

## Attachment 4 – Comments Letters

Letter dated 10/16/2014 from Monterey Regional Water Pollution Control Agency – Garrett Haertel

Collections from Business Owners in Support of the CCSO Emergency Water Supply Project

Collections from Business Owners in Support of the CCSO Emergency Water Supply Project

Letter dated 10/16/2014 from Cambria Community Services District – Robert Gresens

Comments on Draft 9/9/2014 –Cambria Order No R3 2014 0050

Letter dated 09/09/2014 from SWRCB/Division of Drinking Water – Kurt Souza

Letter dated 10/10/2014 from The Land Conservancy – Daniel Bohlman

Email dated 10/17/2014 from Lynne Harkins to Mary Hamilton

Letter dated 09/19/2014 from Lynne Harkins

Email dated 10/17/2014 from Greenspace – The Cambria Land Trust - Mary Webb

Questions & Concerns from interagency meeting August 27 2014

Letter dated 09/27/2014 from Greenspace – The Cambria Land Trust – Richard Hawley



# Monterey Regional Water Pollution Control Agency

"Dedicated to meeting the wastewater and reclamation needs  
of our member agencies, while protecting the environment."

October 16, 2014

Administration Office:  
5 Harris Court, Bldg. D, Monterey, CA 93940-5756  
(831) 372-3367 or 422-1001, FAX: (831) 372-6178  
Website: [www.mrwPCA.org](http://www.mrwPCA.org)

Kenneth A. Harris Jr.  
Executive Officer  
Regional Water Quality Control Board,  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA. 93401-7906

**RECEIVED**  
**OCT 22 2014**  
State of California  
Central Coast Water Board

**SUBJECT:** Draft Waste Discharge and Water Recycling Requirements for the Cambria  
Community Services District Emergency Re-injection Project (Order No. R3-  
2014-0050)

Dear Mr. Harris:

Monterey Regional Water Pollution Control Agency (MRWPCA) is pleased to present the following comments on the Draft Order No. R3-2014-0050 (Draft Order) for the Cambria Community Services District Emergency Re-injection Project. MRWPCA fully supports projects, like the Emergency Re-injection Project, that develop and implement local sustainable water supplies using recycled water, but believes that a number of substantive changes to the Draft Order are needed before it is adopted. MRWPCA understands that the Regional Water Quality Control Board (RWQCB) intends to revise the permit after the October 19, 2014 comment deadline. While we do not want to delay the implementation of the Project, if the changes are substantive, we believe the revised Order should be distributed for public review and comment before the RWQCB public hearing.

## 1. Division of Drinking Water Conditions.

Per Provision VI.12, the Draft Order incorporates the September 9, 2014 Division of Drinking Water (DDW) Conditions not explicitly included in the Order by reference. We recommend that the DDW Conditions be included as an attachment to the Order so that the specific requirements imposed by DDW are transparent and easily available for review.

## 2. Recycled Water Discharge Limits.

Table 9 in the Section III.1 of the Draft Order presents recycled water discharge limits for selected constituents with only the footnote "Source, CCSD Emergency

*Joint Powers Authority Member Entities:*

*Boronda County Sanitation District, Castroville Service Area 14, County of Monterey, Del Rey Oaks, Marina Coast Water District, Monterey, Moss Landing County Sanitation District, Pacific Grove, Salinas, Sand City, Seaside, and U.S. Army (Ex-officio)*

Water Supply Title 22 Report.” No other explanation is provided as to the basis of the limits. They appear to be Reverse Osmosis (RO) performance-based limits, rather than limits based on any of the DDW requirements per the Title 22 Groundwater Replenishment Regulations, or the Central Coast Water Quality Control Plan (Basin Plan). Thus, the Draft Order appears to not be consistent with California Water Code (CWC) Section 13263(a) regarding what the Regional Water Quality Control Board (RWQCB) must consider when prescribing waste discharge requirements. Namely, “[t]he requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.”

MRWPCA is concerned that the performance-based limits are somehow linked to an ill-advised interpretation of Best Practicable Treatment or Control (BPTC) per Resolution 68-16, the Anti-degradation Policy. The application of BPTC does not dictate the application of performance-based limits. As noted in State Water Resources Control Board (SWRCB) Order WQ 2014-090-DWQ-Corrected (General Waste Discharge Requirements for Recycled Water), BPTC is defined as “a combination of title 22 and the Regional Water Board Water Quality Control Plans (Basin Plans).” See Finding 24, pg. 7.

We understand that the RWQCB intends to remove the performance-based limits and support that decision. Moreover, we suggest that the RWQCB review the existing waste discharge requirements for the 6 permitted groundwater replenishment projects in California, and in particular, the most recent permit, Order No. R4-2014-0111, which was issued in June 2014 for the Leo J. Vander Lans Water Treatment Facility and the Alamitos Barrier Recycled Water Project. This project injects advanced treated recycled water into the Central Groundwater Basin to prevent seawater intrusion and replenish groundwater. In addition to the DDW Conditions attached to the Order, Table 3 in Section III of Order No. R4-2014-0111 included recycled water discharge limits based on groundwater objectives in the Los Angeles Basin Plan (not the performance of the advanced water treatment system):

**III. RECYCLED WATER DISCHARGE LIMITS**

1. The advanced treated recycled water shall not contain constituents in excess of the following limits:

Constituents	Units	Concentration	Monitoring Frequency	Compliance Interval
TDS	mg/L	700	Quarterly	Running annual average
Chloride	mg/L	150	Quarterly	Running annual average
Sulfate	mg/L	250	Quarterly	Running annual average
Boron	mg/L	1.0	Quarterly	Running annual average
Total Nitrogen <sup>2</sup>	mg/L	10	Weekly grab or 24 hour composite	Sample result: no averaging
Nitrate plus Nitrite as N	mg/L	10	Weekly grab or 24 hour composite	Sample result: no averaging
Nitrate as N	mg/L	10	Weekly grab or 24 hour composite	Sample result: no averaging
Nitrite as N	mg/L	1	Weekly grab or 24 hour composite	Sample result: no averaging
Total Coliform	MPN/100 mL	1.1	Daily grab	Weekly maximum

2. Compliance with the recycled water discharge limits shall be determined after the injection point for sodium hypochlorite and before injection into the Barrier.

October 16, 2014

Page 3 of 3

**3. Request to Remove “Waste” References When Referring to Advanced Treated Recycled Water.**

In California, “waste” is defined as “sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed in containers of whatever nature prior to, and for purposes of, disposal.” (See Cal. Water Code §13050(d)). “Recycled water” is defined as “water which, *as a result of treatment of waste*, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore *considered a valuable resource*.” (See Cal. Water Code § 13050(n) (emphasis added).) Importantly, “waste” cannot be “recycled water,” and “recycled water” by definition is not a “waste.” Therefore, within the Draft Order, the RWQCB should not refer to recycled water as a waste. This approach was taken for Order No. R4-2014-0111.

Moreover, the distinction between “waste” disposal and beneficial reuse of “recycled water” is critical to securing public acceptability of increased recycled water use. Given previous Legislative goals for water recycling, and the SWRCB’s recently enunciated goal, as stated in the Recycled Water Policy, to increase the use of recycled water in the state over 2002 levels by at least 1,000,000 acre-feet per year by 2020 and by at least 2,000,000 acre-feet per year by 2030, promoting the safety and acceptability of recycled water is crucial. (See CWC §§13560(a), 13577.) Refraining from calling recycled water a “waste” would aid in the pursuit of the SWRCB’s goals, while at the same time ensuring consistency with law.

MRWPCA appreciates the opportunity to provide these comments in light of the importance of ensuring that permits issued to groundwater replenishment projects in the region protect water quality and public health yet are reasonable and consistent with applicable regulations and policies. Thank you for consideration of these comments.

Sincerely,



Garrett Haertel, PE  
Compliance Engineer

Cc: Robert Gresens, Cambria Community Services District  
Howard Kolb, RWQCB  
Peter vonLangen, RWQCB  
Stefan Cajina, DDW  
Kurt Souza, DDW  
Keith Israel, MRWPCA

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

RECEIVED  
OCT 15 2014  
State of California  
Central Coast Water Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

Dear Mr. Harris,

I am a business owner in Cambria, and I support the Cambria Community Services District's ("CCSD") Emergency Water Supply Project ("Project"). I submit this letter to urge the Board to grant CCSD a Title 22 permit for the re-injection of highly treated groundwater into the San Simeon aquifer.

Cambria is currently suffering under exceptional water use restrictions that impact the community's quality of life and wellbeing. Our community needs the Project to stabilize our water supply and return our lives to normal.

Businesses as well as residents have been under severe restrictions on the use of potable water. This is more than a mere inconvenience, because some of the steps we have been forced to take, such as the use of portable toilets at restaurants, degrade the experience of our customers and make Cambria a less appealing place to visit. For a tourist-based economy such as ours, this can be disastrous.

I understand that your Board exists to protect all Californians regarding their water quality and supplies. As we understand the CCSD project, it is to be used both to deal with the present drought emergency and to ensure that Cambria will have an adequate supply of water to prevent crises in the inevitable droughts of the future.

Cambria businesses produce more than 1,200 jobs, and the fate of the Project is a life-or-death issue for many of those businesses. I urge you to consider what is at stake - in health, safety and economic survival - when you consider the Title 22 permit.

Date 10-4-14

  
\_\_\_\_\_  
Signed

Mitchell Masia  
Print Name

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

RECEIVED  
OCT 15 2014  
State of California  
Central Coast Water Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

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Date 10-03-14

Miguel Vivas  
Signed

Miguel Vivas  
Print Name

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

RECEIVED  
OCT 15 2014  
State of California  
Central Coast Water Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0059

Dear Mr. Harris,

I am a business owner in Cambria, and I support the Cambria Community Services District's ("CCSD") Emergency Water Supply Project ("Project"). I submit this letter to urge the Board to grant CCSD a Title 22 permit for the re-injection of highly treated groundwater into the San Simeon aquifer.

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Date 10/4/14

  
Signed

Dinah Brazelton  
Print Name

## Cambrians for Water "C4 H2O"

PO Box 484 Cambria, CA 93428-0484

October 6, 2014

RECEIVED  
OCT 08 2014  
State of California  
Central Coast Water Board

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

Re: CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050,  
*et al.*

Dear Mr. Harris,

I am Co-Communications Director of Cambrians for Water ("C4 H2O"). This is a grassroots association of Cambrian residents and property owners and water users served by the Cambria Community Services District ("CCSD" or "District"). C4 H2O strongly urges the Central Coast Regional Water Quality Control Board to grant Cad's pending application for a **Title 22 Permit covering** the re-injection of highly treated groundwater beneath its existing evaporation pond into the San Simeon aquifer at CCSD's Emergency Water Supply Project ("Project") as well all other Project permits within the CCRWQCB's jurisdiction.

First of all we want to express our gratitude to your staff in handling both the Title 22 and Title 27 applications in an expeditious manner. Obviously your Agency recognizes the serious emergency nature of the water drought in Cambria.

On behalf of C4 H2O members we urge you to grant the necessary permits needed to complete this Emergency Water Supply Project ("Project"). There are, of course, opponents to the Project, who are being referred to by many locals in Cambria by the euphuism, "C.A.V.E.", which stands for "Cambrians Against Virtually Everything.

In the February 2014, publication of Greenspace, the author touted the three-step filtration process implemented in Orange County as a resolution for Cambria's water problems.. However, when CCSD moved forward with this same process for Cambria, the same local representative from Greenspace who wrote the article has opposed it.



The rapid growth of our organization to approximately 600 members indicates that the majority of Cambrians are fed up with this vocal minority who oppose this Project. Hence, the moniker, C.A.V.E is being aptly applied to describe this vocal minority.

Some of the opponents even objected to your Agency's granting a temporary and emergency relaxation of the 3 foot permit limitations on the Santa Rosa Creek monitoring well, even though that opposition would have further depleted Cambria's water supply during the tracer test conducted at San Simeon Creek.

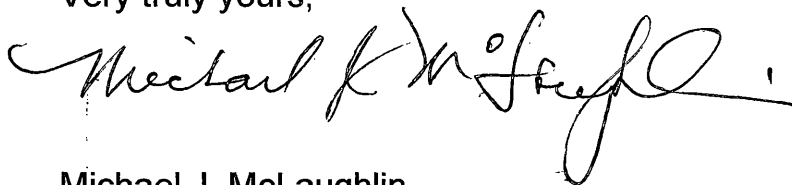
The opponents are using an old tactic of trying to stall any decision but saying at the same time that they want a reliable source of water. They say that until all the environmental concerns are addressed before all applicable Agencies, the Project should not move forward.

Our organization recognizes that there are environmental concerns in implementing this Project. However, we also recognize that your Agency is leaving no stone unturned to compel the CCSD to meet the standards established by your regulations.

Thank you again for all your Agency's work in bringing this application to a speedy resolution.

I am enclosing additional letters of support for the Project which we respectfully request be added to the nearly 400 sent to you previously.

Very truly yours,



Michael J. McLaughlin,

Co-Communications Director, C4 H20

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

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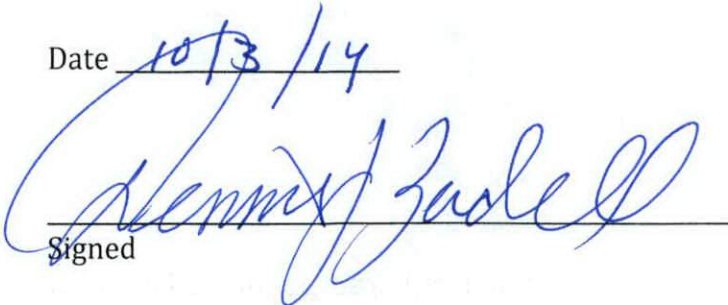
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Cambria businesses produce more than 1,200 jobs, and the fate of the Project is a life-or-death issue for many of those businesses. I urge you to consider what is at stake - in health, safety and economic survival - when you consider the Title 22 permit.

Date

10/3/14

Signed



Print Name

DENNIS J ZADEL

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

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Date 10/02/2014

Signed

  
Print Name

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

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Date

10/2/14

Signed

  
Owner, Sea Breeze Realty

Print Name

DEBORAH BERK

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

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Date 10-2-14

  
Signed \_\_\_\_\_

Ralph M. Core II  
Print Name \_\_\_\_\_

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

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Date 10-1-14

David Stoothoff  
Signed

David Stoothoff Madeline's Restaurant  
Print Name

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

Dear Mr. Harris,

*I own the Real Estate Company of Cambria*  
~~I am a business owner in Cambria~~, and I support the Cambria Community Services District's ("CCSD") Emergency Water Supply Project ("Project"). I submit this letter to urge the Board to grant CCSD a **Title 22 permit** for the re-injection of highly treated groundwater into the San Simeon aquifer.

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Date 9/30/14

*Thank you!*

Signed

Print Name

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

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Date 9-30-14

Tigg Morales  
Signed

TIGG MORALES  
Print Name



Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

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Date Sept 30 2014

Robert Wright  
Signed

Robert Wright  
Print Name

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

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Date

9/29/14

Signed

Kellie Williams

Print Name

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

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Date 9-25-14

MARIE GIBSON  
Signed

WHITE WATER RUN  
Print Name

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

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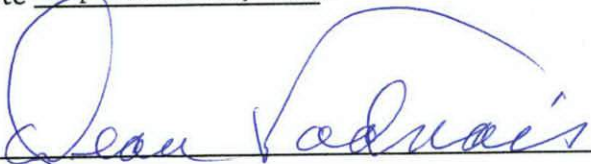
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Date September 29, 2014

  
Signed \_\_\_\_\_

\_\_\_\_\_  
Print Name Dean Vadnais  
Cambria Village Square Shopping Center

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

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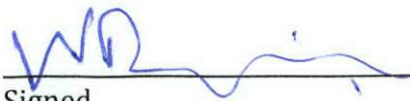
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Date 09-29-14

  
\_\_\_\_\_  
Signed

Wiley Ramey  
\_\_\_\_\_  
Print Name

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

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Date 9/29/14

  
\_\_\_\_\_  
Signed

THAD MARKHAM  
\_\_\_\_\_  
Print Name

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

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Date 9-29-14

  
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John MacKinnon

Print Name

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

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Date 9-29-14

  
Signed

KEENN MAC KINNON  
Print Name



Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

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Date 9/29/14

Lance Moreles  
Signed

Lance Moreles  
Print Name

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

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Date 9/29/14

  
\_\_\_\_\_  
Signed

FRANK S FRATTO  
\_\_\_\_\_  
Print Name

P.O. 484

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

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Menta Cookingham  
Print Name

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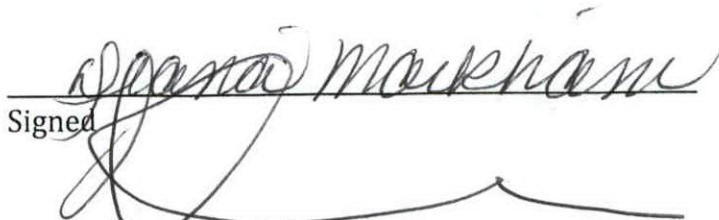
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Date 9-28-14

Signed



Print Name

DIANA MARKHAM  
MICHAEL MARKHAM

Ken Harris, Executive Director  
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Date

9/27/14

Signed



Print Name

SHANNY COVEY

Ken Harris, Executive Director  
Central Coast Regional Water Quality Control Board

CCSD Draft Waste Discharge Requirements Order No. R3-2014-0050

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CHARLES R McMILLEN  
Print Name

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Date 9/27/14

Karen L. Anderson  
Signed

KAREN L. ANDERSON  
Print Name

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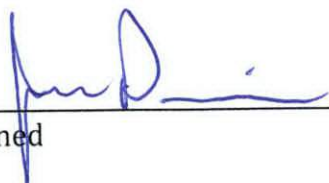
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Signed \_\_\_\_\_

JOE PRIANO  
Print Name  
RE/MAX PINES BY THE SEA  
770 MAIN ST,  
CAMBRIA



# CAMBRIA COMMUNITY SERVICES DISTRICT

## DIRECTORS:

JIM BAHRINGER, President  
GAIL ROBINETTE, Vice President  
MURIL N. CLIFT  
MICHAEL THOMPSON  
AMANDA RICE



## OFFICERS:

JEROME D. GRUBER, General Manager  
MONIQUE MADRID, District Clerk  
TIMOTHY J. CARMEL, District Counsel

1316 Tamsen Street, Suite 201 • P.O. Box 65 • Cambria CA 93428  
Telephone (805) 927-6223 • Facsimile (805) 927-5584

## **Revised**

October 16, 2014

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

Attention: *Kenneth Harris Jr.*  
*Executive Officer*

Ref.: *Cambria Emergency Water Treatment Facility – DRAFT Waste Discharge Requirements and Water Recycling Requirements (RS-2014-0047)*

Dear Mr. Harris:

The Cambria Community Services District is extremely appreciative of the attention and support given by the Board in review of our Title 22 Engineering Report and drafting of the Waste Discharge Requirements (WDR) and the Monitoring and Reporting Program (MRP). Based on our review of these documents, we have a number of items that we request the Board consider before issuing the final requirements.

