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CLUB**  
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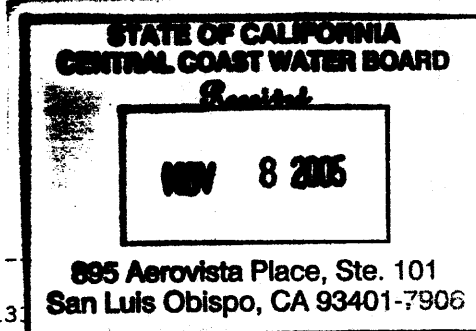
November 8, 2005

Regional Water Quality Control Board  
c/o Roger Briggs, Executive Officer  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

via facsimile: (805) 543-0397

-- For copy and distribution to Members of the Board --

RE: ACL for violation of time schedule order No. 00-13



Dear Mr. Briggs:

The Sierra Club objects to the action of the RWQCB in bringing an ACL complaint against the Los Osos Community Services District on the claim that the CSD has violated a time schedule order due to controllable project delays.

The action of the CSD triggering the complaint consisted of a temporary work suspension as part of the CSD's response to the passage of a ballot measure on September 27. The work suspension was lifted on October 21. The passage of an ordinance by the electorate, mandating the legal requirement for its enactment, is beyond the CSD's reasonable ability to control.

In addition to the erroneous premise of the ACL, imposition of fines in excess of \$11 million at this time as punishment for past discharge violations will severely hamper the CSD's efforts to complete a waste water treatment project to address present violations and avoid future violations.

The expressed goal of the ACL is to force the CSD to return immediately to construction at a specific site in violation of Measure B. This would produce inevitable litigation and further delay the treatment of Los Osos' wastewater, a delay that would be of the Water Board's making.

Like the Regional Water Board, we wish to see water quality problems in Los Osos and their impacts on the Morro Bay Estuary resolved. We are concerned to see the RWQCB moved to actions that would exacerbate and prolong those impacts. We urge the Water Board to withdraw the ACL and its threat of proceedings against individual property owners and resume the board's prior policy of holding fines in abeyance while the CSD continues to make a good faith effort to resolve its water quality problems, which it is clearly doing. We request that these remarks be entered into the record of this proceeding.

Sincerely,

Karen Merriam  
Chapter Chair