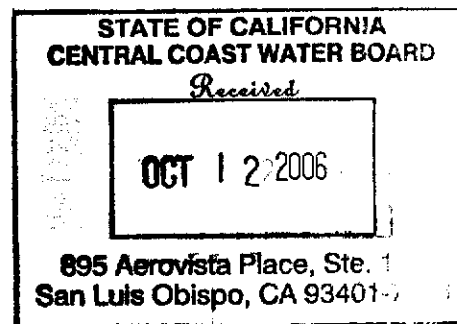


Timothy L. Rochte, TRE ETAL
1400 17th Street
Los Osos, CA 93402

October 9, 2006

The Honorable Jeffrey S. Young, Chairperson
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401



RE: Re-Submittal of Written Materials in Response to proposed CDO NO. R3-2006-1015

Dear Chairperson Young,

The purpose of this letter is to re-submit site specific evidence for your consideration in exempting my property at the above address (APN 38332001) from the proposed Cease and Desist Order's interim compliance requirements (CDO NO. R3-2006-1015) for the reasons listed in the body of this letter. Please include, as part of this re-submittal, the hard copies of the attachments from my first submittal (February 28, 2006) as well as a **new attachment in the form of an Invoice from AP's Septic Pumping Service for the pumping and inspection of my septic tank, which shows it is not in need of repair and is working in top form.** However, before I do that, I have four (4) specific matters I call to your attention.

First, based on the unique characteristics and circumstances of property use by my family and me, I request that my case be heard, considered and responded to individually on November 2 and/or November 9th 2006 by your Board and its' staff, and not as part of a group of property owners who received the proposed CDO's.

Second, in my spoken remarks to your board on April 28, 2006 and in a meeting on August 24, 2006 that I initiated along with fellow proposed CDO recipient Ms. Laurie McCombs with Prosecution Staff member Sorrel Marks and Alison Millhollen, I urged you and Mr. Briggs to consider measures other than CDO's on property owners in Los Osos in order to achieve the mutual goal of clean water. At this time, I renew my request that you move away from CDOs and allow Los Ososans to move forward with the Compliance Plan which, among other things, calls for septic tank operators to be considered "cooperative dischargers" as they move ahead in the manner I will next explain.

As a good faith gesture toward achieving cleaner water without further delays, I have joined a growing number of Los Ososans, both with proposed CDOs and without, who have voluntarily had our septic systems pumped and inspected. **Please refer to the attached document from AP's Septic Pumping Service, dated October 9, 2006 showing that my tank has been pumped, inspected and found to be without need of repair.**

Third, as stated in his power point presentation at the public information meeting on February 15, 2006 in your conference room, Mr. Matt Thompson of your staff indicated that the primary

cause of the upper aquifer pollution is due to the housing densities in Los Osos and their attendant septic systems. I call to your attention that the building densities in Los Osos, including my specific property built and permitted by the County of SLO on March 11, 1983 (see attachment # 1) were authorized by the County of San Luis Obispo and executed by their Planning Department. As such, rather than hold individual property owners' responsible for this situation, I request that your Board find the County of SLO directly responsible for the pollution levels in the prohibition zone and that you order them by nexus, to pay for any and all costs of eliminating the pollution caused by their land use policies. Unfortunately, the Blakeslee bill does not go far enough in holding the County responsible for creating the pollution in the first place.

Fourth, based on regulations of the California Environmental Quality Act (CEQA) I request that your Board undertake an Environmental Impact Report in order to assess the effects of the actions from the proposed CDOs. This EIR must assess to see if the proposed CDO actions have a **significant impact on the environment** through the depletion of groundwater recharging from pumping 4800 septic tanks, the effect on the quality of air from the high number of pumping trucks and the noise produced thereby, and the safety to the public from the high number of pumping trucks traveling on suburban streets.

The definition of "significant impact on the environment" is contained in California Code Regulations, tit.14, Section 15382 which states: "a substantial, or potentially substantial, adverse change in any physical conditions within any area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." The proposed CDO actions, if implemented must be approved by going through the CEQA process. To do otherwise is a violation of CEQA regulations.

I will now list specific reasons, with supporting documents either by attachment or by reference, of why my specific property should be exempted by the proposed CDO:

1) Per attachment # 3, please find expert written analysis from Mr. Jeff Grover, Professionally Registered Geologist with the State of California, and Geology Instructor at Cuesta Community College that attests to my property being well above the upper aquifer in the Los Osos Water Basin.