1. WDR Table 9 – Please clarify the basis of the ammonia limit. This parameter is not limited by the Title 22 Groundwater Replenishment Regulations or by drinking water standards. The Basin Plan limit for ammonia is 5 mg/L, and we request that this be used as the basis of the water quality limit.
2. WDR Table 9 – Please clarify the basis of the boron limit. This parameter is not limited by the Title 22 Groundwater Replenishment Regulations or by drinking water standards. The Basin Plan limit for boron is 0.5 mg/L, and we request that this be used as the basis of the water quality limit.
3. WDR Table 9 – Please clarify the basis of the chloride limit. The Basin Plan limit for chloride is 106 mg/L, and we request that this be used as the basis of the water quality limit.
4. WDR Table 9 – Please clarify the basis of the sodium limit. The Basin Plan limit for sodium is 69 mg/L, and we request that this be used as the basis of the water quality limit.
5. WDR Table 9 – Please clarify the basis of the sulfate limit. The Basin Plan does not include a limit on sulfate. We therefore request that a 43 mg/L limit be set based on the average historic sulfate concentrations at SS3.
6. WDR Table 9 – Please clarify the basis of the TDS limit. The Basin Plan does not include a limit on TDS. We therefore request that a 357 mg/L limit be set based on the average historic TDS concentrations at SS3.

7. WDR Section V.10 – We request that requirements for double containment of RO concentrate to the surface impoundment be removed. Double containment is required for conveyance of hazardous liquids, however, this water is not classified as hazardous by any State, Federal, or local standards and will have a salinity 2.6 times lower than the adjacent seawater. Other utilities along the central coast, including Morro Bay and Sand City, are using drinking water supply wells with higher salinity than this concentrate, conveying the water over much longer distances before treating as a drinking water supply. Further, these facilities convey their concentrated brine, with salinities more than double the Cambria concentrate, to their disposal points without secondary containment. We are not aware of any facilities in the State of California that have been required to secondary contain water with salinities similar to this.
8. WDR Section VII – Please correct the units associated with the membrane integrity test (MIT) limits. We believe this should be identified as 3  $\mu\text{m}$  or less.
9. MRP Table M-2 and M-3 – Please provide rationale for extensive water quality monitoring requirements for plant influent and membrane filtrate. Such monitoring is not required for the much larger indirect potable reuse facilities operating in Southern California, is not identified in the regulatory requirements, and places a considerable financial burden on the District. Estimates for these analytical costs alone are more than \$1,200 a week, without factoring in the operator time required to collect the samples. If this monitoring is desired to better characterize the source water supply, a temporary timeframe (3 to 6 months) should be specified for the sampling rather than making it a permanent requirement for operation.
10. MRP Section IV - Please clarify requirements for monitoring membrane filtrate. As most of the parameters listed are dissolved and not impacted by membrane filtration, there does not appear to be value in measuring these parameters both upstream and downstream of the filters. TSS, turbidity, and total coliforms will be changed by the membranes, but other parameters will not. If information is desired on the membrane filter backwash, it is recommended that only these three parameters be listed and that the monitoring be identified for a temporary timeframe (3 to 6 months) rather than making it a permanent requirement for operation.

Sincerely,



Robert C. Gresens, P.E.  
District Engineer  
CAMBRIA COMMUNITY SERVICES DISTRICT

cc: Kurt Souza, State Board  
Howard Kolb, Water Board  
Jerry Gruber, CCSD  
Mari Garza-Bird, CDM Smith  
Greg Wetterau, CDM Smith  
Chris Park, CDM Smith

Comments on Draft of 9 19 2014 Cambria ORDER NO R3 2014 0050

Page 3 and 14

“DDW submitted to the Regional Water Board the Findings of Fact and Conditions for the Project adopted by DDW on September 9, 2014 (DDW Findings of Fact and DDW Conditions, respectively).”

**Comment [BPB1]:** There was no separate FOF for this project, just the letter from us on the T22 report.

Page 3, #11, we only have a letter.

Page 3, #13, #3, you could ~~at-add~~ AOP to the list under AWTP.

Page 4, B – Under pre-treatment chemicals you should add the chlorine and ammonia.

Page 6, D. Chemical systems, the plan was to inject additional chlorine after the stabilization to have free chlorine being injected into the well. This will protect the well from bacteriological clogging and also provide additional virus kill for the free chlorine contact time from the AWTP to the injection well.

Page 13

**Revise the following strikethrough and underlined words:**

24. Recycled Water Retention Time - Based on the Groundwater Model Technical Memorandum (Cambria Emergency Water Supply Title 22 Engineering Report), the predicted recycled water retention time is no less than ~~180~~ 120 days before it enters wells SS-1 and SS-2. Wells SS-3 and SS-4 will not be used during the emergency supply system operation.

**Comment [BPB2]:** Recent email on the current results predict 120

**Comment [SK3]:** I don't believe there is an SS#4.

The CCSD is conducting a tracer test to determine the retention time of injected treated water. The test will determine how much time elapses between treated water injection and mixing with the CCSD water supply wells. The tracer test involves injecting water from well SS-2 into the newly constructed RIW-1 approximately 1,800 feet to the southwest. ~~A tracer solution composed of enriched boric acid containing 96 percent 10B isotope is added to the injected water. The tracer will be the bromide ion, in the form of potassium bromide. This tracer does not have a notification level, public health goal or MCL for drinking water systems in California. The bromide ion is conservative and does not sorb to the aquifer matrix, so its rate of movement is the same as groundwater. This compound is commonly used to assess groundwater velocities and residence times. A tracer concentration of 10 mg/L of bromide will be used to provide adequate concentrations for assessing breakthrough.~~ The intermediate injection well, MIW-1 and well SS-2 will be sampled and analyzed for boron isotope signature to establish retention time. An existing engineering report predicts a retention time and the tracer study is being conducted to verify the model. The tracer test results will be included in the final draft order.

Page 14, No. 29 and 30, DDW did not provide a Findings of Facts. Since your regulation became final in June 2014, we did not have to provide an FOF, only a recommendation letter which we did. Also, we did not hold a hearing. The adopted regulation requires the project proponent to hold a hearing which they did on August 4, 2014. Our Division is still called the "Department" in #30.

Page 19, #44 also page 21 and 22 – mentions FOF.

Page 22, #8 has your operator certification requirements. On page 25, first bullet, I put operator certification in the DDW letter because after review of the Wastewater operator certification, a determination was made by someone in Sac that this plant did not need a wastewater operator because it was not a wastewater plant. I am not sure what all this means but if you leave this in, I assume you will tell Cambria they only need a drinking water treatment operator. Is this correct? Or can you remove #8?

Page 25

- "Calculations of the LRV shall be based on a pressure decay rate (PDR) value with an ending pressure that provides a resolution of 3 **1-4m microns** or less."

Page 26

- o The UV/peroxide system shall be operated as has been designed to meet the groundwater recharge regulations, providing a minimum 0.5-log reduction of 1,4-dioxane. The UV system is a Trojan UVPhOx 72AL75, which was pilot-tested at the City of San Diego IPR Demonstration Facility at a 1.0 mgd flow rate. Based upon this testing, power level shall be 13 kW or greater; and UV intensity shall be 21 mW/**cm<sup>2</sup>cm<sup>2</sup>** or higher.
- o The UV system must be operated with online monitoring and built-in automatic reliability features that must trigger automatic diversion of effluent to waste by the following critical alarm setpoints.
  - UV intensity below 21 mW/**cm<sup>2</sup> cm<sup>2</sup>**

Page 28- tracer study bullet. Since the tracer did not make the 2 months, we need to change the language of this paragraph. I have proposed the change below:

The tracer study final report, currently being conducted by the CCSD and their consultant, will be submitted to the DDW and the RWQCB prior to the injection of the AWTP treated supply. The tracer study, recalibrated model, and the operation of the CCSD wells will need to show at least 2 months of travel time between the injection well and the **nearest potable extraction well** being used. CCSD may be required to conduct additional tracer studies following operation of the AWTP.

**Comment [JD4]:** This includes all potable wells in the area (e.g. Clyde Warren). Could we add, "the tracer study shall also demonstrate no other domestic wells used for potable purposes are closer than 2 months to the injection well"?

MRP No. R3-2014-0050  
Draft of September 19, 2014

The DDW letter requires the operational monitoring of the AWTF be submitted monthly. Does that need to be included in the MRP?

Page MRP-4

- i. The OMMP shall cover critical operational parameters to include routine testing procedures for the microfiltration (MF), reverse osmosis (RO), and ultraviolet (UV)/advanced oxidation process (AOP) systems, optimization of the UV dose for disinfection and **AOP for reduction of light-sensitive trace** contaminants, and all treatment processes, maintenance and calibration schedules for all monitoring equipment, process alarm set points, and response procedures for all alarms in each treatment process of the Cambria AWTF, including criteria for diverting recycled water if water quality requirements are not met, start-up, emergency response and contingency plans. During the first year of operation of the Cambria AWTF, all treatment processes shall be operated in a manner to provide optimal reduction of microbial, regulated and nonregulated contaminants. Based on this experience and anytime operational changes are made, the OMMP shall be updated.

Page MRP 10(k) and 11(c) requires an engineer experienced in wastewater treatment. This being more of a water plant, should we say wastewater or water treatment. I think either would work.

MRP 10, 4(iii), Please change the sentence to the following:  
Projections of the arrival time of the recycled water at all monitoring and extraction wells and the percent of recycled water at each location.

Table M-4: Recycled Water Discharge Limits Monitoring  
Total nitrogen **Weekly twice per week at least 3 days apart**

**Comment [SK5]:** This can be reduced to weekly after 12 months of data.

Table M-5: Inorganics with Primary MCLs Chromium VI

Table M-12: Remaining Priority Pollutants Chromium VI

**Comment [BPB6]:** Now is an MCL

Table M-11: Constituents with Notification Levels  
1,4-Dioxane **Annually Quarterly**

**Comment [BPB7]:** It should be sampled frequently since they picked the option of designing the AOP based upon 1,4 dioxane

Table M-13: Constituents of Emerging Concern  
Sucralose **Annually Quarterly**

**Comment [SK8]:** This can be reduced to annually with the others after 12 to 24 months of data.

MRP Page 20 f. – In DDW's letter and copied into VII of the Order, we ask for a monthly report on the operation of the treatment plant. We have all drinking water treatment plants report monthly. The lab monitoring is fine quarterly reporting. I would like to say here that monthly reporting of everything in bullet three of Section VII is required in a monthly report so we know how the TP is operating.

**Comment [BPB9]:** This is a good performance surrogate for RO

## General Comment

One other comment, the permit does not address the following: We need to include this language somewhere.

“§60320.201. Advanced Treatment Criteria.

(i) **Each month** a project sponsor shall collect samples (grab or composite) representative of the effluent of the advanced treatment process and have the samples analyzed for contaminants having MCLs and notification levels (NLs). After 12 consecutive months with no results exceeding an MCL or NL, a project sponsor may apply for a reduced monitoring frequency. The reduced monitoring frequency shall be **no less than quarterly**. Monitoring conducted pursuant to this subsection may be used in lieu of the monitoring (for the same contaminants) required pursuant to sections 60320.212 and 60320.220. The first sample of the effluent needs to be collected in the first five days of operation of the AWTP.

**State Water Resources Control Board**  
Division of Drinking Water

**September 09, 2014**

**Kenneth Harris, Executive Officer  
Regional Water Quality Control Board  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401**

**Dear Mr. Harris**

**Subject: Cambria Emergency Water Supply - Title 22 Engineering Report**

The State Water Resources Control Board, Division of Drinking Water (DDW), has reviewed and conditionally approves the Cambria Emergency Water Supply – Title 22 Engineering Report dated July 2014 which was received by the DDW on July 10, 2014. The Cambria Community Services District (CCSD) has sufficiently completed the required elements of the Title 22 Engineering Report (ER) and the DDW recommendation to the Central Coast Regional Water Quality Control Board (RWQCB) is that an initial permit allowing the CCSD to operate the advanced treatment facility as described in the ER be issued. The approval is subject to conditions outlined within this letter. After the Governor's Drought Declaration has been officially rescinded, CCSD shall meet all the requirements in this letter, by their deadlines, to continue to operate the proposed project.

CCSD currently serves potable water to a community of approximately 6,000 consumers. The community water supply depends on two small coastal aquifers located on the Santa Rosa and San Simeon Creeks. For the water year 2013/14, the total rainfall in Cambria was 80 percent of the minimum rainfall required to recharge the two aquifers. On January 30, 2014, the CCSD Board of Directors declared a Stage 3 Water Shortage Emergency. On January 17 and again on April 24, 2014, Governor Brown issued drought emergency declarations. The CCSD anticipates based on the current consumer usage, no substantial rainfall and water supply availability, the water system will only be able to meet demands until November/December 2014. Current conservation requirements for the CCSD consumers include no outdoor watering using potable water, residential usage is limited to 50 gallons per person per day and commercial facilities are required to achieve a 20 percent reduction. Stiff fines are issued to consumers that exceed the conservation requirements.

Under a partnership agreement between the CCSD and the United States Army Corps of Engineers, a study on the CCSD water supply and best water supply alternatives for the District was conducted in 2012-13. The final report listed 8 findings. The rank #1 finding was a brackish water treatment facility at San Simeon Creek. Following the drought declaration by the CCSD Board of Directors, the CCSD hired a consultant, CDM Smith, to move forward with the design and construction of an advanced water treatment facility (AWTF) at the San Simeon Creek. The AWTF would utilize an existing well, Well 9P7, located near the sewage treatment plant's effluent ponds at San Simeon Creek, as a source of water. At this time, Well 9P7 is mainly brackish water but it is anticipated after extended pumping, the contribution from the secondary effluent ponds will

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

increase substantially. The Well 9P7 water will be treated by the AWTP and injected into the aquifer near the CCSD's existing potable water wells, SS#1 and #2. The AWTP will consist of membrane filtration (MF), reverse osmosis (RO), ultraviolet light and hydrogen peroxide (AOP) and free chlorine contact time (CT) prior to injection into the aquifer. The project will provide the CCSD with up to 250 acre-feet of water over a six month period. The proposal will be permitted by the RWQCB. The DDW provides comments on the project for compliance with the Groundwater Replenishment Regulations.

The CCSD shall comply with Article 5.2 – Indirect Potable Reuse: Groundwater Replenishment – Subsurface Application, Sections 60320.200 through 60320.228 of the Title 22, California Code of Regulations. The DDW recommends the RWQCB insert the following conditions in the initial permit:

- For the first six months of operation, the CCSD will provide a trained operator at the AWTP site at all times when the facility is in operation producing water. Following the first six months of operation, the CCSD may submit a request to the DDW and the RWQCB for an alternative operator schedule and if approved, update the Operations, Maintenance and Monitoring Plan (OMMP). The DDW recommends the treatment facility be classified as a T3 which would require a Grade T3 chief operator and Grade T2 shift operator. The chief operator is the person who has overall responsibility for the day-to-day operation of the treatment facility. The shift operator is the person in direct charge of the operation of the treatment facility for a specific period of a day.
- The CCSD will need to collect quarterly samples from each monitoring well for the constituents in Tables 64449-A and B, secondary standards.
- The AWTP contains a multi-barrier treatment facility in order to comply with the Groundwater Replenishment Regulations. The following monitoring and reporting requirements will need to be included in the OMMP and reported to the DDW and the RWQCB monthly.
  - To demonstrate the log reduction credit given to the CCSD Wastewater Treatment Plant (WWTP) and facilities up to the influent of the AWTP, the WWTP effluent shall be monitored continuously for turbidity and daily for coliform concentrations. The CCSD will report monthly to the DDW and RWQCB the daily WWTP effluent coliform analysis, the daily WWTP effluent average turbidity, daily WWTP effluent maximum turbidity and the percent of time the WWTP effluent turbidity is greater than 5 NTU.
  - The CCSD will monitor and report the AWTP influent for turbidity continuously, TOC and total coliform weekly. If a sample of the influent to the AWTP is positive for total coliform, the sample shall be analyzed for *E.coli*. Turbidity measurements shall be recorded every 15 minutes and the daily average and daily maximum shall be reported.
  - The micro filtration membrane (MF) effluent will be monitored for turbidity continuously. The daily average and maximum turbidity reading and the percent of time that the turbidity is greater than 0.2 NTU needs to be reported.
  - Membrane integrity testing (MIT) shall be performed on the MF membrane unit a minimum of once every 24 hours of operation.
    - The log removal value (LRV) for *Cryptosporidium* shall be calculated and the value reported after the completion of each MIT.



- The MIT shall have a resolution that is responsive to an integrity breach on the order of 3  $\mu\text{m}$  or less.
- Calculations of the LRV shall be based on a pressure decay rate (PDR) value with an ending pressure that provides a resolution of 3  $\mu\text{m}$  or less.
- The MIT shall have a sensitivity to verify a LRV equal to or greater than 4.0.
- The Reverse Osmosis (RO) system will not be credited pathogen reduction at this facility however minimal monitoring will be required to ensure the integrity of the system. CCSD needs to monitor the effluent of each RO unit (Stage 1 and 2) and the third stage RO unit (Stage 3) continuously for conductivity. The CCSD will report the average and maximum conductivity from the effluent of each unit daily. The RO effluent will be monitored for TOC weekly and reported in the monthly report.
- The UV/peroxide system shall be operated, as has been designed, to meet the groundwater recharge regulations, providing a minimum 0.5-log reduction of 1,4-dioxane. The UV system is a Trojan UVPhOx 72AL75, which was pilot-tested at the City of San Diego IPR Demonstration Facility at a 1.0 mgd flow rate. Based upon this testing, power level shall be 13 kW or greater; and UV intensity shall be 21  $\text{mW}/\text{cm}^2$  or higher.
- The UV system must be operated with online monitoring and built-in automatic reliability features that must trigger automatic diversion of effluent to waste by the following critical alarm setpoints.
  - UV intensity below 21  $\text{mW}/\text{cm}^2$
  - Power level below 13 kW
  - ballast failure
  - multiple lamp failure and
  - complete UV reactor failure
- On-line monitoring of UV intensity, flow, UVT, and power must be provided at all times. Flow meters UV intensity sensors, and UVT monitors must be properly calibrated to ensure proper disinfection. At least monthly, all duty UV intensity sensors must be checked for calibration against a reference UV intensity sensor. The UVT meter must be inspected and checked against a reference bench-top unit weekly to document accuracy.
- The monitoring and reliability features, including automatic shutdown capability, shall be demonstrated to DDW during a plant inspection prior to final approval.
- Chlorine will be added to the effluent stream of the RO along with caustic soda and calcium chloride. A free chlorine residual shall be provided from the AWTP to the injection well. The log reduction of virus and Giardia will be calculated and reported daily. The CCSD will monitor the free chlorine residual continuously and report the daily average and minimum concentration. The CCSD will monitor and report the minimum water temperature and the maximum pH of the water daily. Also, the CCSD will report the minimum contact time from the AWTP to the injection well daily.
- Based on the calculation of log reduction achieved daily by the entire treatment facility, from the WWTP to the public water supply wells, the CCSD will report a "Yes" or "No" for each day as to whether the necessary log reductions (12-logs virus, 10-logs for Giardia and Cryptosporidium) have been achieved. An overall log reduction calculation will be provided only for those days when a portion of the treatment facility does not achieve the credits listed in Table 5-1 of the ER.
- CCSD shall sample the monitoring well for general mineral/physicals, inorganics, radioactivity (gross alpha and uranium) and volatile organic chemicals. CCSD shall

take these samples monthly for the first year of operation. CCSD may request, from the Division, a reduction in this monitoring after the first year.

