Lot 4, Block 2, Tract 185
Assessor's # 074-472-0048
Cease and Desist Order # R3-2006-1003

THE REASONS WHY ALAN & JACQUELINE MARTYN SHOULD BE EXEMPT FROM A CEASE & DESIST ORDER

A. Heavily involved Advocate for a community sewer on two occasions.

B. Not polluting the ground water since we are, according to Cleath & Associates, 50 feet above the water table.

C. Discriminatory Policy by the RWQCB. Unfair and un-equal treatment and protection normally granted under the law.

D. Financial hardship, since we are on a limited and fixed income.

E. Wife and I are under medical care for high blood pressure and other health issues that are being aggravated by the draconian methods being applied to an issue that we have little or no control over, as well as an emotional toll that is exacting on us and requiring additional medical attention.

F. Exemplary lifetime of conservation methods and proof of water recycling and commendable septic tank management policies and procedures.

G. Regulations being touted are misapplied by the RWQCB and believe that they were never intended for individuals.

H. The proof of evidence has not been provided that our septic tank is causing any pollution whatsoever and that no E.I.R. was instigated as per CEQA.

I. That the County allowed hundreds of homes to be built with little or no oversight by the RWQCB.

J. That illegal test wells were and have been used as a basis for many erroneous findings and evidence in violation of several criminal codes.

K. That pumping our tanks as proposed by the RWQCB is in violation of the Porter/Cologne Act that prohibits the exportation of water out of our basin.

L. That our property values will be diminished by the Cease & Desist orders by placing a cloud on our title.

STATE OF CALIFORNIA
CENTRAL COAST WATER BOARD
Received
APR - 5 2006
895 Aerovista Place, Ste. 101
San Luis Obispo, CA 93401-7906

We have resided in Los Osos since 1964. I believe there were less than 2,0000 people living here. Shortly thereafter, my wife and I became involved in gaining support for the installation of a community-wide sewer system. Having failed, we tried again not only to initiate a sewer program but also for the formation of a Community Services District, even bringing in bond counsel from Beverly Hills willing to underwrite whatever portions of the funds necessary not paid for by federal and state grants. Again we were defeated by the environmental left wing of the community with one local Sierra Club leader, director, and spokesperson, stipulating "that if we put the sewers in the community, it will open the floodgate to growth and development."

Additionally, in preparation for the installation of the impending sewer, four and one-half years ago, we began preparations to hook up to the sewer by providing a sewer line from the back of our lot, along the south side of our house, and then twenty-five feet more from the front of our house to the curb on the street, for a total of eighty-five feet of sewer drain line.

The above was done with the assistance of the County Building Department, Al's Septic Tank Services, and the Story Construction & Septic System Co., all in preparation to hook up to the proposed sewer lateral in the street.

I believe that the above is more than adequate evidence that we were, and are, supportive of the proposed sewer and its installation and operation of same. Additionally, we consider ourselves concerned environmentalists by a thirty-plus-year record of water conservation methods ingrained and practiced in our daily lives. The methods that we have continuously used are as follows: brief showers, water saving shower heads, water conservation signs in our bathrooms and kitchen, the education and assistance with our three children as they were growing up regarding our strict conservation methods, which we still practice to this day even though they have been gone for over thirty years.

As further proof of our conservation beliefs, we collect our roof water and recycle it into the ground via the installation of a massive French drain that is over fifty feet long, four feet deep, and three feet wide on our north side yard.

I am enclosing copies of the signs that we have posted throughout the house as a constant reminder to everybody, including visitors and guests. Our septic tank management and maintenance consists of absolutely prohibiting the disposal of any—and we mean <u>any</u>—garbage down our garbage disposal. We have installed a perforated disposal sink strainer in our kitchen sink to insure the above. All of our garbage is deposited in small plastic bags and taken out with the trash. The above includes coffee grounds, causing the septic tank pumping company to exclaim that there was little or nothing for them to pump out. We also cautioned everyone not to flush wipes or Kleenex down the toilet, as Kleenex does not disintegrate and can clog up an otherwise functioning septic system. We also use hair catchers in the showers.

I believe that if we were to educate the community on the aspects of septic-tank and water-management methods, it would go a long way to helping out the community better manage its resources during the interim periods that the sewer is in process of being installed.

2248 Fresno Street
Los Osos, CA 93402
March 27, 2006

Lot 4, Block 2, Tract 185
Assessor's # 074-472-0048
Cease & Desist Order # R3-2006-1003

California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

To Whom It May Concern:

My wife and I are owners of the residence of 2248 Fresno Street in the Sunset Terrace Tract in Los Osos, California, having acquired same in 1972 and have been in the prohibition zone since its inception. Our home was built in 1963. There were few homes in our neighborhood, with no neighbors on either side of us, behind us, or in front of us, with only six homes on our street. There are now twenty-four homes on this block encroaching on my alluded to discharge area. We did some remodeling consisting of a family room and study in 1975. The ages of homes surrounding us vary in age from fifty or more years to many being built after 1983, with a slew of new homes built in the Monarch Grove Tract approximately four or five years ago.

The size of my lot is 70'X90' or approximately 6,300 square feet, with adjoining properties also the same size of 70'X90'. Our ground water is approximately 50' deep under our house. Our nearest test well is at Howard and Del Norte Streets.

Our septic tank is, we believe, 1,200 gallons and was installed in 1963. We have a large leach line as well as a leach pit. The last time it was pumped, we were informed that our tank was relatively clean and empty.

Our home has two and a half bathrooms. We flush our toilet eight times per day, with the use of our dishwasher once or twice a week and the clothes washer about the same. We conserve and use water judiciously even if our water usage is not metered. We have two small lawn areas consisting of approximately 400 square feet, previously having had only Junipers that required no water. We have water saving showerheads, water dams in our toilets, electronic time controls for watering, and many other water conservation methods.

This RWQCB edict, we believe, is grossly unfair and illegal, and will cause a hardship on us as well as aggravating our health problems and the right to pursuit of happiness and to feel safe and secure in our home. We feel that this has been abridged by these harassing, punitive, retaliatory, and intimidating proposed Cease and Desist Orders.

Having said that, I would like to start out by requesting that I and my wife be deleted from the enforcement of your Cease and Desist Order on the following grounds and arguments and that we be granted a waiver.

As an additional defense, and a very strong one, I believe that we should be given a waiver and excluded from the Cease and Desist Order because people were not included in the prohibition zone because they were thirty feet or more above the water table. According to information provided us by Cleath & Associates, our home is fifty feet above the water table. This factor alone should preclude us from your Cease and Desist Order.

Since my wife and I are both retired, we are on a very limited income, and your proposed Cease and Desist Order would cause us a severe financial hardship. We do not believe that we are being granted equal protection under the law and have been singled out out of 14,000 residents and over 5,000 households and are being asked to mount a defense not only for ourselves, but for over 14,000 individuals in the community.

We are requesting that the hearing scheduled for April 28 be postponed and rescheduled for at least sixty (60) days to allow us adequate time to gather witnesses and prepare an adequate defense and obtain necessary legal counsel to protect our rights and our properties.

Since we are not scientists or engineers, many of the residents like me find ourselves in the center of your agency's quagmire of regulations consisting of over 8,000 pages. There are people and persons of differing opinions that dispute the validity of your agency's assertions.

We believe that the situation is so charged up politically that reason or compromise has gone out the window with citizens such as myself and the forty-five other recipients of the RWQCB CDOS caught in the middle of the crossfire between the warring camps. We believe that a truce is in order, with enough time to allow calm and deliberate negotiations and mitigating measures to be put in place as the new L.O.C.S.D. Board moves forward to find solutions and methods to comply with your demands.

I don't believe that Cease and Desist Orders were ever meant to be applied to individuals, and are being applied contrary to the law and your rules and regulations. A sense of fairness and equal justice is sorely lacking in the methodology being used in the proposed Cease and Desist Order.

I am again requesting individual hearings and do not wish to be treated as cattle being led to the slaughter. That is not the way our democracy works in this country. People are overwhelmed by the constraints being placed on them. They are angry, confused, and bewildered by the plethora of demands, the request for fourteen copies or more of any and all evidence that they need to prepare by April 5. These are hard working, honest, law abiding citizens, many elderly and retired, being asked to mount a Herculean task to defend themselves and their homes. A lifelong effort at what represents probably the largest asset that they own, and now find it threatened by this proposed insane and unnecessary edict that many people find as an abuse of power for something that we have little or no control over.

There is no evidence presented that our individual septic tank is causing any pollution whatsoever.

The County and the RWQCB allowed the buildout of hundreds upon hundreds of homes after 1983 when the notice was served by the RWQCB.

That the RWQCB, as per California Water Code Section 13301.1, previously failed to issue all possible assistance to those who have been issued a Cease and Desist Order or provide information regarding successful and economic water quality control programs for the citizens of Los Osos.

Under penalty of perjury, the above is true and correct to the best of our knowledge.

Sincerely,

Alan R. Martyn 3/30/06

Jacqueline C. Martyn Jacqueline C. Martyn 3/30/06

Enclosures
ARM/JCM:tcsk

Los Osos, California

STATE OF
COUNTY OF San Luis Obispo } SS.
On March 30, 2006 before me,
Bonita Grant Notary Public personally appeared
Alan R. Martyn and
Jacqueline C. Martyn
~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed the same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

SM01 BONITA GRANT
COMM. #1481284
NOTARY PUBLIC-CALIFORNIA
SAN LUIS OBISPO COUNTY
My Comm. Expires April 6, 2008 SM01

ADDENDUM TO ALAN & JACKIE MARTYNS RESPONSE
TO CEASE & DESIST ORDER #R-3-2006-1003
REGARDING 2248 FRESNO STREET, LOS OSOS, CAL.
LEGALLY DESCRIBED AS LOT 4 BLOCK 2 TRACT 185
ASSESSORS PARCEL NUMBER: 074-472-0048

Dear Sirs:

At a recent town hall meeting where the recepients of your Cease & Desist Orders gathered to consult with attorneys and another advisory personnel, a representative from Assemblyman Sam Blakeslees office appeared to discuss the Assemblymans concern for the Cease & Desist Order and the entire sewer problem, a show of hands was asked to see how many people were in favor of the proposed sewer in any location but the Tri W Site, and all hands went up showing that we were all in favor of the sewer.

I was sorry that Mr. Briggs was not there to witness the 100% percent of support that exist for the sewer contrary to beliefs that people are opposed to the sewer. We asked the Assemblymans representative to convey this is Mr. Blakeslee and there seems to be a perception that we are opposed, nothing could be further from the truth. The flames of this misconception are being fanned by the recalled directors taxpayers watch and realtors who saw the evaporation of commissions dissappear from people on limited income wishing to bail out of town.

