

Further recognition by Regional Board technical staff of significant threats to public health and the environment due to this specific project

May 7, 2007 letter from M. Keeling to R. LeWarne:

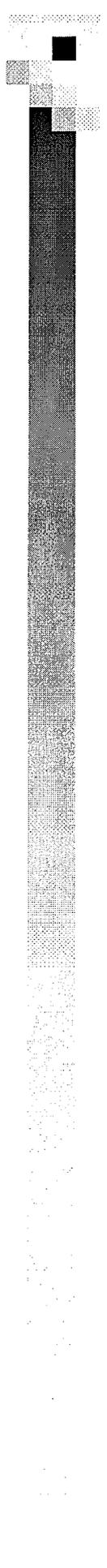
"Although we seriously question whether permitting of the proposed Kashfi project is in conformance with the narrative prohibitions, additional study is needed to clarify this...."

"It is generally accepted that compliance with numeric requirements and prohibitions contained within the basin plan result in compliance with narrative prohibitions for divisions of land of at least one-acre. This is not the case for existing divisions of land of less than one-acre as is generally the case in the Carmel Highlands. In addition, the documented geologic shortcomings of the Carmel Highlands only increases the likelihood of noncompliance with the narrative prohibitions. If the County continues to disregard the narrative prohibitions, particularly as they relate to the existing divisions of land of less than one-acre and/or areas identified in the basin plan as needing on-site wastewater management plans, we may be required to assert our own permitting authority for these areas until an on-site wastewater management plan has been prepared and approved.

Board staff recognizes that the County is ignoring the setback requirements from on-site to allow this project to proceed: "Our position regarding your interpretation of the Department of Water Resources Bulletin 74-90 regarding set back distances of domestic water supply wells from on-site waste water disposal system distribution boxes is based on commonly used and accepted terminology.... We find it interesting that the County appears to be applying well setback requirements from septic tank systems that are not consistent with the septic tank setback requirements from wells". *There is no response in the record from the County addressing this misapplication of the set back requirements.*

"Our comment regarding the validity of the 250 foot setback distance inferred by Russell Juncal under the context of "fractured conditions" was intended to clarify that merely establishing a de facto setback requirement of 250 feet for new on-site systems in Carmel Highlands would not address our concerns. Appropriate setbacks and other engineering and institutional controls need to be evaluated and established as part of the on-site wastewater management plan for Carmel Highlands as required to adequately protect water quality and public health." *This evaluation has not been done and the appropriate setbacks have not been established – the proposed additional treatment that is the subject of the waste discharge waiver can have no effect on the existing conditions that threaten water quality and public health other than to facilitate the use of a well that will spread contamination and itself provide a conduit for human exposure.*

However, as stated in our March 7, 2007 letter, we still do not support the County's issuance of any additional on-site wastewater disposal system permits with the Carmel Highlands area until a sufficiently detailed wastewater management plan is prepared "Without any significant technical input an exception to this position was made to accommodate a project that represents a near worst-case situation for potential well contamination.



The issue surrounding this project have always been about cumulative impacts, not a single system

In the Board staff's May 7, 2007 letter to Richard LeWarne, it is stated, "Regardless, our response to Mr. Bridges (the applicants attorney) was that although enhanced treatment was a step in the right direction, *an area wide on-site wastewater management plan was required to determine whether, or what type of, enhanced treatment was appropriate to protect water quality and public health.*"

The waiver resolution under consideration enables the placement of a well with 250 feet of 6 on-site wastewater disposal systems NOT including the proposed Kashfi system. This includes one system only 90 feet away, and two systems using 50 foot deep disposal wells that are 150 and 160 feet away, respectively. Whether the Kashfi system operates at all the cumulative effects in the area pose a risk to the proposed well. Due to the effects of pumping and the additional Kashfi effluent the situation can only be further worsened with the additional element of creating an exposure pathway through the drinking water well.

Reasons for Denial of R3-2008-0020

Conditions for this specific site are worst case:

- 5 less-than-one acre lots with systems, two with 50 foot deep disposal wells,
- An area of known repeated system failures,
- Well documented fractured conditions,
- Poor sorptive soils
- Land constraints that make deep trenches and wells necessary for existing and likely replacement fields,
- Point Lobos Area of Special Biologic Significance about 350 feet away,
- Due to low porosity (around 2% based on County estimates) contamination can move far and quickly,
- The Applicants consultant calculates that approximately one quarter of the water recharging the well on the Kashfi property will be from the existing surrounding 6 leachfield/pit systems,

This is a known problem situation that has been recognized for 30 years; the exceptions and waivers for a worst-case site aren't technically justified.

