQCB Re: nitrate misrepresentation of data 1954-2003	01/13/05	ACL-CSD-193
547	3/11/05 CCRWQCB-Briggs to LOCSD Buel Re: Response to inquiry-compliance W/TSO	03/11/05	ACL-CSD-201
548	3/18/05 CCRWQCB-Briggs to B. Payne Re: Proposed Harvest water and discharges to Morro Bay –Nitrates	03/18/05	ACL-CSD-202
549	4/8/05 CCRWQCB to LOCSD Buel Re: Additional questions from 1/6/05	04/8/05	ACL-CSD-203
550	11/2005 Sanford Doc. RE Gov Code violations Complaint against Briggs		ACL-CSD-257
551	11/05 Sanford PRR for All historical citizen complaints against SWRCB Briggs, Marks, Hubner from SWRCB		ACL-CSD-258
552	4/17/01 SWRCB Q &A Summary of SB 709 & SB 2165	04/17/01	ACL-CSD-259
553	5/03 CEPA/ SWRCB Assessments Pursuant to Water Code 13350		ACL-CSD-260
554	4/24-25/05 CCRWQCB ACL Pismo Beach	04/24/05	ACL-CSD-262
555	10/28/05 SWRCB staff/LOCSD team Negotiated proposal	10/28/05	ACL-CSD-312
556	May 8.2003 Boyle Engineering Corp. Los Osos Wastewater Project Value Engineering report.	05/8/2003	ACL-CSD-317
557	1983 Brown and Caldwell, Phase I Water Quality management Study Vol. I and II		ACL-CSD-318
558	2003 Cal Cities v. CCRWQCB lawsuit		ACL-CSD-319
559	1989 California Department of Water Resources, Geohydrology and Management of Los Osos Valley Ground Water Basin San Luis Obispo County		ACL-CSD-320
560	California Water Code Section 13260-13274,		ACL-CSD-321
561	CCRWQCB (May 13 &14, July 8 & 9,2004) Board Meeting Staff Report and Attachments, Letters form EPA to Governor etc.	05/13/04	ACL-CSD-322
562	16. RWQCB letter of May 22, 2003 regarding Hatch & Parent letter	05/22/03	ACL-CSD-323
563	7. Hatch & Parent letter of January 23, 2003 re RWQCB order R3-2003-0108		ACL-CSD-323
564	6. RWQCB Monitoring and Reporting Program No. R3-2003-0006		ACL-CSD-323
565	5. RWQCB Staff Report for meeting of February 7, 2003 (Items 13 and 14)		ACL-CSD-323
566	Cleath & Associates. (2000). Hydrogeologic Investigation of the Broderson Site, Phase 2-Impacts and Assessment prepared for the Los Osos Community services District, November 2000.		ACL-CSD-325

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	Documentary Evidence		
	Description	Date	ID
567	Cleath & Associates. (2003). Simulated Effects of a Proposed Sewer Project on Nitrate Concentrations in the Los Osos Groundwater Basin prepared by Yates and Williams for the Los Osos Community services District, November 6, 2003.		ACL-CSD-329
568	Crawford, Multari & Clark (March 1, 2001) Final EIR, Los Osos CSD Wastewater facilities Project	03/1/01	ACL-CSD-333
569	Crawford, Multari & Clark (May 2003) Addendum to Final EIR for Los Osos Wastewater Project		ACL-CSD-334
570	Crawford, Multari, and Clark Associates. (2001). Final Environmental Impact Report prepared for the Los Osos Community Services District Wastewater Facilities Project. SCH #9911103.		ACL-CSD-335
571	Engineering Development Associates (1998), Preliminary Engineering Evaluation, Los Osos/Baywod Park Community Drainage Project		ACL-CSD-337
572	Fugro West, Inc. (1997), Final Supplemental Environmental Impact Report for the CSA 9 Wastewater Treatment Facilities		ACL-CSD-339
573	John L. Wallace & Associates and Maddus Water Management. (2000). Urban Water Management Plan, Administrative Draft Report prepared for the Los Osos Community Services District		ACL-CSD-340
574	John Wallace & Associates (Aug. 2002) Water Master Plan		ACL-CSD-341
575	Metcalf and Eddy (1996), Hydogeologic Evaluation of the Proposed Broderson Site.		ACL-CSD-350
576	Montgomery Watson Harza, (March 7, 2001) Wastewater Facilities Project Report	03/7/02	ACL-CSD-352
577	Morro Group (1987), Final Environmental Impact Report for the County Service Area No.9 Wastewater Treatment Facilities. Volumes I and II. August. Los Osos, California.		ACL-CSD-353
