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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Adoption of Order No. R3-2014-0050, by the Central Coast Regional Water Quality Control Board for the Establishment of Waste Discharge Requirements and Water Recycling Requirements

**PETITION REQUESTING
REVIEW OF CALIFORNIA
REGIONAL WATER
QUALITY CONTROL BOARD
ORDER NO. R3-2014-0050**

Pursuant to Section 13320 of the California Water Code and Section 2050 of Title 23 of the California Code of Regulations (“CCR”), LandWatch San Luis Obispo County, Sierra Club, Santa Lucia Chapter, and Greenspace: The Cambria Land Trust (“Petitioners”) hereby petition the State Water Resources Control Board (“State Board”) to review the November 14, 2014 adoption by the California Regional Water Quality Control Board for the Central Coast Region (“Regional Board”) of Order No. R3-2014-0050 (hereinafter, “Order”), which sets out the Waste Discharge Requirements and Water Recycling Requirements for discharges of brine from the Cambria Community Services District’s (“CCSD”) Emergency Water Supply Project (“Project”) under the Porter-Cologne Water Quality Control Act, Cal. Water Code div. 7, ch. 5.5.

This appeal concerns the Regional Board’s improper conclusion that CCSD’s Project is exempt from the environmental review mandated by the California Environmental Quality Act (“CEQA”), Pub. Res. Code Section 21000 *et seq.* CCSD’s Project does not qualify for exemption from CEQA under either Public Resources Code Section 21060.3 (“Emergency Exception”), or Directives 12 and 19 of the Governor’s April 25, 2014 Executive Order (“Directives 12 and 19”) suspending CEQA review for certain qualified emergency drought

relief projects. As a result, the Regional Board abused its discretion by finding that CCSD's Project was exempt from CEQA, and that portion of its Order should be vacated.

1. NAME, ADDRESS, TELEPHONE AND EMAIL ADDRESSES OF THE PETITIONERS:

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Cambria, CA 93428-0029
Telephone: 805-927-5102
E-mail: cynthiahawley@att.net
Attention: Cynthia Hawley

Sierra Club, Santa Lucia Chapter
974 Santa Rosa Street
San Luis Obispo, CA 93401
Telephone: 805-543-8717
E-mail: sierraclub8@gmail.com
Attention: Andrew Christie

Greenspace: The Cambria Land Trust
P.O. Box 1505
Cambria, CA 93428
Telephone: 805-927-2866
E-mail: rick@greenspacecambria.org
Attention: Mary Webb

2. THE SPECIFIC ACTION OF THE REGIONAL BOARD WHICH THE STATE BOARD IS REQUESTED TO REVIEW AND A COPY OF ANY ORDER OR RESOLUTION OF THE REGIONAL BOARD WHICH IS REFERRED TO IN THE PETITION:

Petitioners seek review of the Regional Board's Establishment of Waste Discharge Requirements and Water Recycling Requirements for brine discharge from CCSD's Project, Order No. R3-2014-0050. A copy of the Order is attached hereto as Exhibit A.

3. THE DATE ON WHICH THE REGIONAL BOARD ACTED OR REFUSED TO ACT OR ON WHICH THE REGIONAL BOARD WAS REQUESTED TO ACT:

The Regional Board adopted Order No. R3-2014-0050 on November 14, 2014.

4. A FULL AND COMPLETE STATEMENT OF REASONS THE ACTION OR FAILURE TO ACT WAS INAPPROPRIATE OR IMPROPER:

On page 19 of its Order, the Regional Board found that CCSD's Project is exempt from CEQA review for two reasons: (1) the Project was subject to CEQA's Emergency Exception; and (2) the Project was also exempt under Directives 12 and 19 of the Governor's April 25, 2014 Executive Order. These findings are not supported by substantial evidence in the record, and are moreover legally and factually erroneous. The Regional Board thus abused its discretion by including such findings in its Order.

State agencies, including the Regional Board, may only make factual findings that are supported by substantial evidence in the administrative record. (*Topanga Assn. for a Scenic Community v. County of L.A.* (1974) 11 Cal.3d 506, 514.) Because the Regional Board was not the lead agency in CCSD's Project, but was rather only reviewing a permit application, it was not itself subject to the full array of CEQA review duties, like preparing an environmental impact report or issuing a notice of exemption. (*County of L.A. v. Cal. State Water Resources Control Bd.* (2006) 143 Cal. App. 4th 985, 1004-07.) It was, however, subject to CEQA's general duties to minimize harm to the environment where feasible, CCR tit. 14, § 15021(a), and to establish and implement procedures for determining whether projects are exempt from CEQA review. (CCR tit. 14, § 15022.) Moreover, the Regional Board was also required to consider and weigh the evidence in the administrative record before determining that CCSD's Project was exempt from CEQA review. (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 387.)

The evidence in the administrative record does not support the Regional Board's finding that CCSD's Project is exempt from CEQA review. Only sudden, discrete occurrences, and not ongoing conditions like the current drought are exempt under CEQA's Emergency Exception. There is no evidence in the record that Cambria suffers from the kind of acute emergency — like a fire, an earthquake, or a riot — that would trigger the Emergency Exception. Moreover, there is no evidence in the record that CEQA properly complied with Directives 12 and 19 of the Governor's April 25, 2014 Executive Order by receiving approval from the Division of Drinking Water and the Office of Planning and Research before building its project. Rather, the evidence demonstrates that CCSD only received the necessary concurrence after its Project was mostly built. Further, the concurrence CCSD did finally receive from the Office of Planning and Research is itself suspect because its key conclusions appear to have been made absent any substantial evidence or investigation. The Regional Board was thus without sufficient evidence to conclude that CCSD's Project was properly exempt from CEQA, and that finding should be vacated as an abuse of discretion.

5. THE MANNER IN WHICH THE PETITIONER IS AGGRIEVED:

Petitioner LandWatch San Luis Obispo County ("LandWatch") is an organization dedicated to the protection of the Central Coast's environment and natural resources through education and community action. LandWatch's members are particularly interested in protecting the Central Coast's precious water resources to preserve clean water access for fragile habitats, local wildlife, residences, and businesses. LandWatch's members also enjoy hiking, boating,

fishing, swimming, surfing, photography, bird watching, and walking in and around San Luis Obispo County, and are thus also interested in preserving the environment for wholesome and beneficial recreational uses.

Petitioner Sierra Club, Santa Lucia Chapter (“Sierra Club”) is a grassroots environmental organization dedicated to the preservation of clean air, clean water, pristine wilderness, wildlife habitat, and dozens of other environmental causes. The Sierra Club has over 2,200 members in San Luis Obispo County, and is particularly interested in preserving the Central Coast’s scarce and vital freshwater resources. The Sierra Club’s members also enjoy the same panoply of nature recreation activities as LandWatch’s members.

Petitioner Greenspace: The Cambria Land Trust (“Greenspace”) is an organization dedicated to protecting and enhancing the North Coast of San Luis Obispo County’s ecological systems, cultural resources, and marine habitats through land acquisition and management, public education, and advocacy. Representing over 1,000 members, Greenspace is particularly concerned about protecting Cambria’s water resources and maintaining their quality, especially for the benefit of threatened and endangered species such as the California Steelhead.

Petitioners and their members are aggrieved by the Regional Board’s Order certifying that CCSD’s Project is exempt from CEQA review. CCSD’s Project has the potential to cause lasting and widespread damage to the local ecosystem, including the destruction of vital habitat for endangered species, and the contamination of local groundwater. The Project is exactly the sort of Project that would benefit from CEQA review, allowing both CCSD and the public to fully explore and understand the environmental hazards the Project will create, as well as to generate responsible mitigation measures to assure the continued vitality of the environment in and around Cambria. Petitioners and the public have thus far been denied the benefits of the CEQA process, however, because of erroneous and unsupported determinations by the Division of Drinking Water and the Office of Planning and Research that CCSD’s Project is exempt from CEQA review under Directives 12 and 19 of the Governor’s April 25, 2014 Executive Order. Those agencies certified that Cambria suffered from an acute drinking water emergency over the summer without any publically documented evidence or investigation to support that finding. The Regional Board adopted this erroneous conclusion wholesale despite the fact that it lacked any evidence in the record before it to support that Cambria suffered from an acute drinking water emergency. Petitioners are thus aggrieved that the Regional Board elected to join a growing line of public agencies that have shirked their responsibility to meaningfully investigate whether CCSD’s Project is actually exempt from CEQA review.

6. THE SPECIFIC ACTION BY THE STATE OR REGIONAL BOARD WHICH PETITIONERS REQUEST:

Petitioners urge the State Board to vacate the portion of the Regional Board’s November 14, 2014 Order establishing Waste Discharge Requirements and Water Recycling Requirements for CCSD’s Project certifying that CCSD’s Project is exempt from CEQA Review. The State Board has jurisdiction and authority to take this action pursuant to California Water Code Section 13320.

7. A STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL ISSUES RAISED IN THE PETITION:

Background

California Environmental Quality Act

In order to maintain “a quality environment for the people of this state now and in the future,” the Legislature enacted the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq.*, which requires “all agencies of the state government” to give “major consideration” to “preventing environmental damage, while providing a decent home and satisfying living for environment for every Californian.” *Id.* § 21000(a), (g). “The purpose of CEQA is to protect and maintain California’s environmental quality.” (*Town of Atherton v. Cal. High-Speed Rail Authority* (2014) 228 Cal. App. 4th 314, 341 [citation omitted] [internal quotation marks omitted].) CEQA accomplishes this goal by requiring public agencies to assemble a robust evidentiary record analyzing the environmental impacts of potential projects before approving them to assure “that the decision of the agency is an informed one.” (*Save Our Peninsula Com. v. Monterey County Bd. of Supervisors* (2011) 87 Cal. App. 4th 99, 120.)

Under CEQA, unless exempt, a “governmental agency must prepare an [Environmental Impact Report] on any project that may have a significant impact on the environment.” (*Nelson v. County of Kern* (2010) 190 Cal. App. 4th 252, 266-67.) CCSD’s Project, which contemplates significant manipulation of local groundwater, is undoubtedly one that might have a significant impact on the environment. But for CCSD and the Regional Board’s determination that the Project is exempt from CEQA review, therefore, Petitioners and the public would be entitled to the production of an Environmental Impact Report assessing the potential environmental harms of CCSD’s Project and outlining responsible alternatives and mitigation measures.

A “responsible agency” under CEQA is any public agency that has discretionary approval over a project for which there is already a “lead agency.” (CCR tit. 14, § 15381.) Before approving a project, a responsible agency must consider the CEQA review prepared by the lead agency and make its own findings on the project’s significant environmental impact, relevant mitigation measures, and project alternatives. (*Riverwatch v. Oliverhain Mun. Water Dist.* (2009) 170 Cal. App. 4th 1186, 1206-07.) Where a responsible agency believes that the lead agency’s CEQA compliance is inadequate or where the lead agency failed to do any environmental review, the responsible agency should step into the lead agency’s shoes and conduct its own CEQA analysis and determination. (CCR tit. 14, § 15052.)

History of CCSD’s Project

CCSD’s current Project is but the latest iteration of a decades-spanning drive to build a desalination plant near Cambria.¹ Since 1994, CCSD has contemplated at least three separate desalination plant proposals at the San Simeon and Santa Rosa Creeks, the primary freshwater sources for the Cambria area. (See CCSD Doc. Nos. SCH1994051042 (1994) [EIR for

¹ A detailed timeline of CCSD’s efforts to build a desalination plant near Cambria is attached hereto as Exhibit B.

desalination plant at San Simeon Creek], SCH2005081142 (2005) [Costal Development Permit for project at San Simeon Creek], SCH2010011039 (2010) [Geotech Project at Santa Rosa Creek].) These past projects failed to progress for various reasons, including CCSD board turnover, failure to conform to the County's local Coastal Program, and litigation.

This year, however, Cambria has taken advantage of temporary regulatory changes designed to alleviate freshwater shortages caused by the current drought to renew its efforts at constructing a desalination plant. On January 17, 2014 the Governor declared a statewide drought emergency and began the process of streamlining administrative approval for emergency drought relief projects. On January 30, responding to the Governor's declaration, CCSD declared a Stage 3 drought emergency in Cambria, and on March 11, the San Luis Obispo County Board of Supervisors joined in declaring a drought emergency countywide. On April 25, the Governor issued another executive order directing state agencies to aid communities in responding to the drought, and suspending CEQA review for emergency projects where: (1) the Division of Drinking Water certifies that the community suffers from an acute drinking water shortage; and (2) the Office of Planning and Research concurs that local action is required.

After this flurry of temporary regulatory change, CCSD began actively pursuing its current Project, which seeks to partially alleviate CCSD's drought-caused water shortage by extracting and treating brackish water from a site just outside the Coast Commission's regulatory jurisdiction at 990 San Simeon Creek Road near Cambria. The Project is designed to generate 250 acre-feet of water to serve existing authorized water connections in the community. On May 15, CCSD sought and obtained an emergency permit, ZON2013-00589, from San Luis Obispo County authorizing CCSD to operate its Project indefinitely, so long as CCSD does not rescind its own declaration of a Stage 3 water emergency.² Without undertaking any discernable CEQA review or exemption process, CCSD began constructing its Project soon thereafter.

On July 22, the Coastal Commission wrote a letter to CCSD expressing serious reservations about the scope of its Project.³ The letter expressed concern that CCSD Project might: (1) fill, dewater, or otherwise interrupt protected state and federal wetlands; (2) destroy the habitat of and potentially "take" four endangered species; (3) significantly impact public recreation by impeding access to nearby public beaches, introducing noise and toxic air quality effects into an adjacent campground; and (4) reduce local air quality by spraying almost 100 tons of brine per day into the air near critical wildlife habitat and the campground, among other things. The Coastal Commission recommended that CCSD prepare additional CEQA documents to study these potential environmental impacts to assure that state and federal ecological resources would not be needlessly destroyed by CCSD's Project.

Rather than heeding the Coastal Commission's concerns, however, CCSD continued building its Project over the summer, and only belatedly released a Notice of Exemption on September 9, months after it had broken ground. In two sentences, the Notice of Exemption claimed that CCSD's Project was exempt from CEQA review under Directives 12 and 19 of the Governor's April 25 Executive Order, as well as CEQA's Emergency Exception. On September

² A copy of emergency permit ZON2013-00589 is attached hereto as Exhibit C.

³ A copy of this letter is attached hereto as Exhibit D.

12, the Office of Planning and Research released a two-paragraph concurrence claiming that the Department of Public Health had determined that without CCSD's Project, Cambria would run out of drinking water within 60 to 90 days.⁴ The concurrence went on to claim that CCSD's Project had been reviewed and approved by the Department of Public Health, the Office of Emergency Services, the State Water Resources Control Board, and the Department of Fish and Wildlife. In response to Petitioners' Public Records Act requests to CCSD, the Department of Public Health, the Office of Emergency Services, and the State Water Resources Board, none of these agencies have provided documents providing an analysis of Cambria's drinking water status or otherwise supporting CCSD's claimed emergency. In fact, CCSD monitoring data demonstrate its well water levels are consistent with annual average levels. (*See* Exhibit F.)

Reasons the Board's Certification of CCSD's Purported CEQA Waiver Was Improper

A. CEQA'S EMERGENCY EXCEPTION DOES NOT APPLY TO ONGOING CONDITIONS LIKE THE CURRENT STATEWIDE DROUGHT.

CCSD's Project does not qualify for CEQA's Emergency Exception because the current drought is not the sort of acute emergency envisioned by the statute. Section 21080(b)(4) of the Public Resources Code exempts specific actions by public agencies "necessary to prevent or mitigate an emergency" from CEQA review. Section 21060.3 of the same Code defines qualifying emergencies as "sudden, unexpected occurrence[s], involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services." This includes "such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage." (*Ibid.*) Because CEQA itself defines what constitutes an "emergency" sufficient to trigger the Emergency Exception, the Governor's declaration of a "drought emergency" does not bear on whether CCSD's Project is statutorily exempt from CEQA review.

As the courts have explained, the Emergency Exception is extremely narrow, and applies only to discrete occurrences, not ongoing conditions. (*Western Mun. Water Dist. v. Super. Ct.* (1986) 187 Cal. App. 3d 1104, 1111.) The Emergency Exception is meant to apply to situations where, because of an acute emergency demanding immediate action, "the lead agency simply *cannot* complete the requisite paperwork within the time constraints of CEQA[.]" (*Ibid.* [citation omitted] [internal quotation marks omitted].) "For example, if a dam is ready to burst or a fire is raging out of control and human life is threatened as a result of delaying a project decision, application of the emergency exception would be proper." (*Ibid.*) Thus, the Emergency Exception only applies to discrete occurrences that happen "all at once." (*Calbeach Advocates v. City of Solana Beach* (2002) 103 Cal. App. 4th 529, 537.)

The Regional Board erred in concluding that the drought conditions in Cambria are the kind of emergency that triggers the Emergency Exception. The drought is not a sudden, unexpected occurrence that happens all at once like an earthquake or a riot. It is instead an ongoing condition that may last several years without producing the sort of acute crisis point described by the Emergency Exception. This is simply not a situation where CCSD could not

⁴ A copy of this concurrence is attached hereto as Exhibit E.

complete CEQA review in time to stave off widespread property damage or loss of life. While many communities in this state, including Cambria, concededly face difficult challenges in responding to the drought, these conditions do not rise to kind of acute, discrete emergency that the Legislature has exempted from CEQA review.

B. CCSD’S PROJECT WAS NOT PROPERLY EXEMPTED FROM CEQA REVIEW UNDER THE TERMS OF DIRECTIVES 12 AND 19 OF THE GOVERNOR’S APRIL 25, 2014 EXECUTIVE ORDER.

CCSD did not comply with the terms of the Governor’s April 25, 2014 Executive Order, and thus its Project is not exempt from CEQA. Directive 12 of the Governor’s April 25, 2014 Executive Order directs the “California Department of Public Health, the Office of Emergency Services, and the Office of Planning and Research [to] assist local agencies that the Department of Public Health⁵ has identified as vulnerable to acute drinking water shortages in implementing solutions to those water shortages.” Directive 19 of that same order then suspends CEQA review for “actions taken pursuant to directive 12 when the Office of Planning and Research concurs that local action is required[.]” Directives 12 and 19 thus set out two requirements local agencies must meet before their emergency water projects can be exempted from CEQA review: (1) the Division of Drinking Water must certify that the community suffers from an acute drinking water shortage; and (2) the Office of Planning and Research must concur that local action is required.

