

10-13-06

TESTIMONY OF CHRISTOPHER D. ALLEBE - CDO # R3-2006-1019
FILING JOINTLY w/ BRUCE PAYNE - CDO # R3-2006-1000
DUE - 10-13-06 - 1700 HRS RWQCB

I HAVE BEEN NOTIFIED BY THE RWQCB TO SUBMIT TESTIMONY IN REGARDS TO THE ISSUING OF A WASTEWATER CEASE & DESIST ORDER ON MY RESIDENTIAL PROPERTY LOCATED AT 1071 GREEN OAKS DR IN LOS OSOS, CA AND TO ARTICULATE REASONS FOR NOT ISSUING SUCH AN ORDER.

Mr. BRUCE PAYNE (CDO # 1000) RESIDES NEXT DOOR AT 1051 GREEN OAKS DR. OUR PROPERTIES ARE OF APPROX EQUAL SQ FOOTAGE, DISTANCE TO GROUND WATER (APPROX 30') & 2 PEOPLE LIVE IN EACH HOME. MR. PAYNE WILL SUBMIT ARGUMENTS THAT ARE SUBSTANTIALLY THE SAME AS MY OWN & WE SUBMIT THESE ARGUMENTS JOINTLY.

MY VIEWS ON THE SELECTION SYSTEM USED TO SELECT THE FIRST 50 CDO VICTIMS ARE EXPRESSED IN A COPY OF THE ENCLOSED LETTER TO MICHAEL THOMAS DATED 8-17-06.

MY MORAL INDIGNATION CONCERNING THIS PROJECT KNOWS NO BOUNDS. THE IDEA THAT PRIVATE CITIZENS CAN PURCHASE A RESIDENCE PERMITTED BY A GOVT AGENCY & THEN FACE CRIMINAL PROSECUTION FOR JUST LIVING THERE IS BEYOND MY UNDERSTANDING. I PREFER TO EXPRESS THESE VIEWS ORALLY DURING MY HEARING. SEE BY REFERENCE APPENDIX A IN 2002 GROUND WATER MONITORING

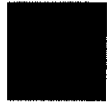
RESPECTFULLY:

Christopher D. Allebe

P.O. Box 6617

LOS OSOS, CA -

93412



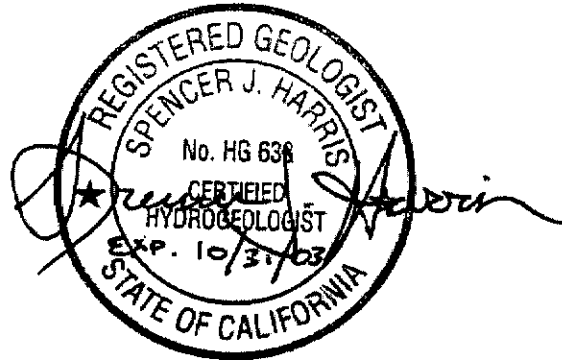
APPENDIX A

Monitoring Well Construction/Destruction Details (Replacement Wells)

LOS OSOS NITRATE
MONITORING PROGRAM

JUNE-JULY 2002 GROUND WATER MONITORING

Prepared for the LOS OSOS
COMMUNITY SERVICES DISTRICT



November 2002

CLEATH & ASSOCIATES
1390 Oceanaire Drive San Luis
Obispo, California 93405

(805) 543-1413

IFURS

①

Statement of Christopher D. Albel,
CDO # 1000
CDO # 1000
BRUCE PAYNE

CDO R3-2006-1019. FILING JUDICIALLY BY BRUCE PAYNE

I have been notified by the RWQCB to submit testimony in regards to the issuing of a cease & desist order on my real property located a 1071 greenoaks dr. in Joe Case, Ca to articulate reasons for not issuing such an order.

Mr. Bruce Payne (CDO # 1000) is my next door neighbor at 1051 Green Oaks Dr & our properties are of equal sq footage, same distance from ground water (approx 30') & have 2 people living in each home. Mr. Payne will submit technical & legal arguments that are essentially the same as my own & we submit these arguments jointly. My own & additional arguments revolve around the morality of the issue. This project was never cost benefit sustainable. The idea of a "zone" within a community paying for a project of this size & complexity that supposedly benefits the entire water basin is ridiculous. Imagine a small town paying for a section of interstate highway just because we derive some "benefit"

mandate stuffed down ^② the throats of people that have been paying for theirs & everyone else's problems via property income & sales taxes for years & now this project comes along that will about double these obligations for years. ²⁰⁻³⁰ All this to solve a non hazardous nitrate problem that may possibly show results in 25 years. (This is as per Metcalf & Eddy reports). Don't expect me to vote on an "open" and "18" procedure with no spending caps & lets have no single source bidding. I really don't see why this is not considered a public works project out of public funds (i.e. our money) ~~at~~ at the very least we should be able to get an interest free SRF loan - this would save approx 20 mil. alone.