578	Natural Systems International, (Nov. 2001) Drainage feasibility Report		ACL-CSD-354
579	Notice of Intent to Comply with the Terms of the General Permit for Discharges with Low Threat to Water Quality (NPDES Permit No CAG993001, Order No. 01-119) filed by the Los Osos Community Services District and received by the Regional Water Quality Cont		ACL-CSD-355
580	Oswald Engineering Associates, Inc. (2000), The Resource Park Wastewater Facilities Project Draft Project Report.		ACL-CSD-357
581	Oswald Engineering Associates, Inc. (2000). The Resource Park Wastewater Facilities Project, Draft Project Report prepared for the Los Osos Community Services District.		ACL-CSD-358
582	Regional Water Quality Control Boards General National Pollutant Discharge Elimination System Permit for Discharges with Low Threat to Water Quality (NPDES Permit No CAG993001, Order No. 01-119)		ACL-CSD-359
583	Regional Water Quality Control Board Region 3 Waste Discharge Requirements for the General Permit for Discharges with Low Threat to Water Quality (NPDES Permit No CAG993001, Order No. 01-119.		ACL-CSD-361
584	San Luis Obispo County Planning and Building Department (1987), Addendum Environmental Impact Report, County Service Area No.9, Wastewater Treatment Facilities. Prepared for the County of San Luis Obispo by the Morro Group.		ACL-CSD-365

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	Documentary Evidence		
	Description	Date	ID
585	San Luis Obispo County Planning and Building Department (1989), Final Supplemental Environmental Impact Report, County Service Area No.9,Wastewater Treatment Facilities. Prepared for the County of San Luis Obispo by the Morro Group.		ACL-CSD-366
586	San Luis Obispo Planning and Building Department (1987), Final Environmental Impact Report, County Service Area No.9 Wastewater Treatment Facilities, Volumes I and II. Prepared for the County of San Luis Obispo by The Morro Group.		ACL-CSD-367
587	State of California Regional Water Quality Control Board, Central Coast Region (RWQCB/CCR). (1994). Water Quality Control Plan for the Central Coast Basin (Basin Plan). California Regional Water Quality Board Central Coast Region, September 8, 1994.		ACL-CSD-370
588	State of California Water Resources Control Board. SWRCB). (1998). Policy for Implementing the State Revolving Fund for Construction of Wastewater Treatment		ACL-CSD-371
589	SWRCB Proposed Regulations (5/20/04) Title 27, Division 2 Subdivision 1, Chapter 7 Onsite Wastewater Treatment Syatems	05/20/04	ACL-CSD-372
590	Tchobanoglous, G. (1981). Wastewater Engineering, Collection and Pumping of Wastewater prepared for Metcalf & Eddy, Inc.		ACL-CSD-373
591	Tuckfield & Associates, (March 2003) Water Rate Study		ACL-CSD-374
592	U.S. Geological Survey (1988), Hydrogeology and Water Resources of the Los Osos Valley Ground-Water Basin, San Luis Obispo County, California		ACL-CSD-375
593	United States Environmental Protection Agency. (1991).Alternative Wastewater Collection Systems Manual. U.S. EPA, Office of Research and Development, Cincinnati, Ohio and Office of Water, Washington, D.C., EPA/625/1-91/024, October 1991.		ACL-CSD-377
594	Wallace, John L. and Associates (2000) Urban Water management Plan		ACL-CSD-380
595	12/1/00 John Wallace & Assoc.	12/1/00	ACL-CSD-41*
596	6/2002-7/2002 Cleath & Assoc Nitrate monitoring program		ACL-CSD-43*
597	3/29/02 Kitts ID Sources of E coli Contamination to Shellfish…Dr Kitts	03/29/02	ACL-CSD-96*
598	All Central Coast RWQCB Files & Exhibits Pursuant to the SLO Supervisors Pre-1998		ACL-CSD-30
599	8/5/05 Video Candidates Interviews	08/5/05	ACL-CSD-31
600	7/24/03 Video SLO COUNTY APPROVAL/APPEAL	07/24/03	ACL-CSD-32
601	3/18/04 Video LOCSD MEETING LOCSD	03/18/04	ACL-CSD-33
602	12/18/03 Video LOCSD MEETING LOCSD	12/18/03	ACL-CSD-34