Further augumenting our case if the fact that we were not properly and legally served with your notice as it was not sent via registered & certified mail causing some people such as ourselves, who were out of town to receive your notices days after they were mailed and caused other persons to ignore your letters not realizing the importance of your order.

It is my understanding that any Cease & Desist Order that the California Water Code Law stipulates that prior to that happening that you are required to test my septic tank to prove that I am polluting, secondly, that you should provide mw with all available alternatives and if for any other receipients that cannot afford that you provide me or help me obtain necessary grants or funds to help in complying with your order.

There are a multitude of other reasons, one being that as each passing days goes on we are discovering new and relevant information buttressing our request for an extension to gather all necessary evidence to adequently present our evidence and properly mount our defense.

We also question your validity as to the random selection of your initial CDO's in the fact that all were single family residences not one duplex or multi-family, business or commercial properties were cited as neither any church or school.

I would appreciate if you could please provide me with answers to the above issues raised prior to the hearing date. Please also explain to me how pumping my septic tank is going to improve the condition of the water basin and what effect it will have on the viability of my tank to function properly. Why not proceed after the most egrigious polluters , persons that have failed septic systems or persons close to the bay that or how about Vacation Rentals where 8 to 10 people move in over the weekend with little or no understanding of septic tank operation or rentals where more than one family co-habitates.

We also believe we are not getting equal protection under the law as one example and there are others that legal counsel has pointed out, that the entire community of Los Osos including Cabrillo Estates should be included.

Our list of Witnesses are hereby attached and will be amended prior to the hearing upon further consultation with legal counsel.

Los Osos Ca 4/4/06
ALAN R. MARTYN

Jacqueline C. Martyn 4/4/06
JACQUELINE C. MARTYN

LIST OF WITNESSES

Gail McPherson
Dr. John Alexander
Dr. Tom Rhuer
Mr. Budd Sanford
Lisa Schicker
Cleath & Associates
Dr. Pravin Bhuta
Mr. Jerry Gregory
Mr. Bruce Buel

We reserve the right to substitute other witnesses depending on availability. We should be able to process our witnesses within a 45 minute time period as our questions will be brief and to the point.

The above time frame is exclusive of any question the board wishes to ask of our witnesses. Please advise us what order we are in should we not be exempt so we can notify our witness list accordingly.

In addition, we request all evidence submitted by all designated parties be incorporated by reference with this submission.

Los Osos California 4/4/06
ALAN R. MARTYN

Jacqueline Martyn 4/4/06
JACQUELINE MARTYN

David W. Leece, M.D.
Gayle Cekada, M.D.
Kevin J. McCarthy, PA-C
Coleen Wolfe, F.N.P

San Luis Primary Care Medical Group, Inc.
77 Casa St., Suite 204
San Luis Obispo, CA 93405
(805) 546-0780

March 27, 2006

To Whom It May Concern:

Mr. Alan Martyn has been a patient of ours for at least the past five years. He was seen on March 3, 2006 at which time he was placed on medication to help control symptoms of marked stress. The stress was caused by the current situation he is dealing with involving the Los Osos sewer problem and legal ramifications thereof.

Sincerely,

Kevin J. McCarthy, PA-C

David Leece, M.D.

PLEASE DO NOT
USE GARBAGE DISPOSAL.
DEPOSIT ALL WASTE IN
TRASH BAG AS IT CLOGS
OUR SEPTIC SYSTEM.

THE ABOVE SIGN HAS BEEN POSTED IN OUR KITCHEN ADVISING PEOPLE NOT TO PUT ANY GARBAGE IN OUR DISPOSAL.

OUR SEPTIC SYSTEM
WILL NOT ACCEPT
KLEENEX TISSUES OR
WIPES. THANK YOU.

THE ABOVE SIGN IS IN OUR MAIN BATHROOM ADVISING PEOPLE NOT TO DISPOSE KLEENEX IN THE TOILET.

BRIEF SHOWERS.
A REMINDER THAT
WE ARE ON A
SEPTIC SYSTEM.
THANK YOU

THESE SIGNS ARE POSTED ON EACH ONE OF OUR BATHROOMS TO REMIND GUESTS AND VISITORS THAT WE ARE ON A SEPTIC SYSTEM.

BRIEF SHOWERS.
A REMINDER THAT
WE ARE ON A
SEPTIC SYSTEM
THANK YOU

Cleath & Associates
Engineering Geologists
Hydrogeologists
(805) 543-1413
1390 Oceanaire Drive
San Luis Obispo
California 93405

April 4, 2006

Alan Martyn
2248 Fresno Street
Los Osos, CA 93402

Subject: Depth to water at 2248 Fresno Street

Dear Mr. Martyn:

In response to your request, we have reviewed water level maps and have found that the depth to water appears to be between 40 and 50 feet. The property is located on the Google Earth aerial photograph and shown as a red "x" on a depth to water map prepared by Fugro and on a ground water elevation map prepared for the nitrate monitoring program. The ground water depth contours for the period between 1997 and 2003 do not extend all of the way over to the property but if projected, would probably be between 40 and 50 feet. The ground water elevation contour map, October 2005 shows that the ground water elevation underlying the property is about 14 feet. Based on a ground surface elevation on the property of roughly 55 feet, the depth to water would be 41 feet.

Sincerely,

Timothy S. Cleath
Principal Hydrogeologist
Cleath & Associates

Solano St
Skyline Dr
Howard Ave
Rosina Dr
2248 Fresno Street, Los Osos, California
Monarch Ln
Marianela Ln
Montana Way
Vista Ct
Image © 2008 DigitalGlobe
© 2008 Navteq
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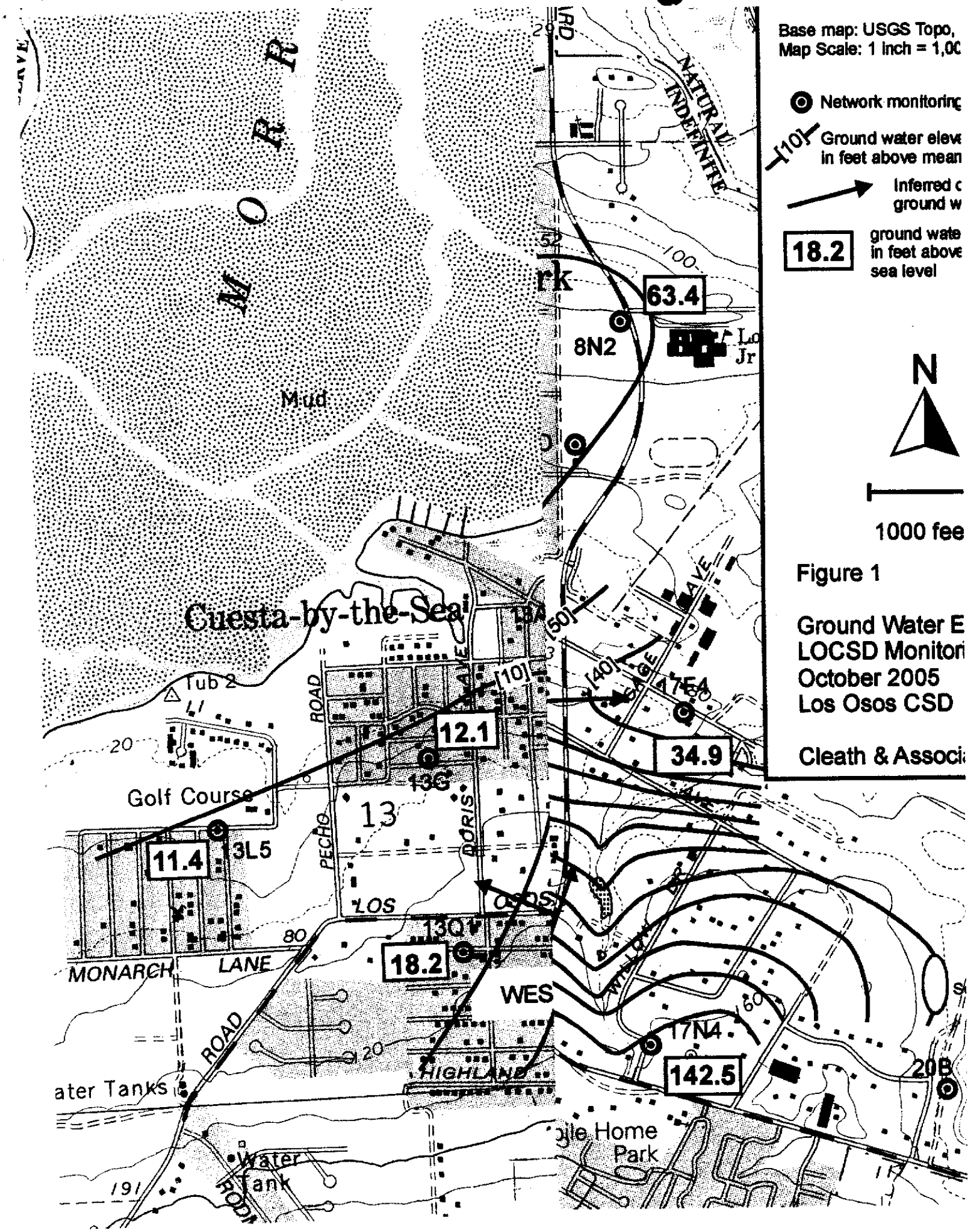
Streaming 100%
Eye alt 3339 ft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October 2005
Los Osos CSD
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Email sent by G. McPherson to RWQCB 2/22/06

Lori T. Okun
(Senior Staff Counsel, Water Board Prosecution Team)

Dear Lori,

On Feb.21, 2006 your letter to Michael Thomas and John Richards states that you (prosecution staff) object to ALL requests for designated party status, other than the Los Osos Community Services District. Time does not permit me to address each point in your response, however I am asking you to carefully and thoughtfully reconsider based on basic fairness and justice.

You state that Gail McPherson "inadvertently submitted a list of persons that attended a meeting, and the list was attached to a form letter."

That is not true. The submittal of names to you represented citizens that requested designated status from you, and they did so timely. Further, no one is prohibited from submitting requests via form letters for designated party status. The RWQCB (water board) did not send out personal unique notices for announcing their prosecution of the first 50 citizens, they used a form letter.

The form letter contained justification for granting citizens designated party status. The reasons were valid and adequate. The citizens list was made up specifically of residents in Los Osos that specifically requested that I submit their names for them to you. Additionally some used the form letter individually to follow up and assure designated status was filed timely. I also had submitted a form letter with a table that included names by Fax on February 14th, the deadline for the request.