.....Reasons for Denial of R3-2008-0020.....

- The applicants well does not meet the setbacks based on a 90 foot distance from the neighbors D Box.
- The applicants well does not meet the Basin Plan condition of a 250 foot setback in fractured conditions.
- The well restricts neighbors ability to install replacement systems which are required by the County.
- The well will draw contaminants deeper into the fractured bedrock with potential hydraulic connections to Gibson Creek within the Point Lobos Reserve.
- The proposed project is not protective of human health as there is, according to Board staff, high potential for impacts. The consequences of these impacts will fall on the consumers of the well water, the neighbors who will be drawn into lawsuits and the environment.
- The proposed project is not protective of the environment as it allows more loading in an area already impacted, loosens rather than strengthens existing numerical setbacks in the County regulations and the Basin Plan. It will also encourage leaving old leachfields and pits in use due to replacement field restrictions and it will increase contaminant run off in the rainy season which is already occurring
- The engineered system proposed by the applicant does not address the cumulative impacts or his own consultants analysis of the well recharge.
- The engineered system removes only a certain amount of contaminants and will not mitigate the impacts on the well.
- The engineered system cannot address chemical releases, most salts and a significant amount of the nitrogen that will be added. It is proposed to remove 95% of fecal coliform yet fecal coliform is present in septic effluent in the range of 1M cfu/100 ml.
- The monitoring of the engineered system accepts a 50% failure rate.
- Engineered system that rely on pressure dosing will fail or overflow during power failure.

.....Reasons for Denial of R3-2008-0020

- It is totally unnecessary to waive established set backs and technical requirements, risk likely impacts to human health, burden adjacent homeowners and the environment because the area-wide study which the Board staff has sought for so long will be done within 8 months.
- To allow permits to proceed for the benefit of a select few and the burden of many is not justified when the needed technical analysis is forthcoming.
- The Board staff has contradicted Monterey County's interpretation of setbacks, questioned their level of oversight and not supported their policies with regard to issuing wastewater disposal permits in the Carmel Highlands for technical shortcomings. With little substantive analysis in the written record a single individual developer is being granted a waiver. Last month the Kashfi project was set for approval even before the Board had conducted this hearing yet it was not verified by either the County or the Board that the terms of the interim County ordinance had been met. Specifically, the requirement for 3 – 70 foot minimum borings to establish the presence of fractures, cracks, or continuous channels that would establish a 250 foot setback requirement.
- The agreement to allow individual waste water disposal systems to go forward is flawed and this resolution enables that agreement to go forward. The risks to health, the environment, water quality and the adjacent Pt. Lobos Reserve far outweigh the short wait till the end of the year (or sooner if the County so decides) to make a technically supported decision that serves all stakeholders.

Recharge Analysis for Well at 74 Corona Road, Carmel Highlands

This analysis compares the amount of natural recharge to the aquifer from precipitation to the amount of water that will be recharged to the same area of aquifer by the adjacent septic systems. The calculations have been performed for aquifer areas surrounding the subject test well at radii of 150, 160 and 250 feet.

Because the septic disposal points are either 50 foot deep pits or 11 foot deep trenches it is assumed that all discharge to the fields recharges to groundwater. Other assumptions include:

- The annual discharge from each field within the aquifer area being evaluated is .428 acre feet of effluent per year based upon the calculation presented to the County for the leachfield to be installed at 74 Corona Road (calculation sheet attached).
- The natural annual recharge is .25 acre feet per acre based upon the highest values determined by the County for three areas around the Carmel Highlands (values are shown on attached sheet from County General Plan working session).

For a radius of 150 feet around the test well where there are 3 disposal areas:

Area = 1.622 acres,

Natural Annual Aquifer Recharge = .25 acre feet/ acre x 1.622 acres = .4056 acre feet per year.

Annual Recharge to Aquifer from sewage effluent: 3 disposal systems x .428 acre feet per year = 1.284 acre feet per year.

Ratio of infiltrated effluent recharge to natural recharge: 3.17:1, or sewage effluent is approximately 76% of total annual recharge in the 150 foot radius area immediately surrounding the well.

For a radius of 165 feet around the test well where there are 4 disposal areas:

Area = 1.963 acres,

Natural Annual Aquifer Recharge = .25 acre feet/ acre x 1.963 acres = .491 acre feet per year.

Annual Recharge to Aquifer from sewage effluent: 4 x .428 acre feet per year = 1.712 acre feet per year.