- The CCSD will submit the required annual and five-year reports per Section 60320.228.

The CCSD has limited time during this emergency situation to design, construct and begin operation of the AWTP. The conditional approval of this project is contingent upon completion of some remaining requirements of the Groundwater Replenishment Regulation. For the continued use of the facility, the CCSD will be required to complete the following requirements within the given time frame.

- Section 60320.200(f) – A project sponsor shall demonstrate adequate managerial and technical capability to assure compliance. The CCSD has proposed contracting the initial operations of the facility. By June 30, 2015, the CCSD will provide a report to the DDW and the RWQCB describing compliance with Section 60320.200(f) for the future of the project.
- Section 60320.200(g) – Demonstration that all treatment processes have been installed and can be operated by a project sponsor to achieve their intended function. By October 30, 2014, the CCSD will provide a start-up testing protocol to the DDW and the RWQCB. The start-up testing protocol may be included in the OMMP.
- Section 60320.222 – Operations Optimization Plan criteria will need to be included in the OMMP.
- By October 30, 2014, an OMMP for the treatment facility will need to be developed and submitted to the DWP and the RWQCB for review and approval. The OMMP will need to be reviewed and revised, if needed, following six months of operation of the facility. The OMMP will need to include compliance with Section 60320.
- Section 60320.206 – Wastewater Source Control Plan. The current source control program was briefly mentioned in the ER. A complete description of the enhanced source control program required by Section 60320.206 will need to be submitted to the DDW and the RWQCB by December 31, 2015 along with a plan for implementation.
- The pathogen log reduction credit for the WWTP described in Section 5.2.1 of the ER has been further investigated. The study conducted referenced in the ER is a small amount of data to provide significant pathogen reduction credit using secondary treatment. WaterReuse is conducting an additional study, WRRF-14-02, to determine secondary treatment pathogen reduction. The CCSD pathogen credit to the influent of the AWTP is provided by secondary treatment at the WWTP and includes percolation and extraction from a well, Well 9P7. The DDW is confident the removal credit in Section 5.2.1 of the ER can be achieved. By December 31, 2016, the CCSD shall utilize additional research data to enhance the description and monitoring of the WWTP to insure adequate pathogen reduction or the CCSD shall develop a testing protocol to determine the actual pathogen log reduction from raw sewage to the effluent of Well 9P7. The DDW recommends the CCSD conduct its own study or participate in research to determine the actual pathogen log reduction.

- The tracer study final report, currently being conducted by the CCSD and their consultant, will be submitted to the DDW and the RWQCB prior to the injection of the AWTP treated supply. The tracer study will need to show at least 2 months of travel time between the injection well and the nearest potable extraction well.
- The initial sampling requirements for the two monitoring wells in Section 60320.226(b) can be satisfied by historical monitoring of Well SS#3. CCSD shall summarize and submit the water quality data to the Division by December 31, 2014.

If you have any questions concerning this letter, please contact me at (805) 566-1326.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kurt Souza".

Kurt Souza, P.E.  
Chief, Southern California Section  
SWRCB-Division of Drinking Water

cc: Bob Gresens, District Engineer  
Cambria Community Services District

bc: Brian Bernados  
Randy Barnard  
Cindy Forbes  
Jeff Densmore

# The Land Conservancy

## OF SAN LUIS OBISPO COUNTY

PO BOX 12206 • SAN LUIS OBISPO, CA • 93406  
(805)544-9096 • WWW.LCSLO.ORG

October 10, 2014

Central Coast Regional Water Quality Control Board  
Attn: Mr. Kenneth Harris, Executive Officer  
895 Aerovista Pl. Suite 101  
San Luis Obispo, CA 93401

RECEIVED  
OCT 15 2014  
State of California  
Central Coast Water Board

**RE: Cambria Emergency Water Supply Project / Title 22, R3-2014-0050**

Dear Mr. Harris,

I am writing to you on behalf of The Land Conservancy of San Luis Obispo County (LCSLO) with respect to the Cambria Community Services District's (CCSD) proposed recycled water reinjection project (Project).

LCSLO has its organizational roots in Cambria as the implementer of a County and State Coastal Conservancy antiquated lot retirement / transfer of development program which began thirty years ago. I am happy to say that through this program hundreds of antiquated lots have been permanently retired into conservation thereby retiring the development pressure, including demands on limited water resources. Regrettably, despite the success and continued demand, this program has been indefinitely suspending by the CCSD board.

Although the current permit application is for existing customers, the scope of the permit could be expanded at some future date to cover new additional water service connections. Considering the capacity projected for this facility, it seems likely that this Project could facilitate the creation of new customers.

The County and the Regional Board should carefully consider the future demand for water in Cambria; not only against current build-out (demand), but against the possible build out potential as well. Cambrians need water to be sure. The concern should be about balancing the demands for water by the community against sustainable production.

Respectfully,



Daniel Bohlman  
Conservation Director

**From:** Lynne Harkins [<mailto:L.Harkins@charter.net>]  
**Sent:** Friday, October 17, 2014 3:26 PM  
**To:** Hamilton, Mary@Waterboards  
**Subject:** Re: changes in SS Creek

Thanks very much, Mary-

It does definitely appear that ccsd is discharging to the perc pond closest to SS Creek again because this area was dried out w/dirt/clay bottom cracked not long ago.

It's said to be 4' above GW, but then they've excavated at least 2' into the area (aren't they supposed to have 2' of" freeboard"), so this is where connectivity with creek is a problem/concern. Do you routinely check for wastewater indicators in creek?

Thank you,  
Lynne





On Oct 17, 2014, at 2:45 PM, Hamilton, Mary@Waterboards wrote:

Hi Lynn,

Thank you for sharing your photos and observations from San Simeon Lagoon. I collected samples from the foot bridge on Wednesday the 15<sup>th</sup>. On that day we observed the brown water color you describe and you are correct, we could see decaying algae suspended throughout the water column. Not surprising considering the closed lagoon and the extremely high biomass of algae that has been in the lagoon this summer.

The measurements we took onsite also showed very high salinity. I am assuming that the high surf from earlier this week resulted in some waves cresting over the sand bar and into the lagoon. The elevated salinity was far too high to be from sub surface alone.

As far as I know there have not been any surface discharges into the Lagoon from the treatment plant. If you are aware of any illicit discharges please do notify us immediately.

Thank you and feel free to contact me anytime with questions or other observations you feel we should know about.

Mary :)

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Mary S. Hamilton  
Environmental Scientist  
Central Coast Water Quality Control Board  
Central Coast Ambient Monitoring Program (CCAMP)  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401  
805-542-4768  
[www.ccamp.org](http://www.ccamp.org)

**From:** Lynne Harkins [<mailto:L.Harkins@charter.net>]  
**Sent:** Friday, October 17, 2014 1:49 PM  
**To:** Hamilton, Mary@Waterboards  
**Subject:** changes in SS Creek

Some photos, Mary, to show changes which have happened since Tina sent you 10/1 set with the algae cover on creek (which was the case as you know for months before/thru summer)

This water in creek/lagoon got really high on 12th and 13th-These photos from 12th were taken hours after high tide...notice how high water was between foot and car bridges inside campground with rocks submerged as compared to photo I took yesterday. The water is horrible looking; darkened with a light brown scum. The result of all that algae dying? wastewater release? Have you tested recently?

Thanks for any information.

-Lynne

<image001.jpg>

<image002.jpg>

<image003.jpg>

PA120169



To: CCRWQCB  
San Luis Obispo

From: Lynne Harkins  
Cambria, Ca  
[L.Harkins@Charter.net](mailto:L.Harkins@Charter.net)

Regarding this document:

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
81 Higuera Street, Suite 200  
San Luis Obispo, California 93401-5427

WASTE DISCHARGE REQUIREMENTS ORDER NO. 01-100  
Revised Draft of September 19, 2014

For  
CAMBRIA COMMUNITY SERVICES DISTRICT WASTEWATER TREATMENT PLANT,  
SAN LUIS OBISPO COUNTY

To All Concerned:

Thank you for this opportunity to comment.

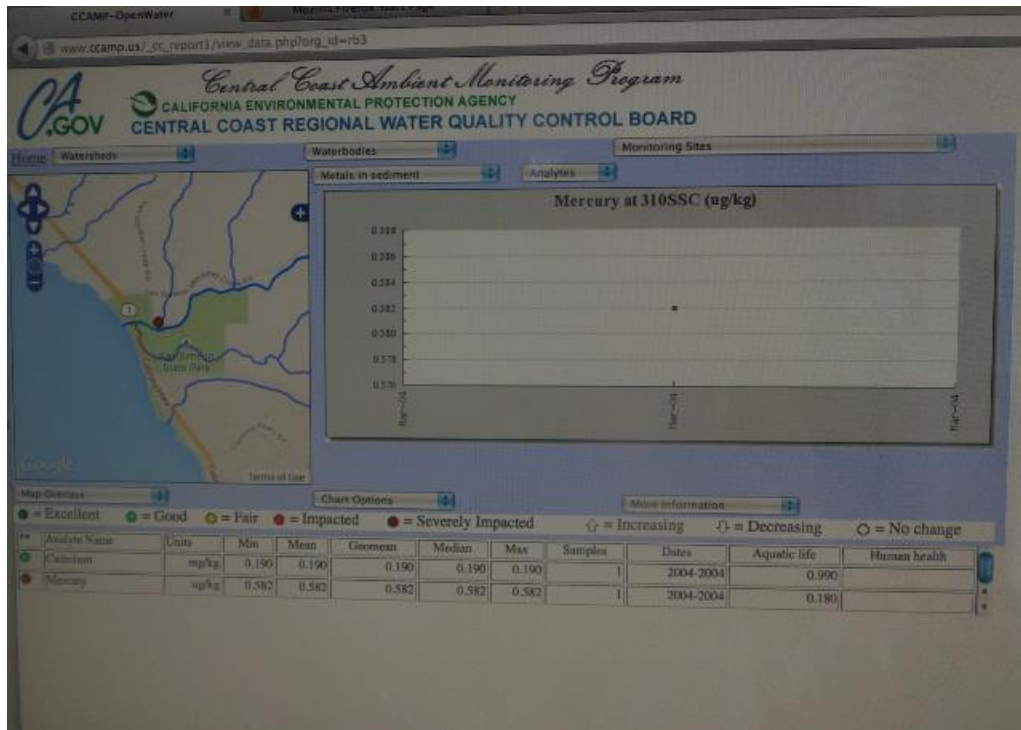
Given that San Simeon Creek has been listed as Impaired since 2010 owing to nitrate, low dissolved oxygen, chloride and sodium, with "Wastewater-land disposal" listed as a cause, the revisions to this Order No. 01-100 for Cambria CSD WWTP don't seem sufficient to address the on-going degradation of this creek which is supposed to be protected by several state and federal special designations. Though the creek may get some higher quality water as mitigation for proposed withdrawals, the fact that 90,000 gallons a day of backwash (with added chemicals) and other toxins removed by a microfiltration process can be added to these percolation ponds seems to bode ill for the health of this creek and all living things that depend on it.

In addition to the 303(d) listing for nitrates, low oxygen, chloride and salts; there's evidence that mercury is potentially a concern as well. Click to enlarge CCAMP 310SSC 2004 test result below. Additionally, 2011 & 2013 biosolids reports for Cambria Wastewater treatment had > 1000 ppb dry total Hg (> 200 and 300 ppb THg wet) Secondary treatment would not remove all of Hg in wastewater, so some potentially going up to percolation ponds in solution and/or suspension. I also referred to this in my Title 27 permit comments.

\*newer research points at wastewater plants as being site for methylation

\*conditions created by impairment of San Simeon Creek by wastewater application to nearby land (high nutrient&algae/low oxygen)-increase potential for methylation of that Hg, too. Methylation makes Hg highly soluble and bioavailable, so it's being released from sediments into the creek habitat/water/food web.

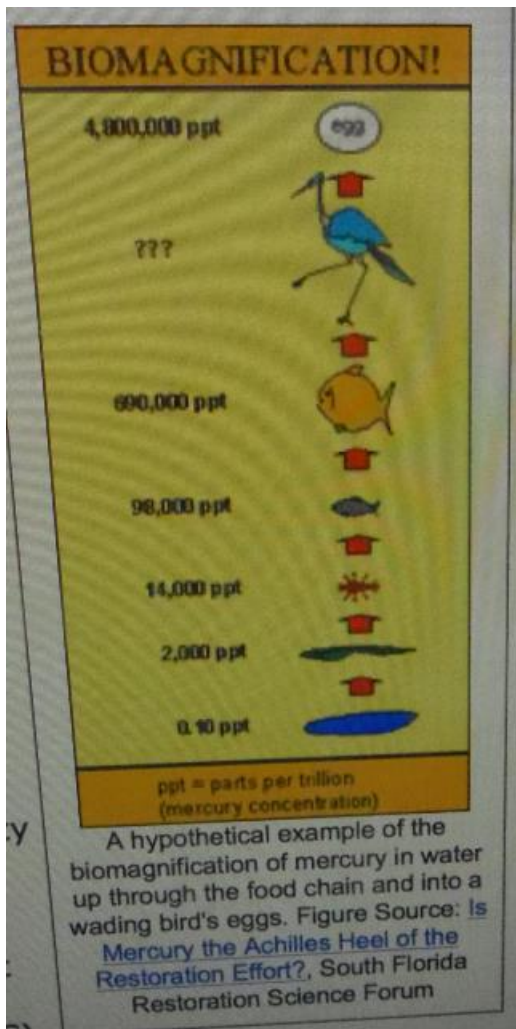
Is there not reason to consider a Reasonable Potential Analysis for the impacts to water quality related to Cambria CSD effluent, mercury and conditions which enhance the potential for mercury methylation? Further graphics below illustrate how rapidly concentrations of mercury (Hg) can increase with methylation-especially through algae.



About 400,000 lbs of liquid mercury/quicksilver were removed from the Upper and Lower Cambria Mines on San Simeon Creek a few miles inland of the CCSD's wastewater disposal site. The concern is that with inorganic natural or legacy mine Hg deposits in sediments, CCSD's wastewater is adding nutrient, leading to algae blooms and low oxygen in percolation ponds and ,then in the creek, thru apparent perc pond connectivity with the SS Creek/upper lagoon which has led to the 303(d) listing of the creek for Nitrate (algae increase)and low dissolved oxygen. These conditions enhance the potential for the bacterial action which changes inorganic mercury into organic methylmercury which is highly soluble and very readily taken up by surrounding biota... biomagnifying/bioaccumulating as it moves through the food web. I have asked Waterboard staff to explain how they can be assured that there isn't a potential problem with Hg and MeHg. I'm asking here again.

Below a graphic from State Waterboard slideshow from Summer 2014 mercury focus group...showing some of the math. I prefer the graphic from Florida Everglades work which shows biomagnification from 0.10 parts per trillion in water up thru food web to 4,800,000 ppt- in a heron's egg. That's a 48,000,000 fold increase that could take place in a season in the life of the beautiful Green Heron perched on a branch over San Simeon Creek I photographed this summer-with an unfortunate, but true representation of the creek's algae situation in the background. Other recent changes are detailed in an exchange I had with Environmental Scientist Mary Hamilton. (email attached)

Thank you for your attention to my concerns.  
-Lynne Harkins





slidesfocusgroups.pdf  
.pdf



RE changes in SS  
Creek.pdf

## Lodge, Ryan@Waterboards

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**From:** Mary Webb <webbmarye@me.com>  
**Sent:** Friday, October 17, 2014 3:30 PM  
**To:** Lodge, Ryan@Waterboards; Monica Hunter; Densmore, Jeff@Waterboards; Anderson, Tamara; Harris, Ken@Waterboards; Howard, Tom; Olson, Tammie@Waterboards; Densmore, Jeff@Waterboards; Saiz, Steve@Waterboards; Vasquez, Victor@Waterboards; Moody, Mitchell@Waterboards; Packard, Harvey@Waterboards; Kolb, Howard@Waterboards  
**Subject:** Fwd: Title 22 and 27 Comments due today  
**Attachments:** Title 22 and 27 Greenspace RWQCB.pdf; Comment Letter on IS-MND July 2014 CA Coastal Commission.pdf; Questions and Concerns from interagency mtg August 27, 2014.pdf; GS Initial Study July 2014.pdf

Please confirm that you received these letters as they are due today.  
We would appreciate answers to the pages of questions contained in the July 22, 2014 agency letters referenced in this letter.

Thank you,  
Mary Webb VP  
Greenspace - the Cambria Land Trust

>  
>  
>  
> attached past letters not answered.  
>  
>  
>  
>  
>



October 17, 2014

Central Coast Water Board Office  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

To all concerned:

**RE:**

LAND DISPOSAL PROGRAM: HEARING NOTICE, DRAFT PROPOSED WASTE DISCHARGE REQUIREMENTS FOR CAMBRIA COMMUNITY SERVICES DISTRICT CLASS II SURFACE IMPOUNDMENT, SAN LUIS OBISPO COUNTY

Central Coast Regional Water Quality Control Board (Water Board) staff prepared the draft Waste Discharge Requirements Order No. R3-2014-0047, draft Monitoring and Reporting Program No. R3-2014-0047

and

HEARING NOTICE, DRAFT PROPOSED WASTE DISCHARGE REQUIREMENTS FOR CAMBRIA COMMUNITY SERVICES DISTRICT EMERGENCY WATER TREATMENT FACILITY RECYCLED WATER RE-INJECTION PROJECT , SAN LUIS OBISPO COUNTY

Central Coast Regional Water Quality Control Board (Water Board) staff has prepared draft Waste Discharge Requirements Order No. R3-2014-0050 and draft Monitoring and Reporting Program No. R3-2014-0050 for the Cambria Community Services District (CCSD) Emergency Water Re-injection Project.