603	3/18/04 Video LOCSD MEETING LOCSD	03/18/04	ACL-CSD-35
604	6/17/04 Video LOCSD MEETING LOCSD	06/17/04	ACL-CSD-36
605	3/18/04 Video LOS OSOS COMMENTS CCC	03/18/04	ACL-CSD-37
606	1996-2003 ESTERO AREA PLAN UPDATE, 5-1 to 5-250 SLO Planning Commission		ACL-CSD-38
607	1/17/01WW Facilities Report(draft) MWH	01/17/01	ACL-CSD-40
608	8/23/04 CCC Notice of intent, Application # A-3-SLO-03-113	08/23/04	ACL-CSD-44
609	7/1/04Coastal Permit Application, Staff Reports 2004	07/1/04	ACL-CSD-45
610	6/1/90 Morro Group/Tenera Env. Srv/	06/1/90	ACL-CSD-47
611	10/24/04 SWRCB water recycling funding guidelines	10/24/04	ACL-CSD-48
612	3/14/05-Bacteria Results Mar. 2005 VMP- Kitajima	03/14/05	ACL-CSD-94

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	Documentary Evidence		
	Description	Date	ID
613	6/20/05 Haltiner-Sedimentation processes in Morro Bay, Ca	06/20/05	ACL-CSD-98
614	1998 Tetra Tech-Sedimentation Loading Study		ACL-CSD-99
615	1998 Tetra Tech-MBNEP Watershed Stream Flow		ACL-CSD-100
616	1999 Tetra Tech Morro Bay NEP habitat Charact. & Assessment Study		ACL-CSD-101
617	11/05 FOIA/PRR SWRCB all email, Telephonic, and letter correspondence/ Los Osos community and LOCSD board & employees 2003-05		ACL-CSD-117
618	2005 Citizens Faxes & Letters of concern Site & SRF Loan to SWRCB Board members and staff		ACL-CSD-121
619	2005 Citizens Faxes & Letters of Concern Site & SRF Loan To Blakeslee		ACL-CSD-123
620	2005 Citizens Faxes & Letters of Concern Site & SRF Loan To Governors office		ACL-CSD-125
621	2005 Citizens Faxes & Letters of Concern Site & SRF Loan To Senator Maldonado		ACL-CSD-127
622	2005 Citizens Faxes & Letters of Concern Site & SRF Loan		ACL-CSD-129
623	2001 LOCSD Assessment Vote materials, All files/by reference		ACL-CSD-130
624	2005 Citizens Faxes & Letters of Concern Site & SRF Loan-Senator Boxer and Feinstien		ACL-CSD-132
625	2005 Citizens Faxes & Letters of Concern Site & SRF Loan-EPA		ACL-CSD-134
626	County Clerk RE: Theft & Dave Dugan report on processing of Recall Petitions & Measure B Timely		ACL-CSD-136
627	May & June 2005 Video LOCSD Meeting-Bid/ ATA issues and setting the date for election		ACL-CSD-138
628	204-2005 LOCSD All project Bid files by Reference		ACL-CSD-140
629	2005 J. Wallace /associates Project evaluation and Bid files by Reference		ACL-CSD-142
630	8/04-12/04 McPherson to CCRWQCB Young & Briggs RE: 7/9/04 Staff Rpt and meeting issues, Q & A…concerns of ethical standards [These may be in the files but we cannot determine what specifically they refer to.]		ACL-CSD-144
631	11/16/05 SWRCB Video and transcripts Item 8 Los Osos loan conditions [the video is available on the internet]	11/16/05	ACL-CSD-146
632	1998-2001 LOCSD Video Record Site selection		ACL-CSD-150
633	2000-2005 Articles Sewer Watch Blog @ http:www.sewerwatch.blogspot/com		ACL-CSD-181
634	1993-2005 Articles and Blog by Ann Calhoun		ACL-CSD-183
635	9/23/04 New Times Press Opinion-Lisa Schicker "Why the Vote Matters"	09/23/04	ACL-CSD-187
636	1/6/05 Video LOCSD meeting CCRWQCB and follow-up	01/6/05	ACL-CSD-204
637	1/22/05 SWRCB-Polhemus to LOCSD-Buel Re: response to request-Explanation of SRF deadlines and process to amend project	01/22/05	ACL-CSD-249
638	7/7/05 CD clips, LOCSD-Legros Wtr. Brd. meeting & LOCSD meeting comments regarding CRWQCB intent and amount of fines	07/7/05	ACL-CSD-250
639	2/2/05 Audio CD Bidders Conference LOCSD WW project	02/2/05	ACL-CSD-251
640	2004 Video CD Clips from community issue of site, technology and cost, prepared for SRF loan protest Jan 4 2005 to SWRCB from LOTTF/CCLO	01/4/04	ACL-CSD-252
641	2004 video CD clips 2001 site selection Story poles 2004, prepared for the Coastal Commission by CCLO/LOTTF		ACL-CSD-253

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	Documentary Evidence		
	Description	Date	ID