Ratio of infiltrated effluent recharge to natural recharge: 3.49:1, or sewage effluent is approximately 78% of total annual recharge in the 165 foot radius area immediately surrounding the well.

For a radius of 250 feet around the test well where there are 7 disposal areas:

Area = 4.51 acres,

Natural Annual Aquifer Recharge = .25 acre feet/ acre x 4.51 acres = 1.126 acre feet per year.

Annual Recharge to Aquifer from sewage effluent: $7 \times .428$ acre feet per year = 2.996 acre feet per year.

Ratio of infiltrated effluent recharge to natural recharge: 2.66:1, or sewage effluent is approximately 73% of total annual recharge in the 250 foot radius area immediately surrounding the well.

The analysis shows an extremely high percentage of aquifer recharge by sewer effluent. The attached well logs show that the top of the granite is at least in the range of 60-92 feet below ground and is fractured. There are two systems using leaching pits within 165 feet of the test well that are approximately 50 feet deep and therefore within about 10 feet of the top of the granite. The subject well, though screened from 454-614 feet has gravel pack from 80 feet to 614 feet. Moreover, in unconfined, low storativity, fractured systems such as this contaminants move quickly and over long distances. The pumping test showed communication between the test well and another well approximately 500 feet to the southwest within 3 days of pumping indicating a connected fracture system over a wide area.

There also is clear evidence of preferential pathways through the decomposed section of the granite from the surface to approximately 60 feet. It is well known that decomposed sections can maintain latent fracture and joints. Additionally, the soils report (Report by Soil Surveys Inc.) indicates that there are preferential pathways. They note that when performing the percolation test that water had seeped into the groundwater monitoring hole (Test hole #2) at a depth of 23 feet, 8 inches on the day of the perc test. This was clearly due to rapid infiltration of the water used to saturate test holes 1,3,4 and 5 less than 24 hours earlier (these were only 10-11.5 feet deep). Hole #2 is more than 10 feet from the nearest test hole that was pre-soaked and could only yield free water if preferential flow pathways were present.



COUNTY OF MONTEREY
HEALTH DEPARTMENT
DIVISION OF ENVIRONMENTAL HEALTH

MEMORANDUM

SEPTEMBER 29, 2005

To: Mr. Ramon Montano, Project Planner
Planning & Building Department

From: John Hodges, REHS
Division of Environmental Health

Subject: PLN040580, Alves/Kashfi

The Division of Environmental Health, Monterey County Health Department (DEH, MCHD) has further reviewed this project and for good cause, now rescinds its previous recommendation of conditional approval.

The DEH, MCHD has made extensive health & safety review of the feasibility of the proposed project and cannot support the construction of a water well on the Alves/Kashfi property. This project site is within the Carmel Highlands, which is an area known to experience repeated failures of existing septic system leach fields, and the Alves/Kashfi parcel is surrounded by developed parcels. These developed parcels are less than one acre and are served by a public purveyor of potable water, and all must use individual on-site septic systems for the disposal of domestic wastewater, since a service connection to an approved sanitary sewer system is not available.

Due to the small size of the lots, the need to preserve all available repair area for leach field replacement for the adjacent lots, and the need to maintain mandatory minimal horizontal distance setbacks from the proposed well to any existing or future septic system, then the DEH, MCHD finds that the proposed project is not consistent with public health goals and does not meet the Public Services Ordinance governing Sewage Disposal as stated in Chapter 15.20 of Title 15 of the Monterey County Code, sections 15.20.060 B (2) and 15.20.70 Table A. Therefore, the DEH, MCHD recommends that this project be denied.

ORIGINAL LETTER

DENYING PROJECT

6 MO LATER 100% REVERSAL

NO EXPLANATION OF WHAT CHANGED

COUNTY AWARE OF PROBLEMS

AS EARLY AS SEPT. 29, 2005

Subj: **Re: Kashfi**
Date: 3/19/2008 2:48:19 P.M. Pacific Daylight Time
From: juncalrw@snowcrest.net
To: Mkeeling@waterboards.ca.gov

Matthew, the County's October 26 letter clearly says the exempted sites will be held to 'stringent interim standards' and the letter spells out the interim standards clearly. Nowhere in that document does it say that the provisions can be waived. Nor is it in the ordinance I've seen. This letter is at least a significant part of your decision. The fact that an applicant would prove through by coring the formation that there are, at least no shallow fractures in within 70 feet is probably the most substantive mitigating factor in the interim ordinance. This is an an abuse of the MOA and material grounds for your reconsideration. Am I missing something?