As found in Mr. Grover's letter, the Vados Zone between the bottom of my leach pit and the upper aquifer provides for nitrates removal, given the 40 foot depth-to-ground water level. The maps that confirm the location of my property on the contour maps are referenced in the July 2005 "Water Management Plan on the Los Osos Groundwater Basin," done by Cleath and Associates for the Los Osos Community Services District (LOCSD) as well as the LOCSD Website:
http://www.lososocsd.org/pdf/PP_Nitrate.pdf

2) My property is on the corner of El Moro Avenue and 17th Street, with a lot size of 50' x 125'. There are single family residential properties directly to the east and

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south of my property with similar lot sizes. The sole occupant of the property to the east is an elderly person and the property to my south is a single Mom with two small children. The nearest property to my north is an undeveloped vacant lot, consisting of four, 25' x 125' lots.

This level of housing density is sparser than the majority of the prohibition zone densities. The nearest Nitrate Monitoring Well to my property, 8N2, shows a very acceptable level of <.5mg/l. Again, I reference the maps and data from item 1 above. As such, my lot size, and the uses of the lots directly adjacent to my property strongly indicates that the CDO issued with an interim compliance requirement of pumping six times a year is unnecessary and should be reduced.

- 3) The number of occupants residing in the house on my property is three persons including myself, my wife and daughter. I work full time in San Luis Obispo during the week, my wife works part time in SLO during the week and my daughter is a student at Morro Bay High School. As such, we spend most of our waking hours away from our home and make use of the bathrooms at work or at school.

My first job with the State of California in 1977 was as an Environmental Instructor with the California Conservation Corps. I taught staff and corpsmembers throughout the state about how to live and work in harmony with their environment. Conservation of natural resources was, and still is a primary focus of the CCC program.

As you would expect from one who "walks the talk," we apply these same conservation values in our household. We separate our kitchen waste into dry and wet systems never putting anything solid down the garbage disposal.

Ever since we moved into the house in 1989 we have installed and used devices in the toilet tanks which require less water to flush. We flush immediately if it's brown, but if it's yellow, we wait. We have low flow shower heads and water our mostly native outdoor plant landscaping via a timer and a drip system that applies water in the cool of the morning before the Los Osos winds pick up and the sun comes out.

Because of our long-standing conservative water use, you can clearly see that a proposed CDO as a way to ensure this family does its part for clean water is unnecessary.

- 4) Our septic tank has a 1000 gallon capacity. (See attachment #4).
- 5) On September 9, 1992, I had a Zabel A-100 Septic Tank Filter installed through Advanced Septic (See Attachment #5 - copy of Bill and copy of brochure).

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By its' patented design, the Zabel Filter prevents the majority of solids from entering my leach pit thereby allowing the clarified liquids to pass through without clogging the system. Regular maintenance of the filter consists of removing the filter from its cylindrical housing unit attached to the outflow pipe on the liquid side of the tank, and hosing it off so that the materials wash into the solids' side. Because of the size of my tank, and the long standing use of a high-tech filter system, the CDO's interim compliance requirement is unnecessary.

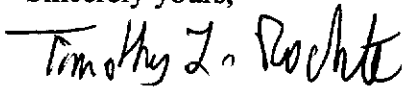
- 6) We installed a new leach pit on October 26, 2001. (See attachment #6, Copy of Bill from Strole's Tri-Service and copy of cancelled check).

Mr. Young, in light of the several points listed in detail above, with supporting attachments or references, I request that you cancel the proposed CDO for my property, and for those of all Los Ososans, effective immediately.

As needed for my defense in this matter, I incorporate by reference, all documents found in your Master Document list, dated September 6, 2006, as well as the Master Document List of the Los Osos CSD.

I look forward to receiving your responses by October 23, 2006. In the meantime, I remain,

Sincerely yours,


Timothy L. Rochte

Attachments

(Also sent electronically, sans attachments).

cc: Michael Thomas
Reed Sato
Harvey Packard
John Richards

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

Invoice

Date	Invoice #
10/9/2006	5696

Bill To
Tim Rochte 1400 17th Street Los Osos, CA. 93402

Job Address
Tim Rochte 1400 17th Street Los Osos, CA. 93402

P.O. No.	Terms	Due Date	Maintenance	Leach Failure	Escrow	Other
PL10/6/06	Net 30	11/8/2006	XXX			

Description	Qty	Rate	Amount
<p>Service call to pump exposed septic holding tank. Tank operating at normal level. Sanitary "T"s and baffle in place. Owner on site for disclosures.</p> <p>Pumping and disposal- transport to Santa Maria Treatment plant.</p> <p>Thank you ! We appreciate your business !</p> <p>Please include the invoice number or job address with your payment. Thank you.</p> <p>We gladly accept MasterCard or VISA,</p>		325.00	325.00

*Pd check 2173
Bak.*

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

Total	\$325.00
Payments/Credits	\$0.00
Balance Due	\$325.00