Common sense and the background legal principles governing CEQA exemptions dictate that CCSD was required to obtain these certifications *before* it began work on its Project. In general, agencies must assess whether a CEQA exemption applies prior to approving and undertaking a project with potential environmental impacts. (*Davidon Homes v. City of San Jose* (1997) 54 Cal. App. 4th 106, 118-19.) It is only proper for an agency to determine that its project is exempt from CEQA after it has already begun when the project qualifies for a categorical exemption, because in such cases the Legislature has conclusively determined that those activities do not produce significant environmental impacts. (*Robinson v. City & County of S.F.* (2012) 208 Cal. App. 4th 950, 960-63.) Directives 12 and 19 are best read as temporarily adding an additional non-categorical exemption to CEQA covering some emergency drought relief projects. Thus, as with any other non-categorical CEQA exemption, CCSD was required to establish that it was entitled to a CEQA exemption before it began constructing its Project.

The Regional Board erred in concluding that CCSD’s Project was properly exempt from CEQA review under Directives 12 and 19. When CCSD broke ground on its Project after May 15, 2014, it possessed neither a certification from the Division of Drinking Water that Cambria suffered from an acute drinking water shortage, nor a concurrence from the Office of Planning and Research that local action was required to alleviate the shortage. It thus began and mostly built its Project without having met the conditions set out by Directives 12 and 19. CCSD therefore effectively sidestepped the emergency project review process the Governor promulgated, and should not be allowed to paper over its missteps with post hoc rationalizations.

⁵ As of July 1, 2014, the authority to determine which communities suffer from acute drinking water shortages was transferred from the Department of Public Health to the State Water Resources Control Board’s Division of Drinking Water.

It is particularly important that the State Board conducts a meaningful review of whether CCSD's Project is exempt under Directives 12 and 19 because the Division of Drinking Water and the Office of Planning and Research appear to have abdicated the review responsibilities entrusted them by the Governor. In its Order, the Regional Board defined acute drinking water shortages as those situations where "the city will deplete its available [drinking water] supplies with 60 to 90 days." (Order at 19.) The Division of Drinking Water has, to the best of Petitioners' knowledge, never included Cambria in its publicly available list of communities suffering from acute drinking water shortages. A public records request to the Division of Drinking water returned no documentary evidence demonstrating that Cambria was ever 60 to 90 days away from exhausting its drinking water supply. Instead, CCSD and the Office of Planning and Research appear to have relied on the following September 11, 2014 email from Mr. Kurt Souza at the Division of Drinking Water to Ms. Debbie Davis at the Office of Planning and Research in determining that Cambria suffered from an acute drinking water shortage:

"The Division of Drinking Water has been monitoring the progress of [CCSD's] project for the last several months. The project is necessary to avoid a water shortage or water outages in the future. The water system has done a remarkable job conserving water to avoid outages to this point. The system's vulnerability to water outages in the future is high without the emergency water supply project."⁶

Notably, this email makes no reference either to any hard evidence that Cambria suffered from an acute drinking shortage or that Cambria was 60 to 90 days away from exhausting its drinking water supply. It thus appears that the Division of Drinking Water certified that Cambria suffered from an acute drinking water shortage without conducting any meaningful investigation or analysis.

In fact, the available evidence suggests that Cambria did not suffer from an acute drinking water shortage. Well levels in Cambria were actually roughly average relative to past years over the summer. (*See* Exhibit F.) CCSD itself apparently did not believe that Cambria was mere weeks away from exhausting its supply of drinking water, because it took 134 acre feet of water at San Simeon Creek out of circulation at the height of the dry season (July 24 – September 29) to perform a tracer test experiment. (*See* Exhibit H). Moreover, many more than 90 days passed between the time CCSD commenced its Project in May and the project's completion in November. During that time, Cambria neither ran out of drinking water, nor by all appearances came particularly close to doing so, further confirming that the Division of Drinking Water's conclusion was made without any rigorous analysis of the facts on the ground.

The Office of Planning and Research's concurrence that CCSD's Project was necessary to alleviate the drought's effects is similarly without support or requisite analysis. In its September 12, 2014 concurrence, the Office of Planning and Research stated that: (1) the Division of Drinking Water had identified CCSD "as having critical drinking water shortages, meaning that the city will deplete its available supplies within 60 to 90 days;" (2) the Office of Emergency had indicated that CCSD's project was "necessary to solve this critical drinking

⁶ Attached hereto as Exhibit G.

water shortage;” and (3) “the State Water Resources Control Board and Department of Fish and Wildlife have issued the necessary permits.”

Petitioners sent public records requests to each agency identified in the concurrence, as well as the Office of Planning and Research itself, asking for any documents or communications related to CCSD’s attempt to secure approval for its Project. The responses Petitioners received to those request demonstrate that the concurrence contains several material misrepresentations. First, as outlined earlier, it appears that the Division of Drinking Water never actually certified to the Office of Planning and Research that Cambria was at risk of depleting its drinking water supplies within 60 to 90 days. Second, the Office of Emergency Services has no documents, emails, or notes related to the Office of Planning and Research’s concurrence and thus did not provide the necessary support or analysis for the Office of Planning and Research, CCSD or the Regional Board to conclude that CCSD’s Project was necessary to solve a critical drinking water shortage. It therefore appears that the Office of Planning and Research issued its concurrence without conducting any meaningful research into the necessity or wisdom of the Project.

The Regional Board simply accepted the unsupported, conclusory determinations of these agencies despite the total lack of evidence that CCSD’s Project qualifies for exemption from CEQA under Directives 12 and 19. In doing so, the Regional Board abused its discretion by finding that CCSD was exempt from CEQA without possessing substantial evidence to support that conclusion. Therefore, Petitioners respectfully request that the State Board vacate the Regional Board’s Order certifying CCSD’s compliance with and exemption from CEQA.

8. A STATEMENT THAT THE PETITION HAS BEEN SENT TO THE APPROPRIATE REGIONAL BOARD:

A true and correct copy of this petition was sent via Certified U.S. Mail, Return Receipt Requested, and by electronic mail on December 12, 2014 to the Central Coast Regional Board and the Discharger CCSD at the following addresses:

Kenneth A. Harris, Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401
E-mail: kharris@waterboards.ca.gov

Jerry Gruber, General Manager
Cambria Community Services District
P.O. Box 65
Cambria, California 93428
E-mail: jgruber@cambriacsd.org

9. A STATEMENT THAT THE SUBSTANTIVE ISSUES OR OBJECTIONS RAISED IN THE PETITION WERE RAISED BEFORE THE REGIONAL BOARD:

Petitioners raised the issues discussed in this petition before the Regional Board in written and verbal comments during the various public comment periods, workshops, and hearings on this matter.

If you have any questions regarding this petition, please feel free to contact us directly.

Dated: December 12, 2014

Respectfully submitted,

By: 

Raza Rasheed
Certified Law Student

Attachments:

- Exhibit A, Order No. R3-2014-0050
- Exhibit B, Timeline of CCSD's Efforts to Build a Desalination Plant Near Cambria
- Exhibit C, Emergency Permit ZON2013-00589
- Exhibit D, July 22, 2014 Letter from the Coastal Commission to CCSD
- Exhibit E, September 12, 2014 Office of Planning and Research Concurrence
- Exhibit F, Well Level Monitoring Reports for San Simeon Creek Covering Summer 2014
- Exhibit G, September 2014 Emails Between the Division of Drinking Water and the Office of Planning and Research
- Exhibit H, September 22, 2014 Press Release by CCSD Regarding Its Tracer Test Experiment at San Simeon Creek

EXHIBIT

A

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

ORDER NO. R3-2014-0050

**WASTE DISCHARGE REQUIREMENTS AND
WATER RECYCLING REQUIREMENTS**

FOR THE

**CAMBRIA COMMUNITY SERVICES DISTRICT
EMERGENCY WATER TREATMENT FACILITY
RECYCLED WATER RE-INJECTION PROJECT**

ISSUED TO

Cambria Community Services District

The California Regional Water Quality Control Board, Central Coast Region (Regional Water Board) finds that:

I. BACKGROUND

1. The Cambria Community Services District (CCSD) provides water supply to residents in and around the unincorporated area of Cambria, San Luis Obispo County.
2. The CCSD's potable water is supplied solely from groundwater wells in the San Simeon Creek and Santa Rosa Creek aquifers. The San Simeon Creek and Santa Rosa Creek aquifers (coastal stream aquifers) are relatively shallow and highly porous, with the groundwater typically depleted during the dry season and recharged during the rainy season.
3. For water year 2013/2014, the total rainfall in the Cambria community was approximately 80 percent of the minimum rainfall needed to fully recharge the two coastal stream aquifers. This below-average rainfall follows two years of below-average rainfall (2012, 2013). This severe drought condition has placed the water supply for the Cambria community in immediate jeopardy.
4. The CCSD, in response to the ongoing severe drought emergency, owns and operates the Cambria Emergency Water Supply Project (emergency water supply facilities) at the District's existing San Simeon well field and effluent percolation ponds property. Figure 1 shows the location of the Emergency Water Supply Project.
5. The emergency water supply system treats impaired groundwater to recharge the San Simeon well field aquifer with treated water. The groundwater includes a blend of creek underflow, percolated wastewater treatment plant effluent, and a mix of the lower seawater wedge where it blends with freshwater.

6. The CCSD proposes to produce up to 700,000 gallons per day (gpd) of advanced treated reverse osmosis (RO) recycled water for injection into the shallow and porous aquifer to replenish the drinking water supply.
7. In addition to re-injection of 700,000 gpd of RO water, the CCSD proposes to supply 144,000 gpd of membrane filtrate (MF) product water to San Simeon Creek to prevent dewatering of the fresh water lagoon, 65,000 gpd of RO concentrate and cleaning solutions sent to a Title 27 impoundment (evaporation pond), and 90,000 gpd of MF backwash returned to the CCSD percolation ponds.

II. PURPOSE OF ORDER

8. This is a new facility, with multiple new orders to address the proposed discharges. This Order addresses the treatment of recycled water at the CCSD's effluent percolation pond site and injection of the treated water into the aquifer. Discharge to the wastewater treatment plant percolation pond will be permitted separately through WDR Order No. 01-100, discharge to the evaporation pond will be permitted separately through Title 27 Order No. R3-2014-0047, and discharge to San Simeon Creek will be permitted separately through an NPDES permit.
9. On August 22, 2014, the CCSD submitted a Report of Waste Discharge requesting new waste discharge requirements and water recycling requirements (WDRs/WRRs) to reflect a proposal to operate the Facility and inject recycled water into the San Simeon aquifer.
10. On September 10, 2014, the CCSD submitted an addendum to the Title 22 Engineering Report (Cambria Emergency Water Supply Title 22 Engineering Report) for operation of the Facility to the Regional Water Board and the State Water Resources Control Board Division of Drinking Water (DDW). The CCSD later revised the Engineering Report in response to comments received from DDW and Regional Water Board staff. The CCSD submitted the final version on September 8, 2014, for review by DDW and the Regional Water Board. The amended Engineering Report was approved by DDW on September 9, 2014.

On July 14, 2014, DDW held a public hearing in Cambria to consider the planned Facility and conditions to be imposed on the Project to ensure protection of public health and ensure that the Project will not degrade groundwater quality as a source of domestic water supply. DDW submitted a letter to the Regional Water Board with conditions for the Project adopted by DDW on September 9, 2014. The DDW found that the Project will not degrade the quality of the water in the receiving aquifers as a source of domestic water supply provided all of the conditions are met.

11. The DDW conditions are incorporated into the provisions of this Order.

III. CCSD EMERGENCY WATER SUPPLY PROJECT

12. The Cambria Community Service District (hereafter "Discharger") owns and operates

the Emergency Water Supply Project located 990 San Simeon-Monterey Creek Road, north of Cambria in San Luis Obispo County, Figure 1. The facility is adjacent to both San Simeon and Van Gordon Creeks.

13. The primary Emergency Water Supply Project components are:

1. Source water extraction of up to 1,000,000 gallons per day from well 9P7 (Figures 2 and 3). Water in well 9P7 consists of secondary treated wastewater discharge to percolation ponds, creek underflow, and deep basin brackish water.
2. Advanced Water Treatment Plant (AWTP)
 - Membrane Filtration (MF)
 - Reverse Osmosis (RO)
 - Advanced Oxidation Process (AOP)
3. Aquifer recharge by injection of recycled water.
4. Fresh water lagoon protection discharge.
5. Discharge of RO water to a Title 27 impoundment.
6. Discharge of MF backwash water to CCSD percolation ponds.

Figure 4 shows a conceptual figure of the product water and waste streams.

The emergency water supply advanced treatment facilities include multiple unit processes providing redundant levels of treatment, including MF, RO, advanced oxidation with ultra violet (UV) and hydrogen peroxide, chlorination, and product water stabilization. Equipment will be pre-packaged and mounted in shipping containers for each of the primary unit processes. Figure 5 is a process flow diagram for the advanced water treatment system.

- A. **Membrane Filtration** - The MF system provides pretreatment for the RO system to reduce the particulate and biological fouling of the RO membranes. The MF system will remove inert particulates, organic particulates, colloidal particulates, pathogenic organisms, bacteria and other particles by the size-exclusion sieve action of the membranes.
- Strainers - Strainers will be provided immediately upstream of the membrane system to protect the membranes from damage and/or fouling due to larger particles. The strainers are typically provided by the membrane manufacturers as part of a complete MF system package and are required by the membrane system warranty.
 - MF Systems - The MF system will be a containerized system utilizing an open configuration that can be installed with membranes from multiple different suppliers. MF system layout is based on the 33 gfd¹ instantaneous flux rate using Toray UF membranes. Membrane integrity will be confirmed using an online turbidimeter and by

¹ Flux or water flux is typically expressed as volume per area per unit of time. Flux is used to express the rate at which water permeates a reverse osmosis membrane. Typical units of measurement are gallons per square foot per day (GFD or GSFD) or litres per square meter per hour (l/m²/hr). The flux of a RO membrane is directly proportional to temperature and pressure. As a rule of thumb, flux decreases by about 1.5% per 1°F.

daily pressure decay tests. The system will be fully automated for flow control, backwashing, daily maintenance cleaning, and periodic chemical cleaning in place.

- Break Tank - The MF break tank will serve as a flow equalization reservoir for the MF product prior to its being supplied to the RO system. The MF filtrate will be conveyed to the MF break tank with residual pressure from the MF system. The MF break tank will mitigate the impact of the variations in the MF filtrate flow (resulting from backwashes, cleanings, and integrity tests), by providing equalization volume between the MF and RO processes equivalent to approximately 15 minutes of the maximum RO feed flow. To prevent the excessive accumulation of the particles on the membrane surface, membrane backwashes will be performed every 25 to 30 minutes. Overflow from the break tank will be directed back to the secondary effluent percolation ponds.

B. Reverse Osmosis System - The RO facility includes the following processes:

- RO feed supply pump
- RO pre-treatment chemical addition (sodium hypochlorite, ammonia, anti-scalant and sulfuric acid for scale control)
- Cartridge filters
- Primary RO feed pumps
- RO systems with interstage booster pumps

Pre-Treatment Chemical Addition - Ammonium hydroxide and sodium hypochlorite will be added downstream of the membrane filtration system for chloramination to control biological fouling of the RO membranes and pretreatment cartridge filters. The target combined chlorine concentration (chloramines) is 3 to 5 mg/L. The chemicals will be flow-paced based on the MF feed flow rate and trimmed based on the combined chlorine concentration.

The RO feed supply pumps MF filtrate from the MF break tank through the RO cartridge filters to the RO feed pumps. A three-stage RO configuration will increase recovery and reduce brine flow. The RO system is designed with target recovery of 92 percent.

The system uses three separate containers, one for each primary RO system and a separate container for the third stage system. The system includes two identical primary RO trains, equipped in separate containers and each treating half the flow. The primary RO has a two-stage design operating at approximately 85 percent recovery. The third stage RO container is equipped with one duty and one redundant third stage RO train. The third stage RO system targets approximately 50 percent recovery. The three RO containers share a common chemical cleaning system.

The cartridge filters, located upstream of the RO, help protect the RO membranes from particulates that may be introduced to the MF filtrate in the MF break tank or through chemical addition.

Anti-scalant is added to control scaling of the RO membranes. Anti-scalant is fed upstream of the RO cartridge filters. Sulfuric acid is added to lower the pH of the RO feed water to prevent calcium carbonate and calcium phosphate from limiting the RO recovery.

The concentrate from the two primary RO trains is combined and delivered to a third stage RO system, located in a separate container. The third stage RO booster pump provides additional pressure required by the third stage RO to the primary RO concentrate stream. A redundant RO membrane train will be supplied for the third stage RO system to allow continued operation during a membrane cleaning.

Membrane integrity is monitored continuously through conductivity and intermittently through weekly sampling for sulfate.

- C. **UV/Advanced Oxidation System** - The final advanced water purification process is disinfection and advanced oxidation, which are required for projects to comply with pathogenic microorganism reduction requirements included in DDW's groundwater recharge regulations.

Advanced oxidation is required to complete the full advanced treatment, achieving a minimum 0.5-log reduction of 1,4-dioxane. The UV reactors serve the dual purpose of disinfection and advanced oxidation with addition of hydrogen peroxide upstream.

The UV disinfection process will provide 6-log enteric virus reduction (towards the overall requirement of 12-log removal), 6-log Giardia cyst reduction (towards the overall requirement of 10-log removal), and 6-log Cryptosporidium oocyst reduction (towards the overall requirement of 10-log removal).

Advanced oxidation is considered the best available technology to address the destruction of trace organic compounds that are not fully removed by the RO membranes, notably NDMA, flame retardants, and 1,4-dioxane. UV/peroxide destroys trace organic compounds through two simultaneous mechanisms:

- The first mechanism is through UV photolysis (exposure to UV light) where UV photons are able to break the bonds of certain chemicals if the bond's energy is less than the photon energy.
- The second mechanism is through UV light's reacting with hydrogen peroxide to generate hydroxyl radicals. The peroxide is added to the RO permeate upstream of the UV process at a dose of approximately 3.0 mg/L.

As noted above, the UV/peroxide system is the most common advanced oxidation technology for indirect potable reuse (IPR), and has been used extensively for the removal of trace organic compounds found in treated water. The UV/peroxide system has been designed to meet the groundwater recharge regulations, providing a minimum 0.5-log reduction of 1,4-dioxane, which serves as an indicator compound for other trace organic compounds.

- D. **Chemical Systems** - Chemicals used at the AWTP include sodium hypochlorite, ammonia, sulfuric acid and anti-scalant used with the RO system, hydrogen peroxide used with the UV disinfection, and caustic soda and calcium chloride used for product water stabilization. In addition, citric acid, sodium hypochlorite, and caustic soda will be used intermittently for chemical cleaning of the membranes. Each of the chemicals and their related uses is shown in Table 1 below.

