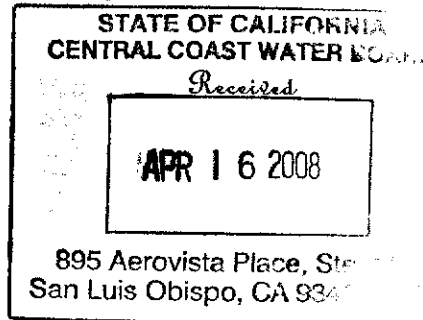


*Central Coast Green Cooperative*



04/07/08

Piper Reilly  
691 Woodland Drive  
Los Osos, CA 93402  
[Piper@ccgreencooperative.com](mailto:Piper@ccgreencooperative.com)

Sorrel Marks  
Central Coast Water Board  
895 Aerovista Place, suite 101  
San Luis Obispo, CA 93401

Dear Ms. Marks,

This letter is in protest to the lack of notice given for the Revision of the Basin Plan Criteria and Waiver of the Waste Discharge Requirements for On Site Systems. A mention on your web site and one classified advertisement is not adequate to notify all those affected by the planned revision. (1)

I also assert that the proposed plan triggers CEQA because change in recharge to the basin will greatly effect the flora which will in turn have an impact on the fauna. The sheer volume of communities involved should have triggered CEQA. Here in Los Osos, it was determined that routine pumping of septics would have an adverse effect on air quality. Have all appropriate agencies been notified? From your document it is unclear. (2)

Because this is a major revision and it affects so many, at a minimum, a post card should have been sent out to property owner's with onsite systems in the proposed areas. Placing a cloud on all those titles will have an economic effect, which was not discussed in this update. There will also be a cost to whom ever is placed in the position of responsibility for this plan's implementation and maintenance. It is unclear in this document as to who this will be and if they have been notified. (1)

As a recipient of a NOV in the Los Osos prohibition zone, I have been in communication, via e-mail, regarding onsite, with Harvey Packard, enforcement officer for the CCRWQCB, for the past 5 months. We had a meeting a few weeks ago and he did not mention the proposed changes to the Basin Plan. This, despite the fact that our conversations have centered on the subject of on site systems and, on January 18, 2008 I asked Mr. Packard, in writing, if he expected there to be any updates to the Basin Plan, to which he gave me no indication that there would be. One small advertisement in a paper is insufficient notice for such a substantial proposal which effects so many lives, be it human, plant or animal. (1)

As an individual, I have been actively working towards being the best possible steward of our natural resources and your Board is making that impossible. I do not comprehend how the County of San Luis Obispo can continue to issue permits for new septic tanks when we in Los Osos face close to \$40,000,000.00 in fines, per household, for our County permitted septic tanks.

In accordance to new water conservation measures, all structures must have water saving devices installed at the time of sale. Where a homeowner is unable to connect to a sewer system, Reclamators should be mandated. Producing, EPA quality drinking water, it expels a resource which can be re-used with in the home or can be safely recharged to the aquifer with a root zone application. It is greatly disturbing how the best and most affordable technologies are being ignored while antiquated and faulty practices continue.

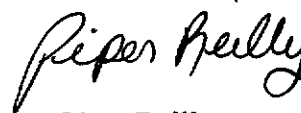
If San Luis Obispo County moves ahead with it's plan to build a conventional waste water treatment system for Los Osos, then I have the right by California State Water Code 13360 Manner of Compliance, to choose any lawful means to take care of my violation. For your board to continually move the goal post is underhanded, and keeps you from actually achieving the goal which is improving water quality. It then begs the question, is your board really interested in water quality or just control?

For your Board to manipulate the situation so that the only option will be to do whatever the County says, no matter how environmentally hazardous and economically crippling it may be, is just plain wrong. To force me to hook up to a County conventional system, which will leak, sets me up to have to pay more fines and that is collusion and that is a crime. There also has been, and continues to be, a great deal of selective enforcement.

Attached, I have include my most recent e-mail correspondence with Harvey Packard and Roger Briggs as well as a response letter, written by Attorney Patrick Sparks on my behalf. This is followed by a letter of my support of PZLDF's efforts, and finally, also included is a timely article regarding the Water Board's arbitrary and capricious nature both here on the central coast as well as in other parts of the state.

Your proposal for the Plan Revision of the Basin Plan Criteria Waiver of the Waste Discharge Requirements for On Site Systems has far reaching effects. Please table this until such time when all interested parties have been adequately notified and the CEQA issue can be reexamined.