I object to the methods used to choose the first 50 victims. (see attached letter to Michael Thomas) Businesses were ~~excluded~~, the "Random" selection was complicated & not witnessed by both sides. We weren't the agency that issued the bldg permits for the homes now allegedly "polluting" our water supply. I don't see why any of us should get a CDO.

we are facing horrendous cost & disruption for a long 1-2 points of nitrate. You would have to eat

127 ~~gallons~~ gallons of water at maximum ~~rate~~

~~the~~ allowable nitrate levels to consume the

nitrate in a pound of bacon! This awful

cost with no ^{real} benefit to the citizens

or ~~eco~~ structure in the root cause of all

the deterioration over this matter.

WELL REPLACEMENTS

Cleath & Associates supervised the construction of 12 monitoring wells and the destruction of two wells. Eleven of the twelve new wells were constructed at former monitoring well locations after removing the original well casings and annular fill materials. The twelfth well was constructed approximately 160 feet west of a former monitoring well location due to conflict with fiber optic lines (the older well was destroyed). Drilling services were provided by S/G Drilling Company (Lompoc). The work was conducted between May 16 and May 28, 2002. All new wells were completed with 2-inch diameter PVC and replaced older 1.5-inch diameter PVC wells. Construction of the new wells complies with State and local regulations. A summary of the wells replaced and destroyed is shown below in Table 1, including differences in perforated intervals between the old and new wells. Details of each well construction are included in Appendix A.

Table 1
Well Replacements and Destructions
May 2002

Original Well ID* (constructed in 1982)	Location	Original (1982) well perforated interval (depths in feet)	New (2002) well perforated interval (depths in feet)
30S/10E-13L5	Howard/Del Norte	32-35	26-36
30S/10E-13Q1	Woodland	97-100	95-105
30S/11E-7K2	Santa Ysabel/12th	62-65	destroyed
30S/1E-7K (new)	12 th /Santa Ysabel	(new well)	55-65
30S/11E-7L3	Santa Ysabel/5th	42-45	40-50
30S/11E-7R1	El Moro/12th	27-30	25-35
30S/11E-8N2	El Moro/So. Bay Blvd.	42-45	40-50
30S/11E-8N3	El Moro/So. Bay Blvd.	87-90	destroyed
30S/11E-18B1	Ramona/10th	29-32	25-35
30S/11E-18C1	Pismo/5th	27-30	25-35
30S/11E-18J6	Los Olivos/Fairchild	22-25	25-35
30S/11E-18L3	Palisades	52-55	43-53
30S/11E-18L4	Ferrell	22-25	25-35
30S/11E-18N1	Manzanita/Ravenna	87-90	85-95

*NOTE: SLO County and the DWR are in the process of assigning new Well ID's for the replacement wells. These new ID's will be incorporated into future monitoring reports.

Although 2 wells were destroyed only 1 was a "new well" the rest were "Drilled out and Removed Borehole materials from 1982 well construction."

November 1, 2002

See Page 9 of Stillman Report

1 that its treatment system has impacted the upper aquifer with nitrates. The Sewer Project
 2 does not call for the abandonment of the illegal wells (the nitrate "funnels"), or for
 3 conducting remedial work on the upper aquifer as was previously discussed above (i.e.,
 4 extraction of clean water and injection into the lower aquifer, extraction of nitrate
 5 contaminated groundwater for agricultural use, etc. which will increase the separation and
 6 remove contaminated water). My fear is that the community will spend \$100,000,000 + and
 7 see no appreciable improvement in groundwater quality. The Agencies have made no
 8 guarantee that the Sewer Project will correct the problem. If funds have to be expended, a
 9 number of more cost-effective solutions based upon sound engineering have been "on the
 10 table" for years and they should not have been disregarded.

11 2.4. Based upon my evaluation of the nitrate data and prior to expending in excess of
 12 \$100,000,000 on a Sewer Project that will not correct the problem, a two step remedial
 13 project should be implemented. If implemented, it will remove the contaminated water from
 14 the illegal wells and/or provide valid data that can be assessed to determine if there even is
 15 a nitrate problem in Los Osos. If successful, the savings to the community would be about
 16 \$99,855,000. The proposed scope of work is:

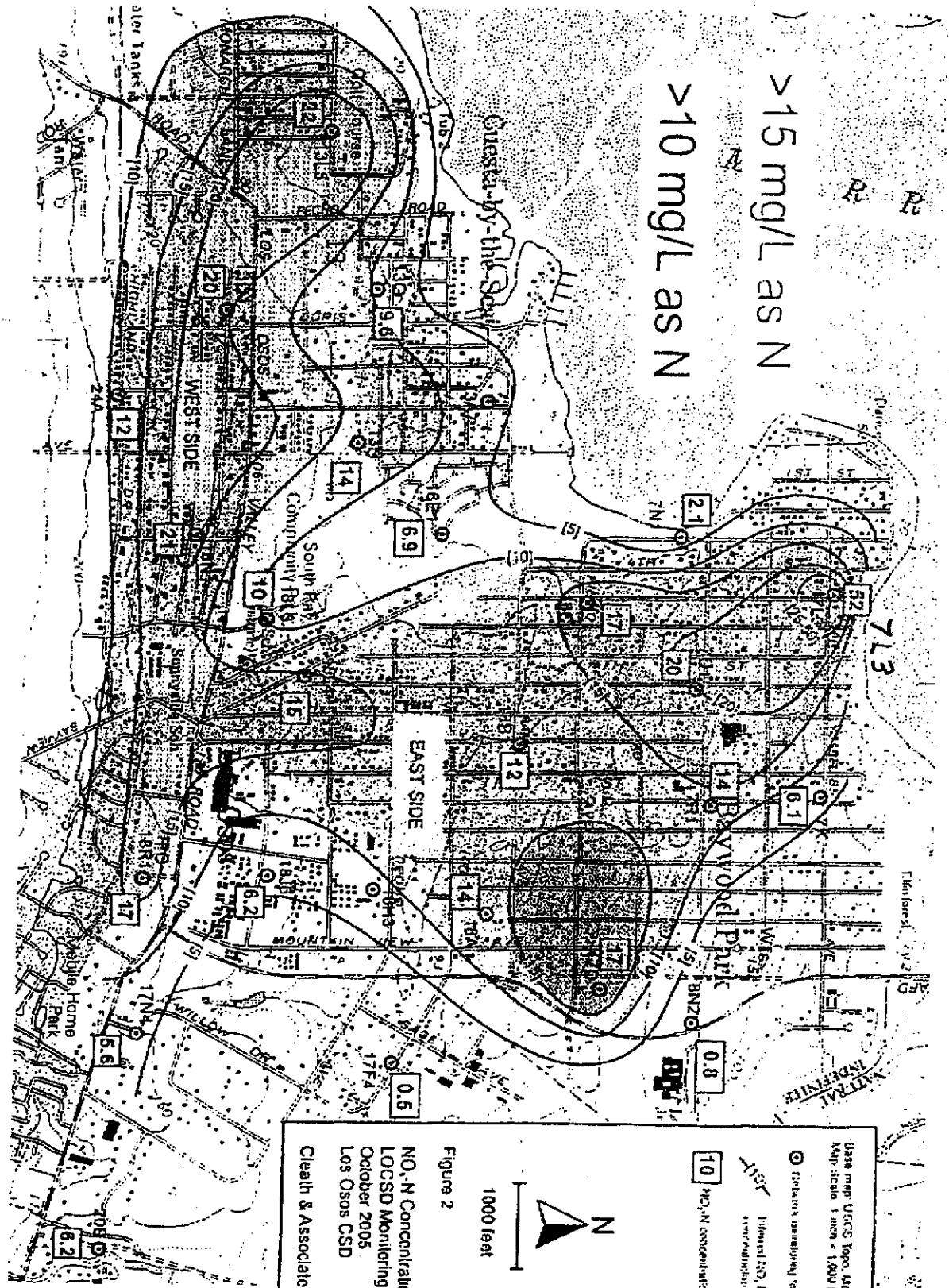
17 1. Pump the Brown & Caldwell illegal wells: \$ 45,000

18 The cost includes all equipment and personnel to purge the wells to collect and analyze a
 19 representative water sample of the upper aquifer. If nitrates are detected above the MCL,
 20 that well will be pumped for a duration of one week. The purged water will be used for
 21 irrigation purposes at a local farm. For cost estimating purposes, I assumed that all 10 wells
 22 will require one week of pumping.

23 2. Abandonment of the ten Brown & Caldwell illegal wells and drilling of replacement
 24 wells: \$100,000

25 The cost includes all equipment and personnel to abandon the wells pursuant to the
 26 requirements in 74-90. Ten wells will be drilled about 50 feet from the illegal wells to obtain
 27 valid data. The cost includes disposal of all the drill cuttings at a local landfill, although a
 28 local farm would probably accept the soil as it is non-hazardous. For cost estimating

Used by Prosecution April 28, 06 "the latest well test data"