Thank you for the opportunity to comment on this project:

**An analysis by the Board of the reasonableness of the CSD's use of waters of the state and the impacts to public trust resources resulting from that use is required by Article X, section 2 of the California Constitution, section 275 of the Water Code, and the Public Trust Doctrine.**

*California Constitution*

*ARTICLE X, SECTION 2 WATER*

*SEC. 2. It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from*

*any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water. Riparian rights in a stream or water course attach to, but to no more than so much of the flow thereof as may be required or used consistently with this section, for the purposes for which such lands are, or may be made adaptable, in view of such reasonable and beneficial uses; provided, however, that nothing herein contained shall be construed as depriving any riparian owner of the reasonable use of water of the stream to which the owner's land is riparian under reasonable methods of diversion and use, or as depriving any appropriator of water to which the appropriator is lawfully entitled. This section shall be self-executing, and the Legislature may also enact laws in the furtherance of the policy in this section contained.*

Due to the project's expected significant adverse effects on coastal resources, the fact that regulatory agencies characterize the project design as insufficient, non-conforming, and potentially hazardous to the health and safety of people as well as wildlife, and that the applicant incorrectly and incompletely applies Coastal policies, and the fact that the project lacks sufficient and enforceable mitigation permitting for this project should be conducted only with the benefit of a full environmental review. The need to be proactive in protecting these waters for humans and wildlife is critical. These protections have been carefully crafted through decades of public policy processes.

Attached are July 22, 2014 Greenspace comments, and CA Coastal Commission staff comments submitted on the Cambria Emergency Water Supply Project and August 27, 2014 interagency meeting comments that remain unanswered.

We are concerned that Article X, section 2 of the California Constitution, section 275 of the Water Code, and the Public Trust Doctrine Public Trust Doctrine is not being upheld in light of the following excerpts from critical agency comments:

**CA Coastal Commission staff 7-22-14 letter to CSD**

*"When the CCSD applied earlier this year to the County of San Luis Obispo for an emergency coastal development permit ("CDP") to address the current severe drought situation, we advised you to use that emergency permit process to implement a short-term and immediate solution rather than construct long-term major infrastructure that raises significant LCP and Coastal Act policy concerns."*

*"The Draft IS/MND does not adequately address a myriad of LCP and Coastal Act policy concerns, as it insufficiently identifies the project's expected adverse effects and incorrectly and incompletely applies the policies and requirements relevant to the proposed project and the affected coastal resources. We therefore believe the project needs substantial design and operational modifications in order to be found consistent with the LCP and Coastal Act."*

*"The project is likely to adversely affect coastal wetlands, streams, and sensitive habitat areas in a manner not consistent with the LCP or the Coastal Act."*

*"The project would be located within designated critical habitat for four listed species. It is likely to diminish the function and value of that habitat and is likely to result in significant adverse effects and "take" of those species."*

*“The project's proposed groundwater extraction and drawdown effects are likely to cause "take" of (steelhead). Importantly, this "take" is also likely during the upcoming tracer test, when the CCSD plans to extract over 100 acre-feet of water (more than 30 million gallons) from the lower watershed during the driest time of the year.”*

*“The CCSD's proposed approach is also inconsistent with the LCP provision that the CCSD is to prepare an instream flow study prior to proposing any major water supply project that might affect San Simeon Creek streamflows (see the LCP's Cambria Programs 11a, page 3-27). As Commission staff has requested since at least 2001, the CCSD must pursue these types of in-flow creek studies prior to the approval of any new public works project.”*

*“Section 2.2.3, Project Purpose: The described project purpose is unclear and inconsistent and does not include support for its contentions.”*

*“Section 2.7, Project Approvals: As noted previously, the project appears to be subject to consultation with federal wildlife agencies. “*

*“Project does not fully evaluate conformity with Coastal Zone Land Use Ordinance ("CZLUO") Section 23.04.050, section 23.080.288 (regarding public utilities on prime ag lands).”*

*“The proposed project also appears to be inconsistent with relevant LCP policies. For example, the IS/MND states (a page 4.4-25) that the project would conform to the LCP's requirements for wetland set backs, but as noted above, the document has not fully identified wetlands that are known or likely to be within the project footprint.”*

*“with regards to steelhead, LCP Section 23.07.170e(3) requires that subsurface water diversions not be allowed if they would cause significant adverse effects on steelhead.”*

*Condition BIO-6 regarding adaptive management “For several reasons, this condition is wholly insufficient to provide the necessary level of protection or to ensure conformity with LCP or Coastal Act requirements.”*

*Condition BIO-7 “is contradictory and results in inadequate mitigation and the phrase “the greatest extent possible” is vague and unenforceable. “*

*Condition BIO-15 “does not meet the requirements of CEQA.”*

*Insufficient analysis of Geology and Soils due to being in a “Geologic Study Area”. “The County has identified the site has having moderate potential for liquefaction, which could require excavation or other measures during project construction- e.g., placement of pilings, construction of a mat foundation, increased grading, etc.- that could increase the project's adverse effects beyond what is analyzed in the IS/MND.”*

*“We recommend the subsequent CEQA document more fully evaluate these potential effects and the mitigation measures the CCSD will need to incorporate into the project to avoid these hazards and allow conformity to the LCP”.*



*Hydrology and Water Quality: "the CCSD has provided insufficient baseline information to determine the project's full effects on the groundwater basin and the watershed's hydrologic regime."*

*According to Coastal staff the project does not appear to be consistent with LCP Coastal Watershed Policy 1 preservation of groundwater basins, Policy 2 to preserve water levels and surface flows, and Policy 3 placing development in flood hazard outside an urban reserve line, Wetland Policy 16 to cite development away from wetlands, Coastal Streams Policy 21 not compatible with streams' habitat values and does not appear to be consistent with the North Coast Area Plan.*

*"the proposed project's expected significant adverse effects on coastal resources will likely require that any final project approved through the regular CDP process will need substantial design and operational modifications in order to allow consistency with relevant policies. Given the IS/MND's inadequate review, the likelihood that the project would result in extensive adverse impacts, and the need to evaluate less environmentally damaging alternatives, we strongly recommend that the CCSD prepare a subsequent CEQA document that fully addresses our concerns and comments."*

**CA Dept. of Parks and Rec. 7-22-14 letter to CSD**

*"Because the project acknowledges impacts including depleted lagoon levels that require recharging, as well as impairment of the fresh ground water in the aquifer, there will be direct impacts to resources that DPR as well as CA Department of Fish and Wildlife the US Fish and Wildlife Service and the National Marine Fisheries Services are responsible for protecting".*

*"These potential impacts should be considered direct impacts to the wetlands, not indirect. The language used throughout the document demonstrates a strategy to consider 'direct impacts' to be for facilities only. This is not appropriate as water discharge and water pumping are direct impacts to the creek, lagoon and other sensitive habitats within a state natural preserve and a public recreation area".*

*"The proposed project will have notable impacts to recreational visitors of the San Simeon campground and trails". "Due to the unknown constituents and effects of the aerosolized bring discharge and the proximity to the campground, residences, and trails, it would appear that the potential health impacts of airborne spray should be analyzed and a consultation with the EPA should be considered".*

*"The project is in a sensitive archeological area. Site SLO 187 is on the national register and the Pa-Nu archeological site is a State Cultural Preserve... Due to the federal nexus and cultural sensitivity of the area, a Section 106 report and analysis should be considered".*

**US Dept. of the Interior Fish and Wildlife -7-22-14 letter to CSD.**

*Is responsible for administering the Endangered Species Act of 1973. Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct.*

*"As currently described, the proposed emergency water project could result in take of the tidewater goby and CA red legged frog." "given the nature of adaptive management, this project may adversely affect the tidewater goby or CA red legged frog before anything can be done to*

*modify or county the action causing an adverse effect. In addition the project's timeline does not allow sufficient time to gather the necessary data to develop an adequate baseline".*

*"For the reasons described above, reduction in flows may constitute 'take' as defined in Section 3(19) of the Endangered Species Act and any take of listed species that would result from such activities would require either (a) an exemption from the prohibitions against take in section 9 of the Act pursuant to section 7 or (b) take authorization pursuant to section 10(a)(1)(B) of the Act."*

and finally your agency suggests:

**Central Coast Regional Water Quality Control Board** 7-22-14 and 7-11-14 letter to CSD Water Board staff and their consultants continue to work on addressing the various issues including regulatory considerations and waste discharge permits that are needed but not yet obtained, additional need for environmental review, permitting and assessment for potential water quality impacts, no contingency for pond failure and the *"document does not provide sufficient technical details necessary to provide comments on the pond design."* *"Water Board staff still needs to evaluate whether the contents of the brine pond will adversely affect wildlife."*

*Cambria is not in compliance with the "Clean Water Act 303(d) listing for San Simeon Creek— According to the Statewide 2010 Integrated Report (Clean Water Act Section 303(d) list/305(b) Report), San Simeon Creek is listed for nitrate, low dissolved oxygen, chloride, and sodium. As a result, Water Board staff is developing a total maximum daily load analysis/report (TMDL) that will establish water quality targets. The IS/MND should address the listed pollutants and how a future TMDL will affect the project."*

#### **Questions and unresolved issues:**

1. What is status of Regional Water Board request for "additional need for environmental review, permitting and assessment for potential water quality impacts"?
2. What analysis has been done on the adverse effects of the chemical waste reservoir on wildlife?
3. How will the Regional Water Board's TMDL report affect this action as the report is not yet publicly released?
4. What is the contingency for chemical waste reservoir failure?
5. What are the effects of brine discharges and chemical waste storage reservoirs at the confluence of two creeks that contain endangered species?
6. How much water will the project actually produce and at what cost?
7. How much water will have to be released back in to San Simeon Creek?
8. What are the effects of reinjecting chemically treated water into this sensitive location?
9. "The water quality measured in source well 9P7, supplying the AWTP, is high quality before treatment, already complying with every drinking water MCL and secondary MCL. Why is the State or Regional board allowing this well to be polluted with effluent?"
10. Why is the State or Regional board allowing salt water intrusion to be induced into a "high quality, drinking water well?"
11. The Cambria CSD is proposing to complete enough tasks by August of 2014 to provide safe and reliable drinking water for the community of Cambria by October 1, 2014. The emergency permit is not appropriate for this project as timelines for produced water have been moved into the 2014-15 rainfall season. No drinking water from this project is expected to be available until 2015. Goals will not be met.
12. Fast Tracking of permits, avoiding CEQA or NEPA review is not justifiable at this location.

13. The CSD will not be able to complete the necessary studies and all regulatory requirements within the 180 day timeframe mandated by the Central Coast Water Board November 2014.
14. On June 11, 2014 the Central Coast Water Board warned that the CSD had not started the process for obtaining permits from the CA Department of Fish and Wildlife, the US Fish and Wildlife, and the California Dept. of Public Health. What is the status of these permits?
15. In Title 22 report, Photograph 8 states: "*Facing east. A second alternative for disposing of unusable brine left over from the water treatment is to send it via an existing pipeline to be discharged into the ocean.*" An Ocean Outfall must not be considered.
16. This location contains a number of threatened and endangered species. San Simeon Creek empties into the CA State Parks Natural Preserve, the Monterey Bay National Marine Sanctuary, the CA Sea Otter Refuge, and the Cambria State Marine Park and is National Marine Fisheries CORE 1 Steelhead Habitat.
17. Section 404 or 401 of the US Environmental Protection Act required yet not begun.
18. Section 7 of the CA Endangered Species Act required yet not begun.

Without a thorough public review and analysis of the above critical agency questions as they relate to the Public Trust Doctrine and other State and Federal laws, it is unclear as to how the State or Regional Water Board can sufficiently weigh or describe or mitigate the effects of this emergency project, much less the long term project that is being constructed without environmental review.

Instream Flow Studies and Habitat Conservation Plans for both San Simeon and Santa Rosa Creeks have been repeatedly requested by agencies and Greenspace since at least 1999. Coastal resources including our creeks that contain threatened and endangered species must not bear the burden of human caused impacts, groundwater overdraft, naturally occurring drought, climate change impacts due to man made causes, unmitigated growth, lack of mandatory guidelines, and insufficient oversight of regulatory agencies. It is past time the creek assessments are mandated by agencies and SLO County before any project is even considered, much less constructed.

Both Santa Rosa and San Simeon Creeks contain special status endangered and threatened species. We need the highest levels of oversight of these critically important areas or the wildlife may never recover from temporary droughts such as the one we're experiencing this year. The actions of the District in their pumping regimen at both creeks is of major concern to our organization. Many of the negative impacts from this project are preventable with alternatives, appropriate oversight and public review. We urge the board to require the district to complete their Coastal Development Permit process as soon as possible so that no further delays will occur.

Regards,

Mary Webb, VP  
Greenspace-the Cambria Land Trust

#### Attachments

cc: CSD Board of Directors and Gen. Mgr, Distr. 2. Rep. SLO County, CA Coastal, CA State Parks, US Fish and Wildlife, CA Fish and Wildlife, National Marine Fisheries, RWQCB and others.

**CALIFORNIA COASTAL COMMISSION**

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July 22, 2014

Robert Gresens, P.E., District Engineer  
Cambria Community Services District  
1316 Tamson Drive, Suite 201  
Cambria, CA 93428

VIA EMAIL: [bgresens@cambriacsd.org](mailto:bgresens@cambriacsd.org)

**RE:** Comments on June 2014 Public Review Draft of “Cambria Emergency Water Supply Project” Initial Study/Mitigated Negative Declaration (“IS/MND”) – State Clearinghouse Number #2014061073.

Dear Mr. Gresens:

This letter provides Coastal Commission staff’s comments and concerns regarding the above-referenced document and project. We understand the severity of Cambria’s current water shortage and the need for the Cambria Community Services District (“CCSD”) to respond to that shortage. We have actively worked with you on ways to address the current shortage in a manner that is consistent with Coastal Act and the County’s Local Coastal Program (“LCP”) policies. However, as we have discussed with you previously, the proposed project raises significant concerns that result in inadequate protection of nearby coastal resources and potential nonconformity to the LCP and the Coastal Act. Accordingly, when the CCSD applied earlier this year to the County of San Luis Obispo for an emergency coastal development permit (“CDP”) to address the current severe drought situation, we advised you to use that emergency permit process to implement a short-term and immediate solution rather than construct long-term major infrastructure that raises significant LCP and Coastal Act policy concerns. Additional data, evaluation, and discussion among all the resource agencies with authority over the project is required before a long-term project is designed, constructed, and operated. Nevertheless, in June 2014, the CCSD applied for, and the County issued, an emergency CDP for the project. That emergency permit requires the CCSD to obtain a follow-up regular CDP to authorize the proposed development.<sup>1</sup> The CCSD has submitted a partial application for that required follow-up CDP and has prepared this Draft IS/MND to fulfill the California Environmental Quality Act (“CEQA”) requirements for the regular CDP application for the proposed project.

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<sup>1</sup> The LCP’s Section 23.03.045 (Emergency Permits) allows the County to grant an emergency permit when an emergency exists that requires action more quickly than allowed by the procedures for regular permits. It also requires an applicant to submit a follow-up application for a regular CDP permit and to obtain that permit in a timely manner.

As discussed in more detail below, the Draft IS/MND does not adequately address a myriad of LCP and Coastal Act policy concerns, as it insufficiently identifies the project's expected adverse effects and incorrectly and incompletely applies the policies and requirements relevant to the proposed project and the affected coastal resources. We therefore believe the project needs substantial design and operational modifications in order to be found consistent with the LCP and Coastal Act. We also recommend convening a meeting with all involved resource agencies to discuss how the CCSD can best move forward to address its water supply needs in a manner that is consistent with the relevant requirements. Our comments are detailed below, starting with several general concerns followed by comments on specific sections of the IS/MND.

## **GENERAL COMMENTS**

### **1) Project's adverse effects on coastal wetlands, streams, and sensitive habitat areas.**

The project is likely to adversely affect coastal wetlands, streams, and sensitive habitat areas in a manner not consistent with the LCP or the Coastal Act. The IS/MND provides an incomplete and inadequate analysis of the proposed project's wetland impacts. The document describes potential impacts only as those that would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means. The document does not identify or evaluate potential impacts to LCP- and Coastal Commission-jurisdictional wetlands, which are defined differently than the federally-defined wetlands noted above.<sup>2</sup> From the limited data provided in the IS/MND, there appear to be LCP- and Coastal Commission-jurisdictional wetlands both within and near the proposed project site that would be directly and indirectly affected by the project. The project may result in direct fill of these waterbodies, dewater them, or otherwise reduce and interrupt their hydrologic regime. We recommend the subsequent CEQA document fully describe all wetlands and coastal waters on and near the site that may be affected by the project and that it evaluate the project's likely effects on those wetlands.

### **2) Project's adverse effects on designated critical habitat and associated listed species.**

The project would be located within designated critical habitat for four listed species. It is likely to diminish the function and value of that habitat and is likely to result in significant adverse effects and "take" of those species. The IS/MND states that the project would be located within designated critical habitat for the South-Central California Coast steelhead, tidewater goby, California red-legged frog, and the western snowy plover (see pages 4.4-12-13 of the IS/MND). Each of these species depends on the coastal waters that would be adversely affected due to project operations. These include San Simeon Creek, Van Gordon Creek, and their associated wetlands and estuary. The project's proposed annual extraction of about 320 acre-feet (or over

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<sup>2</sup> The Coastal Act and LCP define "wetland" as meaning "lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens." Determining Commission- and LCP-jurisdictional wetlands involves identifying evidence of any of three parameters – hydric soils, hydrology, or hydrophytic vegetation – rather than the federal requirement that all three parameters be present.

100 million gallons) of groundwater from the lower San Simeon watershed represents a substantial proportion of water available to this habitat, and its withdrawal would occur during dry periods when the habitat and species are most subject to loss or diminishment.

The CCSD's proposed approach is also inconsistent with the LCP provision that the CCSD is to prepare an instream flow study prior to proposing any major water supply project that might affect San Simeon Creek streamflows (see the LCP's Cambria Programs 11a, page 3-27). As Commission staff has requested since at least 2001, the CCSD must pursue these types of in-flow creek studies prior to the approval of any new public works project.

The IS/MND does not fully or accurately assess the project's adverse effects on these waterbodies or critical habitat areas due to water table drawdown. It states, in fact, that there is insufficient information to determine the extent of the project's effects or the effectiveness of the proposed mitigation.<sup>3</sup> Nonetheless, from the limited information provided, the project's proposed groundwater extraction and drawdown effects are likely to cause "take" of these species. Importantly, this "take" is also likely during the upcoming tracer test, when the CCSD plans to extract over 100 acre-feet of water (more than 30 million gallons) from the lower watershed during the driest time of the year.