642	1998-2005 MWH/LOCSD all files, accounting information		ACL-CSD-254
643	2003 LOCSD SRF Value engineering rough draft doc /Calcs		ACL-CSD-255
644	2005 LOCSD to Sanford Complaint of interference in project bids		ACL-CSD-256
645	2004-05 LOCSD letters to land owners concerning water shortage and Coastal Commission conditions		ACL-CSD-268
646	2000-05 press articles Los Osos Sewer Project (Tribune)		ACL-CSD-270
647	2000-05 press articles Los Osos Sewer (New Times)		ACL-CSD-271
648	2000-05 Press articles Los Osos Sewer (Bay news)		ACL-CSD-272
649	1998-2005 Septic Management Plan Pumping records-by Reference		ACL-CSD-295A
650	1998-2005 SLO County Department of Health Services Records (Records failure of Septic systems in Los Osos)		ACL-CSD-295B
651	1998-2005 Al's septic pumping records for Los Osos		ACL-CSD-297
652	5/03 Final Design Direction Produced by Montgomery Watson Harza, 17 pages On Wastewater Facility Project design		ACL-CSD-298
653	Cost Breakdown - Single Family Residence (Red Handout) The current estimated one-time and monthly costs for the Wastewater Facility		ACL-CSD-299
654	4/03 Financial Resources - 4/03 5 pages of information about Wastewater		ACL-CSD-301
655	LOCSD Risers 1-page flyer produced by the LOCSD SSMP subcommittee		ACL-CSD-303
656	Septic System Do's and Don'ts 1-page flyer produced by the LOCSD SSMP subcommittee		ACL-CSD-304
657	2004-05 Move Forward-Save the Dream FPP reports, all materials incorporated by reference		ACL-CSD-305
658	Estero Area Plan Draft		ACL-CSD-308
659	1998-2005 LOCSD financial statements and Budget documents		ACL-CSD-310
660	1998-2005 LOCSD Wastewater project contract files Incorporated by reference		ACL-CSD-313
661	2004-2005 Los Osos Technical Task Force (LOTTF) alternative Facility report(s)		ACL-CSD-314
662	2004-2005 LOTTF Presentations and workshops PPT. & Video records		ACL-CSD-315
663	2000 Bertrando and Bertrando Research Consultants Cultural Resource Inventory of the Resource Park site		ACL-CSD-316
664	8. Hatch & Parent " Petition to Review RWQCB order R3-2003-0007 (March 6,2003)	03/6/03	ACL-CSD-323
665	15. Crawford Multari & Clark file memo 5/22/03 re Fish & Game	05/22/03	ACL-CSD-323
666	14. Hatch & Parent Letter of May 15, 2003 re addendum	05/15/03	ACL-CSD-323
667	13. RWQCB Internal Memo re Kennedy/Jenks report 2/6/03	02/6/03	ACL-CSD-323
668	12. Hatch & Parent Letter of April 4, 2003 re Cal Cities petition	04/4/03	ACL-CSD-323
669	11. Hatch & Parent Letter of April 2, 2003 re Cal Cities petition	04/2/03	ACL-CSD-323
670	9. RWQCB Memo re Petition re Order No. R3-2003-0007 (March 19, 2003	03/19/03	ACL-CSD-323
671	4. RWQCP Resolution No. R3-2203-0006 (Findings and Mitigation Monitoring Report)		ACL-CSD-323
672	3. Hatch & parent letter of Oct.7, 2002 re draft discharge requirements		ACL-CSD-323
673	2. Resumes for Chris Clark and David Moran (preparers)		ACL-CSD-323
674	1. Addendum to FEIR for Los Osos WW project (May 2003		ACL-CSD-323

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
675	Chris Wm Clark, June 5, 2003, Documents That Support Presentation:)		ACL-CSD-323
676	10. Gary Frimm Letter of March 21, 2003 re Cal Cities petition	03/21/03	ACL-CSD-323
677	Cleath & Associates. (2000). Disposal Sites prepared for the Los Osos Community services District, October 25, 2000.	10/25/00	ACL-CSD-324
678	Cleath & Associates. (2000). Wastewater Disposal Sites Evaluation Interim Report prepared for the Los Osos Community services District, September 21, 2000.		ACL-CSD-326
679	Cleath & Associates. (2000). Wastewater Issues Evaluation prepared for the Los Osos Community Services District, October 24, 2000.	10/24/00	ACL-CSD-327
680	Cleath & Associates. (2000). Wastewater Issues Evaluation prepared for the Los Osos Community services District, November 3, 2000.	11/3/00	ACL-CSD-328