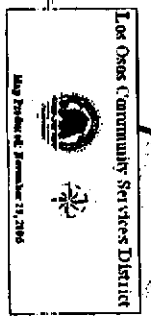
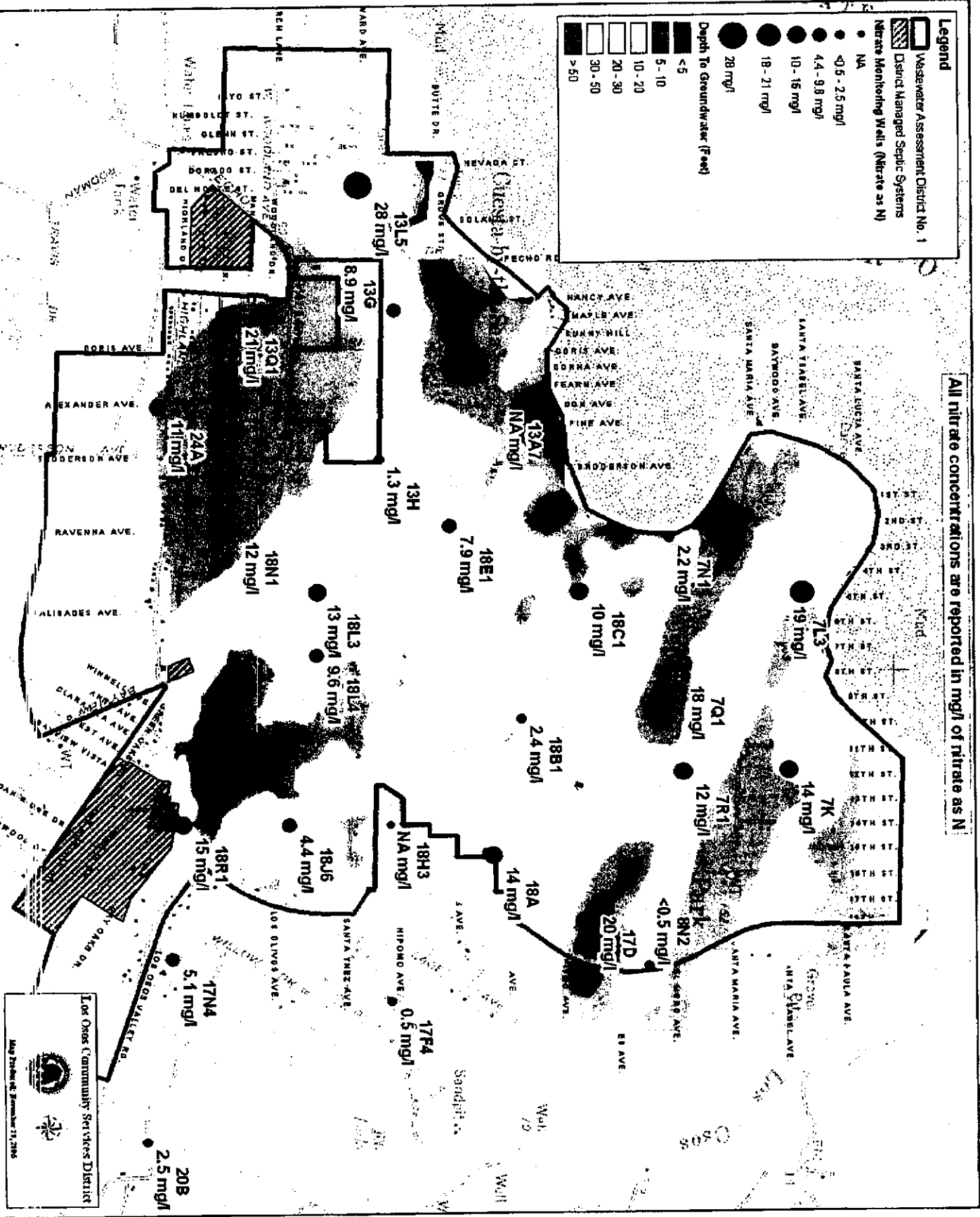
Base map: USGS Topo, Aerial Gray Shaded
 Map scale: 1 inch = 1,000 feet

○ (with well ID) monitoring location
 (with well ID) NO₃-N
 (with well ID) NO₃-N concentration (mg/L)

1000 feet

Figure 2
 NO₃-N Concentrations (mg/L)
 LOGSD Monitoring Network
 October 2005
 Los Osos CSD
 Cleary & Associates

Well Test Data Presented by Rob Miller ACL Hearing Dec '06



30S/11E-7L3 (replacement well)
West side of 5th Street north of Santa Ysabel Avenue, Los Osos