Sincerely,



Piper Reilly

Central Coast Green Cooperative  
piper@ccgreencooperative.com

cc:

Governor Arnold Schwarzenegger  
Attorney General Edmund G. Brown  
State Senate President Pro Tem Don Peralta  
Natural Resource Defense Council, San Francisco



Print - Close Window

**Date:** Thu, 13 Mar 2008 10:46:52 -0700  
**From:** "Piper Reilly" <getgreenlo@gmail.com>  
**To:** kismetwest@sbcglobal.net  
**Subject:** Fwd: Piper's NOV

----- Forwarded message -----

**From:** Piper Reilly <getgreenlo@gmail.com>  
**Date:** Wed, Mar 5, 2008 at 10:55 AM  
**Subject:** Piper's NOV  
**To:** Harvey Packard <hpackard@waterboards.ca.gov>  
**Cc:** Lisa Schicker <lisaschicker@sbcglobal.net>, Mark Low  
<mark@nowastewater.com>

Dear Mr Packard,

I am looking forward to hearing from you in response to my email of 02/19/08 regarding the installation of the Reclamator.

Since receiving the NOV from you a year ago, I have been put under stress, by this process, so severely, that it has caused me, as it has caused others, illness. As stated previously, I wish to rectify this matter. I understand that you are busy, so in case you missed the e-mail I am referring to, I will include it at the bottom of this one.

I did discover that Steve Paige's urine sequestering system was approved by you this past fall. Logically, there should be no problems with me installing the Reclamator.

Thank you for your attention to resolving the matter of the NOV.

Sincerely,

Piper Reilly

fromPiper Reilly <getgreenlo@gmail.com>  
toHarvey Packard <hpackard@waterboards.ca.gov>,  
ccLisa Schicker <lisaschicker@sbcglobal.net>,  
Mark Low <mark@nowastewater.com>,  
dateTue, Feb 19, 2008 at 11:51 AM  
subjectCompliance with NOV  
mailed-bygmail.com  
hide details Feb 19 Reply

Dear Mr Packard,

I am writing you today in regards to the letter you sent me on 03/21/07. It states that based on substantial evidence, our septic harm water quality and public health. It then further states that the County faces significant hurdles in having their proposed waste water treatment plan up and running by 01/11/2011. The County's Auditor has recently also shown doubt regarding this process. These are concerns I share, therefore, in accordance with California Water Law 13360 Manner of Compliance, I may undertake action to eliminate the "discharge" which is the subject of my NOV.

ARTICLE 6. GENERAL PROVISIONS RELATING  
TO ENFORCEMENT AND REVIEW

§ 13360. ***Manner of compliance***

*(a) No waste discharge requirement or other order of a regional board or the state board or decree of a court issued under this division shall specify the design, location, type of construction, or particular manner in which compliance may be had with that requirement, order, or decree, and the person so ordered shall be permitted to comply with the order in any lawful manner.*

The recent spill, at the Men's colony, of a brand new Carollo conventional waste water system, is a prime example of what I wrote to you in our e-mail conversations just one month ago. Since the County continues on this path of "Carollo conventional", it is more than fair to say that there will be discharge and I will be fined if I hook up to the County's proposed system.

I would rather install an AES Reclamator in order to comply now. I will be using this, state of the art, NSF certified, low energy appliance, to handle waste at the source. I will be discharging EPA quality drinking water which is a resource and not waste. The Reclamator is monitored via google. Your agency will have full access to check the performance of this system 7 days a week, 24 hours per

day.

The State Water Resources Control Board is meeting in Sacramento to explore a set of proposed measures to reduce greenhouse gas emissions from water use in California. This will shape the agency's submittal to the California Air Resources Board for inclusion in the AB 32 Scoping Plan.

Proposals include water recycling at waste water treatment plants and ensuring that water managers implement Best Management. The Reclamator accomplishes that and much more, including 100% recharge of purified water to the aquifer with no danger of liquefaction, a small carbon footprint, a small price tag and pretreatment at the source as mandated by Federal Code Title 33, Chapter 26, sub chapter I.

Currently, this, highly federally compliant, "water harvest" appliance, is the ultimate drought solution. As an environmentally minded person, and mother of 4, I am pleased to be complying with the full letter of the law and doing my part in maintaining a healthy earth for generations to come.

Sincerely,

Piper Reilly



# California Regional Water Quality Control Board Central Coast Region



**Linda S. Adams**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.waterboards.ca.gov/centralcoast>  
895 Acrovista Place - Suite 101, San Luis Obispo, CA 93401-7906  
Phone (805) 549-3147 • FAX (805) 543-0397

**Arnold Schwarzenegger**  
Governor

March 6, 2008

Ms. Piper Reilly  
691 Woodland Drive  
Los Osos, CA 93402-3817

Dear Ms. Reilly:

## **INSTALLATION OF THE RECLAMATOR IN THE LOS OSOS PROHIBITION ZONE**

This letter responds to your emailed inquiry dated February 19, 2008 regarding installation of a Reclamator at your residence. To our knowledge, the effluent quality from a Reclamator would not be any worse than that from your existing septic system, and may even be of higher quality. The Central Coast Water Board supports measures to minimize ongoing adverse impacts from septic systems. However, even if it works as well as its promoter's claim it will, the Reclamator will still discharge waste. The Reclamator therefore does not comply with the Basin Plan, which prohibits all discharges of waste from individual sewage disposal systems, including engineered alternative systems.