Table 1 – Chemicals Used at the AWTP

	Raw Water	Membrane Filtrate Water	Reverse Osmosis Product Water	Product water for Groundwater Injection
	Before Membrane Filtration	After Membrane Filtration – Before Reverse Osmosis	Before Ultra-violet Disinfection	After Ultra-violet Disinfection
Sodium hypochlorite	No	Yes	No	Yes
Aqueous ammonia	No	Yes	No	No
Sulfuric acid	No	Yes	No	No
Antiscalant (Acid)	No	Yes	No	No
Hydrogen peroxide	No	No	Yes	No
Sodium hydroxide	No	No	No	Yes
Calcium chloride	No	No	No	Yes

- E. **Post-Treatment Systems** - The post-treatment product water is pumped to the reinjection well, approximately 3,400 feet northeast of the AWTP. Product water quality must be controlled to minimize corrosion of the conveyance pipeline and the pumping equipment, requiring product water stabilization using caustic soda and calcium chloride.

The post-treatment strategy includes the addition of calcium chloride to increase hardness and the addition of caustic soda to increase pH. This strategy allows operators to control hardness and pH independently, producing stable product water that can be matched to any desired combination of pH, hardness, and alkalinity.

14. **Waste Discharge** - Major waste streams for the AWTP include MF backwash, RO concentrate, and miscellaneous cleaning and analytical wastes. MF backwash waste and strainer backwash is returned to the CCSD's secondary effluent percolation ponds by gravity flow, without additional treatment or flow equalization. All chemical cleaning waste, RO concentrate, and analytical waste flows are disposed of in the Van Gordon Evaporation Pond under separate (Title 27) permit.

There are four water/waste streams produced by this project (Table 2):

Table 2 - Water/Waste Streams of the Cambria Emergency Water Supply Project

Water Streams	Waste Streams	Gallons Per Day	Regulatory Mechanism
	Membrane filter backwash wastewater returned to the percolation ponds	90,000 gpd	Revised Existing WDRs Order No. 01-100
Membrane Filtrate product water discharged to San Simeon Creek to prevent dewatering of the freshwater lagoon		144,000 gpd	National Pollutant Discharge Elimination System Permit

	Reverse Osmosis concentrate and cleaning solutions sent to brine disposal impoundment	65,000 gpd	Waste Discharge Requirements (Title 27)
Advanced treated product water, recharge to groundwater		700,000 gpd	Waste Discharge Requirements (Title 22)

The project pumps up to one million gallons per day (gpd) from well 9P7 and can produce approximately 844,000 gpd of product water of varying quality and 155,000 gpd of wastewater of varying quality.

15. The water quality of each water/waste stream (including source water) is shown below in Table 3:

Table 3 - Water Quality of Product Water and Waste Streams

Parameter	Units	Source Water	Membrane Filter Backwash (Discharge to Percolation Pond)	Membrane Filtrate product (Lagoon protection water)	Reverse Osmosis Advanced Treated Product Water (Injection water)	Reverse Osmosis Brine Disposal (Title 27 Impoundment)
Alkalinity	mg/L	210	210			
Aluminum	mg/L	<0.01	<0.01			
Ammonia – N (NH3)	mg/L	0.3	0.3	1.3	0.08	2.80
Arsenic	mg/L	<0.002	<0.002			
Barium (Ba)	mg/L			0.13	0.01	1.80
Bicarbonate (HCO3)	mg/L			290	84.6	1,619
Boron (B)	mg/L	0.32	0.32	0.32	0.32	0.34
Carbon Dioxide(CO2)	mg/L			12	38	38
Carbon trioxide(CO3)	mg/L			0	0	1.10
Calcium (Ca)	mg/L	72	72	72	4.1	943
Chloride (Cl)	mg/L	347	347	347	70	6,015
Cyanide	mg/L	<0.004	<0.004			
Fluoride (F)	mg/L	0.1	0.1	0.1	0.03	0.90
Iron	mg/L	0.15	0.15		<0.01	
Lead	mg/L	0.0017	0.0017		<0.0005	
Magnesium (Mg)	mg/L	58	58	58	3.3	760
Manganese	mg/L	0.0069	0.0069		<0.002	
Nitrate (N)	mg/L	27	27	4	2.3	17
pH		7.6	7.6	7.6	8.5	7.8
Phosphate (PO4 as P)	mg/L	18	18			
Potassium (K)	mg/L			26	7.8	268
Silicon Dioxide(SiO2)	mg/L	20	20	20	6.76	197
Sodium (Na)	mg/L	247	247	247	61.7	2,687
Strontium (Sr)	mg/L			0.58	0.03	7.10

Sulfate (SO4)	mg/L	107	107	107	6.3	1,772
TDS	mg/L	1110	1110	1,110	242	14,291
TOC	mg/L	3.9	3.9		0.1	
Turbidity	NTU	0.5	0.5		0.05	
Caffeine	µg/L	0.67	0.67			
Sucralose	µg/L	45	45			
NDMA	µg/L	<0.002	<0.002		ND	

16. **Evaporation Pond** - The RO concentrate, chemical cleaning waste, and analytical instrument waste are sent to the Van Gordon Evaporation Pond for disposal via evaporation. The Van Gordon reservoir, originally constructed for percolation of secondary effluent from the CCSD's wastewater treatment plant, is now lined with an impermeable liner to meet Title 27 Class II waste discharge standards. In addition, to accelerate evaporation of the disposed RO brine, five (four on-duty and one standby) mechanical spray evaporators will be installed. The mechanical spray evaporators will be located along the west berm in order to provide the greatest setback from the Van Gordon Creek corridor and will be enclosed with noise barriers.

17. **Time and Hours of Operation** - The AWTP is assumed to operate continuously for six months of the year when drought conditions are most severe. The spray evaporator operation will be controlled by weather stations and will operate only when wind direction, wind velocity, temperature and humidity are within preset ranges. Considering the foggy weather in the area and the nearby Hearst San Simeon State Park campgrounds, it is assumed that the spray evaporators will be operated approximately 12 hours per day, during day time, and year round (i.e., approximately 50 percent of time on annual average).

IV. RECYCLED WATER INJECTION SYSTEM

18. **Injection Facilities** - Injection well RIW-1 is located on the east side of the CCSD property approximately 300 feet north of San Simeon Creek and 500 feet south of San Simeon Creek Road (Figure 3). Well RIW-1 is approximately 1,300 feet west of wells SS-1 and SS-2 and approximately 1,700 feet northeast of the proposed water treatment facility and existing effluent ponds. The property is a 92-acre, unimproved, open field vegetated with grass, shrubs and some trees and varies in elevation from approximately 20 to 25 feet above mean sea level. The CCSD production wells, SS-1, SS-2 and SS-3, are located on the eastern end of the property, and a gravel road connects the wells and transverses this portion of the property.

19. **Injection Well** - Well RIW-1 is 100 feet deep and constructed of 10-inch diameter mild steel well casing with 45 feet of type 304L stainless steel, wire-wrap screen with 0.08-inch wide slot openings. There is mechanical coupler for dissimilar metals separating the mild steel casing and stainless steel screen. The well is screened from 50 to 95 feet bgs, and has a 5-foot stainless steel sediment trap below the well screen. The CCSD will inject 454 gpm into the well.

The wellhead facilities will be above grade. Wellhead facilities include steel pipe, a flow control valve, a flow meter, and isolation valves to remove above-ground equipment. There will be no pumps or noise-generating equipment installed at the injection well site. A small panel will be above grade and adjacent to the well for the

controls of the foot valves, which are located below ground in the well to maintain a backpressure on the well piping.

20. **Extraction Wells** - CCSD has three production wells in the basin: SS-1, SS-2, and SS-3 (Figure 3). They are screened between 30 to 75 feet below ground surface (bgs) (SS-2) and 30 to 105 feet bgs (SS-1 and SS-3). The wells pump at 400 gpm. Well SS-3 is seldom used. The 2013 annual volume of water extracted from the CCSD wells was 354 acre-ft (A.F.). Well SS-3 will not be operated during the emergency water supply operations. Well 9P7 is a gradient control well adjacent to the effluent percolation ponds. It will supply water to the advanced water plant. After treatment, the estimated pumping rate is 691 gpm (one million gpd), with 484 gpm (700,000 gpd) pumped into RIW-1 and 100 gpm (144,000 gpd) pumped membrane filtrate product water discharged to San Simeon Creek to prevent dewatering of the freshwater lagoon.

V. SURFACE WATER STUDIES

21. Table 4 below summarizes the water quality in San Simeon Creek, and site locations are shown on Figure 1. The data in Table 4, collected by the Central Coast Ambient Monitoring Program (CCAMP) from 2001 through 2013, shows that water quality at monitoring site 310SSC is degraded. The data also show water at monitoring site 310SSU (the upstream station) is of high quality.

Table 4 – Surface Water Quality in San Simeon Creek (Source CCAMP)

Pollutants in mg/L	Surface Water Monitoring Sites	
	310SSC (downstream)	310SSU (upstream)
Chloride	123 ^A	11.7 ^{C1}
Nitrogen (Total) – TN	7.82 ^A	0.43 ^C
TN – (Range)	0.298 – 28.4	0.076 – 3.91
Nitrate as N	7.45 ^A	0.11 ^C
Nitrate as N (Range)	0.021 - 28 ^D	0.01 - 0.88 ^F
Phosphorus (Total) – TP	0.68 ^A	0.05 ^C
Orthophosphate	0.63 ^A	0.01 ^C
Salinity (ppt)	0.56 ^B	0.24 ^C
Sodium	99 ^A	16 ^{C1}
TDS	659 ^A	300 ^C

A = Mean for all years (2001-2013); B = Mean for all years (2001-2012 through August); C = Mean for years (2002, 2003, 2009); D = years 2001-2013; E = years 2001-2012 through August; F = years 2002, 2003, 2009; 1 = no data for 2003; 2 = 2012 complete year; G = CCAMP webpage data

Land use in the San Simeon Creek watershed includes a state campground, a gravel mining facility, range land, natural landscapes, various agriculture operations (row crops, orchard, and vineyard). Throughout the watershed, there are approximately 53 parcels with houses, septic systems, and domestic wells.

VI. GROUNDWATER STUDIES

22. **Hydrogeology of Project Area** - Groundwater occurs in the alluvial deposits beneath San Simeon Creek, which drains the western flanks of the Santa Lucia Range in San

Luis Obispo County and discharges into the Pacific Ocean. The alluvial aquifer is recharged primarily by seepage from San Simeon Creek, which typically flows during the winter and spring rainy season. The CCSD uses wells along San Simeon Creek in a thin, narrow groundwater basin within the alluvium.

The CCSD's San Simeon well field consists of three potable water supply wells located approximately one mile inland from the ocean. The CCSD also utilizes a series of percolation ponds between the well field and the ocean where secondary treated waste water is recharged back to the aquifer. Pumping during the dry season results in seasonal declines in groundwater levels since production is supported by removal of water from storage in the aquifer when the stream is not flowing. In addition to the CCSD water supply wells and effluent discharge, there are privately operated water wells for both domestic and agricultural uses.

23. **Groundwater Quality** - Groundwater quality data prior to the CCSD's discharging in the watershed are shown below in Table 5 (Boyle 1977)². These data imply groundwater in lower San Simeon Creek was supportive of beneficial uses, and it should be noted that nitrate in the Bonomi Ranch irrigation well had an average concentration of 5.4 mg/L NO₃ as N prior to 1969. This concentration is similar to the average annual concentration for the period 2001-2012 of 4.8 mg/L from well 9P7.

Table 5 - Groundwater Quality in San Simeon Creek Watershed pre-1980

Parameter	Bonomi Ranch** Irrigation Well 1975 (mg/L)	Average* of Analyses Prior to 1969 Concentration (mg/L)		
		Average	Maximum	Minimum
Ca	34	46.8	58	26
Mg	29	36.3	40	33
Na	21	17.6	21	14
K	0.8	1.25	4	1
HCO ₃	220	277	307	203
SO ₄	44	40.2	47	35
CO ₃	0	1.3	14	0
Cl	20	22.3	53	16
NO ₃ (N)	10	5.4	30	1.8
F	0.1	0.25	0.9	0.1
B	0.33	0.18	0.22	0.13
Fe	0.10	No Data	No Data	No Data
Mn	Less than 0.01	No Data	No Data	No Data
TDS	350	323	396	260
Total Hardness	269	266	297	209

* Concentrations are averages based on Department of Water Resources (Memorandum 282.31, 1969) test results (12 samples per well).

**Bonomi Ranch is now CCSD's wastewater disposal sprayfields/percolation ponds (State of California, 1977). Data here appears to be a single sample (not specified in source report).

² Boyle Engineering Corporation, 1977, Second Supplemental Report for County of San Luis Obispo on Cambria Wastewater Disposal Facilities, San Luis Obispo County, California, January 1977

- A. CCSD groundwater data for years 2001 through 2012 from water supply and monitoring wells are presented below in Table 6. These data indicate groundwater in upper San Simeon Creek (upstream of the wastewater discharge) is supportive of beneficial uses, and it should be noted that the nitrate concentrations in well SS3 have an average concentration of 0.8 mg/L NO₃ as N. The data for well 9P7 show that pollutant concentrations in groundwater are elevated when compared to samples from SS3, but the water quality is supportive of beneficial uses. Finally, the data for well 16D1 (down gradient of the CCSD wastewater discharge) show that pollutant concentrations in groundwater are elevated when compared to samples from SS3 and 9P7, and the water quality is not supportive of beneficial uses. In samples from well 16D1, nitrate, sodium, and chloride exceed water quality objectives.

Table 6 - Groundwater Quality in the San Simeon Basin

Annual Average (mg/L)	Groundwater Quality Ave for years 2001 -2012*		
	SS3	9P7	16D1
Nitrate as N*	0.8	4.8	12.1
TDS	357	501	769
Sodium (Na)	20	54	123
Chloride (Cl)	21	72	170
SO ₄	43	56	85
B	0.2	0.2	0.3

*Sample size range = 19-26 samples depending on well and constituent

- B. A report by Jones & Stokes (1991)³ confirms that groundwater below the CCSD discharge is seeping into surface waters adjacent to sprayfield operations. The Jones & Stokes report states, “the lagoon is formed by seepage of groundwater into the creek, principally near the upstream end of the lagoon,” which is adjacent to the wastewater disposal area. This same report goes on to state that locating the proposed percolation ponds⁴ toward the downstream end of the sprayfields would maximize the likelihood that infiltrated pond water would seep into the creek and lagoon.
- C. In July 1999, the CCSD submitted a Surface Water Monitoring Report (CCSD 1999)⁵ to the Water Board. This report confirms that “elevated levels of nitrate downstream of the effluent disposal ponds indicate water quality degradation in the surface water and in the groundwater at well 9P7.” This report goes on to state there is a need to lower nitrate impacts associated with the CCSD effluent and that the effluent discharge should use an average level of “5.0 mg/L nitrate as nitrogen.”
- D. Groundwater quality is degraded as a result of the CCSD point source discharge.

³ Jones & Stokes Associates, Inc., 1991, Hydrologic Evaluation of the Design and Impacts of the Cambria Community Services District’s Proposed Groundwater Recharge Project, Prepared for John Carollo Engineers

⁴ Sprayfield converted to percolation ponds in approximately 2000

⁵ Cambria Community Services District, 1999, Surface Water Monitoring Study, Report of Preliminary Findings

Three reports (Boyle 1977, Jones and Stokes 1991, and CCSD 1999) developed for the CCSD confirm that the CCSD discharge is seeping into groundwater and the 1999 report states that the CCSD needs to lower nitrate impacts associated with wastewater discharge.

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 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.

The CCSD conducted a tracer test to determine the retention time of injected treated water. The test shows 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. The tracer is a 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 was used to provide adequate concentrations for assessing breakthrough. The intermediate injection well, MIW-1 and well SS-2 were sampled and analyzed for the bromide ion to establish retention time.

Results from the tracer study show the bromide ion reached well SS2 in approximately 58 days using detection of two percent (2%) of the initially introduced tracer concentration. The same analysis showed the tracer reaching well SS1 in 67 days. The CCSD proposes a well pumping program to ensure a minimum of 61 days travel time to well SS2. Once the facility is operating and injecting water, the Discharger will repeat the tracer study to confirm travel times under normal operating conditions. Conditions of operation are included in the Operations, Maintenance and Monitoring Plan (OMMP).

VII. REGULATION OF RECYCLED WATER

25. Legislation was adopted, effective July 1, 2014, that transferred personnel in the CDPH Drinking Water Program, which includes those working on permitting of recycled water projects, to the State Water Board as the new Division of Drinking Water (DDW). The Regional Water Boards are responsible for issuing water reclamation requirements for the beneficial use of recycled water. The State Water Board and Regional Water Boards are responsible for issuing waste discharge requirements for the beneficial use of recycled water that includes a discharge to waters of the State.
26. State authority to oversee recycled water use is shared by the State Water Board, the Division of Drinking Water, and the Regional Water Boards. DDW is the division with the primary responsibility for establishing water recycling criteria under Title 22 of the Code of Regulations to protect the health of the public using the groundwater basins as a source of potable water.

27. The State Water Board adopted Resolution No. 77-1, *Policy with Respect to Water Reclamation in California*, which includes principles that encourage and recommend funding for water recycling and its use in water-short areas of the state. On September 26, 1988, the Regional Water Board also adopted Resolution No. 88-012, which encourages the beneficial use of recycled water and supports water recycling projects.
28. The State Water Board adopted the Recycled Water Policy (State Water Board Resolution No. 2009-0011) on February 3, 2009, and amended the Policy on January 22, 2013. The purpose of the Recycled Water Policy is to protect groundwater resources and to increase the beneficial reuse of recycled water from municipal wastewater sources in a manner consistent with state and federal water quality laws and regulations. The Recycled Water Policy describes the respective authority of DDW and the Regional Water Boards as follows:

Regional Water Boards shall appropriately rely on the expertise of DDW for the establishment of permit conditions needed to protect human health. (section 5.b)

Nothing in this paragraph shall be construed to limit the authority of a Regional Water Board to protect designated beneficial uses, provided that any proposed limitations for the protection of public health may only be imposed following regular consultation by the Regional Water Board with DDW, consistent with State Water Board Orders WQ 2005-0007 and 2006-0001. (section 8.c)

Nothing in this Policy shall be construed to prevent a Regional Water Board from imposing additional requirements for a proposed recharge project that has a substantial adverse effect on the fate and transport of a contaminant plume or changes the geochemistry of an aquifer thereby causing dissolution of constituents, such as arsenic, from the geologic formation into groundwater. (section 8.d)

In addition, the Policy notes the continuing obligation of the Regional Water Boards to comply with the state's anti-degradation policy, Resolution No. 68-16:

The State Water Board adopted Resolution No. 68-16 as a policy statement to implement the legislature's intent that waters of the state shall be regulated to achieve the highest water quality consistent with the maximum benefit to the people of the state. (section 9.a)

29. Section 13523(a) of the Water Code provides that a Regional Water Board, after consulting with and receiving recommendations from DDW, and after any necessary hearing, shall, if it determines such action to be necessary to protect the health, safety, or welfare of the public, prescribe water recycling requirements (WRRs) for water that is used or proposed to be used as recycled water. Pursuant to Water Code section 13523, the Central Coast Regional Water Board has consulted with DDW and received its recommendations. On July 14, 2014, DDW participated in a public hearing to consider the proposed Cambria Emergency Water Supply Project. On September 9, 2014, DDW transmitted to the Regional Water Board its

conditions concerning the Cambria Emergency Water Supply Project.