I should note that over the weekend you asked if I could save you time typing and send an electronic copy of the names on the list, which I did.

Names of those selected for prosecution are largely unknown, and therefore I requested that any listed in the attachments should not be made public without their permission. I requested this orally at the meeting on the 15th and notified via email Matt Thompson on the 16th and he forwarded the message to Michael Thomas.

The citizens are scrambling to understand your procedures, to respond to deadlines, hire attorneys, and protect their individual rights. The water board gave no notice of their violation of the basin plan discharge limits. Most don't know what a basin plan is. You gave no notice or individual warning to the citizens prior to selecting them for prosecution. You gave them no information on how they might comply and avoid Cease and Desist Orders being issues against their individual private property and businesses. You met no legal standards of community warning, such as individual mailings, with a notice and explanation of their procedures for granting designated status. In fact the RWQCB informational meeting was held, not in the community, but at RWQCB board offices in San Luis Obispo, and held a day after the deadline for requesting designated party status. The meeting was hosted by the prosecution team and seemed purposely designed to illicit information from the "randomly selected citizens" to assist the prosecution case against them.

The RWQCB met no legal standard for notification by mail of prosecution. RWQCB notices were sent via standard mail, and many did not receive their notices as you stated, due to postal problems, within the timeframe of your first deadline to submit information to the RWQCB. In fact, you threatened $1000/day individual fines for failure to submit within five days. This threat to private citizens, among whom many who are the elderly, was unnecessary and shamefully intimidating.

Citizens' petitions to the SWRCB filed requesting protection of fifth -amendment rights, pleas for individual hearings, and time extensions to prepare, were rejected as not being filed properly. They were told (in a form letter) that only after the penalties are enacted can petitions for relief be filed. Please notify the SWRCB that we are resubmitting all documents previously sent to be reconsidered, not as "petitions" but as complaints and requests for assistance, and to please route them accordingly.

No effort or assistance from the water board to assure the notices to Spanish speaking residents could be understood was even attempted. In one case a resident had their minor child trying to figure out what your letter was requesting.

As stated, there is nothing wrong with form letters used by individual citizens; in fact your compressed schedule and en-mass hearings seem purposely designed to deny the citizens of their due process rights. Those selected for prosecution could not ascertain who else was targeted and work together or pool resources for a defense because you refused to release public information to the press or others.

The time schedule the board set that allowed just days for response for those who even heard through rumor (not outreach) about what rights they might have or loose. Participation in the hearings is a basic right that your process violates. The request for designated party status are from those very citizens who heard though rumor that you promised to prosecute them in one of the next rounds of random picks.

February is the shortest month and contains 2 long holiday weekends. These are average citizens. You are applying regulations usually applied to public agencies or businesses where an environmental compliance officer deciphers such orders and expert attorneys respond. The arrogance of the rejection response to valid concerns for fair treatment, and lack of help in complying with your demands is apparent from the tone of your response.

Allowing for the fact that many did not learn of the water board actions, understand the restrictive procedures, or the convoluted public notices that were available only by website, unavailable to some, and difficult to navigate for others, their sincere effort to be heard at the hearing, and their method for response was a legitimate and valid request for designated party status and should be honored.

There are so many other problems and issues with this draconian approach of herding 14,000 residents in 5000 homes in to a 1 day hearing for group prosecution that I ask that you rethink this entire process. There are many more proactive, and perhaps less vengeful directions compliance can go. Just one idea is to consider entering into structured negotiations with the Los Osos CSD for a community-wide remedy by forming a wastewater project district for all district onsite systems.

Individual homeowners and renters cannot control or remediate the groundwater. It is my hope that you will conduct the hearings with an eye toward justice and not hide behind the restrictive regulatory statutes and timelines intended for industry to protect your position for prosecution. These are average citizens, and they deserve the opportunity to defend their individual rights and interests, to be granted designated party status, and when prosecuted to be heard in individual hearings.

Sincerely,

Gail McPherson

Solidarity Against Fines and Enforcement (SAFE)
Los Osos 805-534-1913
Gail

o 6

OJECT

Water board should follow its own order

By Gail McPherson

Is this really about water quality? Investigate the water board regulations and ponder the inapplicability of cease and desist orders to individual citizens. Then think of the chaos if the regulators applied other industry regulations meant for factories, businesses and agencies to individual citizens.

Think about violations of health department standards in your own kitchen. Or meeting manufacturing standards for your crafts and hobbies. How about air quality applied, not to a refinery or the exhaust pipe, but to those in the air district for "personal emissions" (stop eating those beans!).

If tanks needed to be pumped more frequently, then update the ordinance.

The water board's regulations for septic tanks are contained in the county's Septic System Management Program (SSMP). If the system fails inspection, the ordinance requires corrections. If the tanks needed to be pumped more frequently, then update the ordinance.

The water board already requires nitrogen removal for groundwater protection in its Basin Plan, so put it in the ordinance and require upgrades.

Instead, the Los Osos district has recently initiated its own SSMP, and had to ask for special legislation to implement it.

Neither the county nor the water board did its job since 1983, and now they both misapply cease and desist orders as "random prosecution against individual citizens."

Compliance by pumping six times a year isn't the issue. It is, at best, the water board's absurd use of ill-applied — never meant for individual citizens — abuse of taxpayers' funds with en masse hearings. At worst, this is nothing more than an illegal intimidation of voters by incompetent and jack-booted bureaucrats bent on dissolving a legally elected government body.

SAFE (Solidarity Against Fines and Enforcement) is a community action group dedicated to clean water and citizens' rights.

SAFE advocates proactive, community-wide and individual efforts for clean water and compliance with environmental regulations. It was formed to provide information and support to those facing prosecution by the water board.

For more information on how to comply with regulations and your rights to due process call 534-1913.

There will be a meeting at the South Bay Community Center at 6:30 p.m. Friday.

Also, form letter requests and petitions to file for the RWQCB hearings on various issues are available at the Baywood Farmers Market, the CSD office and at SAFE meetings.

Gail McPherson is spokeswoman for the Los Osos Technical Task Force. She was general manager of the city of Riverside's wastewater division for 10 years.

Newspaper of the Central Coast
THE TRIBUNE

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SUNDAY OPINION

SCHEDULE OF COLUMNISTS
SUNDAY Victor Davis Hanson
MONDAY Dan Walters/Phil Yost
TUESDAY David Brooks
WEDNESDAY Paul Krugman
THURSDAY Kathleen Parker
FRIDAY Ellen Goodman
SATURDAY Tom Friedman

EDITORIAL OPINION OF THE TRIBUNE

Septic district could trump pump plan

Los Osos maintenance district should be formed to order fees and inspections fairly

It's understandable that the regional water board is frustrated with Los Osos. Just as a long-awaited sewer system was under construction last September, three pro-sewer Community Services District board members were recalled and a proposed midtown site for a sewer treatment plant was killed.

We understand the regulatory agency's frustration, but we don't agree with its tactics in singling out 45 randomly chosen homeowners as test cases en route to getting the remaining 5,000-plus households to pump their septic tanks six times a year.

Water board Executive Officer Roger Briggs tells us that his agency thought about different methods other than a random sampling, "But our intent is to get to everybody, so it doesn't matter who's first."

We believe it does matter; it's a matter of fairness.

The first 45 homeowners will be paying anywhere from $200 to $300 per pumping for a longer period of time than anyone else. Briggs counters that he expects that all of the residents within the water board's zone of prohibition will be pumping every two months by the end of this year. "Thus," he says, "the disparity shouldn't be that great."

This is all uncharted territory, though. Water board officials admit that they have no experience in executing more than 5,000 cease-and-desist orders in one lump sum, so the randomly chosen 45 is a case of on-the-job learning while the bugs are worked out.

And even if the kinks are ironed out in a timely manner, we can see the agency's actions being appealed to the regional water board's parent, the state Water Resources Control Board, and then on to the courts under the principles of due process and equal protection under the law. In other words, fairness.

When the regional board holds a hearing on the random 45 on March 23, we strongly suggest it hold the proposed pumping schedule in abeyance. The agency's point has been made and no one benefits by years of legal wrangling.

Nonetheless, something must to be done to begin stemming the pollution that poorly operating septic tanks have been wreaking havoc on the community's environment.

We strongly support the formation of a septic tank maintenance district as a stop-gap measure before a sewer system is built.

Such a district would charge all of the community's residents (even those homeowners outside the zone of prohibition) a monthly fee and place all septic systems on a regular inspection, maintenance and pumping schedule.

A hurdle to clear in creating a maintenance district, however, is that it requires enabling state legislation. The concept was considered in the past but dropped when it looked like a sewer system was coming on line.

We urge the Regional Water Quality Control Board to join forces with the Community Services District and work with Assemblyman Sam Blakeslee to expedite maintenance district legislation.

It's a move in the right direction — and it's fair.

OPINION

Monday, February 20, 2006 SANT

The state has cut the trees and removed the plants for several yards on both sides of a dirt road. Only authorized vehicles use the road, but thousands of visitors walk that road on their path to the ocean.

In an area that should be a living classroom to observe and learn about flora and fauna, the state shows itself to be a poor steward of the land.

Richard D. Hall
Santa Maria

Let Osos CSD do its job

Shane Stoneman's main reason to dissolve the Community Services District is to get his life back. (Viewpoint, Feb. 15) Who can blame him?

We all want our lives back and a project we can live with, but dissolution can't achieve it. Dissolution will not dissolve debts, fines or lawsuits, or resurrect Tri-W.

Dissolution leaders Stan Gustafson and Gordon Hensley jacked the incomplete project to $205 a month and denied a legal vote.

Their assault on the CSD, which is trying to build a project and stop fines, requires everyone's rejection of dissolution. The old project is dead — no contracts, no funding, or a legal 218 vote. You will face the same millions in fines, without any hope of relief contained in the CSD appeals. The county says it doesn't want Los Osos back, but if forced, will simply send you a bill — and it will be huge. Dissolution of the CSD adds more cost to any project, adds further obstacles, more acrimony and delays. It is no panacea, it does not relieve you to simply go back to your lives.

The new project and funding is in process, and that is what can bring us back together. Dissolution is divisive, destructive and no cure for Los Osos. The CSD is offering mediation with the old board — insist upon it first, and let the CSD do its job.

Gail McPherson
Los Osos

Regional Water Quality Control Board: EXPOSED

The people of Los Osos have been exposed to worldwide attention, making them look like idiots, and they are carrying a burden not of their making. The history of the entrapment is a bit of disgusting but intriguing history.