681	Coastal Commission Staff Report and all Correspondence from LOCSD, CCRWQCB and the County with Coastal Commission prior to the April 15, 2004 LOCSD appeal hearing and July 2004-De Novo hearing August 11, 2004.	04/15/04	ACL-CSD-330
682	Correspondence between RWQCB/Cal-Cities regarding WDR Discharge		ACL-CSD-331
683	County of San Luis Obispo. (1999). Estero Area Plan-Land Element and Local Coastal Plan of the San Luis Obispo County General Plan, County Department of Planning and Building with the Cayucos Citizens Advisory Council and the Los Osos Community Council Ad		ACL-CSD-332
684	Facilities, SWRCB Division of Clean Water Programs, 98-2 CWP, Sacramento, California, adopted February 16, 195, last amended on July 18, 1998. and all updates		ACL-CSD-338
685	LOCSD (July 2003)Wastewater Coastal Development Permit Application Material		ACL-CSD-342
686	Los Osos Community Advisory Council, (June 22, 1995)	06/22/95	ACL-CSD-343
687	Los Osos CSD 2000-2004 Minutes and Public Testimony		ACL-CSD-344
688	Los Osos CSD Sept. 9 2000 Site Facilities Selection Tour, AGP Video	09/9/00	ACL-CSD-345
689	Los Osos CSD(Aug. 21, 2003) Odor Control Presentation	08/21/03	ACL-CSD-346
690	Los Osos CSD(June 10, 2004) Notice to Board Agenda Item "B" Draft Workplan to Respond to May 27, 2004 Coastal Commission Request for Additional Information	06/10/04	ACL-CSD-347
691	Mayer, P., et al. (1999). Residential End u\Uses of Water prepared for the American Waterworks Association Research Foundation.		ACL-CSD-348
692	Metcalf and Eddy (1996), Final Los Osos Water Reclamation Project, Technical Memoranda.		ACL-CSD-349
693	Metcalf and Eddy, Inc. (1997). Collection System 75% Submittal, prepared for the County of San Luis Obispo, CSA 9 Los Osos Wastewater Project, July 25, 1997.		ACL-CSD-351
694	San Luis Obispo Air Pollution Control District (APCD) (1995a), CEQA Air Quality Handbook, A Guide for Assessing the Air Quality Impacts for Projects Subject to CEQA Review, August 1995.		ACL-CSD-362
695	1999 San Luis Obispo County Department of Planning and Building . Safety Element.		ACL-CSD-363
696	San Luis Obispo County (2002-2004) Findings and conditions regarding LCP amendments & CDP applications & Hearings		ACL-CSD-364
697	SLO County Planning and Building Dept. (Nov. 2002) Estero Plan		ACL-CSD-368
698	South Coast Air Quality Management District (1993), CEQA Air Quality Handbook.		ACL-CSD-369

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
699	Uniform Plumbing Code (1997)		ACL-CSD-376
700	URS Corporation (2000), baseline Report of the Los Osos Valley Groundwater Basin, Los Osos, California		ACL-CSD-378
701	Vision Statement for Los Osos, Approved		ACL-CSD-379
702	CSD June 28, 2004, Response to the Coastal Commission, De Novo Review of CDP No. A-3-SLO-03-113(Los Osos Wastewater Project) 500 pgs	06/28/04, 4-2-06	ACL-CSD-336
703	8/1/04 LOTTF Project Analysis for Coastal Commission, Appeal #A-3-03-113	08/1/04 4-2-06	ACL-CSD-42
704	2002-2005 Bud Sanford Submission of evidence to McPherson, Maldonado, and AG Volumes 1-3	4/2/2006	ACL-CSD-148
705	Boddeker files Well and drainage data /8th St information/Staff reports etc.	4/2/2006	ACL-CSD-200
706	3/29/02 Kitts ID Sources of E coli Contamination to Shellfish…Dr Kitts	03/29/02	ACL-CSD-96*
707	Geotechnical Report	March 2004	CDO-CSD-01
708	LOCSD Assmnt Diagram		CDO-CSD-02
709	Los Osos Nitrate Monitoring Program, April 2005 Ground Water Monitoring	June 2005	CDO-CSD-03
710	Los Osos Nitrate Monitoring Program, Oct 2005 Ground Water Monitoirng	Dec 2005	CDO-CSD-04
711	Disposition of Harvest Water	June 2004	CDO-CSD-05
712	Report Addendum and Response to Comments- Simulated Effects of a Proposed Sewer Projection Nitrate Concentrations in the LO Valley Groundwater Basin	June 2004	CDO-CSD-06