30. Section 13540 of the Water Code requires that recycled water may only be injected into an aquifer used as a source of domestic water supply if DDW finds the recharge will not degrade⁶ the quality of the receiving aquifer as a source of water supply for domestic purposes. In its conditions, DDW determined that “provided that WRR meets all of the above conditions DDW finds that the Cambria Emergency Water Supply Project can provide injection recharge water that will not degrade groundwater basins as a source of water supply for domestic purposes.”
31. Section 13523(b) of the Water Code provides that reclamation requirements shall be established in conformance with the uniform statewide recycling criteria established pursuant to Water Code section 13521. Section 60320 of Title 22 currently includes requirements for groundwater recharge projects. The State Water Resources Control Board adopted uniform water recycling criteria for groundwater recharge on July 15, 2014.

VIII. OTHER APPLICABLE PLANS, POLICIES AND REGULATIONS

A. Regional Board Water Quality Control Plan (Basin Plan)

32. The Regional Water Board has adopted the *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan). The Basin Plan designates beneficial uses for surface and groundwater; establishes narrative and numeric water quality objectives that must be attained or maintained to protect the designated (existing and potential) beneficial uses and to conform with the state’s anti-degradation policy; and includes implementation provisions, programs, and policies to protect all waters in the region. In addition, the Basin Plan incorporates applicable State Water Board and Regional Water Board plans and policies and other pertinent water quality policies and regulations.
33. The Basin Plan incorporates the California Code of Regulations (CCR) Title 22 primary Maximum Contaminant Levels (MCLs) by reference. This incorporation is prospective, including future changes to the incorporated provisions as the changes take effect. The Basin Plan states that groundwater designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents and radionuclides in excess of the MCLs. The Basin Plan also specifies concentrations that cause nuisance or adversely affect beneficial uses.
34. The Basin Plan contains beneficial uses and water quality objectives for the San Simeon Groundwater Basin, which is the receiving water affected by the injection of recycled water from the project. The beneficial uses and water quality objectives of the San Simeon Groundwater Basin are as follows:

⁶ Groundwater will be degraded; however, the degraded water will support beneficial uses.

Table 7 - Beneficial Uses of Groundwater

Receiving Water		Beneficial Uses		
San Simeon Valley (3-35) – An Alluvial Aquifer		Municipal and domestic water supply (MUN) Industrial service supply (IND) Industrial process supply (PROC) Agricultural supply (AGR)		
Water Quality Objectives for San Simeon Valley (3-35)				
		Units	Source Basin Plan Table 3.3	Source Basin Plan Table 3.4
Aluminum	5	mg/L		X
Ammonia (NH4-N)	5	mg/L	X	
Arsenic	0.1	mg/L		X
Bicarbonate (HCO3)	90	mg/L	X	
Beryllium	0.1	mg/L		X
Boron	0.5	mg/L	X	
Cadmium	0.01	mg/L		X
Chloride	106	mg/L	X	
Chromium	0.1	mg/L		X
Cobalt	0.05	mg/L		X
Copper	0.2	mg/L		X
Fluoride	1.0	mg/L		X
Iron	5.0	mg/L		X
Lead	0.1	mg/L		X
Lithium	2.5 ^d	mg/L		X
Manganese	0.2	mg/L		X
Mercury	0.01	mg/L		X
Molybdenum	0.01	mg/L		X
Nickel	0.2	mg/L		X
Nitrate	5	mg/L	X	
Nitrite	10	mg/L		X
pH			X	
Salinity	0.75	mmho/cm	X	
Selenium	0.02	mg/L		X
Sodium	69	mg/L		
Sulfate				
TDS				
Vanadium	0.1	mg/L		X
Zinc	2.0	mg/L		X

d – Recommended maximum concentration for irrigation of citrus is 0.075 mg/L

Although not designated as water quality objectives for San Simeon Valley (3-35), Table 8 below shows the existing groundwater quality in the San Simeon Valley from the CCSD water supply well (SS3) and Basin Plan water quality objectives for an adjacent alluvial aquifer, Santa Rosa Valley (3-36). The CCSD uses water from both San Simeon Valley (3-35) and Santa Rosa Valley (3-36) for domestic supply.

Table 8 - Existing Groundwater Quality in the San Simeon Valley (3-35) and Groundwater Quality Objectives for Santa Rosa Valley (3-36)

Existing Groundwater Quality from Well SS3 in the San Simeon Valley (3-35)					
TDS	Nitrate	Sodium	Chloride	Sulfate	Boron
357	0.8 mg/L	20 mg/L	21 mg/L	43	0.2
Groundwater Quality Objectives for Santa Rosa Valley (3-36)					
TDS	Nitrate	Sodium	Chloride	Sulfate	Boron
700	5 mg/L	50 mg/L	100 mg/L	80	0.2

35. The Basin Plan contains the following specific water quality objectives:

- **MUNICIPAL AND DOMESTIC SUPPLY (MUN)**
 - Bacteria - The median concentration of coliform organisms over any seven-day period shall be less than 2.2/100 ml.
 - Organic Chemicals - Ground waters shall not contain concentrations of organic chemicals in excess of the limiting concentrations set forth in California Code of Regulations, Title 22, Chapter 15, Article 5.5, Section 64444.5, Table 5 and listed in Basin Plan Table 3-1.
 - Chemical Constituents - Ground waters shall not contain concentrations of chemical constituents in excess of the limits specified in California Code of Regulations, Title 22, Chapter 15, Article 4, Section 64435, Tables 2 and 3.
 - Radioactivity - Ground waters shall not contain concentrations of radionuclides in excess of the limits specified in California Code of Regulations, Title 22, Chapter 15, Article 5, Section 64443, Basin Plan Table 4.

- **AGRICULTURAL SUPPLY (AGR)**
 - Ground waters shall not contain concentrations of chemical constituents in amounts that adversely affect such beneficial use. Interpretation of adverse effect shall be as derived from the University of California Agricultural Extension Service guidelines provided in Basin Plan Table 3-3.

In addition, water used for irrigation and livestock watering shall not exceed the concentrations for those chemicals listed in Basin Plan Table 3-4. No controllable water quality factor shall degrade the quality of any ground water resource or adversely affect long-term soil productivity. The salinity control aspects of ground water management will account for effects from all sources.

B. State Water Resources Control Board Policies

36. The Sources of Drinking Water Policy (Resolution No. 88-63) provides that all waters of the state, with certain exceptions, are to be protected as existing or potential sources of municipal and domestic supply. Exceptions include waters with existing high dissolved solids (i.e., greater than 3,000 mg/L), low sustainable yield (less than 200 gallons per day for a single well), waters with contamination that cannot be treated for domestic use using best management practices or best economically achievable treatment practices, waters within particular municipal, industrial and agricultural wastewater conveyance and holding facilities, and regulated geothermal groundwaters.

37. A goal of the Recycled Water Policy (State Water Board Resolution No. 2009-0011) is to increase the beneficial use of recycled water from municipal wastewater sources in a manner consistent with state and federal water quality laws and regulations. The Policy directs the Regional Water Boards to collaborate with generators of municipal wastewater and interested parties in the development of salt and nutrient management plans (SNMPs) to manage the loading of salts and nutrients to groundwater basins in a manner that is protective of beneficial uses, thereby supporting the sustainable use of local waters.
38. DDW has established a notification level of 10 nanograms per liter (ng/L) for N-Nitrosodimethylamine (NDMA). The notification level is the concentration level of a contaminant in drinking water delivered for human consumption that DDW has determined, based on available scientific information, does not pose a significant health risk but warrants notification. Notification levels are established as precautionary measures for contaminants that may be considered candidates for establishment of maximum contaminant levels, but have not yet undergone or completed the regulatory standard setting process prescribed for the development of maximum contaminant levels and are not drinking water standards. DDW has established a response level of 300 ng/L for NDMA. The response level is the concentration of a contaminant in drinking water delivered for human consumption at which DDW recommends that additional steps, beyond notification, be taken to reduce public exposure to the contaminant.

C. California Water Code

39. Pursuant to California Water Code (Water Code) section 106.3, it is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking and sanitary purposes.
40. Pursuant to Water Code section 13263(g), discharges of waste into waters of the state are privileges, not rights. Nothing in this Order creates a vested right to continue the discharge. Water Code section 13263 authorizes the Regional Water Board to issue waste discharge requirements that implement any relevant water quality control plan.
41. Section 13267(b) of the Water Code states, in part:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging or who proposes to discharge within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region shall furnish under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to

provide the reports.

Section 13267(d) of the Water Code states, in part:

[A] regional board may require any person, including a person subject to waste discharge requirements under section 13263, who is discharging, or who proposes to discharge, wastes or fluid into an injection well, to furnish the state board or regional board with a complete report on the condition and operation of the facility or injection well, or any other information that may be reasonably required to determine whether the injection well could affect the quality of the waters of the state.

42. On October 28, 1968, the State Water Board adopted Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution 68-16), establishing an anti-degradation policy for the State Water Board and Regional Water Boards. Resolution No. 68-16 requires that existing high quality of waters be maintained unless a change is demonstrated to be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial uses of waters, and will not result in water quality less than that prescribed in applicable policies. Resolution No. 68-16 also prescribes waste discharge requirements for discharges to high quality waters that will result in the best practicable treatment or control of the discharge necessary to ensure that a pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the State will be maintained. The Regional Water Board's Basin Plan implements, and incorporates by reference, the state anti-degradation policy.
43. This Order is consistent with Resolution No. 68-16 (Anti-degradation policy). Groundwater recharge with recycled water for later extraction and use in accordance with the Recycled Water Policy and state and federal water quality laws is to the benefit of the people of the State of California. Nonetheless, groundwater recharge projects using recycled water have the potential to lower water quality within a basin. The Regional Water Board finds that, based on available information and monitoring data, any change in the existing high quality of the groundwater basin as a result of groundwater recharge allowed by this Order will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not cause exceedance of applicable water quality standards for the basin. As described in the findings herein, the CCSD is implementing the best practicable treatment or control of the recycled water to be injected into the basin for groundwater recharge. Compliance with this Order will protect present and anticipated beneficial uses of the groundwater, ensure attainment of water quality prescribed in applicable policies, and avoid any conditions of pollution or nuisance.
44. The need for the technical and monitoring reports required by this Order, including the Monitoring and Reporting Program, is based on the Report of Waste Discharge (ROWD) and Engineering Report; the DDW Conditions; the California Environmental Quality Act (CEQA) Initial Study; and other information in the Regional Water Board's files for the Facility. The technical and monitoring reports are necessary to ensure compliance with these waste discharge requirements and water recycling requirements. The burden, including costs, of providing the technical reports

required by this Order bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

45. This Order includes limits on quantities, rates, and concentrations of chemical, physical, biological, and other pollutants in the advanced treated recycled water that is injected into groundwater.

IX. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND NOTIFICATION

46. By proclamations dated January 17, 2014, and April 25, 2014, the Governor declared a state of emergency in California due to the ongoing extraordinary drought. Each proclamation included a directive that suspended the environmental review required by the California Environmental Quality Act (CEQA) to allow certain directive from the Governor to take place as quickly as possible. The project is consistent with the following directive from the April 25, 2014, proclamation: Directive 12: The California State Water Resources Control Board, Department of Drinking Water (DDW), the Office of Emergency Services, and the Office of Planning and Research will assist local agencies that the Department of Public Health has identified as vulnerable to acute drinking water shortages in implementing solutions to those water shortages. Under Directive 19 of the April 25, 2014 Proclamation, environmental review required by CEQA is suspended for actions taken pursuant to Directive 12, and for all necessary permits needed to implement those actions, when the Office of Planning and Research "concurs that local action is required."

DDW has identified the Cambria Community Services District (district) as having critical drinking water shortages, meaning that the city will deplete its available supplies within 60 to 90 days. The Office of Emergency Services has indicated that the project described in the attached Notices of Exemption is necessary to solve this critical drinking water shortage. The Office of Planning and Research concurred that local action is required on September 12, 2014. Therefore, the project is exempt from CEQA because the Governor suspended CEQA for this project pursuant to Directives 9 and 12 of the April 25, 2014 proclamation.

47. The project is also consistent with the statutory exemption for an emergency project. CEQA defines emergency as follows: "Emergency' means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. 'Emergency' includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage." [Public Resources Code Section 21060.3.] Specific actions necessary to prevent or mitigate an emergency are exempt from CEQA. Emergency activities do not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term. [Title 14 California Code of Regulations, Section 15269(c).] The basis for claiming the exemption is that the CCSD's water situation is dire, and the Emergency Water Supply Project will avoid potentially disastrous consequences from not having adequate water for health, safety, sanitation, and fire protection and will mitigate the effects of the drought emergency declared by the Governor and emergencies that result from future critical water shortages.

48. Any person aggrieved by this action may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, Title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality/

49. The Regional Water Board has notified the CCSD and interested agencies and persons of its intent to issue this Order for the production and use of recycled water and has provided them with an opportunity to submit written comments. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to these WDRs/WRRs.

THEREFORE, IT IS HEREBY ORDERED that Order No. R3-2014-0050, with MRP No. R3-2014-0050, is effective as of the date of this Order, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations and guidelines adopted thereunder, and California Code of Regulations Title 22, division 4, chapter 3, the CCSD shall comply with the requirements in this Order.

I. INFLUENT SPECIFICATIONS

The influent to the CCSD Advanced Water Treatment Plant shall consist of secondary treated wastewater discharge to percolation ponds in basin storage, creek underflow, and deep basin brackish water with limited recharge as described in the approved 2014 Title 22 Engineering Report.

II. RECYCLED WATER TREATMENT SPECIFICATION

Treatment of the recycled water shall be as described in the findings of this Order and the conditions issued by DDW.

III. RECYCLED WATER DISCHARGE LIMITS

1. The advanced treated recycled water injected at well RIW-1 shall not contain pollutants in excess of the following limits:

Table 9 – Reverse Osmosis Recycled Water Discharge Limits, Groundwater Reinjection

Constituents	Units	Concentration ⁷	Monitoring Frequency	Compliance Interval
Ammonia as N	mg/L	0.1	Weekly grab or 24 hour composite	Sample Result: no averaging

⁷ Source, CCSD Emergency Water Supply Title 22 Report

Boron	mg/L	0.32	Monthly	Running Annual Average
Chloride	mg/L	70	Monthly	Running Annual Average
Nitrate as N	mg/L	2.3	Weekly grab or 24 hour composite	Sample Result: no averaging
Sodium	mg/L	62	Monthly	Running Annual Average
Sulfate	mg/L	43	Monthly	Running Annual Average
TDS	mg/L	357	Monthly	Running Annual Average
Total Coliform	MPN/100ml	<2.2	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 San Simeon Creek alluvial aquifer.

MEMBRANE FILTER BACKWASH WATER TREATMENT SPECIFICATION

Treatment of the membrane filter backwash water shall be as described in the findings of this Order and the Conditions issued by DDW.

IV. GENERAL REQUIREMENTS

1. Recycled water shall not be used for direct human consumption or for the processing of food or drink intended for human consumption.
2. Bypass, discharge, or delivery to the use area of inadequately treated recycled water, at any time, is prohibited.
3. The Facility and injection wells shall be adequately protected from inundation and damage by storm flows.
4. Recycled water use or disposal shall not result in earth movement in geologically unstable areas.
5. Odors of sewage origin shall not be perceivable at any time outside the boundary of the Facility.
6. The CCSD shall at all times properly operate and maintain all treatment facilities and control systems (and related appurtenances) that are installed or used by the CCSD to achieve compliance with the conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls (including appropriate quality assurance procedures).
7. A copy of these requirements shall be maintained at the Facility and available at all times to operating personnel.

8. For any material change or proposed change in character, location, or volume of recycled water or its uses, the CCSD shall submit at least 120 days prior to the proposed change an engineering report or addendum to the existing engineering report to the Regional Water Board and DDW (pursuant to Water Code Division 7, Chapter 7, Article 4, section 13522.5 and CCR Title 22, Division 4, Chapter 3, Article 7, section 60323) for approval. The Engineering Report shall be prepared by a qualified engineer registered in California.
9. Any pipeline or brine conveyance from the AWTP to the surface impoundment shall be equipped with secondary containment.

V. PROVISIONS

1. Injection of the advanced treated recycled water shall not cause or contribute to an exceedance of water quality objectives in groundwater.
2. Groundwater Well Replacement: Replacement or addition of injection wells to the Cambria Emergency Water Supply Project will not require a report of material change, filing of a new Report of Waste Discharge, or submitting an updated Engineering Report, provided:
 - a. The additional injection capacity does not violate any requirement in this Order;
 - b. At least 30 days prior to installation of an additional well, the CCSD submits, in writing, the purpose, design, and location of the well to DDW and the Regional Water Board;
 - c. The Regional Water Board, in consultation with DDW, approves the location of the additional well (If the Regional Water Board fails to approve or deny the proposed construction within thirty days of receipt of the proposal, the proposal shall be deemed approved). The new CCSD wells described in the DDW Conditions are exempt from this requirement.
 - d. Within 90 days after the installation or replacement of the well, the CCSD submits, in writing, the complete geologic and electrical logs and as-built construction diagrams of the injection wells to DDW and the Regional Water Board.
3. The CCSD shall submit to the Regional Water Board, under penalty of perjury, self-monitoring reports according to the specifications contained in the MRP, as directed by the Executive Officer and signed by a designated responsible party.
4. The Discharger must evaluate and field validate the operating assumptions for the AWTP (quality of: water supply, membrane filter backwash discharge, membrane filtrate discharge, reverse osmosis product water re-injection, and lagoon condition) and compare the pre-project assumptions to documented operating data. The Discharger must submit a report detailing differences between

documented operating values and concentrations/conditions. The report must be submitted within 10 days following the first 30 days of AWTP operation.