The story begins after WWII. As the euphoria of peace wore off, new scuttlebutt hit the street—"We are headed for a war of extinction." The reasoning was that the planet was becoming overloaded with people and more people than it could sustain.

"Fights will occur over water and energy shortage, over disease, pollution, and famine. Somebody better do something!"

Typically, our leaders thought any problem could be solved if enough money was thrown at it. Agencies by the dozen came to be, and were funded as if money was not important. Unfortunately, they overlooked the fact that nobody knew how to solve the problems, so agency heads were chosen as rewards for helping politicians get elected. The ranks were filled with people who had no idea of how to solve the problem. Lawyers were hired by the hundreds. Soon we had so many new regulations on the books, it was impossible to perform as a company (or as an individual) without breaking the law.

The Regional Water Quality Control Board faced a dilemma. They were hired to control the purse strings. Do we admit we don't know how to solve the problem or try to bluff our way into continued salaries and eventual pensions? It does not take a rocket scientist to recognize the choice.

Los Osos became a classic example of the agency's foul up. From the beginning the RWQCB tried to cover their lack of ability. Ken Jones was the head honcho who decreed: "Nothing new will be tried in my jurisdiction unless it has 25 years experience!" Later when Los Osos citizens balked at paying for a totally unrealistic gravity sewer system, Mr. Jones said: "The people of Los Osos are a bunch of cheapskates." The bluff had begun, and it became more belligerent every year. In an attempt to quiet the "cheapskates," the estimate to build the gravity fed monster was deliberately under priced. The water shortage problem was swept under the rug. After all, you cannot tell "cheapskates" when you add the cost of sewer and water together in ways proposed to cost $200,000 per family when you add all the numbers.

Some people jump with joy at the proposal! If half the locals could not afford this—many sales would occur—with commissions and fees—and a new group would pay anything to live in paradise!

Also, we need to remember the consultants who get paid relative to the project cost! The higher the cost, the higher the fees.

The RWQCB does not have the ability to determine if septic rank-leach lines are producing nitrates, so they extrapolate from totally irrelevant testing to force the citizens to go into debt to pay for a program not needed at all.

Those that see their cash cow project pushed aside are easily spotted. They are trying to crucify the brave souls seeking justice. The community should be grateful for their continuing battle under great pressure from the greedy few—and from the uninformed. At least Roger Briggs has admitted that septic tanks could be effective in meeting their unfounded demands, but to ask the pumping of septic tanks up to every other month is either stupid or arrogant or both. People do strange things when they are cornered. The RWQCB does not have the technology to prove septic tanks leach line program are not working, the criterion being used does not represent substantial evidence—which is required by law.

They also cannot dictate the method to comply with any of their demands. If proper testing were done by the RWQCB, it is probable they would find less than 5% septic tanks not in compliance. Those 5% could solve the whole problem for less than $4,000.00 to pick at random forty-five or fifty homes, is an attempt to divide the community by blackmail and intimidation.

It is the height of arrogance to threaten to fine those fighting for their homes, when the RWQCB has constantly broken the law—and created the mess themselves.

John Alexander is a world recognized Environmental Scientist and waste water treatment expert that started his early investigation of water and sewage disposal on the central coast in 1965, before moving his Marine Research Facility to San Luis Obispo County. The Abalone Farm, one of largest on the West Coast and one of the many spin offs of his research as well the potential of bringing back our coastal fishery. He is currently working on having proven the viability of its success. Dr. John Alexander was named Scientist of the Year 2003-2004. Dr. John Alexander resides in Cayucos with his wife Carol and over 20 million

Abalone in growth in progress, shipped worldwide. Additionally Dr. Alexander has several facilities in the southland working on a multitude of projects, some relating to affordable and effective and proven waste water solutions. Dr. Alexander will be speaking at several public forums.

For further information contact:

Dr. John Alexander
P.O. Box 288
Cayucos, California
93420
805-995-1109

Contrary to popular myth, many pathogens survive their passage through a sewer treatment plant unscathed, thus remaining to constitute an increased public health risk. The fact that this situation has been accepted may be attributed, in part, to economics and antiquated water quality standards. Nonetheless, readily available scientific and medical literature are replete with data demonstrating and confirming this fact. Studies reported in the scientific and medical literature dating back to at least the 1970s show failure of treatment to kill or remove all pathogenic bacteria. Thus, this is hardly new knowledge. [Fontaine, et al, (1976); Grabow, et al. , (1973); Linton, et al., (1974); Walter et al,. (1985)].

These surviving pathogenic bacteria often include bacteria resistant to individual and multiple antibiotic drugs. Multiple drug resistant bacteria are particularly problematic due to the decreasing number of therapeutic options. Scientists have been able to distinguish resistant bacteria from those still sensitive to antibiotics and resistance has been demonstrated in various species of bacteria for antibiotics including tetracycline, kanamycin, chloramphenicol and streptomycin, ampicillin, nalidixic acid, rifampicin, and sulfisoxazole. Even more recently the big gun—vancomycin seems to be in trouble. From a total of 900 separate tests, over half contained multi-drug resistant plasmids, or DNA strands containing specific genetic information coding for drug resistant traits.

A less well understood and even more troubling mechanism for the transfer of multi-drug resistant bacteria is also found at the local sewer treatment plant. As bacteria wind their way through these treatment processes, the selective pressures against them increases. In consequence, there is a greater effort by bacteria to pass on survival enhancing genetic information. Additionally, as the environmental stresses increase, the bacteria up-regulate numerous other survival mechanisms to assure that they and their genetic material survive. These survival mechanisms can include increased chlorine resistance.

In one of the several published studies looking at the perpetuation of multiple drug resistance in sewage, researchers followed bacteria through a sewer treatment works. Fecal coliforms were the test organism. These bacteria were isolated at various locations in the plant as the sewage was passing through the treatment process. They were isolated from: a) the inlet, b) the primary sedimentation tank, c) the activated sludge digestion tank, d) the final settling tank, e) the outlet, and, f) the return activated sludge drain. They were then examined for multi-drug antibiotic resistance. The study looked for the presence of drug resistant plasmids or mobile genetic elements (MGE), Nielsen, et. al. [7,8].

While this is interesting, there was a new finding that raised considerable concern. The further along that the wastewater had progressed through the treatment process the greater the tendency was to encounter multi-resistant strains. Additionally, the study demonstrated that these multi-resistant bacteria

also simultaneously carried, and then passed around their multiple transferable drug-resistance plasmids (MGE's). Thus, the take-home message is that drug resistance and the transfer of multi-drug resistance among and between species occurs in wastewater treatment plants. [Nippon Koshu Eisei Zasshi 1990 Feb;37(2):83-90.] This information is now over a decade old.

Previous studies have shown that waste effluents from hospitals contain higher levels of antibiotic-resistant enteric bacteria than waste effluents derived from other sources [1,2,3,4,5,6]. Centers dealing with the very sick, the very old, and the immuno-compromised are generally regarded as centers for the development and perpetuation of drug resistant pathogens. These centers also utilize vast amounts of chemo- therapeutic agents and other materials that may foster increased resistance. Their untreated discharge to the local sewer system is thus a concern because of the likelihood of introducing MGE's with new and more virulent traits. Additionally, if the sewer mains are leaking, this increases the potential risk for materials reaching the environment, aquifer, rivers, or beach and ocean.

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SEWR FAILURE: MORRO BAY ESTUARY

The LOCSD has just been given permission by the CA Coastal Commission to rezone a piece of property in the middle of town that has endangered species registered on it. The mega-sewer would be built on this property which is located uphill from the Morro Bay Estuary and Morro Bay.

All massively engineered structures will eventually fail. This is a fact!

The LOCSD mega-sewer plan does not have Redundant Tanks included in the plan.

What will happen when the single massively engineered mega-sewer facility fails in the middle of town and raw sewage leaks out of the facility with no possible alternative?

What will happen when only one-days sewage (1.2 million gallons) SPILLS into the Morro Bay Estuary? The only answer is the TOTAL DESTRUCTION of the estuary including ALL LIFE therein.

HEALTH PROBLEMS

Independent and Federal studies have proven beyond question that people who live near or next to a sewer plant have a much higher percentage of serious illness such as cancer, respiratory and kidney diseases than those who do not.

Our LOCSD is planning to build the mega-sewer right in the middle of town.

CHEMICAL SPILLS

What happens if someone dumps one gallon of MTBE treated gasoline down their toilet? There is no contingency plan for any disaster of this kind. There are NO Redundant Tanks!

All residents below the proposed treatment site should be concerned about this potential flow of raw sewage. Should all residents be concerned about the health implications of a failure at this single sewer system with no backup facility?

Who should be held responsible for these future failures of the new sewer system?

What will happen when the proposed mega-sewer does NOT correct the alleged nitrate problem?

Will the Regional Water Quality Control Board demand Los Osos residents do a very expensive corrective action to solve the alleged nitrate problem that is not being eliminated by the proposed sewer?

Who will be responsible when the computer models used for predicting these problems fail to provide an adequate representation of what nature has in store for the community of Los Osos?

SUPPORT DOCUMENT INDEX

SECTION 3

1. Septembe22, 2003 RWQCB PRR. Graham Knowles letter. Requests copies of response letters from U. o WV and US EPA.

2. October 02, 2003 RWQCB response. No copies.

3. October 07, 2003 RWQCB follow up PRR. Requested copies of response letters again. (No response).

4. November 03, 2002 RWQCB third request for responses.

5. Copies of a) Briggs April 29, 2002 letter. (b) US EPA response letter. (c) U. o WV response letter.

6. Copy of a portion of the January 29, 2001 letter from Briggs to Buel regarding not mentioning vegetation as a cause of the nitrates.

In one voice the community is told that a sewer is "mandated" by the RWQCB then told that "alternatives" were studied, evaluated, considered then rejected.

In his **August 28, 2003** response (**copy included**), Briggs said, "The LOCSD has considered a variety of **traditional and non-traditional approaches**."

Briggs stated in a 2002 letter to the University of West Virginia and the US EPA (**copy included**) that the LOCSD had evaluated "**dozens of alternatives.**" However, he refuses to identify even one.

The SWRCB, RWQCB and the LCOSD have been repeatedly asked to identify the "alternatives" allegedly considered but have been unable or unwilling to identify even one.

According to the SWRCB, the LCOSD stated that "alternatives" had been evaluated and rejected. This is an important area of concern because the LCOSD was required to make certain affirmations on their SRF Loan application.

The LCOSD told the SWRCB that a number of the alleged "alternatives" had also been reviewed by agencies that included the RWQCB, SLO County Department of Health Services, SLO County Planning and the CA Coastal Commission."