713	Wastewater Revenue Program- Wastewater Facilities Project	Nov 2004	CDO-CSD-07
714	LOWW Project, Revised Project Report, Design Documents	March 2003	CDO-CSD-08
715	LOWW Project- Value Engineering Report	May 2003	CDO-CSD-09
716	Simulated Effects of a Proposed Sewer Projection Nitrate Concentrations in the LO Valley Groundwater Basin	Nov 2003	CDO-CSD-10
717	Amended Engineer's Report for the Wastewater Assessment District No.1	June 2001	CDO-CSD-11
718	Ground Water Management Plan	July 2005	CDO-CSD-12
719	LOCSD Topograhic Information		CDO-CSD-13
720	Pavement Evaluation	Jan 2005	CDO-CSD-14
721	Final EIR	March 2001	CDO-CSD-15
722	LOCSD Water Master Plan		CDO-CSD-16
723	Adaptive Manaement and Monitoring Plan	Jan 2005	CDO-CSD-17
724	Los Osos CSD Volume IV- Drawings for Construction of WW Project Area B & C	Feb 2004	CDO-CSD-18
725	Los Osos CSD Volume V- Drawings for Construction of WW Project Area A & D	Feb 2004	CDO-CSD-19
726	Estero Area Plan	Nov 2002	CDO-CSD-20
727	Sea Water Intrustion Report	Oct 2005	CDO-CSD-21
728	Draft Revised Revenue Plan tables based on awarded bids (Tuckfield)	Nov-04	CDO-CSD-22
729	Final Project Report	March-01	CDO-CSD-23
730	CCRWQCB Enforcement Prioritizations	Mar-06	CDO-CSD-24
731	L. Schicker Ltr 1 to SWRCB objection to loan, project on scientific and socioeco grounds	Dec-04	CDO-CSD-25
732	L. Schicker Ltr 2 to SWRCB recommit not increase SRF loan	Dec-04	CDO-CSD-26
733	L Schicker email to D Polhemus re SRF loan recommitment	Jan-05	CDO-CSD-27

EXHIBIT A

Documentary Evidence

	Description	Date	ID
734	LOTTF ltrs to 45 agencies objecting to specific tech and scientific problems with TriW proj	Feb-04	CDO-CSD-28
735	L Schicker ltr to CCC stating technical flaws with TriW project	Nov-03	CDO-CSD-29
736	L Schicker ltr to CCC re substantial issue determination for the CDP for the TriW proj	Apr-04	CDO-CSD-30
737	L Schicker ltr to editor "An Environmental Wake Up Call- Los Osos Sewer proj".		CDO-CSD-31
738	CCLO/LOTTF ltr to LOCSD requesting project reconsideration and town hall meeting	Apr-04	CDO-CSD-32
739	CCLO/LOTTF/CASE ltr to SLO Co re CDP for the TriW proj	Apr-04	CDO-CSD-33
740	LOTTF ltr to Governor re TriW proj	Jul-04	CDO-CSD-34
741	LOTTF ltr 1 to Jeff Young CCRWQCB re technical concerns of TriW proj	Jul-04	CDO-CSD-35
742	LOTTF ltr 2 to J. Young,comments, corrections to WQCB staff notes for 7- 2004 meeeting	Jul-04	CDO-CSD-36
743	LOTTF ltr to RWQCB ombudsman re RWQCB staff actions	May-04	CDO-CSD-37
744	LOTTF email to EPA re technical concerns with TriW proj	Jul-04	CDO-CSD-38
745	CCLO appeal of CDP and addendums		CDO-CSD-39
746	Ltr to A Baggett from S. Bianchi 10/20/05 LO community "problems"	Oct-05	CDO-CSD-40
747	Earth Justice press release no discharge permits for unregulated farm pollution	Jan-04	CDO-CSD-41
748	Tacker Onstot lawsuit CCRWQCB not respond to public records requests	Mar-06	CDO-CSD-42
749	LOCSD agenda Item 11 RFP for Affordability Study	May-05	CDO-CSD-43
750	median household income for Los Osos tracts		CDO-CSD-44
751	CDO warning from Mid State bank Restrictions on home loans	Mar-06	CDO-CSD-45
752	David Venhuizen Waterguy Decentralized Sewer Treatment technical paper	May-02	CDO-CSD-46
753	David Venhuizen Waterguy Offsite with the Waterguy Who Can we Trust?	2005	CDO-CSD-47
754	T R Bounds Septic Tank Pumping Intervals paper	1994	CDO-CSD-48
755	Dripping springs wastewater system		CDO-CSD-49
756	Soil Adsorption Systems and Components Ch 11 textbook		CDO-CSD-50
757	Modesto Bee article Septic rules rile residents in Sierra	Feb-06	CDO-CSD-51
758	SLO Tribune article LO Sewer contractors target district assets	Feb-06	CDO-CSD-52
759	News Sentinel article Lodi to look at treatment plant for water from Woodbridge	Feb-06	CDO-CSD-53
760	SLO Tribune article Septic district could trump pump plan	Feb-06	CDO-CSD-54