5. The CCSD shall notify this Regional Water Board and DDW by telephone or electronic means within 24 hours of knowledge of any violations of this Order or any adverse conditions as a result of the use of recycled water from this facility; written confirmation shall follow within five working days from date of notification. The report shall include, but not be limited to, the following information, as appropriate:
 - a. The nature and extent of the violation;
 - b. The date and time when the violation started, when compliance was achieved, and when injection was suspended and restored, as applicable;
 - c. The duration of the violation;
 - d. The cause(s) of the violation;
 - e. Any corrective and/or remedial actions that have been taken and/or will be taken with a time schedule for implementation to prevent future violations; and,
 - f. Any impact of the violation.
6. This Order does not exempt the CCSD from compliance with any other laws, regulations, or ordinances which may be applicable; it does not legalize the recycling and use facilities; and it leaves unaffected any further constraint on the use of recycled water at certain site(s) that may be contained in other statutes or required by other agencies.
7. This Order does not alleviate the responsibility of the CCSD to obtain other necessary local, state, and federal permits to construct facilities necessary for compliance with this Order, nor does this Order prevent imposition of additional standards, requirements, or conditions by any other regulatory agency.
8. This Order may be modified, revoked and reissued, or terminated for cause, including but not limited to, failure to comply with any condition in this Order; endangerment of human health or environment resulting from the permitted activities in this Order; obtaining this Order by misrepresentation or failure to disclose all relevant facts; or acquisition of new information that could have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the CCSD for modification, revocation and reissuance, or termination of the Order or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
9. The CCSD shall furnish, within a reasonable time, any information the Regional Water Board or DDW may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The CCSD shall also furnish the Regional Water Board, upon request, with copies of

records required to be kept under this Order for at least three years.

10. In an enforcement action, it shall not be a defense for the CCSD that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the CCSD shall, to the extent necessary to maintain compliance with this Order, control production of all discharges until the facility is restored or an alternative method of treatment is provided. This provision applies, for example, when the primary source of power of the treatment facility fails, is reduced, or is lost.
11. This Order includes the attached *Standard Provisions and Reporting Requirements for Waste Discharge Requirements*. If there is any conflict between the provisions stated in this Order and the Standard Provisions, the provisions stated in this Order shall prevail.
12. This Order includes the attached MRP No. R3-2014-0050. If there is any conflict between provisions stated in the MRP and the Standard Provisions, those provisions stated in the MRP prevail.
13. The DDW conditions that are not explicitly included in this Order are incorporated herein by this reference, and are enforceable requirements of this Order. Any violation of a term in this Order that is identical to a DDW Condition will constitute a single violation.

VI. STATE WATER RESOURCES CONTROL BOARD DIVISION OF DRINKING WATER (DDW) REQUIREMENTS

- 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 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 collect quarterly samples from each monitoring well for the pollutants 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 must be included in the OMMP and reported to the DDW and the RWQCB monthly.
 - o 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.
- o 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.
 - o 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.
 - o 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 μm 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 microns or less.
 - The MIT shall have a sensitivity to verify a LRV equal to or greater than 4.0.
 - o 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.
 - 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^2 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^2
 - Power level below 13 kW
 - ballast failure
 - multiple lamp failure and
 - complete UV reactor failure
 - o 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.

- o The monitoring and reliability features, including automatic shutdown capability, shall be demonstrated to DDW during a plant inspection prior to final approval.
 - o 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.
 - o 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.
 - o 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) - The CCSD shall demonstrate adequate managerial and technical capability to ensure 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 the CCSD 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 must be included in the OMMP.

- The CCSD must operate the treatment facility in compliance with an OMMP approved by the DDW and the Water Board. The DDW or Water Board may require that the CCSD review and revise the OMMP following six months of operation of the facility. The OMMP must comply 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 must 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 final report for the tracer study was submitted to the DDW and the RWQCB on October 15, 2014. The tracer study, recalibrated model, and the operation of the CCSD wells did not show at least two months (61 days) of travel time between the injection well and the nearest potable extraction well being used. The CCSD shall be required to conduct additional tracer studies following operation of the AWTP.
- The initial sampling requirements for the two monitoring wells in Section 60320.226(b) can be satisfied by historical monitoring of Well SS3. CCSD shall summarize and submit the water quality data to the Division by December 31, 2014.

VII. REOPENER

1. This Order may be reopened to include the most scientifically relevant and appropriate limitations for this discharge, including a revised Basin Plan limit based on monitoring results, anti-degradation studies, or other Regional Water Board or State Water Board policy, or the application of an attenuation factor based upon an approved site-specific attenuation study.
2. The WDRs/WRRs may be reopened to modify limitations for pollutants to protect beneficial uses, based on new information not available at the time this Order was adopted.
3. After additional monitoring, reporting and trend analysis documenting aquifer conditions, this Order may be reopened to ensure the groundwater is protected in a

manner consistent with state and federal water quality laws, policies and regulations.

4. This Order may be reopened to incorporate any new regulatory requirements for sources of drinking water or injection of recycled water for groundwater recharge to aquifers that are used as a source of drinking water, that are adopted after the effective date of this Order.
5. This Order may be reopened upon a determination by DDW that treatment and disinfection of the Cambria Community Services District emergency advanced treated product water is not sufficient to protect human health.

VIII. ENFORCEMENT

The requirements of this Order are subject to enforcement under Water Code sections 13261, 13263, 13264, 13265, 13268, 13350, 13300, 13301, 13304, 13350, and enforcement provisions in Water Code, Division 7, Chapter 7 (Water Reclamation).

IX. EFFECTIVE DATE OF THE ORDER

This Order takes effect on November 14, 2014.

I, Kenneth A. Harris Jr., Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the Regional Water Quality Control Board, Central Coast Region on November 14, 2014.

Kenneth A. Harris Jr.
Executive Officer

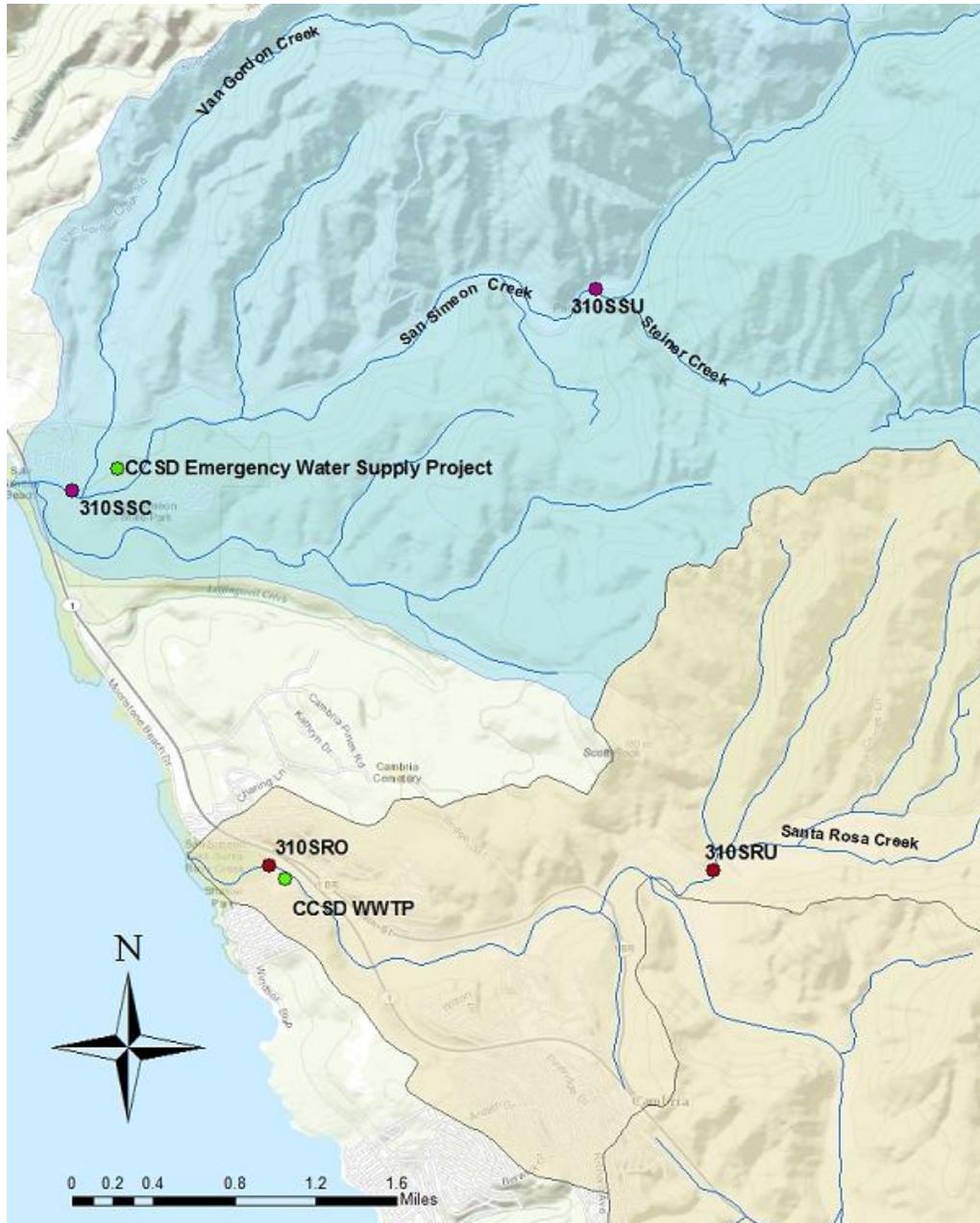


Figure 1 - Location of the Cambria Emergency Water Supply Project

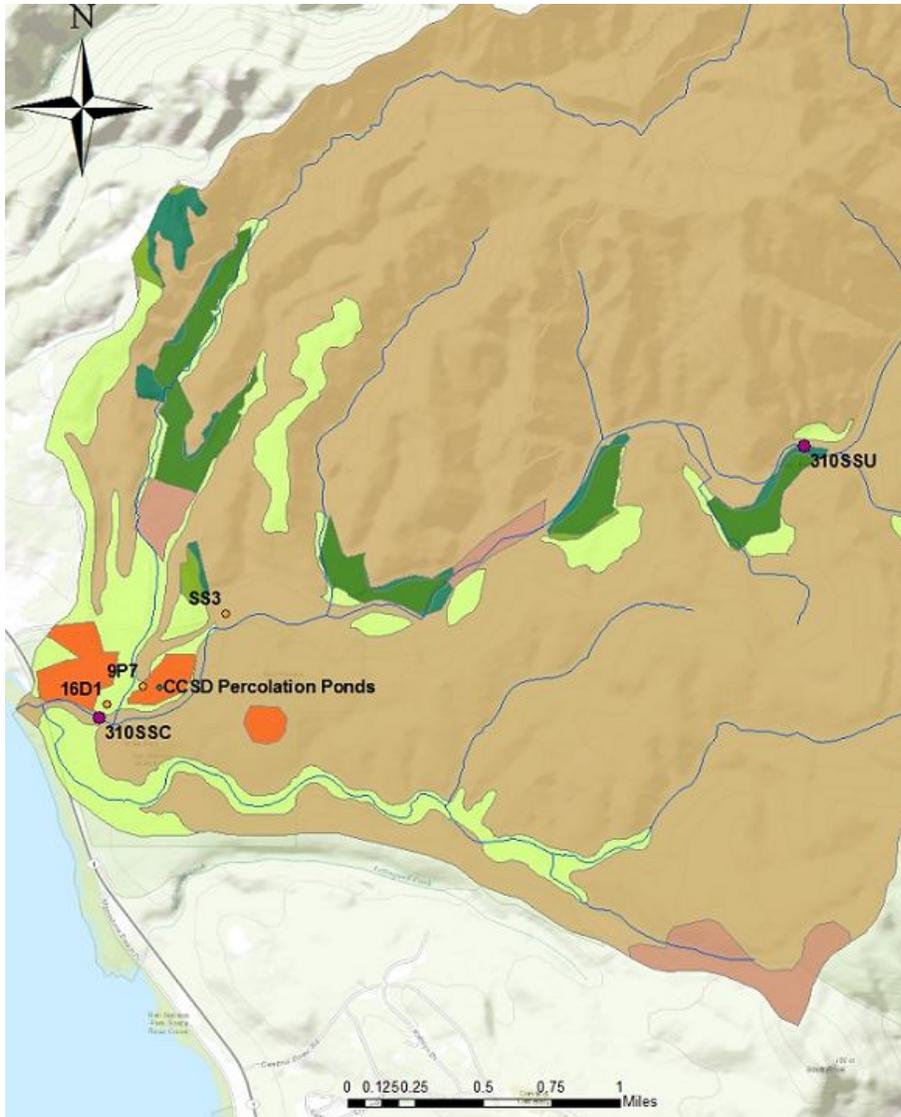


Figure 2 - CCSD Percolation Ponds and Water Supply/Monitoring Wells

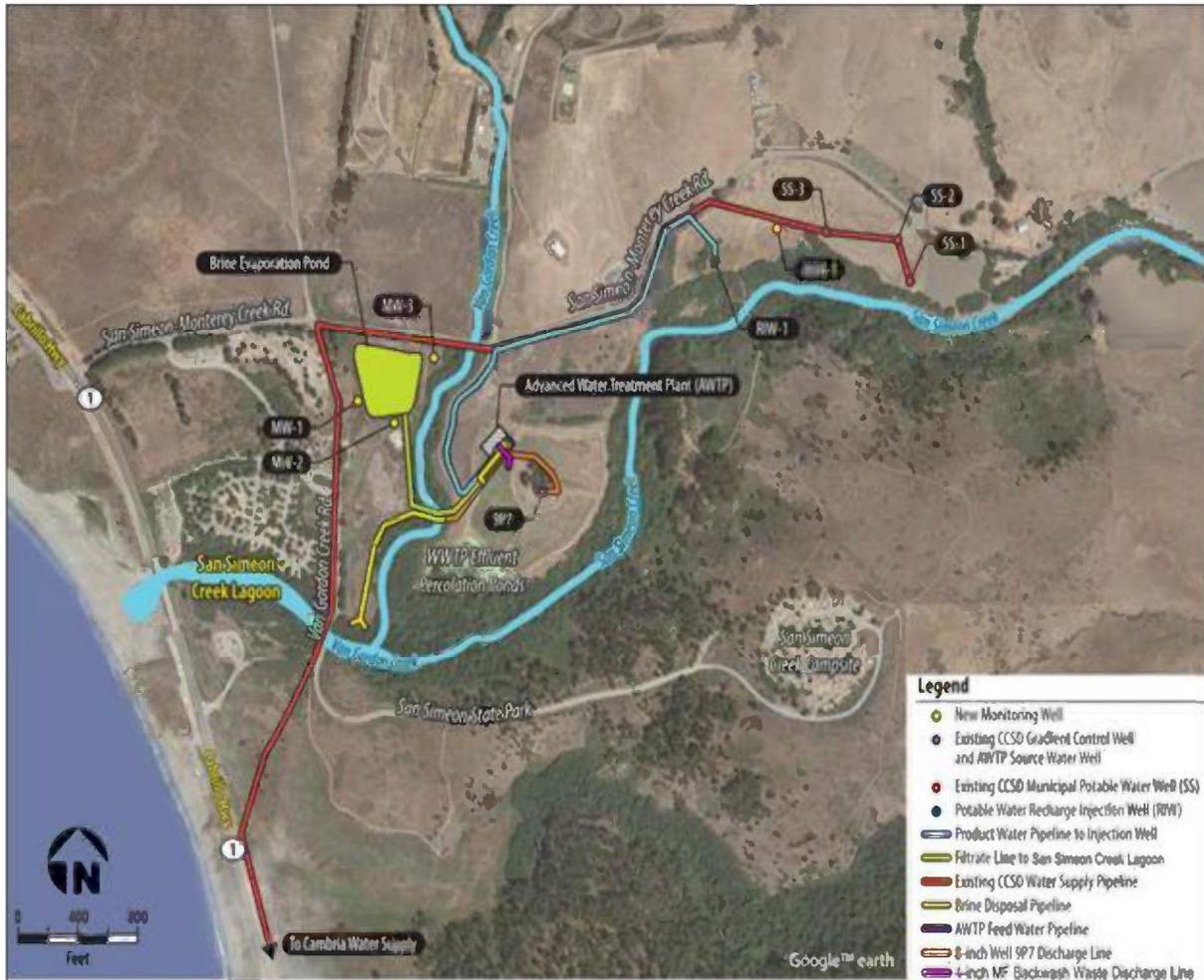


Figure 3 - Emergency Water Supply Project (Extraction Well, Treatment Plant, Percolation Ponds, Title 27 Impoundment, Groundwater Injection Site, Water Supply Wells)

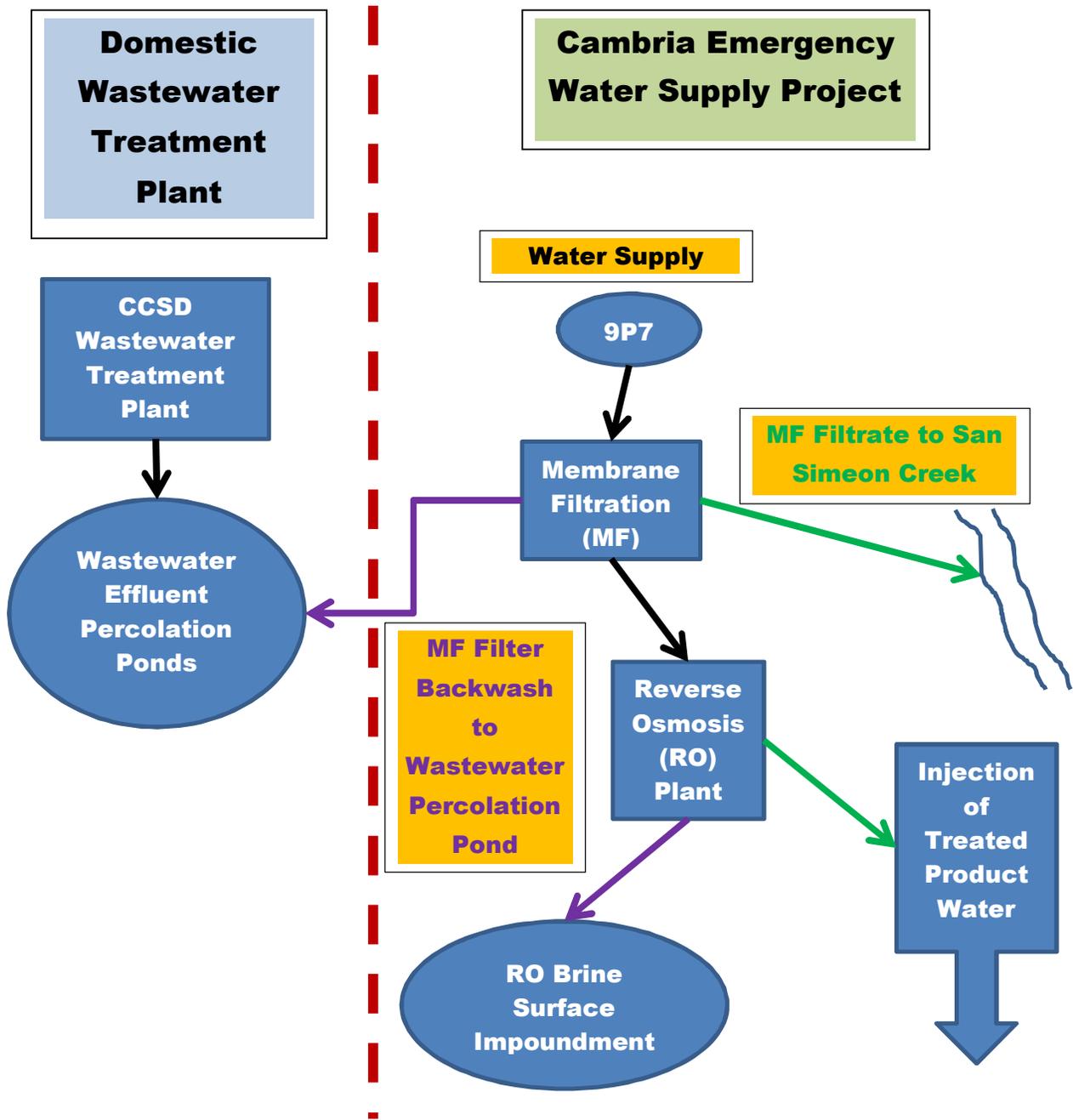


Figure 4 - Cambria Emergency Water Supply Project Water and Waste Streams

ALL RIGHTS RESERVED. THESE DOCUMENTS AND DRAWINGS ARE THE PROPERTY OF CDM SMITH AND ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF CDM SMITH.

