April 2, 2006

STATE OF CALIFORNIA
CENTRAL COAST WATER BOARD
Received
APR 4 2006
895 Aerovista Place, Ste. 101
San Luis Obispo, CA 93401-7906

Lori Okun and Philip G. Wyels
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812

Dear Prosecution Team:

I, [redacted], have been randomly selected by the Central Coast Regional Water Quality Control Board for prosecution for violations of a septic system discharge prohibition. Prior to purchasing my home in 1992, the septic tank was inspected and repaired to the specifications and approval of the San Luis Obispo Department of Planning. After moving in, my new neighbors and I obtained the proper permits for removal the eucalyptus trees which posed a continued threat to our septic systems. My tank was pumped in August of 2006 by Al's Septic Pumping Service, and reported to be functioning normally. No one from the RWQCB has ever inspected or tested my septic system. The Cease and Desist Order, delivered to my mailbox, was my first communication from the RWQCB of a discharge violation.

The severity of a CDO became apparent when I called Stan Sprague, Watershed and Resource Strategies, for clarification. The consequences of this action by the RWQCB are astounding. If, due to inadequate supply of septic pumpers, I am unable to get an appointment for pumping by the designated date, I will be charged $1000 a day late fees. If the charges continue to mount even for reasons beyond my control, I can lose my home. Even if I abandon my home, the fines from a CDO can follow me and continue to grow. My property has lost value and my ability to sell has diminished. The RQWCB has indicated that these are "unintended consequences", but intended or not they are very real consequences of a CDO and I must do what I can to protect my home and my future. With a CDO, all that I have worked so hard for and over so many years will be at the mercy of the current and future RWQCBs. This is based on the presumption of a violation under circumstances far beyond my individual control.

I explored alternatives that would eliminate nitrates from my septic system, investigating composting toilets. I found that they were safely used in many innovative and forward thinking communities and countries. I was very disappointed when Matt Thompson of the RWQCB cut off that possibility writing, "Dr. Greg Thomas of San Luis Obispo County Environmental Health Department has indicated that he will not approve composting, portable, or incinerator toilets in Los Osos." Prior to receiving this communication I called both the County Planning and Environmental Health and was told by receptionists that they did not know of any regulations for composing toilets. Another Planning department employee indicated that it was the RWQCB that was blocking citizens of Los Osos from pursuing this alternative. How am I, a citizen, supposed to propose alternatives when you will not even consider those alternatives exemplified by SWRCB and US EPA on their websites?

The solution that you did choose, pumping all the septic tanks of Los Osos every other month from now until 2010 (or a sewer is built) will not make a significant difference in removing the nitrates in the upper aquifer. What it will do is increase overdraft of the lower aquifer, waste millions of dollars each year with no benefit to a sewer project, lead to degradation of septic systems, waste natural resources (water, diesel fuel), and contribute to increased air pollution and road deterioration along disposal routes.

I am not a lawyer. I am a full time special education teacher. I have tried taking time off work to prepare my defense, but this is disruptive to the education of my students. Due to my work hours, I am unable to gain access to the prosecution documents, or to conduct other government research during normal government business hours. I asked for and was denied an extension beyond the April 5th deadline. So, you can work full time for the government to prepare to prosecute me, while I am working full time for the government to educate our youth, severely hampering my defense. I was not offered legal counsel. The cost of an attorney versed in water issues is far beyond my means. Where are my constitutional rights?

I reserve the right to use any and/or all documents submitted by the CSD in my defense of my property and rights. I reserve the right to use any witnesses submitted by the CSD in my defense of my property and rights. I reserve the right to assistance when presenting my defense before the

board, by persons of my choosing. Cease and Desist Orders were not designed to persecute individual citizens.

The RWQCB mandated in 1983 that Los Osos develop and implement a septic management plan and a water management plan, as well as develop a wasterwater treatment facility: 1) Upon taking office in November of 2005, the current CSD asked to implement a septic management plan in negotiations with the WaterBoard and Rep. Sam Blakslee. 2) The current CSD has already hired a firm to update the wastewater treatment project. 3) The CSD is currently developing a water management plan.

The current CSD is not composed of savvy politicians. It is a group of concerned citizens with expertise in engineering and biology who have made a significant commitment to their community, a commitment to protect our water. Please let them proceed. The Cease and Desist Orders will only lead to long, drawn out court battles, dredging up the lies and deceit of our forefathers. This is counterproductive to our ultimate goal: a sewer.