Sincerely,

Russell Juncal

> Russell:

>

> I was not aware of the County's determination regarding the variance from
> the "three boring" requirement contained within the interim ordinance. I
> am not sure at this time how this will play into our position.

>

> Regards.

>

> MK

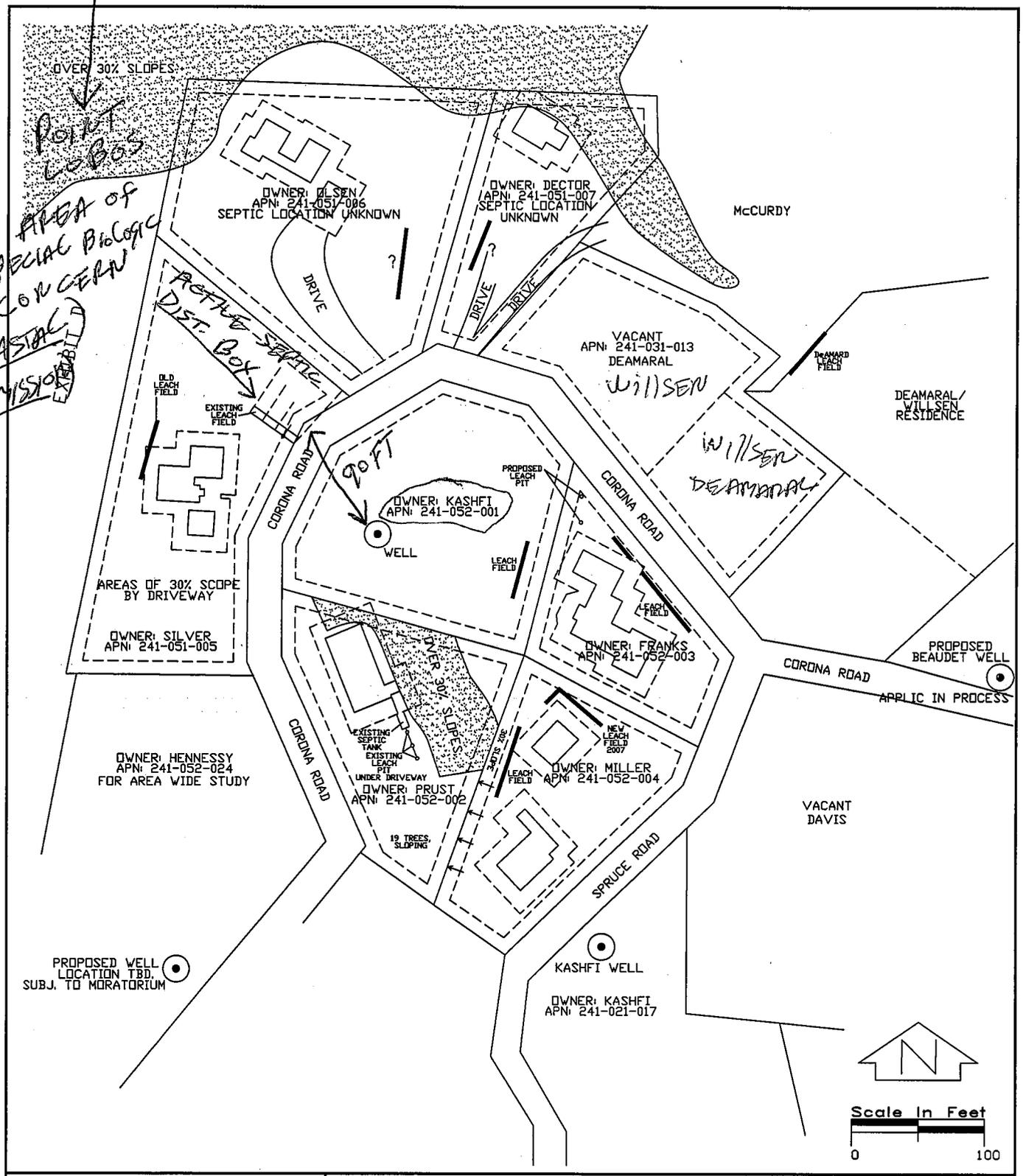
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This message was sent using SnowCrest WebMail.
<http://www.snowcrest.net>

350 FT. FROM WELL

POINT LOBOS
AREA of SPECIAL Biologic CONCERN
COASTAL COMMISSION



GROUND ZERO ANALYSIS	SITE ANALYSIS MAP 74 CORONA RD CARMEL HIGHLANDS, CA	FIGURE 2 FN 0308/730S
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DISCHARGES ATTORNEY

