

DONALD L. GRUNSKY
(915-2000)

FREDERICK H. EBEL
JAMES S. FARRAR
DENNIS P. HOWELL
THOMAS N. GRIFFIN
ALAN J. SMITH
ROBERT E. WALL

LAW OFFICES
GRUNSKY, EBEL, FARRAR & HOWELL

A PROFESSIONAL CORPORATION
240 WESTGATE DRIVE
WATSONVILLE, CALIFORNIA 95076
(831) 722-2444 FAX (831) 722-6153

E-MAIL info@grunskylaw.com

KATHERINE R. MOORE
REBECCA CONNOLLY
MARK E. MYERS
LAURA UDDENBERG

LESLIE J. KARST
THOMAS P. DWYER
CHERYL CARLSON
LILIANA S. DIAZ
MATTHEW J. AULENTA
EMILY J. BUCHBINDER
CARLOS E. RIVERA
ROSEMARY C. ROVICK

August 22, 2008

Matthew Keely
Burton Chadwick
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Re:
*192 San Remo Drive, Carmel Highlands
Resolution R3-2008-0060* *194 San Remo Drive,
Carmel Highlands
Resolution R3-2008-0061*

Dear Mr. Keely and Mr. Chadwick:

This letter is to raise objections to the above proposed resolutions. I write on behalf of Mrs. Misaki Olson who owns a parcel contiguous to and immediately down gradient from the properties on which two proposed septic systems are to be built. Mrs. Olson's parcel is improved with a residence. The Olson residence is outlined in blue on the attached map. The Moeller parcel or parcels are outlined in red. These properties are right next to each other and the proposed Moeller residence will be almost literally right on top of the Olson residence. Whatever happens on the Moeller parcels will necessarily, significantly and almost immediately affect the Olson parcel.

Mrs. Olson's concerns need to be seriously considered because gravity and proximity make the Olson property the first to be affected if the system is improperly designed, constructed, monitored or if other components of construction interfere with or defeat the system.

Mrs. Olson remains extremely concerned about these two projects and has asked me to identify her concerns to you in writing and ask that you take the appropriate steps to protect the interests of the public, her interests, those of other nearby property owners and future owners of these properties. It is also important that in this engineered system that a margin of error be part of the design. If this system is permitted and built, the effect is probably not reversible, at least not without great expense. So any decision needs to be the correct decision the first time. We don't want anyone to later say if the system fails that Mrs. Olson did not raise objections before the design was approved.

Item No. 26 Attachment No. 6
WDR Moeller Residence
194 San Remo Rd.
R3-2008-0061
December 4-5 2008 Meeting

Matthew Keely
Burton Chadwick
August 22, 2008
Page 2

We note you have allowed the County to issue a building permit, albeit at the owner's risk to proceed without actual Regional Board approval. For that reason we are forwarding our concerns to the Richard Le Warne and Janna A. Faulk of the Monterey County Department of Health. We hope and expect the hearing on October 16th and 17th in Santa Barbara is deliberative, thoughtful and considerate.

First is the concern about septic effluent runoff, both surface and sub-surface. Although engineered, the proposed system is a cutting edge experimental, unproven, and not an adequately tested design. No outside peer review of the basis for the design, the design assumptions or the system engineering was apparently required despite its highly engineered design with consequent and unavoidable chances for error. For example, to the best of our knowledge, no one has reviewed the basic physical assumptions, for example, as to soil conditions, geologic conditions, arithmetic and engineering calculations. There is much at stake here, economically, quality of life and developmentally. Once constructed, it will be almost impossible to de-construct. The opportunity to return the site to its present condition will be gone. Based on the information available to us, the design has not been tested in soils substantially similar to those at the site. So peer review of the basic assumptions and of the design should be required.

The design does not seem to be well thought out. For example, the system requires electricity to operate its pump but there is no generator or other alternative power supply when the electricity goes out. The explanation has been that the wealthy people for whom the property is intended to be occupied merely will go to a restaurant or hotel for a few days if the power fails. The assumption is that the septic tank system can accommodate a couple days of sewage without power. The risk to the down slope property owner who would receive the sewage effluent is too great, however. A back up power generator should be required.

Also, the landscaping plan is not yet completed. We are advised the landscaping plan will block the view of the multiple-story garage no being built on one the Moeller parcels. Since the landscaping plan is not yet in existence, it will be controlled by the constraints of the Moeller septic system, rather than the system be constrained by the legitimate Olson privacy concerns. Due to the short distance and significant slope between the house under construction and the Olson house, the ability to landscape for Olson privacy will be severely circumscribed by the pre-approved existence of this system.

Surface and subsurface drainage on the Moeller parcel need to be considered with the septic system. We understand that one or more curtain drains and subsurface drain pipes are planned to carry away surface and subsurface water from the Moeller residence. The Moeller septic system needs to be symbiotic with the Moeller surface and sub-surface drainage system. It is not clear that it is. As late as a few weeks ago, there were changes being made in the sub-surface system course of construction with no apparent review or cross-checking with the designer of the septic system.

Matthew Keely
Burton Chadwick
August 22, 2008
Page 3

And despite the serious consequences if the system is not built according to plans, there is no requirement for strict on-site scrutiny of the actual construction. There should be a requirement that there be significant independent third-party as-built construction oversight so that everyone is assured what is designed is what is actually built. Those affected deserve that and if this system is intended to be a model for approval in other areas of Monterey County if it works, everyone should be sure that was planned was actually built. Sometimes in a rush to complete a project within certain financial or weather related constraints, shortcuts are taken and no one finds out until it is too late. This cutting edge system needs careful review during construction by someone selected by and reporting directly wither to the Department of Environmental Health or the staff of the Regional Board.