Requests were sent to the agencies asking for confirmation and identification of "alternatives evaluated and rejected." Only the CA Coastal Commission responded. They had a record of one alternative submitted by the SLO County CSA-9 in 1997. The other agencies refuse to respond.

SECTION THREE

GRAHAM KNOWLES: BRIGGS LETTER. CHARACTER ASSASSINATION. "DOZENS OF ALTERNATIVES EVALUATED BY LOCSD"

This is a significant example of the alleged conspiracy between the LOCSD and the RWQCB. This Section exposes an alleged collusion between the two agencies to assassinate the character of a world class US EPA wastewater expert who spoke in opposition to the sewer at a local town hall meeting.

In April 2002, Graham Knowles, a world class expert and consultant in wastewater management and water recycling was a guest speaker at a local community town hall meeting sponsored by a grass roots organization.

Mr. Knowles is a highly respected professor at the National Environmental Services Center at West Virginia University and a highly sought after world-class consultant for the US EPA in wastewater management, recycling and on-site systems technologies.

Mr. Knowles gave a thorough presentation of wastewater management techniques and introduced a number of "alternatives" that were very affordable, more effective than a sewer, safe and preferred by the EPA.

Virtually all of the material in the LOCSD "Messages" contained deliberately false and misleading information allegedly designed to coerce, intimidate and terrorize voters to vote "Yes" or not vote at all.

CA PENAL CODE 115.2(a) states "No person shall publish or cause to be published, with actual knowledge, and intent to deceive any campaign advertisement containing false or fraudulent depiction's, or false or fraudulent representations of official public documents or purported official public documents."

On **October 29**, another addendum was sent to Celeste Cantu. This addressed alleged violations of **Section 21002 of the CA Environmental Quality Act CEQA)** regarding "**alternatives.**"

The LOCSD allegedly violated this law by deliberately refusing to allow the community to discuss and implement any alternative technology. They further allegedly violated the Section by preventing discussions, consideration or submission of any alternatives to the sewer by telling the community that the sewer had been "mandated" and that "Los Osos has no choice."

In the same Section it states that "public agencies shall not approve projects as proposed **if there are feasible alternatives** ... **which would substantially lessen the significant environmental effects** of such projects..."

On **October 31, 2003** another addendum was sent to Cantu. This included the **December 22, 2000** confidential memo from LCOSD counsel Jon Seitz to the LCOSD and Buel, the alleged Pandora Karner/ Blackie Holland connection and a statement by Holland allegedly made at a meeting that allegedly included Karner and Buel.

The statement was in regards to a pending federal legal action against the LCOSD. It is alleged by a witness that Blackie Holland said, **"No mater the verdict, we have enough money to guarantee Los Osos will have a sewer."**

The addendum also addressed public statements by the LOCSD after the June 2001 vote that "**86.75%** of the community had approved the sewer" which it had not. This is significant because one requirement for an SRF loan is to prove to the satisfaction of the SWRCB that the community had approved the sewer.

As previously mentioned, it is interesting that Buel said in his federal affidavits the community had approved the "assessment district" but changed it to "sewer" and "bonds" when confronted with questions from residents.

The June 2001 Ballot did not identify any specific assessment or item such as Bonds or Sewer Approval. It simply states "Assessment District" and listed a dollar amount of the assessment for the property **(copy included)**.

According to CA Elections Law, ballots are supposed to specifically state the purpose for an assessment and are supposed to be private. The ballots were not private nor did they identify any specific purpose for the assessment.

Number 12 revealed the financial limitation residents were willing to be assessed on a monthly basis. It asked five monthly amounts beginning with **$80** and ending with **$120.** The highest positive response was **$80** by **28%** of the voters.

In the next question they lead the voter believe that a one-time sewer connection fee will be **$1700.** Nineteen-dollars a month, seventeen hundred total dollars would be repaid in just 7.5 years. This was an easy focus for residents and a strong detraction from the reality of actual costs and property owner obligations for 20 or 30 years or more.

In one question they ask voters to respond to a list of politicians, agencies, special interest groups and other related people who "<u>might speak out</u> about the wastewater issue."

This portion of the survey allegedly provided a road map of community approval or disapproval of certain individuals and agencies allegedly to determine attitudes of the community towards these entities to guide the LOCSD and the RWQCB.

The survey included all of the LCOSD Directors, Pandora Nash-Karner and Gary Karner. Tom Neve of Mid-State bank is also included. Since the LCOSD began telling the community a sewer had been "mandated," Neve has been a supporter of the project and the LCOSD.

During the Recall Petition drive of 2002, Neve attempted to stop two residents from signing the petitions by accosting them at the table as they were signing the five petitions. Complaints were filed with the president of Mid-State with no responses.

A significant number of residents, including some who know Neve personally, believe that he conspired with the LCOSD because they bank with Mid-State Bank and because Mid-State Bank would initially profit through loans for sewer connection costs.

It is also believed that Neve's alleged collusion would benefit Mid-State Bank because of alleged inside information regarding Real Estate business and the eventual planned mass build out of the town through real estate purchase and construction loans.

When the content of the survey is studied against the alleged LOCSD and RWQCB campaign of coercion, intimidation and threats its purpose appears to be obvious.

SECTION ELEVEN

ACCOUNTING OF MONEY COLLECTED BY LOCSD AFTER JUNE 2001 ASSESSMENT DISTRICT VOTE.

This has been included because it illustrates the alleged deliberate and ongoing refusal of the LCOSD to provide honest, open representation and demonstrate their scofflaw attitude towards their legal obligations to community. It is not necessarily illegal but is another piece of the overall picture.

After the June 2001 vote the LOCSD offered a 15% discount to anyone who prepaid their disconnect/ connect assessment costs.

The "**SUMMARY**" was allegedly ordered by the LCOSD. They allegedly contracted with an independent firm identified as Carollo.

The "**SUMMARY**" has two sets of nine lines each with individual headings that identify individuals or firms who would be monetarily involved in the project.

In the bottom set of boxes under **TASKS** and **Descriptions** is an entry for "**PANDORA**" in an amount of **$125,309**. On the "**Construction Management Services**" line under "**PANDORA**" is an amount of **$580,450**. The total of the two amounts is **$705,759**. The exact amount of her "**Project Manager**" budget.

Another column is headed "**SWA**" for an amount of **$27,632** and under "**Wastewater Treatment Plant Design**" an amount of **$202,480**. **SWA** is allegedly Gary Karner's landscape company.

A request was made to the LCOSD to identify the individual s or firm listed by initials in the "**SUMMARY**" and for contact information for Carollo. The LOCSD has refused to identify any of the firms or individuals listed on the "SUMAMRY" or to provide any contact information for Carollo. They did state that they "officially" did not approve the "**SUMMARY**."

Whether they approved it or not, the "**SUMMARY**" document clearly shows that the LOCSD had allegedly included the Pandora Karener "**Project Manager**" and the Gary Karner landscape budget in their calculations.

It has been widely believed that Pandora Nash-Karner has been (and continues to be) a central figure in the planning and execution of the alleged sewer scheme. It has been alleged that she is a central figure in the creation and organization of mailings and other influencing materials that have inundated residents since 1999.

For example, before the June 2001 vote, residents received least two mailings from something called "**Vote Yes For the Sewer Committee.**" The language in the mailings exactly parroted the LOCSD statements about a "RWQCB mandated sewer," a "loss of low-interest money," "ten thousand dollar per day fines against individuals" and more.

The LOCSD has denied any knowledge of the "**Committee**" or the identity of its members. It is widely believed that the "**Committee**" was created by Pandora Nash-Karner and funded by a local Realtor, Blackie Holland. More later.

SECTION NINE

OBLIGATION BONDS.
"SPECIAL" AND "GENERAL BENEFITS."

CA Water Code Sections 12944.5(a) & (b) and **CA Water Code Section 75150** require a District to hold a general election and receive a majority approval from voters to issue and sell obligation bonds. **The LOCSD NEVER did this.**

The LOCSD has always maintained that the June 2001 vote satisfied these requirements. They did not. At no time was the community advised of the their right to

A request was made for a copy of the LCOSD loan application with concentration on how they addressed compliance with **CA Water Codes 22170 – 22175** and **13416**. There has been no response.

On November 3, 2002, a fourth addendum was sent to Celeste Cantu. This addressed a **$2 million dollar grant** the SWRCB gave to the LOCSD. The addendum addressed the **"special benefits"** clause of **Proposition 218** and alleged that the LCOSD had failed to abide by its mandates.

On November 6, 2003, another addendum was sent to Celeste Cantu regarding **CA Water Codes Sections 18540(a) & (b)** and **CA Water Code Sections 12944.5(a) & (b)**.

Sections 18540(a) & (b) state the conditions for defrauding, coercing and intimidating voters. These relate to the previous allegations of fraudulent information sent by the LCOSD before the June 2001 vote that coerced, intimidated and threatened voters into either not voting or into approving the measure.

CA Water Code Sections 12944.5(a) & (b) requires a District to hold an election and receive a majority approval from voters to issue and sell obligation bonds, which it never did. The SWRCB was again asked to stop all SRF funding pending a full investigation of the allegations.

Another addendum alleged violations of **CA Water Code Section 75150** regarding a bond issue election.

It has been alleged that the LOCSD made false statements on their SRF Loan application and were assisted by the RWQCB. These concerns were also included I the requests to stop funding.

A copy of an August 23, 2002 e-mail regarding **Elections Code 18522** has been included. The e-mail cites a court case entitled **Stebbins v. White**. The case deals with fraud, bribery and intimidation during a "special election to recall a city councilman."

These are related to LOCSD and Pandora Nash-Karner alleged coordinated activities to influence voters in the June 2001 vote and to interfere and subvert a grass roots effort in the spring of 2002 to recall all five LOCSD Directors.

The relevancy is founded in the allegations that the LCOSD and Karner did deliberately use the mails, newspaper and other public outlets to fraudulently mislead, intimidate and coerce voters.

REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

FILE

INTERNAL MEMO

TO: R. Leonard, K. Jones

FROM: Roger Briggs

DATE: December 14, 1984

SIGNATURE: Roger Briggs

SUBJECT: BAYWOOD/LOS OSOS 520 CSA #9

On December 13, 1984, Frank DeMarco and I met with San Luis Obispo County Engineering staff; Clint Milne, Jim Jonte, and George Gibson, County Environmental Coordinator, Vince Morici, and Lab Analyst, Percy Garcia. The County requested the meeting to discuss our staff report for the December 7 agenda for Baywood/Los Osos enforcement action.