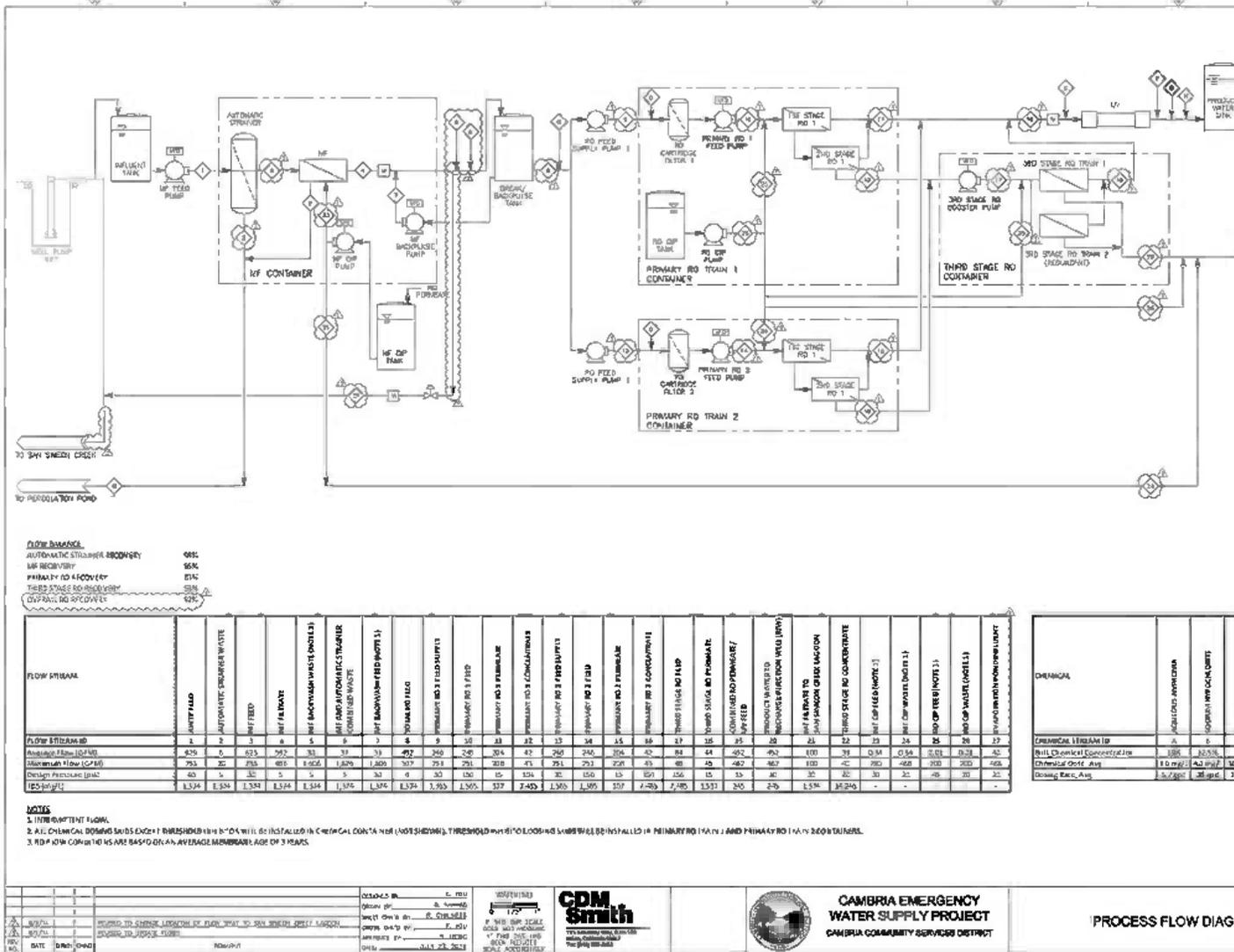


Figure 5 - CCSD Advanced Water Treatment Flow Process Diagram

EXHIBIT

B

History of Desalination in Cambria, CA

The following chart provides a chronology of attempts to build a desalination plant for the town of Cambria over the past 20 years. The whole record contains documents, letters, reports, EIR/EIS processes, CDP applications, public reviews, responses, hearings with agencies, including the California Coastal Commission, CA State Parks, NOAA, National Marine Fisheries, California Fish and Wildlife, State Lands Commission, and others. Each and every attempt to build a desalination plant has ended in failure, yet the pursuit continues.

DATE	AGENCY	DOCUMENT	ACTION	OUTCOME
pre1994	CCSD		HISTORY TO BE DOCUMENTED	
1994	CCSD	SCH1994051042	EIR Desal above San Simeon Creek	Granted
1997	CCSD		New CCSD Board Elected to stop Desal	Permits Lapsed as costs too high
01/18/05	CCSD	DRC2004-00142	CDP/MUP Phase 3 Geotech	Project Appealed
09/26/05	CCSD	SCH2005081142	CDP at San Simeon Creek	Project Appealed
02/14/07	CCSD	A-3-SLO-06-053	CDP at San Simeon Creek	Project Continued
09/06/07	CCSD	A-3-SLO-06-053	Appeal of project at San Simeon Creek	Appeal Granted
12/13/07	CCSD	A-3-SLO-06-053	CCSD Request for reconsideration of appeal	CA Coastal Commission Denied
03/2008	CCSD	Not Permitted	Penetrometer Study conducted by CSD w/o permits at Santa Rosa Creek	Enforcement letter was written to CSD
04/11/08	CCSD	SCH2008028240	ROE Geotech at San Simeon Creek & Santa Rosa Creeks	Right of Entry was not granted NOE filed

DATE	AGENCY	DOCUMENT	ACTION	OUTCOME
04/14/08	CCSD	SCH2004071009	CCSD Water Master Plan EIR concludes desalination is choice for water supply	Lawsuit Filed by Landwatch. 100's of pages of citizen comments submitted.
01/05/10	CCSD	Resolution 01-2010	NOE Geotech Santa Rosa Creek	
01/20/10	CCSD	SCH2010011039	ND Geotech Santa Rosa Creek by CCSD with many comments received	CCSD Withdrew ND 4/22/10 and handed off to USACE under NEPA
12/21/09	USACE	CCD-002-I 0	Cat/EX Geotech Santa Rosa Creek	CSD/USACE Parallel process conducted
04/22/10	USACE/ CCSD	Resolution 18-2010	CSD Gave USACE Sole responsibility for project	Critical Agency Letters disappeared from review due to handoff to USACE thru NEPA
05/13/10	USACE	CCD-002-I 0	Geotech at Santa Rosa Creek went before Coastal Commission w/o CRITICAL AGENCY letters	CA Coastal Commission Granted w/Conditions. Commissioner Sanchez OPPOSED saying that the 'whole of the record was not before the CA Coastal Commissioners prior to making a decision'.
2010	Citizens	Agency Comments	Agency letters that were 'blackholed' were copied and mailed to each CA Coastal Commissioner for review.	
07/2010	USACE		ROE Geotech at Santa Rosa Creek to begin	CA State Parks Denied ROE. NOE not filed
09/27/10	USACE/CDM	W912DQ08D0048 DUNS #618004584	CDM Federal Awarded contract with USACE for Cambria, CA	\$1,286,927 Awarded to CDM Federal Programs Corporation for 30% design Plans and Technical Specifications.
05/2011	CCSD	SCH2011051053	ND Parallel process with NEPA/CEQA	CEQA was not submitted
05/2011	USACE	SCH2011051053	EA/MND FONSI SR Creek	NEPA Filed/Submitted

DATE	AGENCY	DOCUMENT	ACTION	OUTCOME
12/09/11	USACE	CCD-047-11	EA/MND SR Creek geo tech	CA Coastal Commission denied project.
3/2012	USACE/ CCSD	Special Meetings using Criterion Plus Decision software	1 of 3 Workshops held in Cambria to discuss water supply alternatives	All Alternatives variation of desalination, with new intakes and outfalls and infeasible projects presented. Storage dismissed.
2012	CCSD	www.cambriacsd.org	MADDAUS REPORT written to address water conservation	Money finally spent on conservation program and a conservation employee was to be employed. She was later reduced to part time.
2012	USACE	CCSD MINUTES	ENVIRONMENT IMPACT REPORT for new water supply promised	EIR/EIS never received
8/2013	CCSD	Resolution	CSD Approves issuance of new water meters based on conservation.	Citizens gather 1,000 signatures on petition to oppose adding connections with no new water supply. Recall threatened.
09/13/13	CCSD	Special Meeting	CSD Warns that wells are low and prohibits all outdoor watering	Community outrage due to sudden warnings for water restrictions while CSD pursued opening the water wait list. CSD then allowed outdoor watering again a month later.
2013	USACE/ CCSD	See Oct. 2013 letter from US ACE to CSD Engineer Gresens	ENVIRONMENT IMPACT REPORT for new water supply promised	EIR/EIS never received but Cambria Water and Wastewater enterprise funds have been used to fund variations of this 20 year project under both CEQA and NEPA.
11/27/13	CCSD/CDM SMITH/ USACE	11/27/013 Tech Report www.cambriacsd.org	Cambria Water Supply Alternatives Tech Memo by CDM Smith	Technical Report displays three LOGOS. Cambria CSD, the US Army Corps of Engineers and CDM Smith.
12/19/13	CCSD	CCSD MINUTES	Ongoing meetings with USACE on water project EIR/EIS with little or no information public reported in detail.	Cambria EIR/EIS Timeline is reported http://www.cambriacsd.org/cm/projects/Emergency %20Water%20Supply/Home.html

DATE	AGENCY	DOCUMENT	ACTION	OUTCOME
1/20/14	CSD Powerpoint	Resolution 9E	Minutes: "Authorizing the use of Emergency Contract Procedures to Develop and Complete an Emergency Water Supply Project Authorizing the General Manager to Enter into Agreements Related Thereto, and Authorizing the Transfer of funds from the General Fund Reserves to the Water Fund" (Minutes of Jan. 30, 2014, as presented in Consent Item 7B from February 27, 2014, Agenda Packet. (Minutes for Feb. 27 do not refer to any corrections of the Jan. 30th Minutes for 9.E.).	In this power point the assumption is made that the reverse osmosis equipment will be rented. Two versions of the brackish water treatment were being considered. The rehab of SR1 and SR3 was already underway.
1/20/14	CSD Powerpoint	Resolution No. 05-2014	Resolution No. 05-2014 also includes the "immediate expenditure of approximately \$500,000" and exempts the emergency water supply project from CEQA.	Amanda Rice voted No on the Resolution. the others Yes
1/20/14	CSD Minutes	Item 9F	That was "to approve an Agreement for Consultant Services with CDM Smith for Geo-Hydrological Modeling of the Lower San Simeon Creek Aquifer to support the completion of a water supply project and that funding was to be provided for out of the general fund" (Minutes, Jan. 30, 2014). The approved amount was \$174,495.	The Board of Directors approved 9.F. unanimously.
01/30/14	CCSD	Resolution	To enact a Stage 3 Water Shortage Emergency with severe restrictions and no outdoor irrigation	Citizens protest because no Stage 1 or Stage 2 was implemented, no preparation for emergency enacted.
02/07/14	CCSD	MINUTES CDM Smith contract	CSD Hires CDM Smith as Consultant for 02/07/14 thru 02/07/15	For temporary, portable Emergency Brackish Water Project at San Simeon Creek
04/22/14	CCSD	ZON2013-00589	Emergency Permits requested for temporary brackish water desalination at San Simeon Creek. Permit expires in 180 days	Emergency for residents, no tourist events cancelled, unlimited amount of outdoor irrigation water is being given away for free at Santa Rosa Creek Well SR1

**IS/MND & Coastal Development Permit
JULY 22, 2014 Comments**

ATTACHMENT A revised 9/3/14

GREENSPACE - The Cambria Land Trust
webb.mary599@gmail.com

DATE	AGENCY	DOCUMENT	ACTION	OUTCOME
6/23/14	CCSD	IS/MND application submitted-	What Agencies should be commenting on this IS/MND? Comments are due July 22, 2014	Section 404d or Section 7 consultation for possible 'take' of species should be required.
7/22/14	CCSD	Coastal Development Permit	NOAA, National Marine Fisheries, US Fish and Wildlife, CA Fish and Wildlife, the Monterey Bay National Marine Sanctuary made extensive comments/	Agency and citizen comments remain unanswered as of 9/3/14. CA Coastal commission staff recommends CSD wait before Financing to no avail.
8/06/14	CCSD	FINANCING	CCSD signs an "Installment Sales Agreement" for \$13.4 million	Agreement leverages Cambria infrastructure, parks, and future property taxes
8/21/14	CCSD	Minutes	Rushed meeting, very little discussion and Army Corps back in the mix	Announcements made that suddenly the Army Corps may produce and EIR/EIS?
8/27/14	AGENCIES		Interagency meeting held due to number of complex issues unaddressed	
8/27/14	CDM SMITH	Per Contract	Emergency, temporary, portable project begins with grading for waste reservoir on site	No water Tank on site for 5 days. Grading threw CSD dried effluent into the air near San Simeon State Parks Campgrounds

**IS/MND & Coastal Development Permit
JULY 22, 2014 Comments**

ATTACHMENT A revised 9/3/14

GREENSPACE - The Cambria Land Trust
webb.mary599@gmail.com

Key:

USACE	US ArmyCorps
CCSD	Cambria Community Services District
CDM	CDM Smith is the Contractor
EIR	Environmental Impact Report
EIS	Environmental Impact Statement (federal)
IS	Initial Study
CAT/EX	Categorical Exclusion
ROE	Right of Entry
CDP	Coastal Development Permit
MUP	Minor Use Permit
CEQA	CA Environmental Quality Act
NEPA	National Environmental Protection Act
NOAA	National Oceanic and Atmospheric Administration
ND/MND	Negative Declaration/Mitigated Negative Declaration
NOD	Notice of Determination
NOE	Notice of Exemption
EA	Environmental Assessment (federal)
WRDA	Water Resources Development Agency

EXHIBIT

C



Land Use Authorization

San Luis Obispo County Department of Planning and Building

County Government Center

San Luis Obispo, California 93408

Telephone: (805) 781-5600

Project : ZON2013-00589 Emergency Permit - Other

Issued To : CAMBRIA COMMUNITY SERVICES DISTRICT

Assessment(s) : 013-051-024 013-051-008

Planning Area : NC -North Coast

Community : RNC -Rural North Coast

Legal Description :	<i>Tract/Town</i>	<i>Block/Range</i>	<i>Lot/Section</i>	<i>Zoning</i>
	013051	008	0002	FH / SRV / SRA
	013051	024	0001	TH / FH / SRV
	013051	024	0002	AS / /
	RHOSNSIM	0000	C-PT	AG / LCP / CA
	RHOSNSIM	0000	PTN	AG / SRA / LCP

Approved Use : COASTAL DEVELOPMENT PERMIT FOR CCSD FOR EMERGENCY WATER SUPPLY PROJECT.

Location of Use : 00990 SAN SIMEON CREEK RD RNC

Comments :

Note Conditions of Approval on the final page

Effective Date : 5/15/2014

This land use authorization will become effective on the date shown above.

Expiration Date : 11/15/2014

This land use authorization will expire on the above date if it has not been exercised or extended as required by sections 22.64 or 23.02.040 of the Land Use Ordinance.



Land Use Authorization

San Luis Obispo County Department of Planning and Building

County Government Center

San Luis Obispo, California 93408

Telephone: (805) 781-5600

Project : ZON2013-00589 Emergency Permit - Other

Issued To : CAMBRIA COMMUNITY SERVICES DISTRICT

Note: By signing, the Applicant agrees to accept the conditions listed above. Failure to fulfill these conditions will void this authorization.

By James Bahringer
 Date 5/15/14

5/15/2014 1:10:02PM

This is not a building permit

Land_use_auth.rpt



DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land – Helping to Build Great Communities

ZON2013-00589
Emergency Permit
Cambria Emergency Water Supply Project

On January 17, 2014, Governor Jerry Brown declared a drought emergency for the State of California; on January 30, 2014, the Cambria Community Services District (CCSD) Board of Directors declared a Stage 3 Water Shortage Emergency; and on March 11, 2014, the County Board of Supervisors proclaimed a local emergency due to drought conditions in San Luis Obispo County. Studies conducted by the CCSD and their professional consultants have shown that, because of the drought, water levels in the District's wells have dropped, resulting in projected water supply shortages by the end of summer, 2014.