The Central Coast Water Board has indicated that it does not intend to take individual enforcement action for violations of the Basin Plan prohibition as long as the County's process stays on track. Once a community sewer system is available, or sooner if the County discontinues its efforts to build one, you will be required to eliminate all onsite discharges of sewage waste. You can do this by connecting to the sewer system, or by proposing and obtaining approval of another legal alternative to eliminate all onsite discharges. The requirement to eliminate onsite discharges does not violate Water Code Section 13360, even if the only feasible compliance alternative is connecting to a public system.<sup>1</sup>

Your email also states that the Reclamator is NSF (National Sanitation Foundation) certified. We suggest you investigate that claim, since our understanding is that it is not certified.

<sup>1</sup> *Tahoe-Sierra Preservation Council v. State Water Resources Control Bd.* (1989) 210 Cal.App.3d 1421

*California Environmental Protection Agency*



Ms. Reilly

- 2 -

March 6, 2008

Should you decide to proceed, we would be interested in reviewing the data that you say will be available. We recommend you also contact the County of San Luis Obispo and obtain the necessary local permits that may be required.

If you have any questions please contact David LaCaro at (805) 549-3892 or Harvey Packard at (805) 542-4639

Sincerely,



Roger W. Briggs  
Executive Officer

cc: Frances McChesney

s:\sds\san luis obispo co\individual advanced systems\letter to ms. reilly - reclaimator.doc

***California Environmental Protection Agency***



Patrick E.B. Sparks  
*Attorney at Law*

430 Quintana Rd PMB 135  
Morro Bay, Ca. 93442

Tel. (805) 748-5491 Fax: (866) 681-1087  
E-mail: aes2@padreproperties.com

Ms. Piper Reilly has asked the California Regional Water Quality Control Board, Central Coast Region ("CCRWQCB") to install an AES RECLAMATOR BESTEP 10-UF900 ("RECLAMATOR") in Los Osos, Ca. as at address 691 Woodland Dr., part of the "prohibition zone". Roger Briggs, Executive Officer for CCRWQCB has responded with similar language to the September 2007 letter to AES, Inc. as described below.

**Briggs letter in review:**

1. Briggs states that "all onsite discharges of sewage waste" is to be stopped. Mr. Briggs believes the RECLAMATOR discharges sewage waste.
2. Mr. Briggs also informs Ms. Reilly that so long as the County continues a plan for a community sewer system, no fines will occur to the homeowners.
3. Mr. Briggs states that NSF has not certified the RECLAMATOR.
4. If data is available, Briggs would like to see it on a RECLAMATOR.

**AES, Inc. Response:**

1. When the CCRWQCB gave consent to the Tri-W system for discharges of sewage waste, the reusable "harvest water" was established at 7 mg/l nitrates. The RECLAMATOR has proven data from the National Sanitation Foundation, International, Inc. ("NSF") which shows nitrates at on average 1.6 mg/l and total nitrogen at 3.9 mg/l on average. To continue to state the RECLAMATOR discharges a waste is either gross error or subject to equal protection of the law. The solids in the tank will be removed about every 5 years. Unlike like a septic system, the RECLAMATOR process will remove pollutants during cleanout such that the truck leaving the home (about once every 5 years) will not be transporting waste. AES, Inc., on information and belief, does not discharge any sewage as all sewage from the home is treated at the point source. Mr. Briggs is wrong. The case law referenced, Tahoe-Sierra Preservation Council v. State Water Resourced Control Bd. (1989) 210 Cal.App.3d 1421 actually supports the AES, Inc. position. The RECLAMATOR is a "means of compliance" with the Basin Plan.
2. While it is true that when AB2701 gave the County control of a community sewer system, the fines were tolled, AES, Inc. contends the flavor of Briggs response was to strong arm the citizens into a community sewer system. Briggs implies that if the County stops building a community sewer system, the fines will start again. What this does not say is that 5 years, at the minimum, is what the timeline



will be to complete a community sewer system with no gradual improvement in nitrates to the upper aquifer or lower aquifer. As each house comes online with a RECLAMATOR, the quality of the aquifers is improved. There are approximately 6500 homes in Los Osos. AES, Inc. believes the entire community should be serviceable within 2 years.