Regarding steelhead, for example, the IS/MND notes that the project is likely to adversely affect steelhead. However, it does not acknowledge or apply the provisions of the December 2013 *South-Central California Steelhead Recovery Plan*, (the "Recovery Plan") published by the National Marine Fisheries Service. The Recovery Plan identifies threats to steelhead recovery in the San Simeon Creek watershed and identifies the San Simeon Creek watershed as a key component of species recovery. Key components of the Recovery Plan applicable to the project include:

- The San Simeon Creek steelhead population is identified as "Core 1," which is the highest priority area for recovery.<sup>4</sup>
- Groundwater extraction in the San Simeon watershed is identified as a "Very High Threat,"<sup>5</sup> and management of groundwater extraction is identified as the top-rated action needed for recovery.<sup>6</sup>

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<sup>3</sup> See for example, the document's *Appendix B – Biological Resources Assessment*, which states, at page 75, "Without further hydrologic study, it is unknown what effect the removal and subsequent return of this water may have on the groundwater supply and subsequently on surface water. Because the lagoon injection wells are located downstream of Van Gordon Creek, it is unclear whether 100 gpm of water injected back into the creek and lagoon system would be sufficient to retain or improve upon the biological productivity and quality of this creek, and it is possible that a larger volume of water may be required to maintain high-quality stream habitat."

<sup>4</sup> See, for example, the *Recovery Plan's* Table 7-1, "Core 1, 2, and 3 *O. mykiss* populations within the South-Central California Coast Steelhead Recovery Planning Area."

<sup>5</sup> See, for example, the *Recovery Plan's* Table 12-2, "Threat source rankings in the San Luis Obispo Terrace BPG."

<sup>6</sup> See, for example, the *Recovery Plan's* Table 12-8, South-Central California Steelhead DPS Recovery Action Table for the San Simeon Creek Watershed.

- “Critical recovery actions” for San Simeon Creek include “develop and implement operating criteria to ensure the pattern and magnitude of groundwater extractions and water releases... provide the essential habitat functions to support the life history and habitat requirements of adult and juvenile steelhead...,” and “protect and where necessary, restore estuarine rearing habitat... and upstream freshwater spawning and rearing habitats.”<sup>7</sup>

The IS/MND states that the CCSD will develop an Adaptive Management Program (AMP) to address the project’s impacts; however, the document provides no detailed description of what this AMP might include, its expected performance standards, the baseline data needed to develop it, or other critical components of a mitigation measure meant to avoid “take” of listed species. [See also the comments below on Section 4.4 – Biological Resources.]

The project appears to be subject to consultation with federal wildlife agencies, due to its above-referenced adverse effects on federally-listed species and because project development was funded by the U.S. Army Corps of Engineers. The IS/MND incorrectly states (at page 4.4-12) that consultation is required only when a project is issued federal permits.<sup>8</sup> However, pursuant to Section 7 of the federal Endangered Species Act, consultation is required for projects involving federal ownership, oversight, or funding. The proposed project is the product of the November 2013 *Cambria Water Supply Alternatives Engineering Technical Memorandum*, which was used to develop this and other water supply project alternatives and was jointly funded and published through a partnership and funding agreement between the CCSD and the Corps of Engineers.<sup>9</sup> The CCSD may also be subject to other components of the federal Endangered Species Act, such as obtaining an “incidental take” permit or developing a habitat conservation plan. We recommend the subsequent CEQA document include documentation of the CCSD’s consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, and include any evaluations or recommendations provided by those agencies.

### 3) Project’s adverse effects on coastal public recreation.

The proposed project would be adjacent to a State Park campground that provides public recreation and access to the nearby shoreline. Project components closest to the campground include an evaporation pond and mechanical evaporators that would create noise and produce harmful and possibly toxic air quality effects. [See comments below on Sections 2.5.3 and 4.4.]

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<sup>7</sup> See, for example, the *Recovery Plan’s* Table 7-2, “Critical recovery actions for Core 1 *O. mykiss* populations within the South-Central California Coast Steelhead DPS.”

<sup>8</sup> The need for federal consultation is further supported by statements made by the CCSD at its July 14 public meeting that the project relies on the work conducted pursuant to the CCSD’s funding agreement with the Corps.

<sup>9</sup> See, also, for example, the description of project development in Section 1.2 of CDM Smith, *Cambria Emergency Water Supply – Project Description*, June 2014, and the Corps’ September 24, 2013 letter to the CCSD that describes ongoing project funding and scheduling through 2015.

#### ADDITIONAL COMMENTS ON SPECIFIC SECTIONS OF THE IS/MND

Several of our comments below illustrate specific examples of the concerns identified above.

- 4) **Section 2.2.3, Project Purpose:** The described project purpose is unclear and inconsistent and does not include support for its contentions. For example, the IS/MND states that the project is meant to provide 250 acre-feet of water supply, though it provides no basis for this particular water volume and does not describe or consider whether lesser volumes would be adequate under various conditions, such as shorter drought periods or seasons where the aquifer is fully or partially refilled through precipitation. The document also states both that the facility would be used only for periods of six months or less and that it could be used for longer periods. Although the document acknowledges that the CCSD has not yet developed the data needed to identify the effects of withdrawing more than 400 gallons per minute (“gpm”) of groundwater on nearby coastal waterbodies, it states that those adverse effects would be mitigated by returning from 100 to 150 gpm of partially treated water to those waterbodies. Without adequate studies, returning only a quarter of the removed water to the system cannot be determined to provide adequate mitigation.
- 5) **Section 2.5, Project Characteristics:** The IS/MND states that the project would pump product water either into Lagoon Injection Wells feeding the groundwater of San Simeon Creek or into a direct discharge to Van Gordon Creek. The document does not describe how these two proposed discharge methods were selected or what their different effects might be – for example, there is no evaluation of how the well depth was selected or how discharging the water into wells might result in different effects than discharging directly to the surface waters.
- 6) **Section 2.5.3, Evaporation Pond:** The project would discharge brine into an existing percolation pond at the site in which the CCSD would install a liner. The IS/MND states that the area’s estimated evaporation rate does not allow for adequate natural evaporation from that pond and that the District therefore proposes to install five spray evaporators to accelerate evaporation of the project’s brine discharge. It also states that to control drift, the evaporators would be used only when wind direction, wind velocity, temperature, and humidity are within “preset ranges.” The document does not identify the area’s evaporation rate or the times when the above-referenced weather characteristics are likely to allow operation of the spray evaporators without causing drift. [See also comments below on Section 4.3 – Air Quality.]
- 7) **Section 2.5.6, Lagoon Injection Wells:** The document states that “to maintain and improve” conditions in San Simeon Lagoon, the project would either use three injection wells to discharge a total of 100 gpm at depths of between 30 to 40 feet below the ground surface (bgs) or would discharge that amount directly to Van Gordon Creek. The document provides no analysis about why this particular amount would “maintain and improve” conditions, why either approach would apparently provide the same level of beneficial conditions, why pumping at 30 to 40 feet bgs was selected, whether the subsurface pumping at that rate would be consistent with, or mimic, natural recharge of



the creek, etc. In fact, the document notes elsewhere (see Appendix D – Groundwater Modeling Report) that the District has not yet completed modeling needed to determine the project's effects and the necessary mitigation. [See additional comments below in Section 4.4 – Biological Resources.]

- 8) **Section 2.7, Project Approvals:** As noted previously, the project appears to be subject to consultation with federal wildlife agencies. We recommend these agencies be added to the subsequent CEQA document.
- 9) **Section 4.2, Agriculture and Forestry Resources:** The IS/MND confirms that the proposed project site is designated for Agricultural land use and classified as having both Prime and Non-Prime Agricultural soils. The document states that public utility uses are allowed on Agricultural lands; however, it does not acknowledge other requirements of LCP provisions regarding use of these lands. For example, while the document partially cites Coastal Zone Land Use Ordinance (“CZLUO”) Section 23.04.050 (regarding non-Agricultural uses on Agricultural lands), it does not fully evaluate the proposed project's conformity to other applicable CZLUO provisions. These include a requirement, for example, in Section 23.080.288 that public utilities not be allowed in areas with prime agricultural soils unless there are no other feasible on- or off-site locations. The IS/MND does not identify where on the project site the Prime Agricultural soils are located, the proposed project's footprint in relation to those soils, or whether there are feasible alternative locations. In addition, CZLUO Section 23.04.050(b)(2) provides that if continued agricultural use is not feasible on an Agricultural-designated site, priority is to be given to commercial recreation and low intensity visitor-serving uses. We recommend the subsequent CEQA document provide the necessary data and evaluation of these and other applicable policies.
- 10) **Section 4.3, Environmental Impacts, Air Quality:** The IS/MND concludes that the project would not cause significant air quality-related impacts, yet provides no analysis of the effects on spraying almost 100 tons of brine per day<sup>10</sup> into an area within a few dozen feet of nearby wetlands and sensitive habitats and within about 300 feet of a campground. The brine's constituents would include ammonium, barium, strontium, chlorine, and others, with several at levels that may be considered harmful or toxic when airborne.<sup>11</sup>

The document states that the spray evaporators would be operated only when conditions allow, but does not describe what conditions would allow, or disallow, use of the evaporators. It also does not identify what effects would result if, due to the conditions, the CCSD was not able to operate the evaporators for a period of time – for example, if conditions did not allow the evaporators to operate for a week, a month, etc.

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<sup>10</sup> See CDM Smith, Cambria Emergency Water Supply – Project Description, June 2014, Table 2-7.

<sup>11</sup> See expected concentrate levels provided in Table 7-1 of CDM Smith, *Draft Cambria Emergency Water Supply Project – Title 22 Engineering Report*, July 2014. Several of the identified levels would exceed human health effects levels for airborne contaminants.

We recommend the subsequent CEQA document be modified to include the conditions under which the CCSD proposes to operate the spray evaporators, the technical and operational basis of those proposed conditions, and the time those conditions are (and aren't) expected to be present at the site, based on historical weather records. The modified document should also describe what effects would result if the evaporators could not operate for the expected periods of time and how the CCSD would address those effects – for example, the period of non-operation that would result in overflow of the brine reservoir, and what measures the CCSD would take to avoid that overflow. Given the likely adverse effects associated with the proposed use of the evaporation pond and mechanical evaporators, we recommend the subsequent CEQA document also fully describe feasible alternatives that would avoid or reduce these effects.

**11) Section 4.4, Environmental Impacts – Biological Resources:** We also have a number of concerns with the IS/MND's evaluation of the project's biological resource impacts. The proposed project also appears to be inconsistent with relevant LCP policies. For example, the IS/MND states (at page 4.4-25) that the project would conform to the LCP's requirements for wetland setbacks, but as noted above, the document has not fully identified wetlands that are known or likely to be within the project footprint. As another example, with regards to steelhead, LCP Section 23.07.170e(3) requires that subsurface water diversions not be allowed if they would cause significant adverse effects on steelhead. The document states that adaptive management would be used to avoid any such effects, but acknowledges that there is uncertainty about what effects would result from the CCSD extracting 300 gpm from the groundwater basin immediately adjacent to, and connected with, the estuary these steelhead rely on.

The document relies heavily on a proposed Adaptive Management Program to address the many areas of uncertainty about the project's potential adverse impacts. This proposed approach is provided in Condition BIO-6, which states:

*The Project applicant shall develop and implement an adaptive management program (AMP) for post construction operations. This plan shall be incorporated indefinitely until the Project facilities are no longer in use or until deemed no longer necessary by applicable regulatory agencies. The AMP is intended to monitor and protect the lagoon and riparian habitats adjacent to the Project site and, by extension, protect the species that inhabit it. The primary goal of the AMP would be to monitor the response of the lagoon and riparian habitats to the Project and, based on any noted adverse changes in these habitats, to adjust operations so that the amount of treated water that is injected or discharged back into the system, is either increased or decreased to restore affected habitat features. This may require a combination of any of the following:*

- *Monthly stream surveys during the period that the Project is actively drawing groundwater (currently expected to be May through October). The surveys would document the upstream extent of inundation in each water body, as well as water depth at predetermined locations to measure changes in water levels;*
- *Surveys for tidewater goby, steelhead, CRLF, western pond turtle, and/or two-striped garter snake to measure population levels over time; and*

- *Monitoring of riparian vegetation in the water bodies and in their upland extents.*

For several reasons, this condition is wholly insufficient to provide the necessary level of protection or to ensure conformity with LCP or Coastal Act requirements. Successful implementation of the condition would require the CCSD to first have adequate baseline data on which the adaptive management can be based. The data should describe the extent and function of existing habitat types and provide understanding of the existing hydrologic functions in these habitats. However, as noted previously (see footnote 3 of this letter), the IS/MND states that the CCSD has very little understanding of the existing conditions, how its proposed project may affect those conditions, and how to identify changes to those conditions. Similarly, the condition proposes to survey population levels of several species, but the IS/MND provides no baseline data on existing numbers and does not describe how to measure a change in those numbers. Importantly, because these are species already listed as endangered or threatened, any loss due to the project may be considered a significant adverse impact.

Other proposed conditions would also result in inadequate mitigation. For example, Condition BIO-7 states:

*The Project applicant shall delay the annual period of groundwater pumping to the greatest extent possible, preferably after June, in order to maximize the amount of time for steelhead to migrate up and down San Simeon Creek.*

The phrase, “the greatest extent possible,” is vague and unenforceable. Additionally, this condition contradicts the prior condition, which states that the CCSD intends to start pumping in May, and contradicts statements elsewhere in the IS/MND stating that the project could run for longer periods.

As another example, Condition BIO-15 states:

*The Project Applicant shall consult with the Corps, CDFW, and Regional Board regarding potential impacts and required mitigation once the final Project design is available. If impacts are anticipated to occur to instream and riparian habitats, wetland permits may be required from these agencies.*

This condition does not meet the requirements of CEQA. The CCSD must identify project impacts and necessary mitigation during, not after, CEQA review.

- 12) Section 4. Section 4.6 – Geology and Soils:** This section of the IS/MND states that the project and site geologic hazards would involve either “no impacts” or “less than significant impacts,” and proposes no mitigation. However, it also notes that the project site is within a County-designated “Geologic Study Area,” which indicates sites with increased geologic hazards and requires the applicant to prepare a “Geologic and Soils Report.” The County has also identified the site has having moderate potential for liquefaction, which could require excavation or other measures during project construction – e.g., placement of pilings, construction of a mat foundation, increased

grading, etc. – that could increase the project’s adverse effects beyond what is analyzed in the IS/MND.<sup>12</sup> We recommend the subsequent CEQA document more fully evaluate these potential effects and the mitigation measures the CCSD will need to incorporate into the project to avoid these hazards and allow conformity to the LCP.

**13) Section 4.9 – Hydrology and Water Quality:** The document only partially describes the project’s effects on local hydrology and water quality. As noted elsewhere in this letter, the CCSD has provided insufficient baseline information to determine the project’s full effects on the groundwater basin and the watershed’s hydrologic regime. The project therefore does not appear to be consistent with several LCP requirements, including LCP Coastal Watershed Policy 1, which requires preservation of groundwater basins and allows no significant adverse biological impacts, and LCP Coastal Watersheds Policy 2, which requires that groundwater levels and surface flows be maintained to ensure coastal waters and biological resources are protected. Further, much of the site is mapped by the County as a Flood Hazard area and is subject to tsunami runup.<sup>13</sup> Some project components therefore appear to be inconsistent with LCP requirements related to placing development in flood and hazard areas – for example, the LCP’s Hazards Policy 3 prohibits this type of development in Flood Hazard areas located outside of an urban reserve line. We recommend the subsequent CEQA document fully evaluate the proposed project with these applicable LCP provisions.

**14) Section 4.10 – Land Use and Planning:** This section of the document references provisions and requirements from several planning documents that are applicable to the proposed project. Although the IS/MND contends the project is consistent with these provisions, those contentions are often not supported. Examples include:

- The County’s North Coast Area Plan, which includes provisions and Combining Designations applicable to the proposed project. The document notes that the project site is within a *Geologic Study Area (GSA)* and *Flood Hazard (FH)* designation, and contains Sensitive Resource Areas (*SRAs*) and Environmentally Sensitive Habitat – Coastal Creeks (*ESH-CC*). It acknowledges that “maintenance of the creeks is essential to protect many coastal resources,” and that the creeks “support a number of declining species,” and refers to previous sections of the document – i.e., *Section 4.4 – Biological Resources* and *Section 4.9 – Hydrology and Water Quality* – however, as noted above, those sections do not adequately address conformity to the North Coast Area Plan provisions.

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<sup>12</sup> The document states that the site has “low” liquefaction potential; however, the County’s PermitView mapping system identifies most of the site as having “moderate” potential.

<sup>13</sup> See, for example, the CalEMA Tsunami Inundation Map for San Luis Obispo County: [http://www.conservation.ca.gov/cgs/geologic\\_hazards/Tsunami/Inundation\\_Maps/SanLuisObispo/Documents/Tsunami\\_Inundation\\_Cambria\\_Quad\\_SLO.pdf](http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SanLuisObispo/Documents/Tsunami_Inundation_Cambria_Quad_SLO.pdf)

- The LCP's Wetland Policy 16, which requires that development be sited away from wetlands. As noted above, the IS/MND does not fully identify the wetlands that would be affected by the project and its operations.
- The LCP's Coastal Streams Policy 21, which requires development be compatible with continuance of the streams' habitat values. As noted above, the CCSD has provided insufficient information to support its contention that the project conforms to this policy, and in fact, the limited information provided shows that the project would result in substantial adverse impacts to the habitat.
- CZLUO's Section 23.08.288 requires that public utility facilities proposed for areas designated with prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas must show that there are no on- or off-site feasible alternative locations, and must prepare a feasibility study that includes a constraints analysis and an analysis of alternative locations. The IS/MND does not provide the required information.

**15) Section 4.18 – Mandatory Findings of Significance:** Section 4.18a acknowledges that the project “has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal.” It also contends that these impacts would be less than significant with the proposed mitigation. However, as described elsewhere in these comments, this contention is not supported by data, and in fact, appears to be contradicted by known information about the San Simeon watershed, as described, for example, in the above-referenced *Recovery Plan*. For example, the timing and location of the project's proposed groundwater extraction is almost certain to “reduce the number or restrict the range” of endangered species, and the document provides insufficient data to support its contention that the proposed mitigation would reduce this effect to being less than significant. As described above, the CCSD should consider any loss of endangered species to be significant.