Sincerely,

[redacted]

1709 14th Street
Los Osos, California 93402

	A	B	C	D	E	F	G
1	Last Name	First Name	Address	Phone #	e-mail	Affiliation	
2	Harris	Spencer	1390 Oceanaire Dr. SLO 73405	543-1413		Cleath & Assoc.	Hydrologist
3	Tacker	Julie	1188 4th St.	528-7242		CSD Board	
4	Schicker	Lisa	1543 8th St.	305-9166	lisaschicker@charter.net	CSD Board, LOTTF advisor	
5	Cesena	Chuck	591 Ramona Ave	534-0131	CLCesena@charter.net	CSD Board, LOTTF	
6	Bleskey	Dan		528-9375	dbleskey@losososcsd.org	CSD General Manager	
7	Mc Pherson	Gail	2582 Pecho Valley Rd	534-1913	mcp@charter.net	LOTTF	Expert-Wastewater Sewer plant operator
8	Ruehr	Dr. Thomas	2276 Palisades, LO 93402	528-0151	truehr@calpoly.com	LOTTF/Cal Poly	Expert-Soil scientist
9	Calhoun	Ann	1698 16th St.	528-5465	churadogs@aol.com	Media- Bay News	centralcoastmission news.com
10	Thompson	Matt		549-4623		RWQCB	Enforcement
11	Patterson	James R	SLO 93408			SLOCO BoS	Supervisor
12	Garcia	Percy	3453 El Camino Real, Atas				Lab-denitrification study
13	Sprague	Stanley		714-319-1228	scsprague@sbcglobal.net	Consultant-Water	
14							
15	CSD Witness List	IBR	Any witness listed				
16							
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ID	lerN	Category	DocDate	Document Description
CSD	1	IBR	1983-2006	Any and all documents contained within the Los Osos CSD document list at http://homepage.mac.com/lerici/Menu6.html
Personal	2	septic system	8/15/2005	Al's Septic Plumbing Service Invoice # 3257
Personal	3	septic system	4/7/1992	Frank Merrill Back-Hoe Services - system repair
Personal	4	septic system	6/11/1992	SLO County Department of Planning - Hazardous tree removal
Personal	5	septic system	4/13/1992	SLO County Department of Planning - permit for septic system repair
SWQCB	6	Compost toilet	3/11/2006	Non discharging systems at http://www.waterboards.ca.gov/ab885/docs/techonsite/chapter3.pdf
USEPA	7	Compost toilet	Sep-99	http://www.epa.gov/owm/mtb/comp.pdf

THIS PERMIT CONSTITUTES AUTHORIZATION BY THE COUNTY OF SAN LUIS OBISPO ALLOWING CONSTRUCTION OF THE PROJECT DESCRIBED HEREIN, SUBJECT TO ALL APPLICABLE PROVISIONS OF THE COUNTY CODE.

OWNER/BUILDER DECLARATION:
I am exempt from the contractor's License Law for the following reason:
☐ I, as owner of the property, or my employees with wages as their sole compensation will do the work, and the structure is not intended or offered for sale.
☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project.

☐ I am exempt under Sec. _____ B. & P.C. for this reason: _____

Date _____ Applicant _____

CERTIFICATION OF EXEMPTION FROM WORKERS' COMP. INSURANCE
I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject the the Worker's Compensation Laws of California.

Date _____ Applicant _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Worker's Compensation provisions of the Labor Code, you must comply with such provisions or this permit shall be deemed revoked.

CONSTRUCTION LENDING AGENCY
I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Calif. Civil Code).

Lender's Name _____

Lender's Address _____

LICENSED CONTRACTOR DECLARATION
I am licensed under the provisions of Chapter 9 (Section 7000 and Section 7000 Division 3 of the California Business and Professional Code) and my Contractor's Office and Street _____

License Class _____

License Number _____

Contractor _____

WORKERS COMPENSATION DECLARATION
I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certificate of exemption from Workers' Compensation Laws of California.

☐ Certified copy is hereby furnished.
☐ Certified copy is filed with the County Department of Planning & Building.

Date _____ Applicant _____

I certify under penalty of perjury that I have read this application and state that the above information is correct. I agree to comply with all the provisions of the laws relating to building construction, and hereby authorize the representatives of this county to enter upon the above mentioned property for inspection purposes.

Signature of Owner/Agent _____

Subject to Owner/Agent Signature _____

I.D. Verification _____

PROJECT: B911805 STRUCTURE: 001 ISSUED: 04/13/92 INSP AREA: 02
RELATED STRUCTURES TYPE: 001-RG

ADDRESS: 1705 14TH ST PLANNING AREA: LSOC

PERMITTEE: DENMAN JOE
1442 15TH ST
LOS OSOS, CA 93402

CONTRACTOR: MERRILL FRANK BACKHOE SERVICES
P O BOX 1497
MORRO BAY, CA 93442

DESCRIPTION: ADD/ALT FAST TRACK TYPE OF CONSTRUCTION:
REPAIR LEACH PIT

ASSESSMENTS: 038,542,017 TR: ELMORO BL: [illegible]

SETBACKS: FRONT: OFT REAR: OFT LEFT: OFT [illegible]
ALLOWED HEIGHT: 0 ACTUAL HEIGHT: 0 REFERENCE: [illegible]
STREET: 14TH ST

