

**From:** leslie richards <heitera@hotmail.com>  
**Sent:** Monday, March 11, 2019 11:53 AM  
**To:** Rokke, Jon@Waterboards  
**Subject:** Draft order No. R3-2014-0050, Update

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Thank you for allowing me the opportunity to comment on the RWQCB Draft Order No.R3-2014-0050, Update. For the past four years I have spent countless hours vested in research and documentation of the numerous environmental violations caused by the CCSD EWS project and have assisted RWQCB staff with real time documentation of said violations. I would like to address two areas of the order.

1. CEQA review, #50 and #51

A. Prior to my retirement to Cambria, I worked for a very large L.A. Law firm that specialized in municipal as well as environmental law. I reviewed numerous CEQA related documents, including Tiered, Program EIR's similar to CCSD SEIR approved by the RWQCB and now attached to this revised order. It is my opinion that RWQCB has erred here in their acceptance of this flawed document. Critical data is missing or contradicts earlier assumptions about the EWS project. This mis-information does not allow responding agencies to have the resources available to make accurate judgements about the overall impacts of the EWS project. That is exactly why it was left out in the first place. For RWQCB to accept this flawed document and endorse the current project is negligent. This current SEIR is actually the third document produced by the district, and should be addressed as the 3rd SEIR not second. The current 3rd tiered off of the original 2008 Water Master Plan Programed EIR, and is referred to by the district as a "hybrid approach" which stands for a bastardization of the total process by combining two very flawed reports together, and does not constitute appropriate CEQA protocol. This is referred to as "piece-mealing", or "patch working" of a CEQA document and is strongly discouraged by the rules of process. The original administrative EIR draft for the EWS was circulated in October 2014 and garnered so much negative press that the CCSD hastily pulled it. CCSD then did a full pivot and changed focus of the EWS project from Emergency Drought contingency to a full blown, in ground, public works water project, specifically for growth and development. To state in your order that the EWS is the SWF is misleading and a re-creation of the projects historical record. I strongly object to this wording in the order, and if it remains, will be compelled to appeal the final decision of the RWQCB Board, if it is approved. Cambria citizens through a legal 218 vote, approved a skid loaded, temporary rental RO unit, at the cost of 3.5 million dollars, to supply emergency back up water for the current residents, only. Now, through bait and switch tactics, performed by a previous corrupt CCSD Board, we have this monstrosity of a project, currently topping 17 million and counting, with no end in sight.

B. The mitigation measures in this current SEIR are incomplete and sorely lacking in quantitative baseline data.\* The AMP is a flawed series of non-confirmed assumptions. Literally, in a nut shell it states, 1. Run the SWF. 2. Kill protected endangered species. 3. Monitor and document these die offs. 4. Analyze the cumulative data points. And 5. At the end of each operational year, prescribe changes to the operational protocols to avoid ADDITIONAL endangered species die offs, in the future.

The CCSD, to date has not completed the following in regards to the AMP.

1. No consistency determination.
2. No Federal Habitat Conservation Plan.
3. No Incidental Take Permit or exemption.
4. No Biological Opinion from 4 lead agencies.

Federal Guidelines specifically state that strict monitoring protocols must be applied and followed, which the AMP lacks. I personally have had first hand experience with this lack of mitigation measures when I documented the environmental damage caused to the lagoon during the second tracer study.

CCSD staff and or their hired biologists was required to do visual monitoring of the Lagoon, to determine if the excessive pumping regime for the second tracer study was doing harm to the lagoon habitat due to draw down. Over the course of the entire study, since no staff worked weekends, the tracer study was on autopilot between Friday evening and Monday mornings . On Sunday afternoons, with permission of State Parks, I stationed myself at the monitoring point and at no time saw any CCSD staff. I documented the repeated dewatering of the lagoon, and sent out the real time photos to the responsible agencies, including RWQCB, with no response! What good are monitoring and mitigation programs when there is no over site or enforcement when they fail?

## 2. Implementation of Water Code 106.3

In 2015, the Sate Water Board documented the statewide implementation of HRTW.\* CCRWQCB referenced Cambria's EWS in three separate areas of the survey to show the inclusion of HRTW in their permitting process. Page 10, line 1, states "Cambria EWS permit to provide continued access to water for Cambria residents during drought." \* Currently, RWQCB staff contend that Water Code 106.3 does not apply to the Cambria because we are a "wealthy, beach front community".

Since Water Code 106.3 is referenced in this update to the original order, discussion of what constitutes "affordable" should be allowed.

Affordability of the EWS project has been the #1 concern of the majority of Cambria residents. To date, CCSD is incapable, due to gross accounting irregularities from the previous administration, to supply accurate accounting totals of all costs related to the current project, as well as projections of any additional costs, that may be incurred. Thanks to the efforts of individuals like Dr. Elizabeth Bettenhausen, we now have a thumbnail sketch of the financial toll this disastrous project has taken on our limited financial resources. By painstakingly combing through CCSD expenditure reports and extrapolating backwards, we now know, for example, that between January > November 2017, the non-operational EWS project cost the Cambria ratepayers \$2,017,312.20. \*

In addition, 2010 Census data reports:

13.5% of Cambria residents live UNDER the minimum low income category of \$24,999 per year, for a family of four.

14.9% of Cambria residents live at the low income category of \$25,000 - \$39,000 per year, for a family of four.

24% of Cambria residents live at the medium income category of \$40,000 - \$59,000 per year for a family of four.

Conclusion from these statistics, 55.4% of Cambria residents are currently struggling to make ends meet, financially. That includes paying the exorbitant water bills, which have doubled since the inception of this disastrous water project. Millions of dollars are being funneled to the EWS while critical infrastructure needs are not addressed.

Also, Department of Finance, Audit of May 2018,\* concerning the 4.3 IRWM Prop. 84 grant program concluded in Finding 2. "The EWS is a non-operational project and to date CCSD has not tested whether its modified plant will be able to produce the requisite amount of water ". DWR requires confirmation of this in a timely manner. If the EWS fails to produce 235 - 250 acre feet of product water for the Cambrian residents, CCSD is required to refund the 4.3 million dollars to the County of San Luis Obispo, Dept. of public works.

Finally, CCC staff have done an informal calculation of total costs as it relates to production of EWS , AWTP RO potable water, per acre foot. Their calculations came up with a conservative estimate of \$10,000 per acre foot of RO production water. Cambria now has the privilege of being the most expensive Desal water project in American history.

How can RWQCB staff claim that Water Code 106.3 does not apply here?

50% of Cambria residents can not afford the EWS project. Period.

In conclusion,

My request to the RWQCB Board is simple. Stop. Shelve this Oder Update until the CCSD :

1. Completes the regular Coastal Development Permit, with requisite EIR addendum.
2. Finish the closure plan for the now condemned Brine impoundment.
3. Allow for a community wide 218 vote so the residents of Cambria can choose which direction they want to go with the future of this water project.

Whether it be only for emergency drought conditions or to be used for growth and development 4. Guarantee that all future mitigation measure required by the SEIR be completely funded and operational BEFORE expansion of the water project is allowed to proceed. This includes not just the AMP but the BUILD OUT REDUCTION PLAN as well.

Thank you,  
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\*please note, this document comes with 5 attachments.

Sent from my iPad