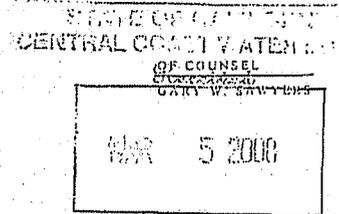
VOIDED THREAT
to RWQCB

CHARLES R. KELLER
RONALD F. SCHOLL
THOMAS H. JAMISON
MARK A. CAMERON
JOHN S. BRIDGES
DENNIS G. MCCARTHY
JACQUELINE P. MCMAHON
CHRISTOPHER E. FARETTA
DAVID C. SWEIGERT
SARA B. ROYNS
SHARILYN R. PAYNE
JULIAN E. TURLINGTON
AMBER D. PASSNO
CAROL S. HILBURN
JAY P. MENCHACA
SHERYL L. AINSWORTH
TROY A. KINGSHAVEN

FENTON & KELLER
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

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JBridges@FentonKeller.com
ext. 230

March 3, 2008

JOHN S. BRIDGES

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

Re: 74 Corona Road, Carmel Highlands (APN: 241-052-001); Waiver Resolution
R3-2008-0020
Our File: 32682.29781

Dear Mr. Keeling:

First, I want to thank you, on behalf of Mr. Kashfi, for the time you have taken to carefully review all of the site-specific circumstances in this case and the site-specific septic solution designed for Mr. Kashfi's property by BioSphere Consulting. We appreciate that a great deal of site-specific data has been produced and we are pleased it has been sufficient to enable your January 18, 2008, approval of a Basin Plan exemption and your recommendation to the Regional Board to waive waste discharge requirements for the Kashfi system. We are also pleased to know that the County is now working with your staff, independent of the Kashfi project, on the more general Highlands area wastewater question.

Second, while we understand the Board waiver you have favorably recommended is normally a relatively routine matter, because of the private view concerns of a neighbor (which have been unfortunately manifested in a complaint about alleged septic concerns on the site) you have advised that the matter will not be scheduled for consent agenda consideration and will instead be set for a formal hearing. Of course, you have already seen all the data so there shouldn't be anything "new" at the hearing. Nevertheless, as promised we will have our expert consultant team available at the meeting in the event any of the Board members have any questions.

Finally, in light of the February 18, 2008, deadline for written submissions established by your January 18, 2008, letter, we do not anticipate there will be any additional information that requires your evaluation. Since the neighbor's consultant received a direct copy of your letter, they obviously can't make a case for any severe hardship that would justify a late submittal.

Matt Keeling
March 3, 2008
Page Two

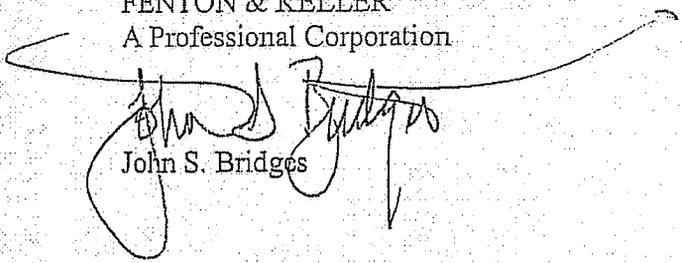
Moreover, such a late submittal would obviously prejudice Mr. Kashfi for lack time and the expense that would be involved to respond. The fact is, the neighbor has been and continues to abuse the public process for purposes of delay in an effort to protect their private view. There simply can be no excuse and should be no tolerance for any more last minute "gotcha" game playing by Mr. Kashfi's neighbor.

As you know, Mr. Kashfi has at all times engaged in this process with the upmost professionalism and with timely and thorough analyses from qualified experts. We hope the Board will limit their consideration to such professional data coupled with your expert assessment and recommendation.

We will look forward to seeing you at the March meeting.

Very truly yours,

FENTON & KELLER
A Professional Corporation



John S. Bridges

JSB:kmc

cc: RWQCB Board
Rick Kashfi

Subj: **Re: Kashfi**
Date: 3/19/2008 2:48:19 P.M. Pacific Daylight Time
From: juncalrw@snowcrest.net
To: Mkeeling@waterboards.ca.gov

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GROUND ZERO ANALYSIS, INC.