761	LOCSD BOD meeting General Mgrs rpt on Proj Rpt, SSMP and Affordability update	Mar-06	CDO-CSD-55
762	Pilot project for septic leach field bioremediation for Los Osos	Sep-04	CDO-CSD-56
763	Pirana nutrient elmination study data	Sep-01	CDO-CSD-57
764	A. Martin ltr to Tribune RWQCB EXPOSED	Mar-06	CDO-CSD-58
765	SLO Co public records request expenses $80/hr		CDO-CSD-59
766	Bay News add friendly words from your neighbors	Mar-06	CDO-CSD-60
767	SLO CO ltr to LOCSD regarding sale of the TriW property	Feb-06	CDO-CSD-61
768	LOCSD ltr to Roger Briggs RWQCB requesting release of random number algorithm	Feb-06	CDO-CSD-62
769	LOCSD ltr to Roger Briggs RWQCB requesting list of prop owners given a CDO	Feb-06	CDO-CSD-63
770	Clivus Multrum's composting toilets info	Feb-06	CDO-CSD-64
771	G. McPherson email to L Okun requesting basin nitrogen loading info, individ CDO's	Feb-06	CDO-CSD-65
772	E Watson ltr to RWQCB requesting WB work with LOCSD, don't build TriW		CDO-CSD-66

EXHIBIT A

	Documentary Evidence		
	Description	Date	ID
773	Dr John Alexander proposal for onsite treatment	Feb-06	CDO-CSD-67
774	Dubblett system information seperation toilet.	Mar-06	CDO-CSD-68
775	Affidavit of R. Glenn Stillman re illegally installed monitoring wells	Aug-01	CDO-CSD-69
776	CCLO Appeal to Coastal Commission - SLO County CDP - substantial issue	Nov-03	CDO-CSD-69a
777	B. Sanford ltr to R Briggs asking what action the RWQCB has taken re the illegal wells	Nov-03	CDO-CSD-70
778	CWC Section 13225 noting duties of the RWQCB		CDO-CSD-71
779	B Sanford ltr to Celeste Cantu did R Briggs file a report on illegal wells as per CWC 13225	Oct-03	CDO-CSD-72
780	W Brim PE ltr to LOCSD nitrate level,wells in LO improperly installed, abandoned wells	Oct-01	CDO-CSD-73
781	W Brim PE rpt Detailed Examination of SLO CO Nitrate Sampling Program in LO	Sep-97	CDO-CSD-74
782	Pre, post election emails between Roger Briggs and LO Community menbers (62 pgs)	Sep-05	CDO-CSD-75
783	Seitz ltr to SWRCB stating LOCSD cannot pay loan w/o a 218 vote	Jun-05	CDO-CSD-76
784	Installment sales Agreement State had ability to take over project, terminated instead	Aug-05	CDO-CSD-77
785	EPA Onsite Wastewater Treatment and Disposal (On a CD)	1980	CDO-CSD-78
786	EPA Onsite Wastewater Treatment Systems Manual (On a CD)	2002	CDO-CSD-79
787	Martin Hildebrand Pond Based Treatment system for Los Osos (On a CD)	Sep-05	CDO-CSD-80
788	LOCSD BOD meeting 9-7-200 site selection, Hubner must more forward (On a CD)	Sep-00	CDO-CSD-81
789	SWRCB Meeting 1-4-2005 Polhemus could get recommit of loan (On a CD)	Jan-05	CDO-CSD-82
790	SWRCB Meeting 1-20-2005 Baggett SWRCB cannot tell local gov't what to build (On a CD)	Jan-05	CDO-CSD-83
791	CSU Chico Onsite Wastewater study treatment technology, protect ag land (On a CD)	Jan-03	CDO-CSD-84
792	Clearstream system manual (On a CD)		CDO-CSD-85
793	Aerobic Treatment Fact Sheet Decentralized Systems (On a CD)	Sep-00	CDO-CSD-86
794	Ca Graywater Guide Book (On a CD)	Jan-95	CDO-CSD-87
795	Revised Graywater Standards (On a CD)	Mar-97	CDO-CSD-88
796	Nayadic Owners and Installation Manuals (On a CD)		CDO-CSD-89
797	Zabel product catalog (On a CD)		CDO-CSD-90
798	Ch-3 EPA Wastewater Handbook Treatment System Preformance requirements (On a CD)		CDO-CSD-91
799	EPA Water Quality Trading Assessment Handbook (On a CD)		CDO-CSD-92
800	Univ of Nebraska Overview of Residential Onsite WW Treatment Overview (On a CD)		CDO-CSD-93
801	EPA CSU Chico Onsite WW Treatment Systems Status Report (On a CD)	Aug-03	CDO-CSD-94
802	Federal Water Pollution Control Act ammended by CWA 1977 (On a CD)		CDO-CSD-95
803	EPA Handbook for Managing Onsite and Clustered WW Treatment Systems (On a CD)		CDO-CSD-96
804	Envirolet Composting Toilets (On a CD)		CDO-CSD-97
805	RWQCB Order 83-12 (On a CD)	Sep-83	CDO-CSD-98