Please be aware that both the Olson parcel and the Moeller parcels are perched on a relatively thin layer of topsoil with impervious or semi-impervious rock just a few feet below. Anything deposited in or leached into the thin crust of topsoil will travel downhill downhill and the Olson residence is only a few feet away. Gravity will do its work and if there is any error in either design or construction of this system, the effect will be felt first by those downhill. Mrs. Olson will be the first to be affected. For that reason there needs to be a professional, proactive, affirmative monitoring program in place with qualified professionals doing the work so that if anything does go wrong, it can be identified and stopped at the first instance, hopefully before significant damage occurs.

The peer review of the design assumptions, the peer review of the design, the strict scrutiny during the course of construction and the monitoring after construction should all be performed by qualified professionals. It is our position that the staff of County Environmental Health and/or the Regional Board do not have adequate time to do this in sufficient detail or in a timely manner due to state and local budget constraints. We therefore recommend that independent professionals such as soils engineers, hydrogeologists, hydrologists, sanitarians, geologists and others be identified and selected these people be hired and paid for by the Moellers as they will be the beneficiary of the work.

We hope you are able to take our concerns seriously as they are submitted in that way to avoid or minimize what can be avoided or minimized and so that everyone can have the benefit of a well designed and ell constructed project.

Very truly yours,

GRUNSKY, EBEL, FARRAR & HOWELL


Alan J. Smith

AJS:aw

201A of SUB. 3
of 2
TAX CODE AREA

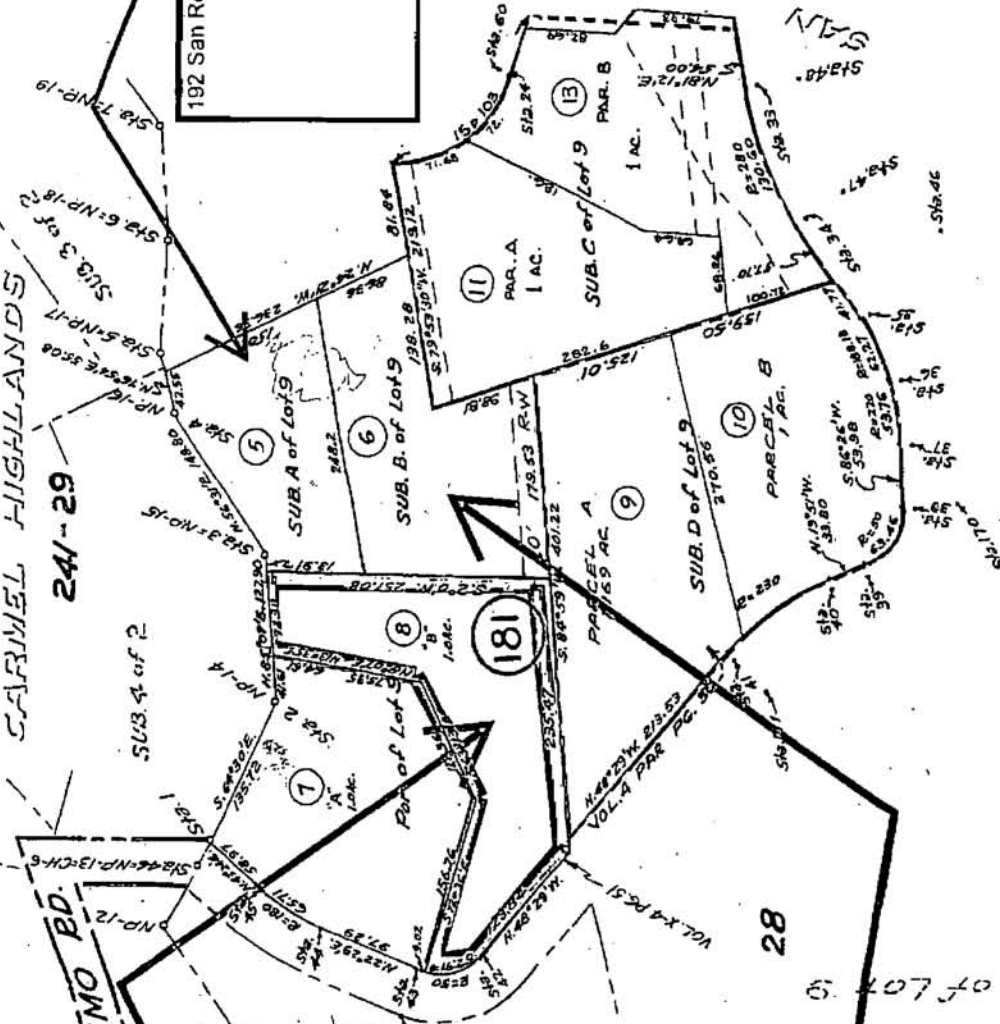
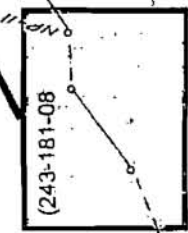
CARMEL HIGHLANDS

241-29

83

SAN REMO RD.

STATE HWY No. 1 TO CARMEL



241-29

28



SCALE 1" = 100'

19

19

Re. SAN JOSE Y SUBE CHIQUITO
SUBS. A, B, C of Lot 9 of 2 ac Par.
of Lot 9 in SAN REMO SUBD.