This emergency permit authorizes the construction and operation of an emergency brackish water supply project to serve existing development within the CCSD's service area. The project is located at 990 San Simeon Creek Road (APN: 013-051-024), as described in the April 22, 2014 memo from Bob Gresens (CCSD) and the site plan submitted in the application package, and attached to this emergency permit, subject to the following conditions:

General

1. Prior to commencing work, the District shall submit to the Department of Planning and Building a detailed list of all components of the brackish water supply project meant to provide up to 250 acre-feet of water to serve existing authorized water connections only (to abate the emergency), within the CCSD's service area (i.e. not to serve new development). To minimize environmental impacts, new water pipes associated with the project shall avoid impacts to potentially sensitive areas. Such avoidance measures may include installing pipes above the ground as opposed to being buried, and attaching pipes to existing bridges to prevent the need to work within existing creek channels.
2. This emergency permit is valid until such time that the CCSD-declared Stage 3 Water Shortage Emergency has ended, or the project has been authorized to continue to serve existing development through approval of a regular Coastal Development Permit, whichever is sooner. While processing the regular Coastal Development Permit, the emergency water facility may only be re-activated and utilized to produce water in the event of the occurrence of another Stage 3 Water Shortage Emergency and only after the CCSD has issued a formal declaration of the existence of such a Stage 3 Water Shortage Emergency. It is the intent of this condition, while processing the regular Coastal Development Permit, to enable use of the emergency water facility to produce water for existing development in Cambria during the existence of a declared Stage 3 Water Shortage Emergency, since the community historically experiences severe periodic droughts.
3. The District shall provide semi-annual monitoring reports to the County with well-level, pumping data, and other information which justifies the need for the on-going emergency water supply project.

4. Only the work described in this permit on the specific property listed above is authorized. Any additional work requires separate authorization from the Director of Planning and Building.
5. The work authorized by this permit shall be commenced within 20 days of the above date. The construction authorized by this permit shall be completed within 180 days. Any work commenced after 180 days requires separate authorization or a regular Coastal Development Permit.
6. Within 30 days of the date of issuance of this emergency permit, the permittee shall apply for a regular Coastal Development Permit to authorize the emergency project. The regular permit will be subject to all applicable provisions of the California Coastal Act and the Local Coastal Program, including the specific requirements for desalination facilities in the North Coast Area Plan Community Wide Policy 4D and the policies applicable to protecting creek and stream resources, and may be conditioned accordingly. Such conditions may include provisions for public access (such as an offer to dedicate sandy beach) and/or a requirement that a deed restriction be placed on the property in recognition of the hazard.

As part of the complete application for a regular Coastal Development Permit, the permittee shall at a minimum provide the following information:

- A. The permittee shall identify the project's expected discharge volumes into those ponds, the expected chemical constituents of the discharge, and the concentrations of those constituents. The constituents identified shall include those from both the source water (e.g., nitrates, mercury, etc.) and from project operations (e.g., cleaning compounds, flocculants, etc.). The permittee shall also identify the expected evaporation rate from the ponds. The permittee shall also identify all measures to be implemented that will prevent mobilization of these constituents into nearby coastal waters during storm events.
- B. Hydrogeologic modeling results: The permittee shall provide results of hydrogeologic modeling showing the expected extent and elevations of aquifer drawdown from project operations and the extent of any "cone of depression" in relation to nearby wetlands, streams, and other coastal waters.
- C. Hydrogeologic monitoring: The permittee shall identify measures, such as drawdown tests, monitoring wells, etc., proposed to be implemented to ensure project operations do not adversely affect nearby coastal waters.
- D. Project operations: Based on the above modeling results, the permittee shall identify measures it will implement to ensure project operations do not result in drawdown of nearby coastal waters, and will describe how proposed monitoring measures will be applied to ensure coastal waters are not adversely affected due to project operations.
- E. Development in floodplains: The permittee shall identify all project-related development within the 100-year floodplain, including water delivery pipes, wells, evaporation ponds.
- F. Effects of project-related noise and light on nearby biological resources and public recreation: The permittee shall identify expected noise and light levels from project construction and operation at nearby sensitive receptors, including riparian areas, known and potential bird nesting sites, and the nearest public recreation sites, including the State Park campground. The permittee shall identify all measures proposed to be implemented to reduce noise and light effects on those nearby receptors.

- G. Documentation of the impacts of withdrawals on creek and stream resources.
7. The applicant shall as a condition of approval of this emergency permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this emergency permit or the manner in which the County is interpreting or enforcing the conditions of this emergency permit, or any other action by a third party relating to approval or implementation of this emergency permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.
8. This permit does not obviate the need to obtain necessary authorization and/or permits from other agencies.

Air Quality

9. The following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;
 - d. Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other APCD approved emission reduction retrofit devices (determination of the appropriate CBACT control device(s) for the project must be performed in consultation with APCD staff).

Additional Construction Equipment Measures:

- e. Electrify equipment where feasible;
- f. Substitute gasoline-powered for diesel-powered equipment, where feasible;
- g. Use alternatively fueled construction equipment on site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel;
- h. Use equipment that has Caterpillar pre-chamber diesel engines;

- i. Implement activity management techniques as follows:
 - i. Develop of a comprehensive construction activity management plan designed to minimize the amount of large construction equipment operating during any given time period;
 - ii. Schedule of construction truck trips during non-peak hours to reduce peak hour emissions;
 - iii. Limit the length of the construction work-day period, if necessary;
 - iv. Phase construction activities, if appropriate.

Fugitive PM10 Mitigation Measures. All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/grading permit issuance

- j. Reduce the amount of the disturbed area where possible;
- k. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- l. All dirt stock-pile areas should be sprayed daily as needed;
- m. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- n. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- o. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- p. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- q. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

- r. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

Archaeology / Cultural Resources

10. The applicant shall retain a qualified archaeological monitor, approved by the County Environmental Coordinator, to be present during all site disturbance activities. Monitoring reports shall be retained by the applicant and shared with the Environmental Coordinator's Office upon request.
11. In the event archaeological resources are unearthed or discovered during any site disturbance activities, the applicant, or the applicant's successor, shall be responsible to follow protocol and procedures described in Section 22.10.040 of the Land Use Ordinance.

Biological Resources - California Red-legged Frog (CRLF)

12. Sturdy and highly visible protective fencing shall be placed around all existing trees and riparian vegetation within 50 feet of the project site. Plan notes shall indicate this fence shall remain in place for the duration of project construction.
13. Prior to commencement of grading activities, a USFWS-approved biologist will survey the project site 48 hours before the onset of work activities. If any life stage of the California Red-legged Frog (CRLF) is found and these individuals are likely to be killed or injured by work activities, the biologist will be allowed sufficient time to move them from the site before work activities begin. The biologist will relocate the CRLF the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the proposed project. The biologist will maintain detailed records of any individuals that are moved (e.g., size, coloration, distinguishing features, digital images, etc.) to assist in determining whether translocated animals are returning to the original point of capture.
14. Prior to commencement of grading activities, a USFWS-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
15. A USFWS-approved biologist will be present at the work site until all CRLF have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, the County will designate a person to monitor on-site compliance with all minimization measures. The biologist will ensure that this monitor receives the training outlined above and in the identification of CRLF. If the monitor/biologist determine CRLF impacts are greater than anticipated or approved, work shall stop until the issue is resolved. The monitor/biologist shall immediately contact the resident engineer (the engineer overseeing and in command of the construction activities), where the resident engineer will either resolve the situation by eliminating the effect immediately, or require that all actions

- which are causing these effects be halted. If work is stopped, the County/ USFWS will be notified as soon as is reasonably possible.
16. During construction/ground disturbing activities, all trash that may attract CRLF predators will be properly contained, removed from the work site, and disposed of regularly. Prior to project completion, all trash and construction debris will be removed from work areas.
 17. During construction/ ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. The monitor will ensure contamination of habitat does not occur during such operations. Prior to commencement of grading/construction activities, the monitor will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
 18. Prior to project completion, whichever occurs first, for disturbed areas within the project boundaries, they shall be revegetated with an assemblage of native riparian, wetland and upland vegetation suitable for the area. Locally collected plant materials will be used to the extent practical. Invasive, exotic plants will be controlled to the maximum extent practical and not included in any landscaping efforts. This measure shall apply to all disturbed areas unless determined not practical or feasible by the County.
 19. Prior to project completion, whichever occurs first, to the extent practical, contours shall be returned to as close to original, unless it is determined by the biologist that the new contours provide greater benefit for the CRLF.
 20. Best Management Practices (BMPs) shall be implemented to minimize sediment from entering nearby water bodies or prominent drainage courses. During or after construction/ ground disturbing activities, if these BMPs are ineffective, the applicant will work with the monitor/biologist and resident engineer, in consultation with USFWS, to install effective measures prior to the next rain event.
 21. Unless approved by the USFWS, water will not be impounded in a manner that may attract CRLF.
 22. Prior to project completion, the applicant shall submit to the County and USFWS, a project completion report form, completed by the USFWS-approved biologist. The report form should identify any recommended modifications or protective measures, if additional stipulations to protect CRLF are warranted, or if alternative measures would facilitate compliance with the provisions of this consultation.

Biological Resources – Special Status Plants

23. Prior to commencing site disturbing activities, a County-approved biologist/botanist shall conduct a botanical survey for special status plants, including, but not limited to, the Cambria morning glory, Camel Valley bush mallow, Compact cobwebby thistle, Most beautiful jewel-flower, Obispo Indian paintbrush, and Woodland woollythreads. The applicant shall make

every effort to avoid the removal of identified special status plants during construction activities. If the removal of such plants cannot be avoided, the applicant shall transplant them on the subject property.



CAMBRIA COMMUNITY SERVICES DISTRICT

P.O. Box 65 • Cambria, CA 93428 • Telephone: (805) 927-6223 • Fax: (805) 927-5584

DATE: 4-22-2014

TO: Nancy Orton, Airlin Singewald – San Luis Obispo County Planning

FROM: Bob Gresens, District Engineer - Cambria Community Services District

RE: Justification for approving an emergency coastal development permit for the Cambria Community Services District's Emergency Water Supply Project

The severe drought has placed the CCSD water supply in jeopardy due to the total rainfall being approximately 65 percent of the minimum rainfall needed to fully recharge the two coastal stream aquifers serving as the community's sole water supply. Uncertainty remains on whether upper springs that serve to provide underflow to the creeks during the dry season will cease earlier than normal due to the very dry conditions within each watershed. This could result in CCSD well levels dropping at an accelerated rate during the late summer to early fall period, which could lead to seawater intrusion, pumps losing suction, and possible subsidence. In combination with very stringent conservation measures, the CCSD has therefore developed an emergency water supply project on its property along San Simeon Creek Road. To expedite this emergency project, the CCSD Board passed an emergency authorization on January 30, 2014 to suspend formal bidding. An agreement was also entered into with CDM Smith to allow for design through construction authorizations. Project work is currently being completed on the project's design, environmental, and permitting tasks, which can further augment this initial emergency coastal development permit application and answer any detailed follow up questions the County may have.

The emergency water supply project is fully contained within the CCSD-owned property, which is shown in the attached illustration. This illustration is based on recently completed hydro-geological modeling, as well as meetings and conference calls that have been held to date with District staff, CDM Smith, and key California Department of Public Health and Regional Water Quality Control Board regulatory staff. The project will use an existing CCSD well (27S-8E-9P7) to supply brackish water to an advanced water treatment plant. The advanced water treatment plant will consist of microfiltration to remove fine particles prior to entering a reverse osmosis stage. The reverse osmosis process will remove salt prior to an advanced oxidation process. Here, ultraviolet light and hydrogen peroxide are used to disinfect the water and destroy any remaining chemicals. Final post-treatment stabilizes the water to prevent corrosion in pipes and the injection well. The treated water is then injected back into the ground near the CCSD San Simeon well field production wells. To meet state health standards, the injection well is located to ensure that the treated water travels underground at least two months before it reaches the San Simeon wells that supply potable water.

A side stream flow from the project's reverse osmosis process will be routed to a previously disturbed storage basin area, which served to store treated wastewater effluent (aka the CCSD's Van Gordon Reservoir). The reservoir will be converted to an evaporation pond in accordance with Title 27 requirements. The dried residue within the evaporation pond will be emptied periodically using a small tractor/loader, similar to what is commonly referred to as a Bobcat machine.

The project will be using the same access roadways to the CCSD property as is currently used to support its effluent percolation pond operation and potable well field operation. Instrumentation will also be provided to automate and remotely monitor operations as much as possible, which will limit the number of routine vehicle trips by operations staff.

The project also includes a shallow groundwater injection well as a planned mitigation measure to provide freshwater, which would offset any potential loss of water to the riparian corridor and downstream lagoon area. In addition, previously certified EIRs for the percolation ponds, Van Gordon Reservoir, the potable well fields, and an earlier 1990s era groundwater recharge project will be incorporated as references into the environmental compliance documents currently under development.

As further background, the emergency water supply project used an earlier 2013 water supply alternatives analysis as a starting point. This earlier [2013 technical memorandum](#) is posted on the Cambria CSD web site, and includes a summary of four facilitated public workshops, which were conducted on supply alternatives and the technical screening process being applied. The brackish water alternative (alternative 5) of the 2013 report, was ranked the highest technically.

The consequences of inaction or significant delay in constructing this emergency project are potentially disastrous for the community of Cambria. A project of this nature also has lead times for permits and equipment, which do not allow the luxury of waiting to see whether next year's rainy season arrives early enough to prevent an eminent disaster from occurring. Although unlike other natural disasters, which occur suddenly, the consequences of this prolonged drought have similar effects with regard to the health, finances, and emotional well-being of the community. Therefore, the CCSD is requesting that the County promptly issue an emergency coastal development permit for its emergency water supply project.

Attachments (1)

EXHIBIT

D

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



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

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.¹ 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.

¹ 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.² 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

² 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.³ 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.⁴
- Groundwater extraction in the San Simeon watershed is identified as a "Very High Threat,"⁵ and management of groundwater extraction is identified as the top-rated action needed for recovery.⁶

³ 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."

⁴ 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."

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

⁶ 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.”⁷

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.⁸ 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.⁹ 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.]

⁷ 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.”

⁸ 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.

⁹ 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 day¹⁰ 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.¹¹

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.

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

¹¹ 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.¹² 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.¹³ 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.

¹² 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.

¹³ 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

- 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.¹⁴ This condition would also require “appropriate routine maintenance” rather than specify particular timing.

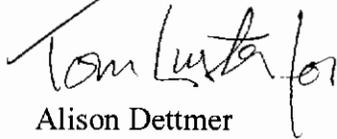
¹⁴ Condition AES-1 states:

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

-
- *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.*

EXHIBIT

E



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

Local Drought Actions
OPR Concurrence
September 12, 2014

The Governor's Proclamation of a Continued State of Emergency, issued on April 25, 2014, suspends the California Environmental Quality Act (Public Resources Code 21000 and following) for all actions taken by local agencies that are identified by the California Department of Public Health as vulnerable to acute drinking water shortages and that are necessary to implement solutions to such shortages if the Office of Planning and Research "concurs that local action is required." (Proclamation No. 4-25-2014, #12 & #19).

The California Department of Public Health has identified the Cambria Community Services District (district) as having critical drinking water shortages, meaning that the city will deplete its available supplies within 60 to 90 days. The Office of Emergency Services has indicated that the project described in the attached Notices of Exemption is necessary to solve this critical drinking water shortage. The State Water Resources Control Board and Department of Fish and Wildlife have issued the necessary permits. The Office of Planning and Research concurs that local action is required.

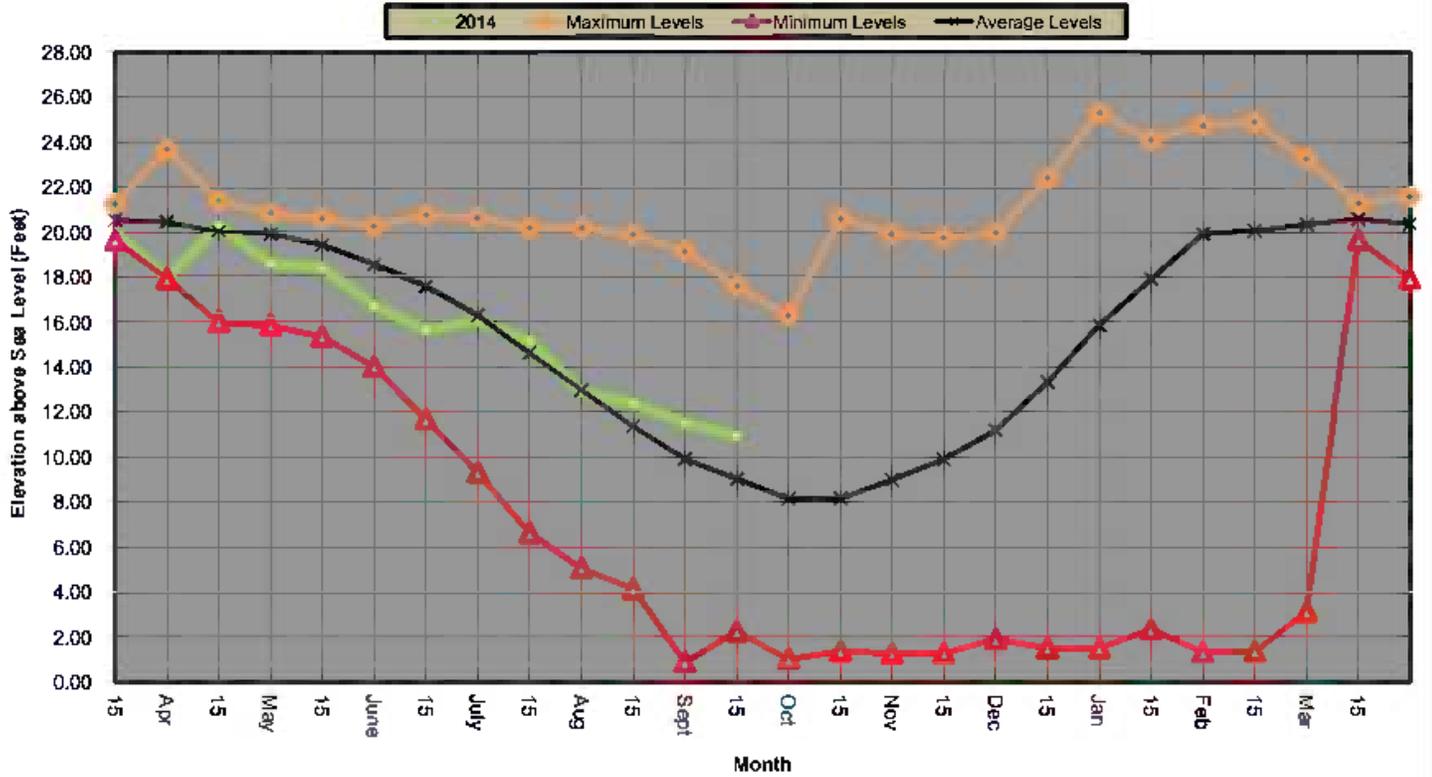
Attachments:

- [Attachment 1: Cambria Community Services District Notice of Exemption](#)