**16) Section 7.6 – Project Mitigation Measures:** The IS/MND's proposed mitigation measures inadequately address the project's known and likely impacts – for example, the document includes no air quality mitigation measures needed to avoid or reduce the drift of harmful or toxic materials from the project's mechanized evaporators. As noted above, these are likely to cause adverse air quality effects to nearby sensitive habitats and public recreation areas. In addition, several of the measures are vague, unenforceable, or inconsistent with LCP requirements – for example, rather than requiring development be kept a specific distance from sensitive habitat, Condition AES-1 would require that staging areas be “as far as practicable” from sensitive receptors.<sup>14</sup> This condition would also require “appropriate routine maintenance” rather than specify particular timing.

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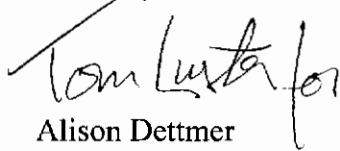
<sup>14</sup> Condition AES-1 states:

*Prior to Grading Permit issuance, the CCSD shall confirm that the plans and specifications stipulate that, Project construction shall implement standard practices to minimize potential adverse impacts to the site's visual character, including the following:*

**CONCLUSION**

Thank you for your attention to these comments. As noted above, the proposed project's expected significant adverse effects on coastal resources will likely require that any final project approved through the regular CDP process will need substantial design and operational modifications in order to allow consistency with relevant policies. Given the IS/MND's inadequate review, the likelihood that the project would result in extensive adverse impacts, and the need to evaluate less environmentally damaging alternatives, we strongly recommend that the CCSD prepare a subsequent CEQA document that fully addresses our concerns and comments. We also recommend the CCSD participate in an interagency meeting to help address the many concerns about the project. Please contact Tom Luster of my staff at 415-904-5248 if you have any questions or if you would like our assistance in setting up the collaborative interagency meeting.

Sincerely,



Alison Dettmer  
Deputy Director

cc: CCSD Board of Directors  
Bill Robeson – San Luis Obispo County Planning Division  
Doug Barker, State Parks – San Luis Coast District  
Vince Cicero, State Parks – San Luis Coast District  
Jonathan Nelson, California Department of Fish & Wildlife  
Kirstina Berry, U.S. Fish & Wildlife Service  
Anthony Spina, National Marine Fisheries Service

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- *Construction staging areas shall be located as far as practicable from sensitive receptors; and*
  - *Construction areas shall receive appropriate routine maintenance to minimize unnecessary debris piles.*

**Questions and Concerns re: proposed Cambria Water Supply Project –  
Compilation of Agency Comments – August 2014**

**GENERAL / ADMINISTRATIVE**

**1) Status/Schedule:** What is the status of, and the District’s schedule for:

- Completing CEQA?
- Completing its follow-up Coastal Development Permit application to the County?
- Completing the instream flow study needed for LCP conformity?
- Conducting Section 7 consultation with NMFS/USFWS for steelhead, tidewater goby, California red-legged frog, and Western snowy plover?

**PROJECT DESCRIPTION**

Please provide a complete description of the proposed project, including clarification of the following:

**2) Property/Ownership:** Has the District resolved the parcel boundary issue with State Parks? If not, what is the status of that issue and is the District proposing any changes to the project location or layout?

**3) Project water volumes and flow rates:** Please describe the basis for the project’s proposed water production, mitigation, and discharge volumes/flow rates – e.g., what was the basis of the proposed 250 acre-foot (“af”) production rate, the proposed mitigation flow rate, etc. Please also clarify which of the several different project descriptions accurately describe the currently proposed project and clarify the discrepancies among them. Examples include:

- Production rate: The IS/MND states that the facility would extract 400 gallons per minute (“gpm”) to produce 250 acre-feet (“af”) of potable water over a six-month period and to produce mitigation flows of 100 to 150 gpm during that period. However, a 400 gpm extraction rate over six months would produce approximately 318 af, and returning 100-150 gpm as mitigation flows over that period would reduce the total extracted water available for production to 198-238 af. With the facility’s expected reverse osmosis treatment production rate of 40%, this would provide no more than 80-95 af of potable water. Alternatively, the District’s July 14, 2014 PowerPoint presentation shows an extraction rate of 690 gpm (a 60% increase in the rate described in the IS/MND), but shows no change in the proposed 100 gpm mitigation flow. Please clarify the currently proposed extraction rate and production rate. Please also describe how the District determined that the same 100 gpm mitigation flow would be adequate to address the effects of either a 400 gpm or 690 gpm extraction rate (see also the hydrologic/hydrogeologic comments below).
- Discharge rate: The IS/MND states that the facility’s expected discharge rate to the evaporation ponds is 42 gpm, or 33 af. The Regional Board’s July 22, 2014 comment letter refers to the District’s expected discharge rate as 65,000 to 72,000 gallons per day, or 45-50 gpm, or about 35-40 af. However, the description above suggests the discharge would be about three to four times that rate. Please clarify the expected discharge rate and the basis for that expected rate.

**4) Relationship of proposed project water volumes and flow rates to San Simeon Creek flow rates, water rights, status of adjudication, and watershed plan:** San Simeon Creek's base flow is approximately 1200 acre-feet per year (per San Luis Obispo County). The proposed project would extract from 26-45% of this volume from the watershed during the dry season, but would return only 6-10% through the proposed mitigation flows. At a 400 gpm extraction rate, the District would extract 318 af during the dry season, and at a 600 gpm extraction rate, the District would extract 477 af during the dry season.

We understand the District has not yet completed the required instream flow study for San Simeon Creek. However, using currently available information, please describe the proposed project's water balance as it relates to known information about stream flow, as well as the District's water rights and its other pumping or extraction in the San Simeon Creek watershed. We understand these rights consist of:

- Maximum rate of diversion: 5.0 af/day, or 2.5 cfs.
- Maximum annual diversion: 1,230 acre-feet.
- Maximum dry season diversion (i.e., between end of surface flows at Palmer Flats gauging station and October 31 of each year): 370 af

We also understand that in 2003, the CCSD started investigating the process of adjudicating San Simeon Creek. Please provide the status of adjudication.

**5) Hydrologic/hydrogeologic data:** Please identify when the District will complete the geotechnical and hydrogeologic studies needed to characterize the project area, including:

- San Simeon Creek water balance (as requested above).
- Aquifer characteristics in the lower San Simeon watershed.
- Degree and extent of connectivity between the aquifer(s) and surface waters, including the above-referenced streams, coastal wetlands, and the estuary.
- Vertical and horizontal extent of "cone of depression" or drawdown effects resulting from extraction well.

The IS/MND states that the project could result in "earlier than average seasonal drops in creek surface water" and "earlier than usual sandbar closures in San Simeon Creek lagoon," both of which would likely result in "take" of listed species. Please provide any analysis conducted to show how much earlier the District expects these adverse effects to occur, how much later into the season surface flows will be reduced, and the hydrologic scenarios used to determine these effects – e.g., assumed streamflow rates, precipitation, wave conditions, etc. Please clarify, too, which extraction rate – 400 gpm, 690 gpm, or another – was used in these analyses.

**6) Proposed brine discharge method:** The IS/MND describes the use of a proposed evaporation basin and mechanical evaporators (see comments below); however, we understand the District is also evaluating a potential direct discharge to coastal waters. Please clarify whether the District is considering one or both discharge options. If considering a direct discharge, please describe where it would be located and what discharge structure and method would be used.



**7) Evaporation basin:** The proposed project would discharge into a percolation basin where the discharge would be evaporated by natural and mechanical means. Please describe the following components of this aspect of the project:

- The area's natural evaporation rate.
- The type of liner proposed to be placed in the basin. Please also describe the substrate beneath the basin – e.g., soil type and depth, geophysical properties, etc.
- The expected effect of the liner on local hydrologic characteristics, including the loss of percolation from the basin area to the aquifer and how it will affect the local water balance.
- The methods the District will use to meet requirements regarding technical specifications, the construction quality assurance plan, and contingency plans for the basin (per the Regional Board's July 22, 2104 letter).

**8) Spray Evaporators:** As part of this proposed evaporation basin, the District plans to install five spray evaporators. The project description states that the evaporators would be used only when wind direction, wind velocity, temperature, and humidity are within "preset ranges." Please identify the proposed ranges. Based on local weather records, please also identify the times these ranges are expected to be present – for example, are there monthly or season periods when wind speeds and directions would allow, or disallow, operation of the evaporators?

The IS/MND concludes that the project would not cause significant air quality-related impacts; however, the District has not yet provided an analysis of the effects on spraying almost 100 tons of brine per day into an area within or near wetlands, coastal waters, and sensitive habitats and within about 300 feet of a campground. According to the District's July 2014 Draft Cambria Emergency Water Supply Project – Title 22 Engineering Report, the brine would contain ammonium, barium, strontium, chlorine, and other contaminants, with several at levels that may be considered harmful or toxic when airborne. Please describe any analyses the District has conducted, or plans to conduct, regarding the effects this brine may cause on nearby habitats, species, coastal waters, and recreational users. Please also describe any interaction the District has had with the local Air Quality Management District regarding these issues.

**9) Chemical storage and use:** We received a copy of an August 8, 2014 letter from Peter Beede to the District Engineer that described the types and amounts of chemicals expected to be used and stored at the project site. These include:

- Sodium hypochlorite – approx. 1500 gallons
- Aqueous ammonia – approx. 400 gallons
- Sulfuric acid – approx. 400 gallons
- Antiscalant – approx. 50 gallons
- Hydrogen peroxide – approx. 400 gallons
- Sodium hydroxide – approx. 750 gallons
- Calcium chloride – approx. 750 gallons

Please confirm or clarify these types and amounts. Please also provide the spill prevention and response measures the District will implement to prevent release of these chemicals to the environment during transport or storage and to respond to any releases that could occur. The response should reference all required spill prevention/response planning documents required by the County, Regional Board, and other relevant agencies.

**ENVIRONMENTAL EFFECTS – ADVERSE EFFECTS ON COASTAL WETLANDS, STREAMS, SENSITIVE HABITAT AREAS, AND ASSOCIATED SENSITIVE SPECIES:**

**10) Baseline data:** Please identify when the District will provide the baseline data needed to identify the presence of coastal waters and sensitive habitats and to establish the project’s expected effects on these areas and their associated sensitive species. Along with the hydrologic information requested above, the necessary baseline data includes:

- Wetland delineations for federal and Coastal Act wetlands, including Wetland Data Sheets for areas in and near the proposed project footprint. This should include areas the IS/MND describes as containing vegetative species considered wetland indicators – e.g., giant horse tail (*Equisetum telmateia*) – and those described in the July 22, 2014 State Parks letter as seasonal wetlands with *Deschampia/Danthonia/Nasella*-dominated grasslands.
- Presence/absence of state- and/or federally-listed plant and animal species, xx
- Population data (including tidewater goby and California red-legged frog, as requested in the July 22, 2104 USFWS letter).

**11) Water quality:** The Regional Board has identified San Simeon Creek as being 303(d)-listed for excessive amounts of nitrate, low dissolved oxygen, chloride, and sodium, and is developing a Total Maximum Daily Load (“TMDL”) analysis/report that will establish water quality targets for the creek. Please identify how the proposed project will affect concentrations of these contaminants in creek waters and how it will allow conformity to surface water quality standards.

The waters and sediments of the San Simeon Creek watershed are also known to contain mercury and methymercury. Please detail any sampling and testing the District has conducted to determine whether mercury and/or methymercury are present in the proposed project’s source groundwater.

**12) Analysis of effects on listed or sensitive species:** The project would be located within designated critical habitat for four listed species noted above and is likely to affect other sensitive species. Please describe the District’s analyses of project-related impacts and the consultation that has occurred between the District and federal/state wildlife agencies.

**13) Proposed “Adaptive Management Program”:** Please identify when the District will present its proposed Adaptive Management Program (AMP) meant to address the project’s impacts. Please also identify the baseline data expected to be included in this AMP, the proposed performance standards, any proposed mitigation measures to be included, etc. Please also respond to the July 22, 2014 USFWS statement that the AMP cannot ensure protection of listed species, including any assurances the District can provide that its proposed AMP will result in no “take” of listed species.

**14) Mitigation water quality characteristics:** The project description states that the District will convey 100 to 150 gpm of membrane filtration-treated water to the estuary or nearby area. Prior to conveyance, this water would be treated with ammonium hydroxide and sodium hypochlorite, which is needed to protect the membrane filtration system. It is not clear from the project description whether this proposed mitigation water would also receive the chemical treatments needed for the reverse osmosis process, which includes antiscalants and sulfuric acid.

Please describe the expected characteristics of the proposed mitigation water, including its pH, turbidity level, the concentrations of chemicals and compounds expected to be present, etc., and compare these with the characteristics of the receiving waters in or near the estuary. Please also provide any analyses the District has conducted or has available describing the effects the constituents of the proposed mitigation flow water may have on sensitive species and habitat – e.g., the effects of ammonia and chlorine on steelhead or the benthic macro-invertebrates that serve as their food source, the effects of mitigation water constituents on the California red-legged frog, etc.

The IS/MND also describes two methods the District is proposing to discharge mitigation flows into the lower San Simeon watershed – either through direct discharge to surface waters or through several wells that would inject the mitigation flows about 35-50 feet below the ground surface. We understand the District recently selected the surface discharge method. However, the IS/MND states that part of the reason for discharging through wells would be to reduce seawater intrusion into the groundwater basin. Please identify how the District would prevent seawater intrusion without using the proposed injection wells.

#### **REQUIRED LCP CONFORMITY**

The proposed project appears to be inconsistent with several provisions of the County's certified Local Coastal Program and Coastal Zone Land Use Ordinance. Please describe the District's understanding of how its proposed project is consistent with relevant policies, including the following (*Note*: this is not a complete list of applicable policies):

- ESHA, Wetland, Coastal Stream, and Riparian Buffer policies (e.g. Policy 1, 2, 3, 7, 11, 12, 13, 16, 17, 18, 20, 21, 22, 23, 25, 26, 28)
- Coastal Watershed Policies (e.g. 1, 2, 3, 7, 11)
- Hazards (e.g. 1, 2, 3, 7)

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#### **ESHA, Wetland, Coastal Stream, and Riparian Buffers:**

**Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats.** New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]

**Policy 2: Permit Requirement.** As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

**Policy 3: Habitat Restoration.** The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. Detailed wetlands restoration criteria are discussed in Policy 11. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.170 OF THE CZLUO.]

**Policy 7: Protection of Environmentally Sensitive Habitats.** Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

**Policy 11: Regional Water Quality Control Board "208" Program.** California Regional Water Quality Control Board shall administer programs identified through the "208" nonpoint source studies to ensure protection of coastal wetlands and water quality. (The county has incorporated the Basin Plan Amendment requirements into the COASTAL ZONE Land Use Ordinance.) [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

**Policy 12: State Department of Fish and Game Review.** The State Department of Fish and Game shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed which should be incorporated in the project design. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

**Policy 13: Diking, Dredging or Filling of Wetlands.** All diking, dredging and filling activities shall conform to the provisions of Section 30233, 30411 and 30607.1 of the Coastal Act. These policies establish the appropriate uses, criteria for evaluation of a project and requirements for restoration or replacement. Allowable activities within open coastal waters, wetlands (with the exception of Morro Bay and the Santa Maria River mouth), estuaries and lakes include:

- a. New or expanded port, energy, and coastal dependent industrial facilities, including commercial fishing facilities.
- b. Maintenance dredging of existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- c. In wetlands areas only, entrance channels for new or expanded boating facilities, and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411 for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigational channels, and any necessary support service facilities be greater than 25 percent of the total wetland area to be restored.
- d. In open coastal waters, other than wetlands, including streams, estuaries and lakes, new or expanded boating facilities.
- e. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

- f. Mineral extraction, including sand for restoration of beaches, except in environmentally sensitive areas.
- g. Restoration purposes.
- h. Nature study, aquaculture, or similar resource-dependent activities.
- i. Maintenance of flood control facilities by permit.

...

Diking, dredging, and filling for these types of development in wetlands, estuaries, coastal waters and lakes shall be permitted only where there is no feasible, less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental impacts, and where consistent with the maintenance of the tidal flow and continued biological viability of the wetland habitat. The development must meet the following conditions:

- a. Diking, dredging and filling shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.
- b. Diking, dredging and filling shall be limited to the smallest area feasible that is necessary to accomplish the project.
- c. Designs for diking, dredging and filling and excavation projects shall include protective measures such as silt curtains, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills and unnecessary dispersal of silt materials.

Dredge spoils shall not be deposited in areas where public access or environmental habitats would be significantly or adversely affected. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore currents. Limitations may be necessary on the timing of the operation, the type of operations and the quality and location of the spoils site. Other mitigation measures are required under Section 30607.1. Where any dike fill development is permitted in wetlands in conformity with Chapter 3 of the Coastal Act, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided however, that if no appropriate restoration site is available an in-lieu fee sufficient to provide an area of equivalent productive value or surface area shall be dedicated to an appropriate public agency or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided that a bond or other evidence or financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

**Policy 16: Adjacent Development.** Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values on the site. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

**Policy 17: Wetland Buffer.** In new development, a buffer strip shall be required and maintained in natural condition along the periphery of all wetlands. This shall be a minimum of 100 feet in width measured from the upland extent of the wetland unless a more detailed requirement for a greater or lesser amount is included in the LUE or the LUO would allow for adjustment to recognize the constraints which the minimum buffer would impose upon existing subdivided lots. If a project involves substantial improvements or increased human impacts, necessitating a wide buffer area, it shall be limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges, and roads when it can be demonstrated that: a) alternative routes are infeasible or more environmentally damaging, and b) the adverse environmental effects are mitigated to the maximum extent feasible. Access paths and/or fences necessary to protect habitats may also be permitted.

The minimum buffer strip may be adjusted by the county if the minimum setback standard would render the parcel physically unusable for the principal permitted use. To allow a reduction in the minimum standard set-back, it must be found that the development cannot be designed to provide for the standard. When such reductions are permitted, the minimum standard shall be reduced to only the point at which the principal permitted use (development), modified as much as is practical from a design standpoint, can be accommodated. At no point shall this buffer be less than 25 feet. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

**Policy 18: Wetland Buffers Less than 100 Feet.** For buffers less than 100 feet as established consistent with Policy 15 (above) mitigation measures to ensure wetland protection shall be required, and shall include (where applicable) vegetative screening, landscaping with native vegetation, drainage controls and other such measures.