TOTAL VALUATION: $ 400.00
TOTAL FEES: $ 85.00

SUBJECT REQUIREMENTS

PRIOR TO FOUNDATION
PRIOR TO FRAMING

PRIOR TO FINAL

OWNER/AGENT ACKNOWLEDGES SPECIAL REQTS

AL'S SEPTIC PUMPING SERVICE,INC.
P.O. BOX 6996
LOS OSOS, CA 93412
528-0432 541-8283 773-0123 927-1722

Invoic

Date	Invoice #
8/15/2005	3257

Bill To	Job Address
[redacted] 1709 14th Street Los Osos, CA. 93402	[redacted] 1709 14th Street Los Osos, CA. 93402

P.O. No.	Terms	Due Date	Maintenance	Leach Failure	Escrow	Other
PL8/11/05	Net 30	9/14/2005	XXX			

Description	Qty	Rate	Amount
Service call to pump exposed septic holding tank. Tank operating at normal level. Owner on site for disclosures.			
Pumping and disposal		275.00	275.00
Thank you ! We appreciate your business !			
Please include the invoice number or job address with your payment. Thank you.			
We gladly accept MasterCard or VISA,			

To be paid in full upon receipt. All invoices not paid within 30 days subject to finance charge 1.5%

Total	$275.00
Payments/Credits	$-275.00
Balance Due	$0.00

6-2-92

Department of Planning and Building
San Luis Obispo County

Alex Hinds, Director
Bryce Tingle, Assistant Director
Barney McCay, Chief Building Official
Norma Salisbury, Administrative Services Officer

June 11, 1992

[redacted]
1709 14th Street
Los Osos CA 93402

SUBJECT: APPLICATION FOR TREE REMOVAL (Hazardous Tree Determination)

The Planning Department staff has inspected the site at 1709 14th Street in Los Osos and we are approving your request for removal of two (2) eucalyptus trees, subject to the following condition(s):

(1) the trees may not be removed without permission of the property owner. and
(2) each tree must be replaced on the site with a specie common to the community. (Call 549-5196 for a replacement inspection when the new trees are planted.)

This approval does not authorize the removal of any other trees on this or adjacent sites.

Please contact me at (805) 549-5600 if you have any questions.

Sincerely,

Development Review Section

Page No. of Pages

Frank Merrill
528-4900
Back-Hoe Services
P.O. Box 1497, Morro Bay, CA 93442
Telephone: (805) 528-4900 License: 337347

PROPOSAL AND ACCEPTANCE

PROPOSAL SUBMITTED TO: JOE DENMAN		PHONE: 528-1001, 2496	DATE: 4-7-92
STREET: 1442 15TH ST		JOB NAME: 1209 14TH ST	
CITY, STATE AND ZIP CODE: Los Osos CA 93402		JOB LOCATION: 1209 14TH ST Los Osos	
ARCHITECT: N/A	DATE OF PLANS: N/A	APN 038,342,017	JOB PHONE

We hereby submit specifications and estimates for:

INSTALL ONE SEEPAGE PIT TO S.L.O. COUNTY BUILDING DEPT. STANDARDS FOR A THREE BEDROOM HOUSE.
WE ARE NOT RESPONSIBLE FOR DAMAGE TO DRIVEWAY, LANDSCAPING, OR IRRIGATION LINES.

READ AND APPROVED BY:

USA #90815

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:
ONE THOUSAND TWO HUNDRED THIRTY + NO/100 dollars ($ 1,230.00).

Payment to be made as follows:
IN FULL NO LATER THAN APRIL 24, 1992

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within thirty days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance 4-9-92

Signature

Signature

Mail Message

Novell.

Close Previous Next Forward Reply to Sender Reply All Move Delete Read Later Properties

From: "Matt Thompson" <Mthompson@waterboards.ca.gov>
To: [redacted]
Date: Wednesday - March 1, 2006 3:08 PM
Subject: Re: CDO Alternative
Mime.822 (2228 bytes) [View] [Save As]

[redacted]

Thanks for your email. I appreciate you exploring options to comply with the Cease and Desist Order's interim requirements to reduce pollutant loading and your desire to have a positive effect on the environment. Composting toilets may initially sound promising, but are not a viable alternative. The Uniform Plumbing Code does not allow composting toilets unless approved by by the local health officer. Dr. Greg Thomas of San Luis Obispo County Environmental Health Department has indicated that he will not approve composting, portable, or incinerator toilets in Los Osos.

--Matt Thompson

Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

V (805) 549-3159
F (805) 788-3572

>>> [redacted] 2/25/2006 7:18 PM >>>
I received a Cease and Desist order (# R3-2006-1034) and am very interested in installing a composting toilet as an alternative. This would be reducing nitrates entering my septic tank by over 22%.
I have found general information on your Waterboard website as well as the EPA website, but I am having difficulty finding anyone locally with experience with this technology. Is this a reasonable alternative to persue?
I am a full time special education teacher and don't have time or energy to waste on ideas that are unlikely to be approved, but I sincerely like to find an alternate that has a positive effect on the environment.

[redacted]
1709 14th, Los Osos