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juncalrw@groundzeroanalysis.com

January 24, 2007

Mr. Roger Briggs
CA Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place Suite 101
San Luis Obispo, CA 93401

2 EXPERT OPINION - VIOLATION
of PROHIBITIONS
SECTION of BASIN PLAN

RE: Basin Plan Compliance – permitting of on-site septic systems and wells in Carmel Highlands, 74 Corona Road

Dear Mr. Briggs,

We are writing on behalf of a number of homeowners in the Carmel Highlands with regard to Monterey County's permitting of on-site waste disposal systems and wells that do not conform to Basin Plan requirements. Proper site suitability evaluation is not being performed as stipulated in section VIII.D.2.a and b, and prohibitions are not being enforced per section VIII.D.3.i. Specifically, the County is not adhering to the following discharge prohibitions from the Basin Plan:

1. Sites with soils or formations containing continuous channels, cracks, or fractures unless a 250 foot setback is maintained,
15. Any site unable to maintain subsurface disposal,
17. Lot sizes, dwelling densities or site conditions causing detrimental impacts to water quality,
18. Any area where continued use of on-site systems constitutes a public health hazard, an existing or threatened condition of water pollution, or nuisance.

For the 0.7 acre site at 74 Corona Road, a well in fractured granite is being permitted that is exactly 100 feet from 2 leach fields (each with 11 foot deep trenches), exactly 150 feet from permitted 50

January 24, 2007

Letter to Roger Briggs

RE: Basin Plan Compliance – permitting of on-site septic systems and wells in Carmel Highlands, 74 Corona Road

foot deep leach pits and approximately 160 feet away from a fourth system of leach pits that are also 50 feet deep. Within a 250 foot radius are 7 disposal fields or pits and four other lots that could have on-site disposal. This density of wastewater systems overwhelms the attenuation capability of the soil and groundwater zones and results in water quality degradation and serious threats to public health, safety and the environment. A recharge analysis (attached) shows that this well will be receiving approximately three quarters of its annual recharge from the septic sources. In addition to the obvious impacts that will affect the well itself its operation will also draw contaminants deep into the fractured aquifer (it is gravel packed from 80 to 614 feet). Another very significant water quality issue related to this permitting is the fact that the well placement does not consider the land needed for required replacement fields on adjacent parcels of which at least four have had multiple field failures and subsequent replacements. It should be noted that analysis of water from the test well at 74 Corona Road exceeded drinking water standards for chloride, manganese, iron, fluoride, TDS, EC, turbidity and also had total coliform bacteria detections.

The problem at 74 Corona is serious but not unique. Septic failures have been known to be a major problem in the Highlands for over 30 years and there are presently at least 10 well applications submitted or under consideration in the immediate area that will involve this same issue. We urge the Board to enforce the Basin Plan and promote safe waste disposal practices in the Carmel Highlands. We have attached supporting technical analysis and documentation and welcome the opportunity to meet with Board staff or make a presentation to the Board as a whole on this issue. We would also like to be included on the mailing list for any correspondence related to this issue or specific site.

Respectfully,

Russell W. Juncal

CA Registered Geologist no. 3864

CA Certified Hydrogeologist no. 171

Nora Kataoka

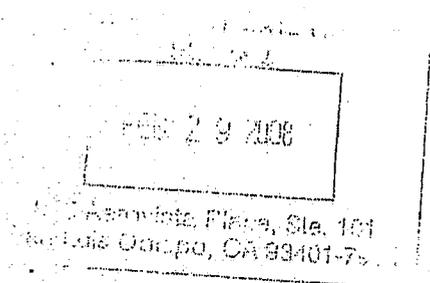
CA Registered Civil Engineer 38322

RWJ/lkj

EXPERT OPINION ON NEED
FOR 250 FT SETBACK OF WASTE
SYSTEM FROM WELL (ACTUAL 113 FT)

GROUND ZERO ANALYSIS, INC.

1714 Main Street
Escalon, CA 95320
209-838-9888
209-838-9883 (fax)
juncalr@groundzeroanalysis.com



February 26, 2008

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

RE: Resolution R3-2008-0020 (Draft) – Waiver of Waste Discharge Requirements

Dear Mr. Briggs

We are writing to request additional time at the March 21 meeting to make a presentation to the Board opposing the above referenced resolution. We represent 4 property owners adjoining the subject parcel who will be directly affected by an approval and ask for up to 15 minutes to address important technical, water quality and public policy issues related to the proposed waiver.