Co. Health Permit No. 2002-MW-144

All depths in feet below grade

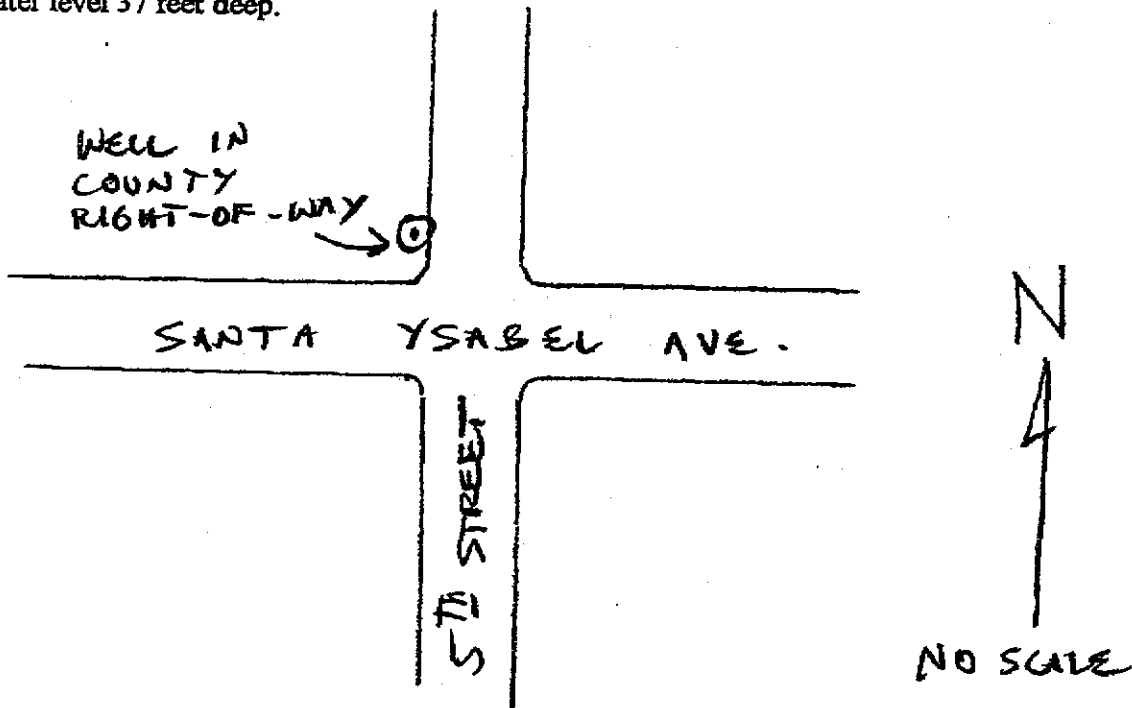
<u>Lithologic Log from 1982:</u>	0 - 45 feet	Tan brown sand, very fine to medium grained, firm.
New 2002 footage:	45 - 50 feet	(heaving sands, unable to retrieve sample)

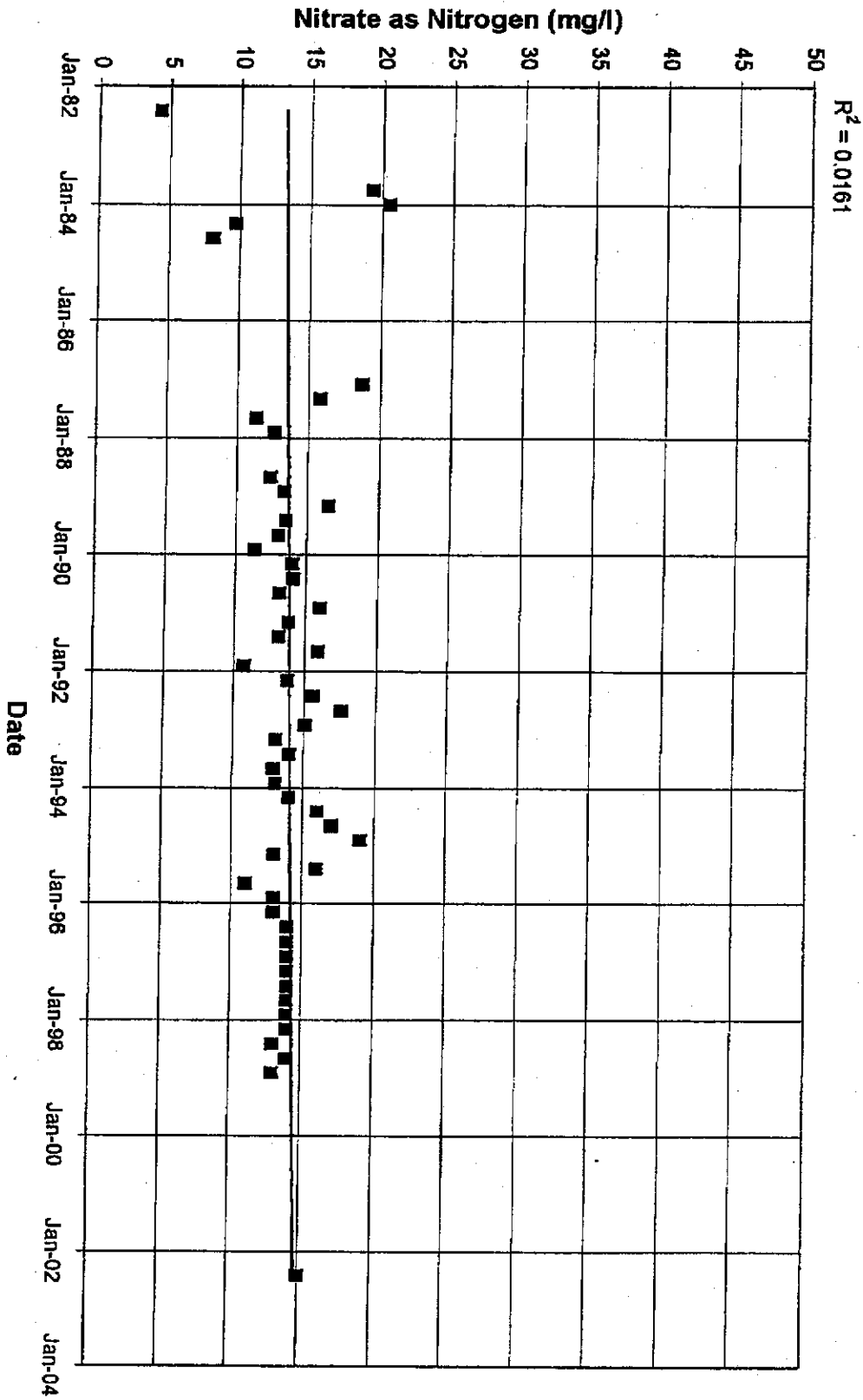
Drilled out and removed borehole materials from 1982 well construction. Original perforated interval was 42-45 feet deep.