When the minimum buffer strip is adjusted by the county, it shall be done on a case-by-case basis only after the investigation of the following factors:

- a. Soil type and stability of development site, including susceptibility to erosion.
- b. Slope of land adjacent to the wetland and the ability to use natural topographic features to locate development.
- c. Types and amount of vegetation and its value as wildlife habitat including: 1) the biological significance of the adjacent lands in maintaining the functional capacity of the wetland, and 2) the sensitivity of the species to disturbance.
- d. Type and intensity of proposed uses.
- e. Lot size and configuration, and the location of existing development. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

**Policy 20: Coastal Streams and Riparian Vegetation.** Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

**Policy 21: Development in or Adjacent to a Coastal Stream.** Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

**Policy 22: Fish and Game Review of Streambed Alterations.** Significant streambed alterations require the issuance of a California Department of Fish and Game 1601-1603 agreement. The Department should provide guidelines on what constitutes significant streambed alterations so that the county and applicants are aware of what is considered a "significant" streambed alteration. In addition, streambed alterations may also require a permit from the U.S. Army Corp of Engineers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

**Policy 23: County and State Review of Coastal Stream Projects.** The State Water Resources Control Board and the county shall ensure that the beneficial use of coastal stream waters is protected, for projects over which it has jurisdiction. For projects which do not fall under the review of the State Water Resources Control Board, the county (in its review of public works and stream alterations) shall ensure that the quantity and quality surface water discharge from streams and rivers shall be maintained at levels necessary to sustain the functional capacity of streams, wetland, estuaries and lakes. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

**Policy 25: Streambed Alterations.** Channelizations, dams or other substantial alterations of rivers and streams shall be limited to: a) necessary water supply projects, b) flood control projects when there are no other feasible methods for protecting existing structures in the flood plain and where such protection is necessary for public safety or to protect existing development, and c) development where the purpose is to improve fish and wildlife habitat. All projects must employ the best feasible mitigation measures. Maintenance and flood control facilities shall require a coastal development permit. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

**Policy 26: Riparian Vegetation.** Cutting or alteration of naturally occurring vegetation that protects riparian habitat is not permitted except for permitted streambed alterations (defined in Policy 23) and where no feasible alternative exists or an issue of public safety exists. This policy does not apply to agricultural use of land where expanding vegetation is encroaching on established agricultural uses. Minor incidental public works project may also be permitted where no feasible alternative exists including but not limited to utility lines, pipelines, driveways and roads. Riparian vegetation shall not be removed to increase agricultural acreage unless it is demonstrated that no impairment of the functional capacity of the habitat will occur. Where permitted, such actions must not cause significant stream bank erosion, have a detrimental effect on water quality or quantity, or impair the wildlife habitat values of the area. This must be in accordance with the necessary permits required by Sections 1601 and 1603 of the California Fish and Game Code. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

**Policy 28: Buffer Zone for Riparian Habitats.** In rural areas (outside the USL) a buffer setback zone of 100 feet shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams. Permitted uses within the buffer strip shall be limited to passive recreational, educational or existing nonstructural agricultural developments in accordance with adopted best management practices. Other uses that may be found appropriate are limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: 1) alternative routes are infeasible or more environmentally damaging and 2) adverse environmental effects are mitigated to the maximum extent feasible. Lesser setbacks on existing parcels may be permitted if application of the minimum setback standard would render the parcel physically unusable for the principal permitted use. In allowing a reduction in the minimum setbacks, they shall be reduced only to the point at which a principal permitted use (as modified as much as is practical from a design standpoint) can be accommodated. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

#### **Coastal Watersheds:**

**Policy 1: Preservation of Groundwater Basins.** The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

**Policy 2: Water Extractions.** Extractions, impoundments and other water resource developments shall obtain all necessary county and/or state permits. All pertinent information on these uses (including water conservation opportunities and impacts on in-stream beneficial uses) will be incorporated into the data base for the Resource Management System and shall be supplemented by all available private and public water resources studies available. Groundwater levels and surface flows shall be maintained to ensure that the quality of coastal waters, wetlands and streams is sufficient to provide for optimum populations of marine organisms, and for the protection of human health. (Public works projects are discussed separately.) [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

**Policy 3: Monitoring of Resources.** In basins where extractions are approaching groundwater limitations, the county shall require applicants to install monitoring devices and participate in water monitoring management programs. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 8.40.065 OF THE COUNTY CODE (WATER WELL REGULATIONS).]



**Policy 7: Siting of New Development.** Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent except:

- Existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent;
- When grading of an access road or driveway is necessary to provide access to an area of less than 20 percent slope where development is intended to occur, and where there is no less environmentally damaging alternative;

The county may approve grading and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the Coastal Zone Land Use Ordinance. Also in review of proposed land divisions, each new parcel shall locate the building envelope and access road on slopes of less than 20 percent. In allowing grading on slopes between 20 percent and 30 percent the county shall consider the specific characteristics of the site and surrounding area that include but are not limited to: the proximity of nearby streams or wetlands, the erosion potential and slope stability of the site, the amount of grading necessary, neighborhood drainage characteristics and measures proposed by the applicant to reduce potential erosion and sedimentation. The county may also consider approving grading on slopes between 20 percent and 30 percent where it has been demonstrated that there is no other feasible method of establishing an allowable use on the site without grading. Grading and erosion control plans shall be prepared by a registered civil engineer and accompany any request to allow grading on slopes between 20 percent and 30 percent. It shall also be demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.

In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat. In urban areas as defined by the Urban Services Line, grading may encroach within the 100 foot setback when locating or siting a principally permitted development, if application of the 100 foot setback renders the parcel physically unusable for the principally permitted use. Secondly, the 100 foot setback shall only be reduced to a point at which the principally permitted use, as modified as much as practical from a design standpoint, can be accomplished to no point less than the setback allowed by the planning area standard or 50 feet whichever is the greater distance. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO COASTAL ZONE LAND USE ORDINANCE SECTIONS: 23.05.034 (GRADING) AND 23.04.021 (LAND DIVISIONS).]

**Policy 9: Techniques for Minimizing Sedimentation.** Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation. Selection of appropriate control measures shall be based on evaluation of the development's design, site conditions, predevelopment erosion rates, environmental sensitivity of the adjacent areas and also consider costs of on-going maintenance. A site specific erosion control plan shall be prepared by a qualified soil scientist or other qualified professional. To the extent feasible, non-structural erosion techniques, including the use of native species of plants, shall be preferred to control run-off and reduce increased sedimentation. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]

**Policy 10: Drainage Provisions.** Site design shall ensure THAT drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.034 OF THE CZLUO.]

**Policy 11: Preserving Groundwater Recharge.** In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

#### **Hazards:**

**Policy 1: New Development.** All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development (with the exception of coastal-dependent uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited except for facilities necessary for public health and safety such as lifeguard towers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

**Policy 2: Erosion and Geologic Stability.** New development shall ensure structural stability while not creating or contributing to erosion or geological instability. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.086 OF THE CZLUO.]

**Policy 3: Development Review in Hazard Areas.** The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan. Residential, commercial and industrial development shall be prohibited within the 100 year floodplain (1% chance of inundation in any year) as delineated in the Flood Hazard combining designation except for those areas within an urban reserve line. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.082, 23.07.084, 23.07.062 AND 23.07.066 OF THE CZLUO.]

**Policy 7: Geologic Study Area Combining Designation.** The GSA combining designation in coastal areas of the county is amended to include all coastal bluffs and cliffs greater than 10 feet in vertical relief and that are identified in the *Assessment and Atlas of Shoreline Erosion* (DNOD, 1977) as being critical to future or present development. Maps clearly distinguish the different geologic and seismic hazards which the county covers by the GSA combining designation. These hazards shall include steep slopes, unstable slopes, expansive soils, coastal cliff and bluff instability, active faults, liquefaction and tsunamis. [THIS POLICY SHALL BE IMPLEMENTED BY DESIGNATING GSA AREAS ON THE COMBINING DESIGNATION MAPS AND PURSUANT TO SECTION 23.07.080 OF THE CZLUO.]

**From Coastal Zone Land Use Ordinance:**

**Section 23.03.045 – Emergency permits:**

- Please describe how the proposed project addresses an “emergency” as defined in this section.<sup>1</sup> We understand the project changed earlier in 2014 from a temporary project to a long-term water supply project.
- Please describe the District’s understanding of the expiration date on its emergency CDP.<sup>2</sup>

**Section 23.07.170e(3)** does not allow subsurface water diversions that would cause significant adverse effects on steelhead. Please describe how the project is consistent with this provision.

**Section 23.08.288(d)** allows public utility uses on sensitive areas such as on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas only when there the permitting agency finds there is no other feasible location on or off-site the property. It also requires that applications for public utility facilities in the above sensitive areas include a feasibility study, prepared by a qualified professional approved by the Environmental Coordinator, that includes a constraints analysis and analysis of alternative locations. Please describe the analyses the District has done to provide consistency with this provision.

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<sup>1</sup> Section 23.03.045(a) defines “emergency” as a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.”

<sup>2</sup> Section 23.03.045(b)(5) requires that emergency permits include an expiration date and the necessity for submitting a follow-up permit application.

**Questions and Concerns re: proposed Cambria Water Supply Project –  
Compilation of Agency Comments – August 2014**

**GENERAL / ADMINISTRATIVE**

**1) Status/Schedule:** What is the status of, and the District’s schedule for:

- Completing CEQA?
- Completing its follow-up Coastal Development Permit application to the County?
- Completing the instream flow study needed for LCP conformity?
- Conducting Section 7 consultation with NMFS/USFWS for steelhead, tidewater goby, California red-legged frog, and Western snowy plover?

**PROJECT DESCRIPTION**

Please provide a complete description of the proposed project, including clarification of the following:

**2) Property/Ownership:** Has the District resolved the parcel boundary issue with State Parks? If not, what is the status of that issue and is the District proposing any changes to the project location or layout?

**3) Project water volumes and flow rates:** Please describe the basis for the project’s proposed water production, mitigation, and discharge volumes/flow rates – e.g., what was the basis of the proposed 250 acre-foot (“af”) production rate, the proposed mitigation flow rate, etc. Please also clarify which of the several different project descriptions accurately describe the currently proposed project and clarify the discrepancies among them. Examples include:

- Production rate: The IS/MND states that the facility would extract 400 gallons per minute (“gpm”) to produce 250 acre-feet (“af”) of potable water over a six-month period and to produce mitigation flows of 100 to 150 gpm during that period. However, a 400 gpm extraction rate over six months would produce approximately 318 af, and returning 100-150 gpm as mitigation flows over that period would reduce the total extracted water available for production to 198-238 af. With the facility’s expected reverse osmosis treatment production rate of 40%, this would provide no more than 80-95 af of potable water. Alternatively, the District’s July 14, 2014 PowerPoint presentation shows an extraction rate of 690 gpm (a 60% increase in the rate described in the IS/MND), but shows no change in the proposed 100 gpm mitigation flow. Please clarify the currently proposed extraction rate and production rate. Please also describe how the District determined that the same 100 gpm mitigation flow would be adequate to address the effects of either a 400 gpm or 690 gpm extraction rate (see also the hydrologic/hydrogeologic comments below).
- Discharge rate: The IS/MND states that the facility’s expected discharge rate to the evaporation ponds is 42 gpm, or 33 af. The Regional Board’s July 22, 2014 comment letter refers to the District’s expected discharge rate as 65,000 to 72,000 gallons per day, or 45-50 gpm, or about 35-40 af. However, the description above suggests the discharge would be about three to four times that rate. Please clarify the expected discharge rate and the basis for that expected rate.

**4) Relationship of proposed project water volumes and flow rates to San Simeon Creek flow rates, water rights, status of adjudication, and watershed plan:** San Simeon Creek's base flow is approximately 1200 acre-feet per year (per San Luis Obispo County). The proposed project would extract from 26-45% of this volume from the watershed during the dry season, but would return only 6-10% through the proposed mitigation flows. At a 400 gpm extraction rate, the District would extract 318 af during the dry season, and at a 600 gpm extraction rate, the District would extract 477 af during the dry season.

We understand the District has not yet completed the required instream flow study for San Simeon Creek. However, using currently available information, please describe the proposed project's water balance as it relates to known information about stream flow, as well as the District's water rights and its other pumping or extraction in the San Simeon Creek watershed. We understand these rights consist of:

- Maximum rate of diversion: 5.0 af/day, or 2.5 cfs.
- Maximum annual diversion: 1,230 acre-feet.
- Maximum dry season diversion (i.e., between end of surface flows at Palmer Flats gauging station and October 31 of each year): 370 af

We also understand that in 2003, the CCSD started investigating the process of adjudicating San Simeon Creek. Please provide the status of adjudication.

**5) Hydrologic/hydrogeologic data:** Please identify when the District will complete the geotechnical and hydrogeologic studies needed to characterize the project area, including:

- San Simeon Creek water balance (as requested above).
- Aquifer characteristics in the lower San Simeon watershed.
- Degree and extent of connectivity between the aquifer(s) and surface waters, including the above-referenced streams, coastal wetlands, and the estuary.
- Vertical and horizontal extent of "cone of depression" or drawdown effects resulting from extraction well.

The IS/MND states that the project could result in "earlier than average seasonal drops in creek surface water" and "earlier than usual sandbar closures in San Simeon Creek lagoon," both of which would likely result in "take" of listed species. Please provide any analysis conducted to show how much earlier the District expects these adverse effects to occur, how much later into the season surface flows will be reduced, and the hydrologic scenarios used to determine these effects – e.g., assumed streamflow rates, precipitation, wave conditions, etc. Please clarify, too, which extraction rate – 400 gpm, 690 gpm, or another – was used in these analyses.

**6) Proposed brine discharge method:** The IS/MND describes the use of a proposed evaporation basin and mechanical evaporators (see comments below); however, we understand the District is also evaluating a potential direct discharge to coastal waters. Please clarify whether the District is considering one or both discharge options. If considering a direct discharge, please describe where it would be located and what discharge structure and method would be used.

**7) Evaporation basin:** The proposed project would discharge into a percolation basin where the discharge would be evaporated by natural and mechanical means. Please describe the following components of this aspect of the project:

- The area's natural evaporation rate.
- The type of liner proposed to be placed in the basin. Please also describe the substrate beneath the basin – e.g., soil type and depth, geophysical properties, etc.
- The expected effect of the liner on local hydrologic characteristics, including the loss of percolation from the basin area to the aquifer and how it will affect the local water balance.
- The methods the District will use to meet requirements regarding technical specifications, the construction quality assurance plan, and contingency plans for the basin (per the Regional Board's July 22, 2104 letter).

**8) Spray Evaporators:** As part of this proposed evaporation basin, the District plans to install five spray evaporators. The project description states that the evaporators would be used only when wind direction, wind velocity, temperature, and humidity are within "preset ranges." Please identify the proposed ranges. Based on local weather records, please also identify the times these ranges are expected to be present – for example, are there monthly or season periods when wind speeds and directions would allow, or disallow, operation of the evaporators?

The IS/MND concludes that the project would not cause significant air quality-related impacts; however, the District has not yet provided an analysis of the effects on spraying almost 100 tons of brine per day into an area within or near wetlands, coastal waters, and sensitive habitats and within about 300 feet of a campground. According to the District's July 2014 Draft Cambria Emergency Water Supply Project – Title 22 Engineering Report, the brine would contain ammonium, barium, strontium, chlorine, and other contaminants, with several at levels that may be considered harmful or toxic when airborne. Please describe any analyses the District has conducted, or plans to conduct, regarding the effects this brine may cause on nearby habitats, species, coastal waters, and recreational users. Please also describe any interaction the District has had with the local Air Quality Management District regarding these issues.

**9) Chemical storage and use:** We received a copy of an August 8, 2014 letter from Peter Beede to the District Engineer that described the types and amounts of chemicals expected to be used and stored at the project site. These include:

- Sodium hypochlorite – approx. 1500 gallons
- Aqueous ammonia – approx. 400 gallons
- Sulfuric acid – approx. 400 gallons
- Antiscalant – approx. 50 gallons
- Hydrogen peroxide – approx. 400 gallons
- Sodium hydroxide – approx. 750 gallons
- Calcium chloride – approx. 750 gallons

Please confirm or clarify these types and amounts. Please also provide the spill prevention and response measures the District will implement to prevent release of these chemicals to the environment during transport or storage and to respond to any releases that could occur. The response should reference all required spill prevention/response planning documents required by the County, Regional Board, and other relevant agencies.

**ENVIRONMENTAL EFFECTS – ADVERSE EFFECTS ON COASTAL WETLANDS, STREAMS, SENSITIVE HABITAT AREAS, AND ASSOCIATED SENSITIVE SPECIES:**

**10) Baseline data:** Please identify when the District will provide the baseline data needed to identify the presence of coastal waters and sensitive habitats and to establish the project’s expected effects on these areas and their associated sensitive species. Along with the hydrologic information requested above, the necessary baseline data includes:

- Wetland delineations for federal and Coastal Act wetlands, including Wetland Data Sheets for areas in and near the proposed project footprint. This should include areas the IS/MND describes as containing vegetative species considered wetland indicators – e.g., giant horse tail (*Equisetum telmateia*) – and those described in the July 22, 2014 State Parks letter as seasonal wetlands with *Deschampia/Danthonia/Nasella*-dominated grasslands.
- Presence/absence of state- and/or federally-listed plant and animal species, xx
- Population data (including tidewater goby and California red-legged frog, as requested in the July 22, 2104 USFWS letter).

**11) Water quality:** The Regional Board has identified San Simeon Creek as being 303(d)-listed for excessive amounts of nitrate, low dissolved oxygen, chloride, and sodium, and is developing a Total Maximum Daily Load (“TMDL”) analysis/report that will establish water quality targets for the creek. Please identify how the proposed project will affect concentrations of these contaminants in creek waters and how it will allow conformity to surface water quality standards.

The waters and sediments of the San Simeon Creek watershed are also known to contain mercury and methymercury. Please detail any sampling and testing the District has conducted to determine whether mercury and/or methymercury are present in the proposed project’s source groundwater.

**12) Analysis of effects on listed or sensitive species:** The project would be located within designated critical habitat for four listed species noted above and is likely to affect other sensitive species. Please describe the District’s analyses of project-related impacts and the consultation that has occurred between the District and federal/state wildlife agencies.

**13) Proposed “Adaptive Management Program”:** Please identify when the District will present its proposed Adaptive Management Program (AMP) meant to address the project’s impacts. Please also identify the baseline data expected to be included in this AMP, the proposed performance standards, any proposed mitigation measures to be included, etc. Please also respond to the July 22, 2014 USFWS statement that the AMP cannot ensure protection of listed species, including any assurances the District can provide that its proposed AMP will result in no “take” of listed species.

**14) Mitigation water quality characteristics:** The project description states that the District will convey 100 to 150 gpm of membrane filtration-treated water to the estuary or nearby area. Prior to conveyance, this water would be treated with ammonium hydroxide and sodium hypochlorite, which is needed to protect the membrane filtration system. It is not clear from the project description whether this proposed mitigation water would also receive the chemical treatments needed for the reverse osmosis process, which includes antiscalants and sulfuric acid.