We have previously discussed various technical issues related to this matter with staff but do not feel they are adequately addressed in the draft Resolution. These key points include:

- There are 7 sewage disposal systems within approximately 250 feet of the projects proposed water supply well and 4 disposal systems within approximately 160 feet.
- Recharge analysis provided by the consultants for the project **proponents** indicate that 24% (not including the proposed subject site disposal system) of the recharge for the area surrounding the proposed water supply well on the subject property is comprised of wastewater effluent from on-site disposal systems (RWQCB, March 7, 2007 letter). Notably, most of this effluent is being disposed of in 50 foot deep pits.
- The Basin Plan states, "*Discharges from new soil absorption systems installed after September 16, 1983 in sites with any of the following conditions are prohibited: Soils or formations contain continuous channels, cracks, or fractures. Unless a set-back distance of at least 250 feet to any domestic water supply well or surface water is assured.*" Fractures or preferential pathways represent a way for sewage effluent to rapidly contaminate the new well proposed at the site. The top of the fractured granite in the new well is at approximately 60 feet according to the well log, and nearby leach pits are at depths of approximately 50 feet. In a letter to Monterey County the Regional Board

Item No. 14 Attachment No. 1
March 20-21, 2008 Meeting
Kashfi Residence - Supplemental

staff stated," Given the absence of an area wide evaluation, we question whether the establishment of a 250 foot setback for on-site wastewater disposal systems from domestic supply wells would be sufficiently protective of water quality and public health." Staff also added, "Regardless of whether fractures exist directly beneath the subject site, the provided recharge analysis coupled with rapid percolation rates, lack of potential treatment provided by decomposed granite, and noted fractured bedrock conditions within 1,000 feet of the subject site along with the high density of existing on-site wastewater disposal systems poses *a significant threat to the domestic supply wells in the site vicinity*" (RWQCB, March 7, 2007 letter) {italics added}.

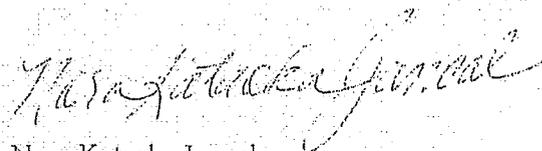
- The State Well Standards (Bulletin 74-90) call for set backs of 100 feet from watertight septic tanks and leach fields yet the distribution box of one adjoining property is well within 100 feet and the leach trenches are within 100 feet. Board staff has recognized this condition and pointed it out clearly to Monterey County Health personnel who nonetheless are seeking to approve the well and septic system, stating, "we feel the application of the 50 foot DWR setback criteria from sewer **lines is not appropriately applied for any portion of the septic system**, including distribution boxes, and again direct you to seek clarification from DWR regarding their well setback standards. We find it interesting that the County appears to be applying well setback requirements from septic tank systems that are not consistent with septic tank system setback requirements from wells." (RWQCB, May 7, 2007 letter).

Stricken from the record.

We hope that providing additional information to the Board regarding the technical setting and regulatory implications of this proposed waiver will be of great benefit to their decision making process. We understand that such a request must be approved by the Board chairman and thank you for your consideration.

Respectfully,

Russell W. Juncal
CA Registered Geologist no. 3864
CA Certified Hydrogeologist no. 171



Nora Kataoka Juncal
CA Registered Civil Engineer no. 38322

cc: Matt Keeling
RWJ/kj

GROUND ZERO ANALYSIS, INC.

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March 6, (2007) 2008

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

EXPERT OPINION
CEQA VIOLATIONS
VIOLATION OF PROHIBITIONS
IN BASIN PLAN

RE: 74 Corona Road, Carmel Highlands, Waiver of Waste Discharge Requirements

Dear Matt,

We have previously provided data for this project which shows it has a very high potential for significant adverse impacts on human health and the environment. The central issue then, as it is now, is whether permitting use of a domestic well in an area with a very high density of sewage disposal systems and highly unfavorable geologic conditions violates State and County mandates to protect public health and water quality. These effects are not mitigated by the installation of the proposed engineered wastewater treatment system nor by any of the provisions of the County's interim ordinance or the Board's waiver of Waste Discharge Requirements. The well has a high probability of endangering users and also of drawing existing septic recharge deeper into the fractured aquifer system regardless of whether the engineered system ever operates.

To effectively address this problem an area wide study, which you have advocated from the beginning, is needed for all future sites. This problem is not new (as you acknowledged in your letter to Monterey County dated March 7, 2007) and the Board has repeatedly sought redress of the wastewater problems in the Highlands going back to the 1970s. It makes no sense to recognize a widespread problem and then allow the situation to be exacerbated when the County study is due by the end of the year. These issues have very serious potential consequences and should be dealt with in an even handed, technically-driven manner, not by concerns that a developer may be delayed for 8 months.