Three minor editorial comments were noted, and there was a lengthy discussion about interpreting water quality data. Although County staff agrees there is evidence of human fecal bacteria in the surface waters, they feel we've overstated the significance of this. If there are problems, the County contends that the proposed project will do nothing to curtail them.

Ground water analyses in Tables 2 and 3 do not indicate human bacterial contamination, except in poorly constructed monitoring wells, according to Percy Garcia. The County had these wells installed. Frank inspected these wells last week with Percy and agrees there is a potential for contamination from surface runoff. County staff maintains the data indicates nitrate concentrations aren't going up much. Our wording in the staff report is "continued degradation."

The County does not want to debate these points on the 7th. They agree a project is needed and are proceeding as quickly as possible, according to Clint. The Request for Proposals for soils and EIR work will be developed after a "pre-EIR" meeting with concerned agencies. They hope to have this meeting December 5 or 6. My November 13th memo reports that County staff was preparing RFP's on the Supervisor's November 13th agenda. Actual proposals were to be received from consultants by December 7. Now we find out the RFP's haven't been prepared yet.

Clint gave us a schedule for financial decisions (attached) and Jonte gave us their project schedule (attached). As I mentioned, they're already behind schedule for RFP's.

We've been trying for over a year to tell the County to complete the EIR before design, but they've said they wouldn't do it that way. At our meeting, Clint said design costs will have to come out of bond money, and they can't sell bonds until an EIR is complete. So they'll have to complete the EIR before starting design. EIR certification is currently scheduled by the County for July, 1985, with design start-up in September, 1985. This shows how badly they've missed the November 1, 1984, compliance schedule date for beginning design (10 months).

RWB:bf
Attachments - 2 schedules

On July 5, 2002 a Public Records Requests was submitted to the LOCSD (**copy included**) asking how much money had been collected and a copy of the current report filed by the Chief Financial Officer of the LCOSD as required under **Government Code 50075.3.** There was no response.

On September 26, 2003 a Public Records Requests was submitted to the LOCSD (**copy included**) asking how much money had been collected, how many people paid, the current location of the money, procedures for requesting a refund and if the refund would include interest to date.

All the LOCSD was required to do was list two numbers and one or two paragraphs. They responded by offering 23 pages of documents. Four subsequent requests were made for the information asking how the 23 pages related to the request with no response.

Eventually the pages were purchased **(copies included)**. Nine (9) pages were a copy of LOCSD Resolution 2001-24 that did not respond to the requested information. The balance of fourteen (**14**) pages was a list by Receipt Number, Date Deposited and Amount of each prepayment.

The response to "Where is the money?" was to offer their bank records for examination. There was no response for procedure s to request a refund or interest. They refuse to offer a method for requesting a refund.

SECTION TWELVE

DEMAND SWRCB STOP ALL SRF FUNDING TO LOCSD SEWER PROJECT.

Because of the tremendous amount of hard copy and circumstantial evidence to support the many state and federal felony allegations, the SWRCB was requested to stop all SRF funding for the LCOSD sewer project.

There were a number of submissions over a two-week period. Each submission included additional allegations and support evidence regarding the alleged state and federal offenses. **(Copies included)**

On **October 20, 2003**, the **Bay/ Osos CSD Movement** sent the first two-page letter to Celeste Cantu, Executive Director of the SWRCB alleging violations of three significant **CA Water Codes** by the LOCSD and the RWQCB.

They were: **Sections 22170 – 22175, Section 13416** and **Section 13999.8(1).**

On October 21, 2003, a two-page addendum of allegations was sent to Celeste Cantu that included alleged violations of **CA Penal Code 115.1(a) and 115.2(a).**

CA Penal Code 115.1(a) states "... voters of California are entitled to accurate representations in materials that are directed to them in efforts to influence how they vote."

TRADITIONAL SYSTEM

2ND SENDING 9/ /03

Memorandum

To: CELESTE CANTU: STATE WATER BOARD

CC:

From: BUDD SANFORD

Date: 07/31/03

Re: PUBLIC RECORDS REQUEST

Dear Celeste:

An ex-LOCSD Director, Pandora Nash-Karner stated in a January 19, 2002 letter to another local resident that the "State Water Board told us (LOCSD) they would not lend us available low interest money unless we used a traditional system."

Our questions are:

1) Did the State Water Board tell the LOCSD or any representative of the LOCSD or the RWQCB (SLO County) that the State Water Board would not lend money unless Los Osos build a **"traditional system?"**

2) If the State Water Board did make this decree in writing, please provide us a copy of that communication.

3) Did the State Water Board tell Pandora Nash-Karner that the State Water Board would not lend money unless Los Osos build a **"traditional system?"**

4) If the State Water Board did make this decree in writing to Karner, please provide us a copy of that communication.

5) Please define a **"traditional system."**

Thank you. Please FAX reply to me at **528 5555. Mail: PO Box 6663, Los Osos, CA 93412.**

Sincerely,

Budd Sanford, for and on behalf of,
The Bay/ Osos CSD Committee

CONFIDENTIAL

JUNE 2001 VOTE

In the same affidavit Buel states, "The balloting resulted in an **overwhelming endorsement** of the assessment by the affected property-owners – over **83%** of the ballots received (which later allegedly translated to **85.71%** of the weighted votes) **were cast in favor of the assessment."**

In a number of public and printed statements after the June 2001 vote, Buel and the Board continually said that **85.71%** of the property owners had **approved the sewer**. Which was it: the sewer or the assessment?

It might appear that whether approving a sewer or an assessment is a minor dispute in semantics but in fact it is very significant. Allegedly, the deliberately crafted wording made the court believe that the community had overwhelmingly approved the sewer and that any further avoidable delays would be going against the will of the community.

It is also very significant because the LCOSD told the community that the Assessment District vote was to allow the LCOSD to collect fees for disconnecting the septic tanks and connecting to the sewer. Never for bonds or for permission to enter into an SRF Loan with the SWRCB.

The LOCSD has refused to respond to requests for certain documents referenced in the federal affidavits that include **1)** any correspondence from the SWRCB that sets deadlines for disbursement of SRF money. **2)** Any correspondence from the SWRCB that sets a **March 28, 2002** deadline for the $65.4 million dollar SRF loan. **3)** A copy of any correspondence from Carlo Fowler (**LOCSD bond council**) that states the bonds will be sold at a higher rate of interest if legal action is pending and advising an insurance policy to protect investors.

Perjury is a very serious crime. Allegedly Bruce Buel with the consent of the Board, did make false and deliberately misleading statements in their federal affidavits that wrongly and deviously influenced federal judges and placed a community at risk of financial, ecological and social disaster.

SECTION SIX

ILLEGAL GROUNDWATER MONITORING WELLS.

The sources for the alleged nitrate contamination of Los Osos water has been in question for more than 30 years. Despite RWQCB allegations of septic tank pollution, many world class experts who have evaluated the water over the past thirty years have stated that septic tanks are not the problem. They have said that old vegetation and agriculture runoff are the probable sources of the inconsistent, "spiking" Nitrate readings.

Roger Briggs acknowledged this in a letter to Buel in which he instructs Buel to "delete any mention of old vegetation and agriculture runoff so that people will not lose confidence in the project" (sewer).

REGARDING THE LOS OSOS MEGA-SEWER ISSUE

REGARDING THE ILLEGAL JUNE 2001 ASSESSMENT DISTRICT BALLOTING

As per the **California Constitution, Article 2, Section 7**, that states, "**Voting shall be secret.**" Why was the LOCSD June 2001 Assessment District ballot **NOT** a secret ballot and, Why were the voters not told this before the election?

A separate enclosed ballot marked with only the lot size or the number of sewer connection units could have been provided. This would have allowed people to vote in secret and would still provide a tally of who returned the ballots. But, this was **NOT** done in the June 2001 Assessment District balloting.

Why were we prevented from voting in secret in this way?
Why were all **non-votes** counted as "**Yes**" votes in favor of the Assessment?

REGARDING DISCRIMINATION

Why was the LOCSD able to choose a voting system that prevented a secret ballot and intimidated about 50% of the voters, thus preventing or discouraging them from sending in their vote?

Why has the law and the governmental process allowed gerrymandering of the land in Los Osos resulting in a "prohibition zone" which has discriminated against middle and low income families, the elderly and the disabled?

Why are almost all of the residents who are poor or on fixed incomes included within the prohibition zone, while the wealthy or politically influential are located outside of this "prohibition zone"?

Why are these same poor and those on fixed incomes forced to pay the full cost of the sewer?

Why were **NOT** all residents who would potentially benefit from this sewer included in the Assessment District and within the "prohibition zone"?

Is the "prohibition zone" an admission by the Regional Water Quality Control Board of some properly functioning septic systems within the community?

NO LEGAL MANDATE FOR A SPECIFIC SYSTEM

What laws allow the Regional Water Quality Control Board to dictate a particular type of sewer on the community of Los Osos? The state allows them only to identify problems (if any), require corrective actions and demand solutions, but **NOT** from specifying any specific solutions.

In fact, in a letter from Roger Briggs of the RWQCB to a previous LOCSD Director, Pandora Nash-Karner, Briggs stated, **"It is not our duty, nor do we have the legal authority to state any method of compliance."**

This letter was written in January 1998, 10 months before the LOCSD was even created. It is clear evidence that the people who promised to bring a safe, affordable water quality plan to Los Osos, the people who had asked for the trust of the community through their votes, had already conspired with the RWQCB to force the sewer. This after the County defeated the RWQCB and the sewer.

Why does the Regional Water Quality Control Board force the most expensive and environmentally non-friendly form of a sewer on the community of Los Osos? Could it be because they are the moneylenders, the Gate Keepers of the State-Federal Revolving Fund?

ILLEGAL MONITORING WELLS

In a 1984 Internal Memo from **Roger Briggs** of the RWQCB to his then superiors, Briggs state only contamination in the Los Osos aquifer they were able to identify came from **"poorly const (ground water) monitoring wells."**

Roger Briggs is now the Executive Director of the local RWQCB and at the head of he juggernaut forcing the most expensive (per-capita) sewer in the history of the United States on Los Osos.

Why does the Regional Water Quality Control Board continue to monitor and report "alleged' increased nitrate levels from ground water monitoring wells which have been identified and certified as improperly constructed and not properly sealed to prevent surface contamination?

Under **CA Water Codes**, Ground Water Monitoring Wells have a one-year legal life span. The law is specific regarding their future. The law specifically **"mandates"** the RWQCB to take specific action. The wells must either be sealed with concrete so no contaminates can leak into the aquifer or they must be brought up to CA Water Code Well Standards.