2002 Replacement Well Construction (same borehole)

Well:	0 - 50 feet	2-inch PVC schedule 40 casing with threaded couplings
	40 - 50 feet	0.020 perforations with end cap
Annular Space:	0 - 2 feet	new traffic rated well box/wellhead set in concrete
	2 - 33 feet	cement/bentonite grout sanitary seal
	33 - 34 feet	bentonite transition seal
	34 - 50 feet	RMC Lapis luster #3 filter pack

Static water level 37 feet deep.





Graph 7
Well 30S/11E-7L3
NO₃-N vs Time

Table 3
April 2005 Water Quality Results

Well ID	Sample Date	Temp °C	pH-field units	TDS mg/l	EC umhos/cm	Ca mg/l	Mg mg/l	K mg/l	Na mg/l	HCO3 mg/l	SO4 mg/l	Cl mg/l	NO3-N mg/l	B mg/l	DTW feet
30S/10E-13G	4/15/05	18.3	6.05	270	450	19	19	1.1	43	65	12	85	8.9	<0.2	37.67
30S/10E-13H	4/19/05	18.5	6.31	130	180	14	7	0.4	17	50	13	11	1.3*	0.059	23.10
30S/10E-13L5	4/14/05	19.0	5.78	1100	2100	90	99	1.2	97	60	44	460	28	<0.2	19.25
30S/10E-13Q1	4/19/05	19.0	6.11	470	710	28	21	1.5	77	73	24	120	21*	0.097	83.08
30S/10E-24A	4/21/05	18.1	6.52	220	340	14	9.7	1.7	38	44	5.1	46	11	0.036	154.13
30S/11E-7K	4/14/05	19.5	6.60	410	800	36	34	2.0	63	140	47	82	14*	<0.2	47.83
30S/11E-7L3	4/13/05	18.5	6.44	490	900	25	22	2.3	97	140	57	110	19*	<0.2	34.00
30S/11E-7N1	4/13/05	21.2	6.37	120	240	12	9.4	1.1	21	70	5.9	28	2.2	<0.2	2.40
30S/11E-7Q1	4/14/05	18.5	6.08	340	720	30	23	4.3	65	75	38	84	18*	<0.2	2.67
30S/11E-7R1	4/13/05	18.5	5.99	260	530	25	17	2.4	41	95	28	51	12	<0.2	18.33
30S/11E-8N2	4/15/05	17.7	6.49	67	88	4.2	3.9	0.8	8.7	32	6.5	3.7	<0.5*	<0.2	32.08
30S/11E-17D	4/19/05	17.6	6.42	360	600	23	20	1.6	68	80	31	64	20*	0.19	49.42
30S/11E-17F4	4/21/05	18.6	6.13	330	560	30	24	1.4	58	130	15	99	0.5*	0.049	43.92
30S/11E-17N4	4/20/05	17.1	5.96	200	320	13	11	0.91	34	40	12	48	5.1	0.058	20.50
30S/11E-18A	4/21/05	18.7	6.27	330	520	32	19	3.5	51	82	34	63	14*	0.18	na
30S/11E-18B1	4/14/05	17.3	6.18	110	210	9.8	5.2	3.3	26	80	12	6.7	2.4*	<0.2	14.42
30S/11E-18C1	4/13/05	17.9	6.08	280	580	22	19	1.5	51	100	38	55	10	<0.2	14.33
30S/11E-18E1	4/15/05	18.2	6.10	240	440	22	18	1.5	46	85	30	44	4.4*	0.10	18.04
30S/11E-18J8	4/20/05	18.2	6.25	330	530	36	22	3.2	54	180	19	55	4.4*	0.10	20.75
30S/11E-18L3	4/13/05	19.2	6.03	210	480	22	14	2.8	42	60	25	59	13*	<0.2	35.00
30S/11E-18L4	4/15/05	18.1	5.99	360	630	33	26	3.2	61	100	34	78	9.6*	<0.2	15.50
30S/11E-18N1	4/19/05	19.5	6.07	370	600	23	23	1.8	56	46	31	110	12*	0.14	72.00
30S/11E-18R1	4/20/05	16.8	5.87	390	580	24	21	0.9	59	50	17	110	15	0.14	10.50
30S/11E-20B	4/21/05	18.7	6.34	340	570	30	30	1.7	47	100	27	100	2.5*	0.06	na
30S/11E-21D	4/12/05	18.9	6.71	600	1100	63	64	<1.0	69	380	70	79	9.2	<0.2	6.00

*other forms of nitrogen detected - see lab sheets. Note: HCO3 reported as mg/l CaCO3.