Please describe the expected characteristics of the proposed mitigation water, including its pH, turbidity level, the concentrations of chemicals and compounds expected to be present, etc., and compare these with the characteristics of the receiving waters in or near the estuary. Please also provide any analyses the District has conducted or has available describing the effects the constituents of the proposed mitigation flow water may have on sensitive species and habitat – e.g., the effects of ammonia and chlorine on steelhead or the benthic macro-invertebrates that serve as their food source, the effects of mitigation water constituents on the California red-legged frog, etc.

The IS/MND also describes two methods the District is proposing to discharge mitigation flows into the lower San Simeon watershed – either through direct discharge to surface waters or through several wells that would inject the mitigation flows about 35-50 feet below the ground surface. We understand the District recently selected the surface discharge method. However, the IS/MND states that part of the reason for discharging through wells would be to reduce seawater intrusion into the groundwater basin. Please identify how the District would prevent seawater intrusion without using the proposed injection wells.

#### **REQUIRED LCP CONFORMITY**

The proposed project appears to be inconsistent with several provisions of the County's certified Local Coastal Program and Coastal Zone Land Use Ordinance. Please describe the District's understanding of how its proposed project is consistent with relevant policies, including the following (*Note*: this is not a complete list of applicable policies):

- ESHA, Wetland, Coastal Stream, and Riparian Buffer policies (e.g. Policy 1, 2, 3, 7, 11, 12, 13, 16, 17, 18, 20, 21, 22, 23, 25, 26, 28)
- Coastal Watershed Policies (e.g. 1, 2, 3, 7, 11)
- Hazards (e.g. 1, 2, 3, 7)

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#### **ESHA, Wetland, Coastal Stream, and Riparian Buffers:**

**Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats.** New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]

**Policy 2: Permit Requirement.** As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]



**Policy 3: Habitat Restoration.** The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. Detailed wetlands restoration criteria are discussed in Policy 11. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.170 OF THE CZLUO.]

**Policy 7: Protection of Environmentally Sensitive Habitats.** Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

**Policy 11: Regional Water Quality Control Board "208" Program.** California Regional Water Quality Control Board shall administer programs identified through the "208" nonpoint source studies to ensure protection of coastal wetlands and water quality. (The county has incorporated the Basin Plan Amendment requirements into the COASTAL ZONE Land Use Ordinance.) [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

**Policy 12: State Department of Fish and Game Review.** The State Department of Fish and Game shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed which should be incorporated in the project design. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

**Policy 13: Diking, Dredging or Filling of Wetlands.** All diking, dredging and filling activities shall conform to the provisions of Section 30233, 30411 and 30607.1 of the Coastal Act. These policies establish the appropriate uses, criteria for evaluation of a project and requirements for restoration or replacement. Allowable activities within open coastal waters, wetlands (with the exception of Morro Bay and the Santa Maria River mouth), estuaries and lakes include:

- a. New or expanded port, energy, and coastal dependent industrial facilities, including commercial fishing facilities.
- b. Maintenance dredging of existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- c. In wetlands areas only, entrance channels for new or expanded boating facilities, and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411 for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigational channels, and any necessary support service facilities be greater than 25 percent of the total wetland area to be restored.
- d. In open coastal waters, other than wetlands, including streams, estuaries and lakes, new or expanded boating facilities.
- e. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

- f. Mineral extraction, including sand for restoration of beaches, except in environmentally sensitive areas.
- g. Restoration purposes.
- h. Nature study, aquaculture, or similar resource-dependent activities.
- i. Maintenance of flood control facilities by permit.

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Diking, dredging, and filling for these types of development in wetlands, estuaries, coastal waters and lakes shall be permitted only where there is no feasible, less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental impacts, and where consistent with the maintenance of the tidal flow and continued biological viability of the wetland habitat. The development must meet the following conditions:

- a. Diking, dredging and filling shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.
- b. Diking, dredging and filling shall be limited to the smallest area feasible that is necessary to accomplish the project.
- c. Designs for diking, dredging and filling and excavation projects shall include protective measures such as silt curtains, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills and unnecessary dispersal of silt materials.

Dredge spoils shall not be deposited in areas where public access or environmental habitats would be significantly or adversely affected. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore currents. Limitations may be necessary on the timing of the operation, the type of operations and the quality and location of the spoils site. Other mitigation measures are required under Section 30607.1. Where any dike fill development is permitted in wetlands in conformity with Chapter 3 of the Coastal Act, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided however, that if no appropriate restoration site is available an in-lieu fee sufficient to provide an area of equivalent productive value or surface area shall be dedicated to an appropriate public agency or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

**Policy 16: Adjacent Development.** Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values on the site. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

**Policy 17: Wetland Buffer.** In new development, a buffer strip shall be required and maintained in natural condition along the periphery of all wetlands. This shall be a minimum of 100 feet in width measured from the upland extent of the wetland unless a more detailed requirement for a greater or lesser amount is included in the LUE or the LUO would allow for adjustment to recognize the constraints which the minimum buffer would impose upon existing subdivided lots. If a project involves substantial improvements or increased human impacts, necessitating a wide buffer area, it shall be limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges, and roads when it can be demonstrated that: a) alternative routes are infeasible or more environmentally damaging, and b) the adverse environmental effects are mitigated to the maximum extent feasible. Access paths and/or fences necessary to protect habitats may also be permitted.

The minimum buffer strip may be adjusted by the county if the minimum setback standard would render the parcel physically unusable for the principal permitted use. To allow a reduction in the minimum standard set-back, it must be found that the development cannot be designed to provide for the standard. When such reductions are permitted, the minimum standard shall be reduced to only the point at which the principal permitted use (development), modified as much as is practical from a design standpoint, can be accommodated. At no point shall this buffer be less than 25 feet. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

**Policy 18: Wetland Buffers Less than 100 Feet.** For buffers less than 100 feet as established consistent with Policy 15 (above) mitigation measures to ensure wetland protection shall be required, and shall include (where applicable) vegetative screening, landscaping with native vegetation, drainage controls and other such measures.

When the minimum buffer strip is adjusted by the county, it shall be done on a case-by-case basis only after the investigation of the following factors:

- a. Soil type and stability of development site, including susceptibility to erosion.
- b. Slope of land adjacent to the wetland and the ability to use natural topographic features to locate development.
- c. Types and amount of vegetation and its value as wildlife habitat including: 1) the biological significance of the adjacent lands in maintaining the functional capacity of the wetland, and 2) the sensitivity of the species to disturbance.
- d. Type and intensity of proposed uses.
- e. Lot size and configuration, and the location of existing development. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

**Policy 20: Coastal Streams and Riparian Vegetation.** Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

**Policy 21: Development in or Adjacent to a Coastal Stream.** Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

**Policy 22: Fish and Game Review of Streambed Alterations.** Significant streambed alterations require the issuance of a California Department of Fish and Game 1601-1603 agreement. The Department should provide guidelines on what constitutes significant streambed alterations so that the county and applicants are aware of what is considered a "significant" streambed alteration. In addition, streambed alterations may also require a permit from the U.S. Army Corp of Engineers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

**Policy 23: County and State Review of Coastal Stream Projects.** The State Water Resources Control Board and the county shall ensure that the beneficial use of coastal stream waters is protected, for projects over which it has jurisdiction. For projects which do not fall under the review of the State Water Resources Control Board, the county (in its review of public works and stream alterations) shall ensure that the quantity and quality surface water discharge from streams and rivers shall be maintained at levels necessary to sustain the functional capacity of streams, wetland, estuaries and lakes. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

**Policy 25: Streambed Alterations.** Channelizations, dams or other substantial alterations of rivers and streams shall be limited to: a) necessary water supply projects, b) flood control projects when there are no other feasible methods for protecting existing structures in the flood plain and where such protection is necessary for public safety or to protect existing development, and c) development where the purpose is to improve fish and wildlife habitat. All projects must employ the best feasible mitigation measures. Maintenance and flood control facilities shall require a coastal development permit. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

**Policy 26: Riparian Vegetation.** Cutting or alteration of naturally occurring vegetation that protects riparian habitat is not permitted except for permitted streambed alterations (defined in Policy 23) and where no feasible alternative exists or an issue of public safety exists. This policy does not apply to agricultural use of land where expanding vegetation is encroaching on established agricultural uses. Minor incidental public works project may also be permitted where no feasible alternative exists including but not limited to utility lines, pipelines, driveways and roads. Riparian vegetation shall not be removed to increase agricultural acreage unless it is demonstrated that no impairment of the functional capacity of the habitat will occur. Where permitted, such actions must not cause significant stream bank erosion, have a detrimental effect on water quality or quantity, or impair the wildlife habitat values of the area. This must be in accordance with the necessary permits required by Sections 1601 and 1603 of the California Fish and Game Code. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

**Policy 28: Buffer Zone for Riparian Habitats.** In rural areas (outside the USL) a buffer setback zone of 100 feet shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams. Permitted uses within the buffer strip shall be limited to passive recreational, educational or existing nonstructural agricultural developments in accordance with adopted best management practices. Other uses that may be found appropriate are limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: 1) alternative routes are infeasible or more environmentally damaging and 2) adverse environmental effects are mitigated to the maximum extent feasible. Lesser setbacks on existing parcels may be permitted if application of the minimum setback standard would render the parcel physically unusable for the principal permitted use. In allowing a reduction in the minimum setbacks, they shall be reduced only to the point at which a principal permitted use (as modified as much as is practical from a design standpoint) can be accommodated. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

#### **Coastal Watersheds:**

**Policy 1: Preservation of Groundwater Basins.** The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

**Policy 2: Water Extractions.** Extractions, impoundments and other water resource developments shall obtain all necessary county and/or state permits. All pertinent information on these uses (including water conservation opportunities and impacts on in-stream beneficial uses) will be incorporated into the data base for the Resource Management System and shall be supplemented by all available private and public water resources studies available. Groundwater levels and surface flows shall be maintained to ensure that the quality of coastal waters, wetlands and streams is sufficient to provide for optimum populations of marine organisms, and for the protection of human health. (Public works projects are discussed separately.) [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

**Policy 3: Monitoring of Resources.** In basins where extractions are approaching groundwater limitations, the county shall require applicants to install monitoring devices and participate in water monitoring management programs. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 8.40.065 OF THE COUNTY CODE (WATER WELL REGULATIONS).]

**Policy 7: Siting of New Development.** Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent except:

- Existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent;
- When grading of an access road or driveway is necessary to provide access to an area of less than 20 percent slope where development is intended to occur, and where there is no less environmentally damaging alternative;

The county may approve grading and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the Coastal Zone Land Use Ordinance. Also in review of proposed land divisions, each new parcel shall locate the building envelope and access road on slopes of less than 20 percent. In allowing grading on slopes between 20 percent and 30 percent the county shall consider the specific characteristics of the site and surrounding area that include but are not limited to: the proximity of nearby streams or wetlands, the erosion potential and slope stability of the site, the amount of grading necessary, neighborhood drainage characteristics and measures proposed by the applicant to reduce potential erosion and sedimentation. The county may also consider approving grading on slopes between 20 percent and 30 percent where it has been demonstrated that there is no other feasible method of establishing an allowable use on the site without grading. Grading and erosion control plans shall be prepared by a registered civil engineer and accompany any request to allow grading on slopes between 20 percent and 30 percent. It shall also be demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.

In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat. In urban areas as defined by the Urban Services Line, grading may encroach within the 100 foot setback when locating or siting a principally permitted development, if application of the 100 foot setback renders the parcel physically unusable for the principally permitted use. Secondly, the 100 foot setback shall only be reduced to a point at which the principally permitted use, as modified as much as practical from a design standpoint, can be accomplished to no point less than the setback allowed by the planning area standard or 50 feet whichever is the greater distance. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO COASTAL ZONE LAND USE ORDINANCE SECTIONS: 23.05.034 (GRADING) AND 23.04.021 (LAND DIVISIONS).]

**Policy 9: Techniques for Minimizing Sedimentation.** Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation. Selection of appropriate control measures shall be based on evaluation of the development's design, site conditions, predevelopment erosion rates, environmental sensitivity of the adjacent areas and also consider costs of on-going maintenance. A site specific erosion control plan shall be prepared by a qualified soil scientist or other qualified professional. To the extent feasible, non-structural erosion techniques, including the use of native species of plants, shall be preferred to control run-off and reduce increased sedimentation. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]

**Policy 10: Drainage Provisions.** Site design shall ensure THAT drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.034 OF THE CZLUO.]

**Policy 11: Preserving Groundwater Recharge.** In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

**Hazards:**

**Policy 1: New Development.** All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development (with the exception of coastal-dependent uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited except for facilities necessary for public health and safety such as lifeguard towers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

**Policy 2: Erosion and Geologic Stability.** New development shall ensure structural stability while not creating or contributing to erosion or geological instability. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.086 OF THE CZLUO.]

**Policy 3: Development Review in Hazard Areas.** The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan. Residential, commercial and industrial development shall be prohibited within the 100 year floodplain (1% chance of inundation in any year) as delineated in the Flood Hazard combining designation except for those areas within an urban reserve line. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.082, 23.07.084, 23.07.062 AND 23.07.066 OF THE CZLUO.]

**Policy 7: Geologic Study Area Combining Designation.** The GSA combining designation in coastal areas of the county is amended to include all coastal bluffs and cliffs greater than 10 feet in vertical relief and that are identified in the *Assessment and Atlas of Shoreline Erosion* (DNOD, 1977) as being critical to future or present development. Maps clearly distinguish the different geologic and seismic hazards which the county covers by the GSA combining designation. These hazards shall include steep slopes, unstable slopes, expansive soils, coastal cliff and bluff instability, active faults, liquefaction and tsunamis. [THIS POLICY SHALL BE IMPLEMENTED BY DESIGNATING GSA AREAS ON THE COMBINING DESIGNATION MAPS AND PURSUANT TO SECTION 23.07.080 OF THE CZLUO.]

**From Coastal Zone Land Use Ordinance:**

**Section 23.03.045 – Emergency permits:**

- Please describe how the proposed project addresses an “emergency” as defined in this section.<sup>1</sup> We understand the project changed earlier in 2014 from a temporary project to a long-term water supply project.
- Please describe the District’s understanding of the expiration date on its emergency CDP.<sup>2</sup>

**Section 23.07.170e(3)** does not allow subsurface water diversions that would cause significant adverse effects on steelhead. Please describe how the project is consistent with this provision.

**Section 23.08.288(d)** allows public utility uses on sensitive areas such as on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas only when there the permitting agency finds there is no other feasible location on or off-site the property. It also requires that applications for public utility facilities in the above sensitive areas include a feasibility study, prepared by a qualified professional approved by the Environmental Coordinator, that includes a constraints analysis and analysis of alternative locations. Please describe the analyses the District has done to provide consistency with this provision.

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<sup>1</sup> Section 23.03.045(a) defines “emergency” as a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.”

<sup>2</sup> Section 23.03.045(b)(5) requires that emergency permits include an expiration date and the necessity for submitting a follow-up permit application.





RECEIVED  
SEP 30 2014  
State of California  
Central Coast Water Board

RWCB Board Members  
Ryan Lodge  
Central Coast Regional Water Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

SCANNED  
OCT 01 2013  
BY: SD  
RL

September 27, 2014

RE: DRAFT WASTE DISCHARGE REQUIREMENTS ORDER NO. R3-2014-0047  
Waste Discharger Identification No. 3 400914531  
For CAMBRIA COMMUNITY SERVICES DISTRICT CLASS II SURFACE IMPOUNDMENT SAN LUIS  
OBISPO COUNTY

Dear CCRWCB Staff and Board:

A number of questions remain unanswered or not addressed regarding the Cambria Community Services District draft discharge order. Please consider the following:

The project claims that the toxic brine discharges from the project will be evaporated naturally and mechanically during operation and the discharge flow will not exceed the evaporation claims. Roughly 600,000 gallons of evaporation will occur naturally per year and the remaining liquid mechanically evaporated. Given that this claim is accurate, it becomes apparent that the remaining water in the toxic brine pit will become highly concentrated with chemicals either falling from the mechanical evaporators or from settling in the pit over time. Therefore, the toxic constituents in the pond increase each year becoming ever more dangerous to public health and safety. The question is will birds be harmed by landing in the pit? How about other forms of wildlife? Since this operation is located on the Pacific flyway and the area is known to contain many bird species and some migratory birds spend summers in the area how will they be protected from the toxic brine? More importantly, the mist that the evaporators create will be more toxic and molecules containing dangerous chemicals will attach to fog creating acid fog. The fog will certainly move beyond the project site and have consequences to the public, agriculture products, and livestock.

It is imperative that The discharge permit be examined with more thought to what may happen with public health and safety then the current draft order addresses. The potential to harm

**RICHARD HAWLEY**  
EXECUTIVE DIRECTOR



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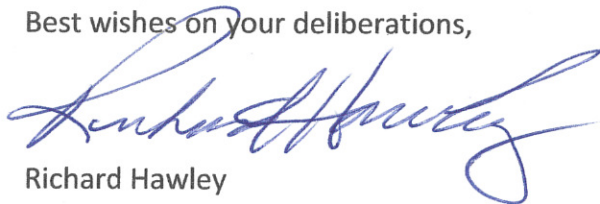
people and wildlife has grown exponentially with the evaporation design. Mitigation and preventative actions are missing and the order is remiss in protecting the public and environment.

In addition, has there been any test to assure the public that the pit liner can withstand the chemical corrosive action on the liner membrane? If so, please cite the analysis. If not, then other mitigation measures are required and an emergency plan to deal with toxic chemical leaks into the ground water basin must be included in this draft discharge order. The potential of contaminating the high value ecosystem and ground water basin has gone from near zero percent to something likely to happen with the brine pit design and there is simply not enough planning to address spills, leaks and accidents. How often will the liner need to be replaced due to normal UV exposure? What is the protocol on liner replacement and what happens to the concentrated toxic sludge at the bottom of the holding pit? Where will it go?

The project presented to agencies and to the public is a 'dry plant'. In other words, the plant is built and we are stuck with running it without knowing how or what to do if a spill happens or an explosion occurs that creates chlorine gas. No one knows how to mix the many chemicals required to make this thing work or what to do if something goes wrong. We have no skilled operators. Who will respond to chemical leaks and accidents on site? First responders will likely be State Parks, CalFire and the Cambria Fire Department. Will they know what chemical constituents they are dealing with and what to do? How will the campground be evacuated if the weather station malfunctions and the evaporators continue to spew toxic mist over unsuspecting hikers, beach goers, farm workers and nearby residents, livestock and wildlife? Is there a plan for State Parks to implement if all these high-tech components fail and created an emergency?

It is important that issuing a discharge order be more inclusive with what dangers the discharge has the ability to create. In the Discharge Order before the board much is missing in the public safety aspects of the draft discharge order. The above questions and issues must be addressed before the board can justify voting on this discharge order.

Best wishes on your deliberations,

A handwritten signature in blue ink, appearing to read "Richard Hawley", written in a cursive style.

Richard Hawley