Your October 29, 2007 letter to Richard LeWarne of the Monterey County Environmental Health Department indicates "consultation" with Board staff and application of "best professional judgment given the available information and in the absence of the pending area wide

March 6, 2008
Letter to Matt Keeling
RE: 74 Corona Road, Carmel Highlands

evaluation” was the basis for the County’s “conservative approach to the proposed interim standards”. These standards are, in turn, the basis for allowing the subject project to proceed. I cannot find in the record any technical analysis that identifies how the County’s ordinance in any manner will address the threats to the Kashfi well that are posed by the 6 existing disposal points surrounding it. This site has almost everything going against it in terms of reducing the likelihood that the proposed well will become impacted. These include:

- 5 lots adjoin the well that are less than 1 acre and have septic systems, two with 50 foot deep pits.
- The bedrock which occurs at least as shallow as 60 feet (only ten feet below the pits) is highly fractured. There are 6 existing wastewater disposal points within the Basin Plan mandated setback of 250 feet for drinking water wells.
- The granite soils are poor for sorption and even worse at depth in the pits.
- Very little room left for replacement fields such that neighbors will be constrained from replacing their fields due to set back issues, this is likely to lead to more use of pits which further increases the problems.
- The well is within 90 feet of a D box and as such does not meet the requirements of the basin plan or County regulations.
- There have already been numerous septic system failures on the existing lots around the well.
- The applicants consultant has estimated that 24% of the well recharge will be comprised of septic effluent with only primary treatment.

There are many other issues surrounding this site (we will be presenting them at the Board meeting) that would seem to contradict the stated position that Monterey County in consultation with Board staff are taking a “conservative approach to the proposed interim standards”. What could be conservative about green lighting the use of a well that receives a quarter of its recharge from marginally treated sewage? With regard to the recharge issue, has there been any analysis that would indicate such a recharge situation would not be detrimental to health and the environment?

March 6, 2008
Letter to Matt Keeling
RE: 74 Corona Road, Carmel Highlands

With so many factors pointing to the inadvisability of allowing a well at this site (without detailed study) and a detailed study forthcoming from the County by years end, it is difficult to understand why there is any need to move this project along on a waiver.

I strongly urge you to reconsider a recommendation to approve this waiver and allow prudent technical analysis to guide this important public health decision, not speculations in the absence of needed data and in the face of clear warnings about potential impacts.

Respectfully,

Russell W. Juncal
CA Registered Geologist no. 3864
CA Certified Hydrogeologist no. 171

RWJ/lkj

CONSEQUENCES OF ROYER BR1995 FAILURE
to PROVIDE TIMELY NOTICE

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF MARCH 20-21, 2008
Prepared on March 13, 2008

ITEM NUMBER: 14

SUBJECT: Waiver of Waste Discharge Requirements for Engineered Onsite Disposal System, Kashfi Residence, 74 Corona Road, Carmel Highlands, Monterey County, Resolution No. R3-2008-0020

LATE COMMENTS

Water Board staff received three additional comment letters regarding this item after the February 18, 2008 close of the public comment period. The consultant for the project opponents, Russell Juncal, submitted two letters, dated February 26, 2007, and March 6, 2008. A third letter was submitted by the project applicant's (Discharger's) legal representative, Fenton & Keller, dated March 3, 2008.

The March 3, 2008 Fenton & Keller letter requests that information provided by the project opponents after February 18, 2008, not be allowed into the record for this item due to prejudice against the Discharger for lack of time and expense that would be involved to respond to the late comments.

The February 26, 2008 letter from Russell Juncal generally does not present any new information that is not part of the existing record for this item except for a bulleted statement that has been stricken from the record per the Fenton & Keller request. The March 6, 2008 letter from Russell Juncal contains new information and questions the permitting and placement of the domestic water supply well on the subject property under the authority of Monterey County and is therefore not pertinent to this discussion pursuant to our authority governing the permitting of onsite wastewater treatment and disposal systems. Consequently, staff has not included the March 6, 2008 letter in this supplemental sheet.

Staff anticipates that Russell Juncal will provide oral testimony at the Water Board hearing regarding the well placement issue and the subject matter stricken from the attached letters.

ATTACHMENTS

1. February 26, 2008, letter from Ground Zero Analysis, Inc. (Russell Juncal), re: Resolution R3-2008-0020 (Draft) – Waiver of Waste Discharge Requirements (with stricken language)
2. March 3, 2008, letter from Fenton & Keller, re: 74 Corona Road, Carmel Highlands, (APN: 241-052-001); Waiver Resolution R3-2008-0020