The RWQCB, the County and the LOCSD all deliberately failed to obey the law. They continued to collect specious data to assist in the manufacturing of a created nitrate problem with Los Osos water through August of 2002.

After these facts were publicly exposed by the Total Recall Committee in August of 2002, the LOCSD spent more than **$70,000** "covering up the evidence" by having these illegal wells properly sealed.

WHY THE MEGA-SEWER?

Why are the Regional Water Quality Control Board and the LOCSD forcing the most expensive (per-capita) sewer in the history of the United States on this community when the water quality of the upper aquifer before the sewer will be essentially no different than the water quality of the sewer facility after it is constructed?

Both before and after installation by their own data, the RWQCB agrees that the nitrate level in the ground water will remain the same at about 8.5 milligrams of nitrate - nitrogen per Liter.

WHAT WILL HAPPEN TO OUR WATER?

Why is the Regional Water Quality Control Board obsessed only with the quality of the water and willing to allow the quantity of water to disappear from this community of Los Osos?

Under the proposed sewer system, a series of water recharge sites are proposed only to recharge the upper aquifer which only drains eventually downhill into Morro Bay and the Pacific Ocean.

This means eventually all of the water in Los Osos will be lost to the ocean. No attempt is being made to recharge the lower aquifer from which the community draws it's quantity of pristine & excellent tasting water.

Why will the Regional Water Quality Control Board allow this loss of water from our Los Osos community?

SEA WATER INTRUSION.

Why will the Regional Water Quality Control Board allow seawater intrusion into our pristine underground lower aquifer?

Such sea water intrusion will contaminate and destroy our only water source for this community.

The presentation of "alternatives" and the overall preference for on-site systems was completely contrary to the LOCSD and RWQCB sewer scheme. Allegedly in retaliation, Roger Briggs of the RWQCB sent a malicious character assassinating letter **(copy included)** to John Mori of the U of W.V. and James Hanlon, Director, Office of Wastewater Management, US EPA in Washington, DC.

Briggs made a number of allegedly false and misleading statements and empty, vicious accusations against Mr. Knowles. For example, Mr. Knowles said that on-site systems are more viable, cost effective and healthy than a sewer. Mr. Knowles said he didn't understand why the LOCSD had chosen a sewer with so many viable alternatives available.

Regarding "alternatives" Briggs said that Knowles assured the audience **"... without revealing the dozens of alternatives evaluated for suitability in Los Osos, or the water quality implications of such systems."**

Briggs accused Knowles of expressing contempt, disrespect and lack of confidence in government officials and berated him for not looking at the "comprehensive and voluminous reports, data and material on the subject.

In fact, Mr. Knowles presentation was factual, relevant and current. What it did not do was reinforce the illegal sewer. Mr. Knowles also concurred with the number of world class studies that concluded the alleged nitrate spiking in the Los Osos water is primarily caused by old vegetation and agriculture runoff.

Briggs accused Knowles of not telling the truth and of "fueling controversy which may result in unnecessary additional costs due to delays and litigation." These statements were false in their content and very malicious in their intent.

This is the same Briggs who wrote in a **January 29, 2001** letter to Bruce Buel of the LCOSD in response to correspondence from Buel **(copy included)**, "... some studies suggest that **decay of natural vegetation, rather than septic systems, is the source of nitrate contamination of ground water. This statement should be deleted. These statements lead a reader to question the need for the project (sewer) and intentionally reduce public confidence and support."**

SECTION FOUR

LOCSD AGENDA ITEM IF/ 3/21/02 (See Section One for complete text)
BUELS' RESPONSE TO "FLUSH THE SEWER." RES. 92-49

In September 1983, the RWQCB issued their Basin Plan **Resolution 12** in which they recommended the County institute a community-wide septic system maintenance program and pump down the groundwater in certain low-lying areas. The County NEVER did these things.

Over the years a number of world-class studies of Los Osos water have been conducted, some commissioned by the SLO County Board of Supervisors, some involving the US EPA.

All of the studies agree that Los Osos Nitrate spikes are caused by old vegetation and agriculture sources not septic systems. They all state that Los Osos does not need a sewer and that a planned septic system maintenance program and pumping down the groundwater in certain areas would be more than sufficient to protect and preserve the public water.

In 2002, there was a grass roots effort to recall all five LOCSD Directors. Part of an alternative to the sewer project promoted by the ***Total Recall Committee*** included pumping down the groundwater in certain low-lying areas of Los Osos.

The plan included allowing local farmers the opportunity to receive the groundwater for crop irrigation in exchange for community access to their clean aquifers all at little or no costs to the farmers or the community.

This was a win – win situation. It would lower water costs to the community by limiting the amount of water that would have to be treated and stored while providing an abundant clean water source.

Pumping down the groundwater is necessary for leach pits and fields to perform at their optimum levels. It is a necessary part of good overall water management and would allow continued, safe use of septic systems.

In **May 2001**, a mailer entitled **"Flush the Sewer"** was sent to Los Osos residents. The mailer offered detailed factual information about wastewater management and septic systems that were contrary to statements and assertions made by the LOCSD. Included was information on groundwater pumping.

The LOCSD responded with a mailer created by Bruce Buel entitled **"Correcting the Inaccuracies in the Flush the Sewer! Mailer."** It was also read in to the record at an LOCSD public meeting as **Agenda Item 1F/ 3/21/02**. It is divided in to three parts: "**Summary**" (**3** pages), Letter from **Gary Grimm**, attorney and "**Draft**" (**4** pages).

Buel attempted to counter the "Flush" mailer with a number of allegedly false and deliberately misleading statements. For example, the "**Flush**" mailer stated, "Early studies from the late 1980's show nitrate contamination of the groundwater probably not coming from septic systems."

Buel responded by saying, "These early studies are outdated and have been proven wrong by a series of subsequent publications." Requests were made to the LOCSD for copies of the "series of subsequent publications." They refused to provide any.

In fact, a number of world class studies have concluded that the primary cause of the alleged Nitrate problems are high groundwater levels, old vegetation and agricultural runoff, not septic tanks. Roger Briggs of the RWQCB acknowledged these facts.

Included with this submission is part of a letter from Briggs to Buel in which Briggs tells Buel not to publicly discuss the vegetation and agricultural runoff issues because "... **it will erode public confidence in the project**" (sewer).

The "Flush" mailer said that the June 2001 vote was based on deliberate misinformation that had intimidated and coerced voters. Buel responded by stating, **"... the voter had all of the information required in order to make an informed decision."**

SECTION FIVE

LOCSD/ BRUCE BUEL FEDERAL AFFIDAVITS. PERJURY?

Section 13999.8(1) requires a District to "demonstrate, to the satisfaction of the Board (SWRCB), that an adequate opportunity for public participation regarding the loan has been provided." **They NEVER did this!**

The LOCSD allegedly excluded or altered relevant and salient information in three federal affidavits. These actions deprived Plaintiffs of a fair hearing and prevented the court from knowing the truth.

For example in one affidavit Buel says, "**(RWQCB) Order 00-131** (time schedule order) requires the District to provide proof of financing for the Project by July 29, 2001 or be subject to fines of $10,000 per day."

This leads the reader to believe that if the alleged deadline were not met the District would be fined $10,000 per day. Even if the Order had the many times changed date, there would never be any fines for any delays not within the control of the LCOSD.

Buel deliberately omitted details in **Order 00-131**, number **13** which states: **"The civil penalty of $10,000 per day of violation of the time schedule... does not include any amount intended to punish or redress previous violations."** Number 13 further states, **"... this Order provides that the RWQCB may extend the time for compliance <u>for delays beyond the reasonable control of the CSD</u>."**

In another affidavit, Buel states: "The existence of this lawsuit makes bonds <u>potentially</u> unsaleable, especially because of the <u>potential loss</u> of <u>state loan financing</u> which jeopardizes the entire project."

The SRF Loan was NEVRE at risk. Recently discovered evidence reveals how the LOCSD piggybacked on to a 1990 SLO County SRF Loan approval for **$47 million** dollars. This was allegedly done to avoid compliance with **CA Water Code 13416** and to prevent the community from rejecting the loan.

Allegedly with the help of the RWQCB, all the LCOSD did was apply for an increase of $18.4 million dollars over the $47 million. Even if a time period had expired, the $47 million dollars SRF Loan was in place. **The court was NEVER apprised of this.**

OBLIGATION BONDS.

Like the SRF loan, California Water Codes mandate a District to seek permission to issue and sell Obligation Bonds through a community vote. The District must receive a majority approval.

Since the early 1990's, world class experts exposed ten (10) allegedly illegal "poorly constructed" groundwater-monitoring wells that were allegedly being used on a regular basis to identify the alleged contamination.

These wells were the focus of a 1984 memo from Roger Briggs **(copy included).** He identified a number of "**poorly constructed**" groundwater monitoring wells as a potential source of contamination. Briggs further stated that the County did not want to discuss the matter.

Nothing was done about the wells. They remained open and allegedly used for 20 years by the RWQCB, the County and the LCOSD to collect specious data in support of the alleged nitrate contamination.

The wells were installed in 1982 under a temporary permit issued to the SLO County Health Department. These wells had a legal one-year (or less) life span. At the end of their limited term the law required that the wells either be brought up to full legal well water standards or permanently sealed.

CA Water Code 13225(f) (copy included) requires the RWQCB to "... report to the state board and appropriate local health officer <u>ANY</u> case of <u>SUSPECTED</u> contamination in its region."

On November 12, 2003, a Public Inquiry & Request **(copy included)** was sent to Roger Briggs asking if he or anyone at the RWQCB ever filed **ANY** report regarding the contaminated wells identified in his memo. If so, he was asked to provide a copy of the report. No response.

On October 25, 2003, a similar Inquiry **(copy included)** was sent to Celeste Cantu of the SWRCB asking if a report had been filed and to provide a copy. No response.

Allegedly, these monitoring wells were feloniously used by the RWQCB, SLO County and the LCOSD for 20 years to collect specious data in support of the alleged nitrate contamination of Los Osos water by on-site systems.

Knowingly allowing contaminates to enter public water through just one source or incident is both a state and federal felony. Allegedly for the wells to have remained open for 20 years would have been with the knowledge and cooperation of the SLO County Health and Engineering Departments, the RWQCB and "officially" after 1999, the LOCSD.

Since early 2002, after discovery of the Briggs 1984 memo, the LOCSD was asked a number of times about the alleged illegal wells and their contribution to the contamination of Los Osos water. Each time the LCOSD denied any knowledge of the specific wells or of any contamination problems with any of the Los Osos wells.