3. The RECLAMATOR has not been certified by NSF. California is not a state that requires certification. The Chief Counsel for AES, Inc. has confirmed the 1995 report from NSF is valid. Tom Bruursema at NSF tel. (734) 769-7575.
4. The data for the RECLAMATOR should be available soon as the permit was granted by County Planning on 3/6/08 after being given the go ahead by Harvey Packard at the CCRWQCB. Tom Murphy has installed one at his home on Las Encinas.

Rather than wait for a community sewer, the homeowners are ready, willing and able to install RECLAMATORS to eliminate discharge of pollutants.

Pursuant to the lowest responsible bidder analyzed in *City of Inglewood-L.A. County Civic Center Authority v. Superior Court* (1972) 7 Cal.3d 861, 867, as the Public Contract defines (citations omitted), the 15% range of the next bidder is at issue. Here, AES, Inc. has bid \$15,000 per house. The first phase per the "218" vote was \$25,000. That is 25% more than the AES, Inc. bid and is not the lowest responsible bidder for tertiary treatment of sewage from the homeowners in Los Osos ( $15,000 + 25,000 = 40,000$ .  $15000/40000 = 3/8$ .  $25000/40000 = 5/8$ .  $5/8 - 3/8 = 2/8$  or  $1/4$  which is 25%). The public agency (County Board of Supervisors or LOCSD) is competing with a private agency to treat sewage. The County bid is invalid or non-responsive.

3/13/08  
Dated

  
\_\_\_\_\_  
Patrick Sparks, SB#175981

Central Coast Regional Water Quality Control Board

I am a beneficially interested party in the appeal of individual (Case No CV070472)

On or about April 2007 the water board sent **Notices of Violations** to every property owner in Los Osos Ca. I understand that I am one of approximately 5000 residential or business owners that received such a notice. This action and the actions to bring enforce actions against all property owners in Los Osos adversely affects me.

I understand the Notice constitutes "progressive enforcement" according to the water Board Enforcement Policy (2002) and asserts I am violating the water board Basin Plan, and I am in continuous violation since 1988. At the May 2007 Water board meeting the Board declared and I and others could be subject to fines of up to \$5000 per day ---all the way back to 1988. Further, both statements in the notice and the actions by the board to date indicate that I am held responsible if I do not connect to a sewer by 2011, even if a project is not available to connect to.

I understand that the Los Osos Community services District (LOCSD) and Citizens for Clean Water (aka) Prohibition Zone Legal Defense Fund and other parties to the petition are beneficially interested in the outcome of the appeal.

Name:

*Piper Reilly*  
PIPER REILLY

Address:

691 WOODLAND DRIVE  
LOS OSOS, CA 93402

# News

WATER QUALITY CHECKS HIT, MISS

## INCONSISTENT ENFORCEMENT CITED IN REPORT

By **Alex Breitler**  
 April 07, 2008  
 Record Staff Writer

**SACRAMENTO** - Agencies charged with protecting California's water quality are inconsistently enforcing the law and levying fines that have not increased since 1984, according to a new staff report.

Environmentalists have long complained that the State Water Resources Control Board and nine other regional boards are not properly safeguarding water quality.

While not as prominent as other government branches, these boards investigate thousands of violations - some in paperwork, others toxic discharges into creeks and streams. The boards take a key role in protecting water bodies such as the Delta.

The report, open for public comment, was requested by Gov. Arnold Schwarzenegger in 2007.

"It's really an attempt by the water boards, in response to a lot of criticism that we've received, to say where we are right now, warts and all, with the idea that we need this information so we can improve," said Reed Sato, who heads the Office of Enforcement for the state board.

Problems identified by the board include:

» Key data on water quality violations are either missing or incomplete, and records vary from region to region, making it difficult to tell where the most serious violations are taking place.

» In the Central Valley, only 43 enforcement and compliance offers are charged with tracking nearly 16,000 permits.

» When violations are found, not all of the perpetrators are penalized. For example, in the Central Valley, 493 violations were reported in 2006-07 under the National Pollutant Discharge Elimination System wastewater program. This includes many permits held by cities and factories. Just 280 of those violations - or 56 percent - were enforced.

» Finally, penalties have not been adjusted for inflation in more than two decades. This could make the law less of a deterrent, the report warns.

"Being caught for violating the law is just kind of the cost of doing business," said Bill Jennings, a Stockton environmentalist who frequently criticizes the water boards. "It's cheaper to continue to pollute than it is to either upgrade equipment or take management measures.

"The bottom line," Jennings said, "is that if (the laws) had been enforced and complied with, these waters wouldn't be polluted now. For 20 years, we haven't vigorously enforced the law."