806	Source Seperation Toilet Photo (On a CD)		CDO-CSD-99
807	2813 House plans for Nitrate Reduction (On a CD)		CDO-CSD-100
808	Airshed Nitrogen to Watersheds Report (On a CD)		CDO-CSD-101

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	Documentary Evidence		
	Description	Date	ID
809	EPA FAQ about Atmospheric Deposition (On a CD)	Sep-01	CDO-CSD-102
810	County/ RWQCB Alternative Compliance Improvements Submission (On a CD)		CDO-CSD-103
811	Final determination of Compliance, Duke Energy (On a CD)	Aug-01	CDO-CSD-104
812	C Hoqland Microbaial Health risks of reuse of source seperated human urine (On a CD)		CDO-CSD-105
813	Jonsson Source seperation of human urine (On a CD)		CDO-CSD-106
814	Vaclav Smil Nitrogen and Food production (On a CD)		CDO-CSD-107
815	California revised Greywater Manual (On a CD)		CDO-CSD-108
816	UC Berkeley - Human protein needs Urine Vs Fecies (On a CD)		CDO-CSD-109
817	WMDS Urine Diverting Toilet product information (On a CD)		CDO-CSD-110
818	CCRWQCB ACL Hearing re LOCSD Transcripts Closing Arguments, Decision (On a CD)	Jan-06	CDO-CSD-111
819	SWRCB Div of Financial Assistance withdrawal of funds for LO WW Project (On a CD)	Dec-05	CDO-CSD-112
820	Bifurcation of special and general taxes Burden of Proof case law prop 218 (On a CD)		CDO-CSD-113
821	City of Burbank vs SWRCB 2005 court decision (On a CD)		CDO-CSD-114
822	SWRCB Draft Revenue Program Guidelines (On a CD)		CDO-CSD-115
823	Federal Clean Water Act (On a CD)		CDO-CSD-116
824	Los Osos Election Results (On a CD)	Sep-05	CDO-CSD-117
825	SWRCB Resolution 2003-0060 Pathogens TMDL for LO and Chorro crks (On a CD)		CDO-CSD-118
826	Porter Calogne CWC - Division 7 Water Quality (On a CD)		CDO-CSD-119
827	Attachment A - SWRCB Negotiations w LOCSD re SRF Loan for LO (On a CD)		CDO-CSD-120
828	SWRCB Small Community Water Grant Revenue Program Guidelines (On a CD)		CDO-CSD-121
829	Sewer Project Contract SWRCB and LOCSD 2/05 to10/27 (On a CD)		CDO-CSD-122
830	Cleath Salt Water Intrustion and Lower Aquifer investigation (On a CD)	Jan-05	CDO-CSD-123
831	MBNEP Pollution and treatment Measure Evaluation for BB Watershed 1992/02 (On a CD)		CDO-CSD-124
832	Waste Discharge Order 0012 exempting Tracts of Homes in LO (On a CD)		CDO-CSD-125
833	CCRWQCB Watershed Management Initive (On a CD)	Jan-02	CDO-CSD-126
834	Steve Paige to CCRWQCB - Arguments against CDO's	Mar-06	CDO - CSD-127
835	Affidavit of R. Glenn Stillman re illegally installed monitoring wells	Aug-01	CDO - CSD-128
836	Piana ABG Pilot Study White Paper - Gourdie Frasier Engineering - nitrate reduction in onsites	Mar-05	CDO - CSD-129
837	Ground Water Management Plan	Jul-05	CDO - CSD-130
838	Ground Water Recharge with Reclaimed Water - UC Davis Civil Engineering Study		CDO - CSD-131
839	Monarch Grove		CDO - CSD-132
840	Shroeder Phone notes with RWQCB and SLO County re project and LOCSD	Mar-06	CDO - CSD-133
841	LOTTF video to Ca Coastal Commission (denovo hearing) re Tri-W site selection - Andre - out of town was env preferred site	Aug-04	CDO - CSD-134
842	LOTTF Public Workshop - Tapes- Information on viable Wastwater Project Alternatives	Spring 2005	CDO - CSD-135
843	Research on Eagle Lake CDO's	Mar-06	CDO - CSD-136
844	Real Estate Disclosure Forms given to Los osos residents - show future homes prohibited from discharges	Mar-06	CDO - CSD-137

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	Documentary Evidence		
	Description	Date	ID
845	Butte County Nitrate Compliance Plan and SSMP programs was adopted after receiving prohbition notice - 4200 homes	Mar-06	CDO - CSD-138
846	RWQCB letter to Butte County - rescinding prohibition and alllowing septics with Nitrate Compliance Plan and SSMP programs for 4200 homes	Mar-06	CDO - CSD-139
847	SB125 - Pollution Prevention Plan Formats	Mar-06	CDO - CSD-140