EXHIBIT

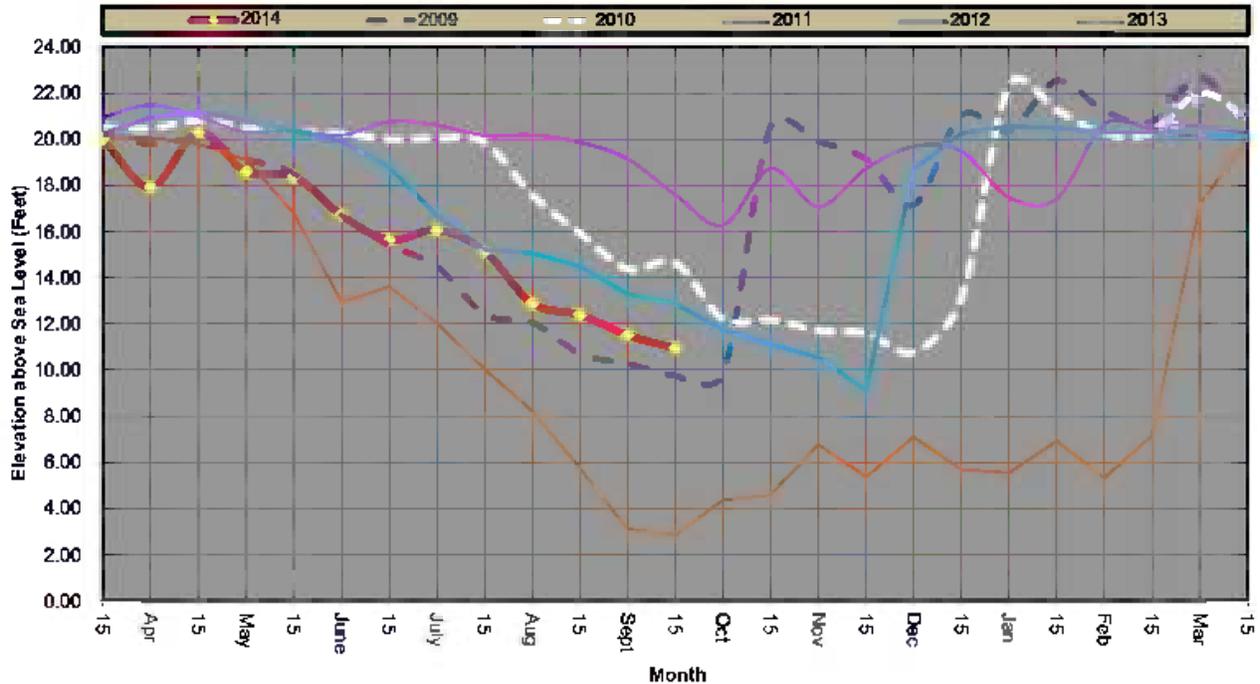
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San Simeon Creek Well Levels Water Year 2014/2015 levels to date and 1988 to Current Min, Max, & Average

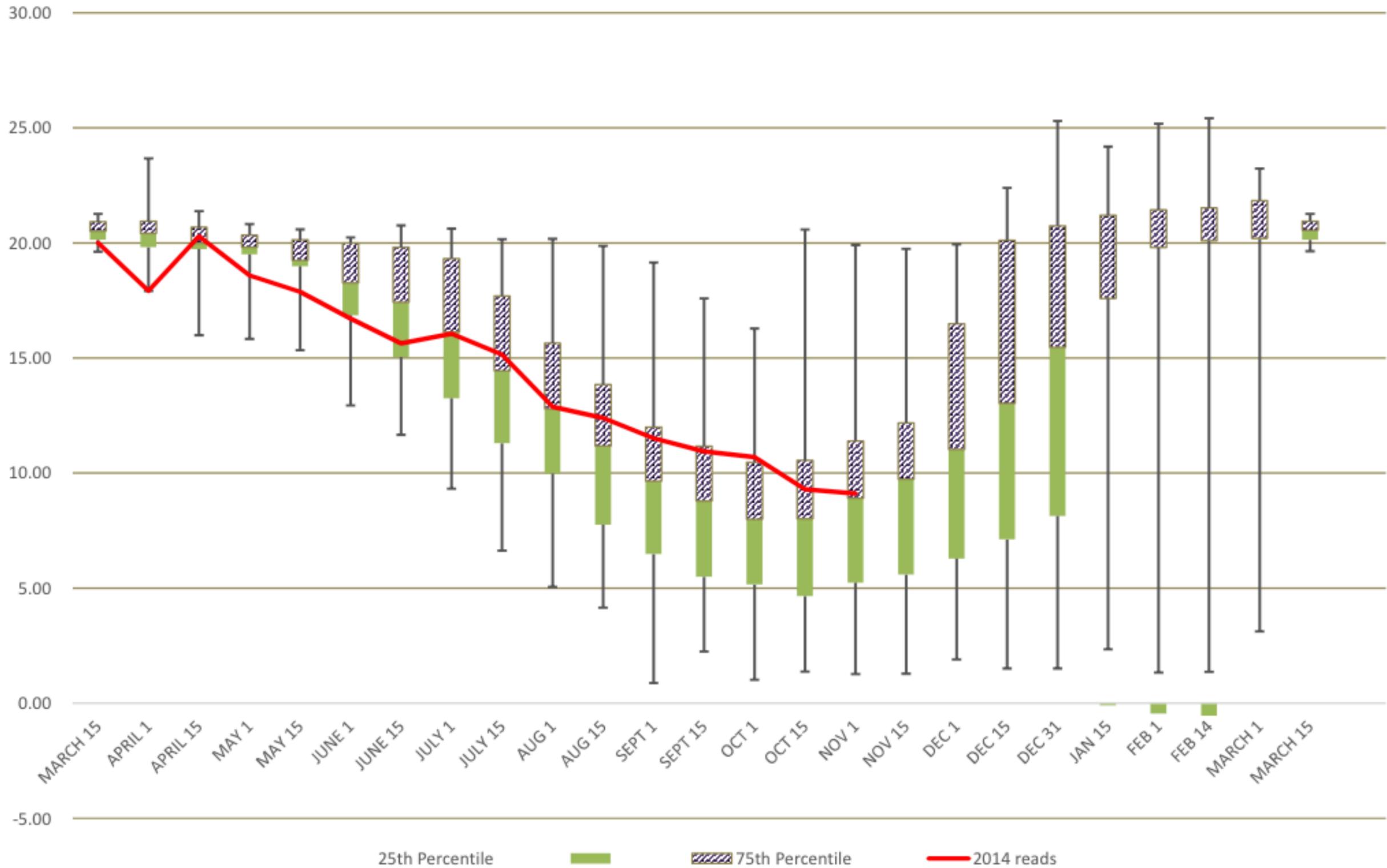


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San Simeon Creek Well Levels Last 5 years March, 2009 - Current



1988 -2014 Statistical San Simeon Well Level Summary by Month
 showing Minimums, Maximums, 25 % Percentile, 75% Percentile
 Average Level is the line between the Purple (hatched) and Green (solid) bars



EXHIBIT

G

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From: Bob Gresens <bgresens@cambriacsd.org>

To: "Densmore, Jeff@Waterboards" <Jeff.Densmore@waterboards.ca.gov>, "Tryon, Thea@Waterboards" <Thea.Tryon@waterboards.ca.gov>

CC: "Mari Garza-Bird (GarzaBirdME@cdmsmith.com)" <GarzaBirdME@cdmsmith.com>, Jerry Gruber <JGruber@cambriacsd.org>, "Redmann, Randall" <RedmannRH@cdmsmith.com>, Michelle May <MMay@cambriacsd.org>, Lorie Ingan <lingan@carnaclaw.com>, "Timothy Carmel Esq. (tcarmel@carnaclaw.com)" <tcarmel@carnaclaw.com>, "Airlin Singewald (asingewald@co.slo.ca.us)" <asingewald@co.slo.ca.us>, "Sava S. Nedic (nedicss@cdm.com)" <nedicss@cdm.com>, "Chris Park (parkce@cdmsmith.com)" <parkce@cdmsmith.com>, Rita Garcia <RGARCIA@mbakerintl.com>, "Souza, Kurt@Waterboards" <Kurt.Souza@waterboards.ca.gov>, "Adair, Chris@Waterboards" <Chris.Adair@waterboards.ca.gov>

Subject: Concurrence Approval by OPR on CCSD's Emergency Water Supply Project / FW: Cambria CSD Notice of Exemption for Emergency Water Supply Project - concurrence request

Thread-Topic: Concurrence Approval by OPR on CCSD's Emergency Water Supply Project / FW: Cambria CSD Notice of Exemption for Emergency Water Supply Project - concurrence request

Thread-Index: Ac/OA/cHjcZOQUYbSaWsQeHYUKnR1g==

Date: Thu, 11 Sep 2014 21:06:13 +0000

Message-ID: <1FDDDED70A31BE446BD5EDE5A7270051E015A43E680B9@CCSD-ADMIN.CCSDW2K.LOCAL>

Accept-Language: en-US

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X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

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Hello Thea and Jeff,

The following email message is for your information, as it should be very good news regarding our ability to satisfy recent questions/concerns raised by each of you recently on the status of our CEQA process with regard to our current emergency projects Title 22 and Title 27 permits. The concurrence described below is associated with the Governors 4/25/2014 Emergency Drought Proclamations executive orders 12 and 19. As I understand the process from yesterdays discussions with the Governors Office of Planning and Research, their concurrence should also be also showing up on the State Clearinghouse web site in the very near future. For your convenient reference, I am also attaching the Notice of Exemption we filed Tuesday, 9/9/2014, with both the County Clerk and State Clearinghouse.

As further aside, please note that I am working remotely today due to family illnesses and injuries that occurred earlier today. If you need to reach me today or tomorrow, please call my cell phone. Thank you.

Bob

Robert C. Gresens, P.E.
District Engineer
[Cambria Community Services District](#)
(US Postal address:) P.O. Box 65
(shipping/Federal Express only:) 1316 Tamsen Street, Suite 201
Cambria, CA 93428

Office: 805-927-6119
Mobile: 805-909-2210
Fax: 805-927-5584

From: Jerry Gruber
Sent: Thursday, September 11, 2014 12:07 PM
To: Scott Morgan
Cc: Debbie Davis; Crase, Peter@CalOES; ralsop@co.slo.ca.us; Garza-Bird, Mari; Redmann, Randall; Bob Gresens; jim@fogsend.com; Gail Robinette; Tom Gray
Subject: RE: Cambria CSD Notice of Exemption for Emergency Water Supply Project - concurrence request

Scott,

My sincere heartfelt thanks to you and your staff.

Best regards,

Jerry Gruber
General Manager
Cambria Community Services District.

From: Scott Morgan [<mailto:Scott.Morgan@OPR.CA.GOV>]
Sent: Thursday, September 11, 2014 12:04 PM
To: 'Souza, Kurt@Waterboards'; Debbie Davis; Jerry Gruber; Densmore, Jeff@Waterboards
Cc: Forbes, Cindy@Waterboards; Carolyn Angius
Subject: RE: Cambria CSD Notice of Exemption for Emergency Water Supply Project - concurrence request

All: The Governors Office of Planning and Research concurs that local action is needed. Please submit the final NOE to us and we will post to our web-site with our concurrence.

Scott Morgan
State Clearinghouse Director
Deputy Director, Administration
Governor's Office of Planning and Research
ph (916)445-0613 fax (916)323-3018

From: Souza, Kurt@Waterboards [<mailto:Kurt.Souza@waterboards.ca.gov>]
Sent: Thursday, September 11, 2014 11:22 AM
To: Debbie Davis; Jerry Gruber; Densmore, Jeff@Waterboards
Cc: Scott Morgan; Forbes, Cindy@Waterboards
Subject: RE: Cambria CSD Notice of Exemption for Emergency Water Supply Project - concurrence request

Debbie,

The Division of Drinking Water has been monitoring the progress of this project for the last several months. The project is necessary to avoid a water shortage or water outages in the future. The water system has done a remarkable job conserving water to avoid water outages to this point. The systems vulnerability to water outages into the future is high without the emergency water supply project.

Thanks,

Kurt Souza
SWRCB-DDW

From: Debbie Davis [mailto:Debbie.Davis@OPR.CA.GOV]
Sent: Tuesday, September 09, 2014 5:02 PM
To: Jerry Gruber; Densmore, Jeff@Waterboards; Souza, Kurt@Waterboards
Cc: Scott Morgan
Subject: RE: Cambria CSD Notice of Exemption for Emergency Water Supply Project - concurrence request

Hi,

Can you please confirm for me that the project described is necessary local action to resolve or avoid a water shortage? We will post our concurrence on our OPR web page as is required by the EO.

Thanks!

Debbie

From: Bob Gresens [mailto:bgresens@cambriacsd.org]
Sent: Tuesday, September 09, 2014 4:20 PM
To: Debbie Davis
Cc: Jerry Gruber; Densmore, Jeff@Waterboards; Souza, Kurt@Waterboards
Subject: Cambria CSD Notice of Exemption for Emergency Water Supply Project - concurrence request

Dear Ms. Davis,

As we discussed by phone earlier today, please see the attached Notice of Exemption, which is for our Districts emergency water supply project. We are seeking your concurrence per Governor Browns April 25, 2014 executive orders 12 and 19. For you added reference, we have also copied key Division of Drinking Water staff, who have worked closely with us since the Governors original January 17, 2014 emergency drought declaration. We would greatly appreciate your concurrence, and are available for any questions. Thank you.

Sincerely,

Bob Gresens

Robert C. Gresens, P.E.
District Engineer
[Cambria Community Services District](#)
(US Postal address:) P.O. Box 65
(shipping/Federal Express only:) 1316 Tamsen Street, Suite 201
Cambria, CA 93428

Office: 805-927-6119
Mobile: 805-909-2210
Fax: 805-927-5584



SLO Co Emergency CDP
re CCSD E...15 142.pdf

Notice of Exemption

(ENDORSED)
FILED

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

SEP 09 2014

From: (Public Agency):
Cambria Community Services District
P.O. Box 65
Cambria, CA 93428

JUJEL RODEWALD COUNTY CLERK
BY *[Signature]*
DEPUTY CLERK

County Clerk County of: **San Luis Obispo** (Address)

Project Title: **Cambria Community Services District Emergency Water Supply Project**

Project Applicant: **Cambria Community Services District**

Project Location - Specific: The Project is located in unincorporated El Cerrito County, north of Cambria, north end east of the

Project Location - Agency: The Project is located in unincorporated San Luis Obispo County, north of Cambria, north and east of the Heart San Simeon State Park. The Project location is more specifically located southeast of the San Simeon Creek Road & Van Gordon Creek Road intersection, at 990 San Simeon Monterey Creek Road, Cambria. The approximately 96-acre Project location involves two parcels of land (APNs 013-051-024 and 013-051-008) owned by the Cambria Community Services District (CCSD).

Project Location -City: Cambria Project Location -County: San Luis Obispo

Description of Nature, Purpose and Beneficiaries of Project: The Emergency Water Supply Project was developed in response to the exceptional drought in order to avoid potentially disastrous consequences from not having adequate water for health, safety, sanitation, and fire protection. The Project is being designed and constructed to treat brackish water using advanced treatment technologies, which will recharge the CCSD's San Simeon existing well field aquifer. Through this groundwater augmentation, the Project will provide 250 acre-foot of water supply to Cambria over a six dry-month period. The Project has also been designed to provide up to 100 gallons per minute (gpm) of freshwater to the head of the San Simeon Creek lagoon to protect riparian habitat when the project is operating. The existing Cambria community are the beneficiaries of the Project.

Name of Public Agency Approving Project: Cambria Community Services District

Name of Person or Agency Carrying Out Project: Cambria Community Services District

Exempt Status: (check one):

Ministerial (Sec. 21080(b)(1); 15268);

Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

Declared Emergency (Sec. 21080(b)(3); 15269(a));

Categorical Exemption. State type and section number: _____

Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The CCSD has determined that the emergency water supply project is exempt from the CEQA because it is an emergency project, it is carried out consistent with a state of emergency proclaimed by the Governor on January 17, 2014 and his executive orders issued on April 25, 2014. The project is consistent with the statutory exemption criteria for an emergency project, and it is consistent with a categorical exemption for specific actions necessary to prevent or mitigate an emergency (Pub. Resources Code, § 21080, subd. (b)(4); Cal. Code Regs., tit. 14, §§ 15269, subd. (b) & (c), 15301.).

Lead Agency Contact Person: Robert Gresens, District Engineer

Area Code/Telephone/Extension: (805) 927-6223

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Robert C. Gresens Date: 9/9/2014 Title: District Engineer

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR: _____ Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Revised 2011

EXHIBIT

H



Press Release

For more information, please contact:

Tom Gray
Cambria Community Services District
(805)-927-4402
tsgrey@sbcglobal.net
www.cambriacsd.org

9/22/14

For Immediate Release

Cambria CSD Says Water Project Tracer Test to End on Sept. 29; Well Levels Remain Adequate

Cambria, CA – The Cambria Community Services District today confirmed that the “tracer test” to determine the safety of its Emergency Water Supply (EWS) project is scheduled to end on Sept. 29, at that time, delivery of drinking water to CCSD customers will resume from wells in the San Simeon Creek aquifer.

Until then, water from these wells will continue to be diverted to an injection well as part of the tracer test, which tracks the re-injected water to see how fast it travels back to the drinking-water wells. The purpose of the test is to ensure that travel time is long enough to ensure safe operation of the EWS facility.

During the tracer test, the CCSD has been relying on wells in the Santa Rosa Creek aquifer. As of September 15, the water level in SR3 and SR4, the CCSD’s current production wells there, stood at 18.55 and 21.35 feet above sea level, respectively. This is down from levels that are typical of this time of year, but not at a level low enough to raise the near-term risk of a loss of water supply. The level is adequate to cover the community’s needs between now and the resumption of water delivery from the San Simeon Creek wells.

Also, the level of the downstream Windsor Boulevard monitoring well has been gradually increasing, signifying a lowering risk of saltwater intrusion. On Sept. 15, the well was at 3.28 feet above sea level.

The San Simeon Creek wells near normal levels for this time of year, averaging 10.94 feet above sea level. They are expected to be adequate for Cambria's needs until the EWS is on line as long as current conservation efforts continue. The facility is due to be completed in mid-November.

"Cambrians have done a great job in helping our efforts to prevent a water shortage disaster with truly heroic efforts to save water," said CCSD General Manager Jerry Gruber. In August, water consumption was down 43% from the same month of 2013, marking the fifth consecutive month with year-over-year drops of 40% or more. "This achievement is remarkable, and it has involved considerable hardship and expense to residents and businesses alike," he added. "The good news is that the Emergency Water System will soon be on line to give the community a much needed boost to its supplies to ensure that basic needs of health and fire safety are being met."