Table 3
October 2005 Water Quality Results

Well ID	Sample Date	Temp °C	pH-field units	TDS mg/l	EC µmhos/cm	Ca mg/l	Mg mg/l	K mg/l	Na mg/l	HCO3 mg/l	SO4 mg/l	Cl mg/l	NO3-N mg/l	B mg/l	DTW feet
30S/10E-13G	10/18/05	18.9	5.98	310	460	20	19	0.99	41	65	12	80	9.6	<0.05	38.85
30S/10E-13H	10/20/05	20.3	6.08	180	250	19	8.9	0.48	16	75	4.2	20	14	<0.05	23.00
30S/10E-13L5	10/13/05	20.4	5.88	1200	1900	98	87	1.1	110	60	33	550	22	0.12	21.27
30S/10E-13Q1	10/25/05	18.8	5.99	460	770	33	24	1.6	81	65	26	140	20	0.11	83.10
30S/10E-24A	10/27/05	19.0	6.23	210	330	12	9.4	1.1	37	36	4.8	45	12	<0.05	154.08
30S/11E-7K	10/14/05	19.8	6.51	330	630	28	25	1.5	80	90	33	99	6.1*	<0.05	49.38
30S/11E-7L3	10/12/05	19.9	6.45	580	910	25	22	2.2	130	79	37	92	5.2*	0.2	35.83
30S/11E-7N1	10/11/05	18.7	6.14	160	260	72	9.8	0.9	22	64	5.0	32	2.1*	<0.05	2.8
30S/11E-7Q1	10/13/05	20.6	6.15	390	680	32	25	3.7	65	100	46	100	20*	0.13	2.0
30S/11E-7R1	10/14/05	19.4	6.03	360	630	32	21	2.7	81	120	33	68	14	0.13	20.0
30S/11E-8N2	10/20/05	17.9	6.23	58	98	4.7	4.5	0.90	8.8	55	5.2	6.5	0.8	<0.05	32.63
30S/11E-17D	10/20/05	18.5	5.90	300	530	20	18	1.5	63	70	28	67	17	0.15	51.21
30S/11E-17F4	10/19/05	23.5	5.83	300	580	24	22	0.84	56	130	15	100	0.5*	0.05	43.66
30S/11E-17N4	10/12/05	20.1	5.79	200	310	12	11	0.8	31	40	14	48	5.6	0.05	20.1
30S/11E-18A	10/21/05	17.2	5.81	340	580	29	20	3.0	58	85	38	72	14	0.27	na
30S/11E-18B1	10/12/05	18.8	5.99	320	550	38	20	7.0	38	95	27	72	12	0.11	15.63
30S/11E-18C1	10/19/05	18.5	5.97	370	680	30	27	1.6	63	100	43	97	17	0.10	15.63
30S/11E-18E1	10/25/05	18.7	6.19	250	440	22	17	1.4	45	80	28	53	6.9	0.08	24.1
30S/11E-18J6	10/21/05	18.5	6.01	370	620	38	23	3.1	55	180	27	60	6.2*	0.12	20.67
30S/11E-18L3	10/12/05	19.1	5.91	270	450	24	15	2.9	39	40	19	76	10*	0.07	37.92
30S/11E-18L4	10/19/05	19.9	5.88	340	630	27	22	3.2	64	110	38	89	15*	0.12	18.38
30S/11E-18N1	10/25/05	19.2	5.88	400	720	30	28	1.9	67	55	29	140	21	0.15	72.48
30S/11E-18R1	10/11/05	17.6	5.34	410	630	24	20	0.8	58	20	19	110	17*	0.14	11.9
30S/11E-20B	10/18/05	21.7	6.22	330	580	26	28	0.85	45	110	26	94	6.2	0.06	na
30S/11E-21D	10/11/05	18.9	6.86	850	1400	74	70	0.4	71	470	97	130	6.0*	0.17	10.0

*other forms of nitrogen detected - see lab sheets. Note: HCO3 reported as mg/l CaCO3.
DTW = depth to water



State of California

Memorandum

To : Craig M. Wilson
Senior Staff Counsel

Date : OCT 13 1988



David B. Cohen, Ph.D., Chief
Regulatory and Monitoring Branch

From : STATE WATER RESOURCES CONTROL BOARD

Subject: CITIZENS FOR AFFORDABLE WASTE WATER SYSTEMS' PETITION FOR REVIEW OF ACTION AND INACTION BY THE CENTRAL COAST REGIONAL BOARD REGARDING THE LOS OSOS-BAYWOOD PARK AREA PROHIBITION; FILE NUMBER A-525

Sometime ago, you requested that the Division of Water Quality assign a staff member to review the California Regional Water Quality Control Board, Central Coast Region's (Central Coast Regional Board) existing Los Osos-Baywood Park area prohibition.^{1/} Additionally, you asked us to determine if the evidence that the Citizens for Affordable Waste Water Systems (C.A.W.S.) submitted along with its petition^{2/} warranted review of this prohibition by the State Water Resources Control Board (State Board) on its own motion. Since then, Don Owen of the Regulatory Branch's Technical Support Unit reviewed the supporting material and the record; and, he and Kathie Keber have discussed this matter. They concluded that substantial evidence in the record supports the existing prohibition and that the petitioners' evidence does not justify State Board review of this matter. This memorandum summarizes pertinent information about the prohibition and the petitioners' contentions and reiterates Kathie and Don's conclusions.

Background

The unincorporated, unsewered coastal communities of Los Osos, Baywood Park, and Guesta-by-the-Sea, which are located at the western end of Los Osos Valley about twelve miles northwest of the City of San Luis Obispo, comprise the Los Osos hydrologic basin. The relatively flat Los Osos alluvial plain typifies the basin's topography. Two parallel ranges, the Irish Hills and Park Ridge, border Los Osos Valley on the south and north respectively. Eto Creek, Los Osos Creek, and their minor tributaries are the main surface water drainages of the basin and flow northwesterly into Morro Bay estuary. According to Central Coast Regional Board's Water Quality Control Plan, the beneficial uses

1. The Central Coast Regional Board adopted Resolution 83-13 on September 16, 1983; this resolution established a compliance time schedule, limited the number of new discharges, and prohibited discharges from all individual and community sewage disposal systems after November 1, 1988.

Topography described by someone unfamiliar with the AREA!

Not even close!

Craig M. Wilson

- 4 -

OCT 13 1988

information.^{11/} Following this meeting, C.A.W.S. petitioned the State Board to review the Central Coast Regional Board's Resolution 83-13, the immediately effective new discharge prohibition, the additional information reporting requirement, and three alleged inactions. The petitioners' contentions, taken approximately in the order given in the petition, are described below.^{12/}

Analysis of Contentions

- 1. **Contention:** Nitrates discharged from septic tank-subsurface disposal systems have not degraded ground water quality.

Response: Domestic (residential) wastewater contains many pollutants. Onsite wastewater treatment and disposal systems^{13/} can effectively and efficiently reduce or remove many of these pollutants when their location is carefully selected and they are properly designed, constructed, and maintained. But, because the soil performs most treatment and removal, onsite systems cannot remove all pollutants or function properly if the site is inappropriate. For example, nitrogen occurs in wastewater as organic nitrogen, as ammonium, or in oxidized form as nitrite and nitrate. Nitrogen is an important plant nutrient; however, free ammonia can also be a fish toxicant and nitrates may harm animal and human health.^{14/} Typically, the average concentration of total nitrogen in residential wastewater (before it enters a septic tank) is 63 mg/l;^{15/} and the mean concentration of total nitrogen in septic tank effluent is 45 mg/l.^{16/} Thus, most nitrogen passes through septic tanks and is discharged into the soil.^{17/} In the aerated zone beneath leachfield

Note (cont.)

NO1

This page (#4) of memorandum to Craig M. Wilson
 2/13/06 is entered as evidence of the Board's
 Knowledge of Nitrogen Reduction (63-45 = 18[±] mg/L)
 in Septic Tank operation.

This also Shows Average Septic Tank effluent
 is 45 mg/l ... 7 mg/l Below the Oct. '05 Well # 7L3
 @ 52 mg/l (used by Prosecution April 28, '06)

Same well April '05 19 mg/l Nov '05 19 mg/l CCL. Defence Dec '05

Last Name	First	Location/address	Affiliation/issue
Achadjian	Katcho	San Luis Obispo, California	SLOCO BoS
Alexander	Dr. John	Cayucos, California	Expert-Wastewater
Allbright	Joyce	Los Osos, California	TaxpayerWatch
Asquith	Don	Los Osos, California	geologist
Baggett Jr.	Arthur G	Sacramento, California	SWRCB
Barrow	Al	Los Osos, California	CASE
Batson	Curt	San Luis Obispo, California	SLOCO Environ Health
Beardwood	Jack	Bay News	Wastewater Reporter
Beavers	Alan	Los Osos, California	
Beeton	John	San Luis Obispo, California	SLOCO Public Works
Berman	Dan	Morro Bay, California	Director, MBNEP
Bhuta	Dr. Pravin	Los Osos, California	LOTF advisor
Bhuta	Lila	Los Osos, California	LOTF advisor
Bhuta	Mary	Los Osos, California	Concerned Citizen LO
Bianchi	Shirley	San Luis Obispo, California	SLOCO BoS
Biggs	Julie	Los Osos, California	CSD Attorney
Blakeslee	Sam	San Luis Obispo, California	State Assemblyman
Bleskey	Dan	Los Osos, California	CSD General Manager
Boddeker	George	Los Osos, California	citizen researcher
Bowker	Leslie S	Los Osos, California	RWQCB
Brady	John	Los Osos, California	Golden State Water
Braverman	Dan	Los Osos, California	csd volunteer
Brentnall	Peter	Los Altos, California	Author
Brewer	Peter	Morro Bay, California	SSMP researcher
Briggs	Roger		Witness/prosecutor
Broadwater	David		SLOCO
Buel	Bruce	Los Osos, California	CSD Past
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