Then in a May 2002 RWQCB 4 page, double sided, four color mailing sent to all Los Osos residents **(copy included)** before an alleged damage control impromptu LOCSD meeting, the RWQCB said the LOCSD had recently identified certain wells with "**integrity violations**" and had taken "**appropriate actions.**"

BAY/ OSOS CSD MOVEMENT

To: Roger Briggs

From: BAY/ OSOS CSD MOVEMENT

CC:

Date: 11/20/03

Re: LET'S TRY AGAIN.

Mr. Briggs:

We have repeatedly asked for the identify of specific "alternatives" to the Los Osos sewer that had been submitted by the LCOSD between January 1999 and October 2003.

To date we have not received one response that identifies even one "alternative." This is unacceptable. A portion of the process that has driven our community to this social and financial abyss incvolves alleged "alternatives" allegedly evaluated by the LCOSD and allegedly rejected by the RWQCB.

According to you, "The LOCSD studied and evaluated dozens of alternatives." If this is true, why are you unable or unwilling to list even one? Let's try again. We are making another request.

Please identity the alleged "alternatives" that address **on-site systems** allegedly evaluated by the LOCSD between January 1999 and October 2003 and allegedly submitted to the RWQCB.

We are not asking for thousands of pages of details only titles or names of the alleged "individual alternatives." For example, *"Glutinators"* or *Low Flow Toilets*. Once we have this information, we will make an appointment to examine the alleged volumes of information. Please fax response to **(805) 528 5555**. Thank you.

Budd Sanford, for and on behalf of,
The Bay/ Osos CSD Committee

BAY/ OSOS CSD MOVEMENT

To: Roger Briggs

From: BAY/ OSOS CSD MOVEMENT

CC:

Date: 11/20/03

Re: LET'S TRY AGAIN.

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Budd Sanford, for and on behalf of,
The Bay/ Osos CSD Committee

HUBNER STATEMENT

Memorandum

NO RESPONSE

To: Roger Briggs: RWQCB

CC: Celeste Cantu: SWRCB

From: BAY/ OSOS CSD COMMITTEE

Date: 10/13/03

Re: PUBLIC INQUIRY & REQUEST

Mr. Briggs:

In regards to pumping down the groundwater in Los Osos, soon to be ex employee Buel stated in his "SUMMARY" included with LOCSD Agenda Item 1F/ 3/21/02, that **"Gerhardt Hubner of the RWQCB has stated that 'implementation of the dewatering and export proposal would not solve Los Osos's problem with groundwater contamination.'"**

Did Hubner make this statement? If so, please identify each specific study, report or other written scientific or engineering source by title he used to validate his statement.

In the same Agenda Item document, soon to be ex employee Buel further states: "RWQCB staffer **Gerhardt Hubner adds that 'pumping down the groundwater for export would constitute a constitutionally limited waste of resources.'"**

Did Hubner make this statement? If so, please identify each specific law, code, section by title and number that validates this statement. Please identify each specific study, report or other written scientific or engineering source by title he used to validate this statement.

Please fax response to 528 5555. Thank you.

Budd Sanford, for and on behalf of,
The Bay/Osos CSD Committee

CONFIDENTIAL

RECEIVED OCT 1 4 2003

Memorandum

To: Roger Briggs

CC:

From: BAY/ OSOS CSD COMMITTEE

Date: 10/14/03

Re: PUBLIC INQUIRY & RQEUEST

Mr. Briggs:

Please tell the Committee if the RWQCB ever told Pandora Nash-Karner, Bruce Buel and/ or ANY LOCSD Director (past or present) that if the June 2001 Assessment District vote failed or the LOCSD "failed to build a sewer project," there would be NO SRF low-interest money or any other state/ federal money available.

If the RWQCB did make such a statement to any of the above at any time, please include a copy of any correspondence respondent to this Inquiry. Please fax response to **528 5555**. Thank you.

Budd Sanford, for and on behalf of,
The Bay/Osos CSD Committee

CONFIDENTIAL

BAY/ OSOS CSD MOVEMENT

To: ROGER BRIGGS
From: BAY/ OSOS CSD MOVEMENT
CC: [Click here and type name]
Date: 11/12/03
Re: PUBLIC INQUIRY

Mr. Briggs:

In your 1984 memo to Mr. Leonard you identified a number of groundwater monitoring wells as potential sources for contamination of Los Osos water. **CA Water Code 13225** states that whenever suspect wells are located and identified, the RWQCB is mandated to "... report to the state board and appropriate local health officer any case of suspected contamination in its region."

The RWQCB is required to "File with the state board... copies of the record of any official action."

Did the RWQCB make any reports to the state board about the wells mentioned in your 1984 memo? Did the RWQCB notify the County of the wells? Did the RWQCB take any action in regards to closing the wells? Were the wells closed or brought up to water well code?

Please advise what action, if any was taken by the RWQCB in regards to the wells mentioned in your 1984 memo. Please fax response to **528 5555**. Thank you.

Budd Sanford, for and on behalf of,
The Bay/Osos CSD Movement

State Water Resources Control Board

Executive Office
1001 I Street, Sacramento, California 95814
P.O. Box 100, Sacramento, California 95812-0100
(916) 341-5615 ♦ FAX (916) 341-5621 ♦ www.swrcb.ca.gov

Winston H. Hickox
Secretary for Environmental Protection

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

AUG 15 2003

Mr. Budd Sanford
The Bay/Osos CSD Committee
P.O. Box 6663
Los Osos, CA 93412

Dear Mr. Sanford:

FREEDOM OF INFORMATION REQUEST NO. 03-06; LOS OSOS COMMUNITY SERVICES DISTRICT (DISTRICT); WASTEWATER COLLECTION, TREATMENT AND EFFLUENT DISPOSAL PROJECT (PROJECT); STATE REVOLVING FUND (SRF) LOAN PROGRAM; SRF PROJECT NO. C-06-014-110

Thank you for your letter to the State Water Resources Control Board (SWRCB) dated July 31, 2003, concerning the SRF loan funding requirements for the District's proposed Project. The 1987 amendments to the Federal Clean Water Act, establishing the SRF Loan Program, require the States to provide a funding match equal to 20 percent of the federal capitalization grant in order to receive federal monies. For local agencies in California, the SWRCB provides low-interest loans for the construction of publicly owned wastewater treatment and collection system facilities, as well as facilities that will produce and deliver recycled water.

The SWRCB's role in the District's proposed Project is to provide funding for the construction of facilities deemed necessary for the District to meet the requirements of the Central Coast Regional Water Quality Control Board. Through comprehensive consultation and meetings with local communities and regulatory agencies, the selection of the project alternative to address the water quality challenges within the District's service area belongs to the District and its represented community. COMMUNITY & CSD DECISION - NOT RWQCB MANDATE

In response to your questions, the SWRCB's SRF Loan Program does not require the implementation of any specific treatment technology for a project to be funded. We do, however, require that the proposed project include technology with a proven track record. We do not have any records or documents to provide to you where we direct the type of project to be developed.

If you have any questions about the SRF Loan Program, please contact Ms. Diana Robles at (916) 341-5513 or email her at roblesd@swrcb.ca.gov.

Sincerely,

Barbara L. Evoy, Chief
Division of Financial Assistance

cc: Mr. Gerhardt Hubner
Ms. Sorrel Marks
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Mr. Bruce Buel
General Manager
Los Osos Community Services District
P. O. Box 6064
Los Osos, CA 93412

LOS OSOS COMMUNITY SERVICES DISTRICT

sident
Rosemary Bowker

e-President
Stan Gustafson

ector
Frank Freiler
Gordon Hensley
Sylvia Smith

neral Manager
Bruce S. Buel

ilities Manager
George J. Milanés

ministrative
rvices Manager
Lynne L. Corenbaum

Chief
Bruce D. Pickens

Street
California 93402

Address:
6064
California 93412
05/528-9370
05/528-9377
oscsd.org

March 14, 2002

TO: LOCSD Board of Directors

SUBJECT: Agenda Item No. 1F – 3/21/02 Board Meeting
Receive Report on Ground Water Pump/Export Proposal

SUMMARY

Several community members have suggested that Los Osos could solve its groundwater contamination problem by pumping down the upper aquifer by ten to twenty feet and exporting this supply to agricultural lands located between Los Osos and San Luis Obispo. This proposal would not solve Los Osos problem with nitrate contamination and it does not appear to be legally, logistically, or financially viable.

Lowering the groundwater table by ten to twenty feet would provide more separation between the septic systems and top of the groundwater table, but the overall density of development in Los Osos would still be too high to prevent contamination. The state standard for septic system density is one dwelling unit per acre whereas Los Osos has an average density of almost 3 dwelling units per acre and some areas have 12 to 15 dwelling units per acre. Septic systems discharge total nitrogen at 26-38 mg/l whereas the state has set a discharge limit for Los Osos at 7 mg/l. Combining this high concentration of discharge per system with the high density of systems results in more nitrogen than the soils can convert into harmless constituents. Thus, nitrate levels will continue to increase unless the septic systems are disconnected. It is not surprising that the historic record shows that nitrate levels have increased and are continuing to increase.

As stated above, the proposal would not solve Los Osos' contamination problem, but even if Los Osos wanted to do lower the groundwater table there are serious logistical problems. Lowering the groundwater table by just ten feet would involve pumping of at least 400 millions of gallons of contaminated water that would need to be treated and then transported somewhere. Lowering the groundwater table twenty feet would involve pumping and treating 800 million gallons of contaminated water. Once the initial surplus water was pumped, ongoing pumping of at least 365 million gallons of water per year would be necessary to maintain the suggested separation and this water would also need to be treated.

It appears that the exporting entity would need to treat the pumped water for high nitrate and bacteriological contamination unless the water was used to irrigate row crops in which case a tertiary level of treatment would be required. Assuming that the intended use was pasture irrigation, the treatment would logically involve some form of ion exchange to concentrate the nitrates into waste brine. Although this technology is well established, serious problems would ensue regarding disposal of the brine especially with the volume of disposal related to treating 365 to 800 million gallons of source water per year. Assuming a waste flow of 20% of the production, the brine would equate to 73 million to 160 million gallons per year. The most common disposal solution is ocean discharge but Los Osos has no access to an outfall. The exporting entity could construct a pipeline to Morro Bay or Avila or it could pay to truck the brine to a suitable disposal site outside of the county.

The capital costs associated with the pumping and transport elements of the proposal would be substantial. Attached is a preliminary evaluation of these costs compiled by Montgomery Watson Harza using the same protocols that were used to estimate costs for all other alternatives. As set forth in the evaluation, just the pump and transport elements of the proposal would cost $41 million. This cost estimate ignores any costs related to treatment or agricultural conversion.

As detailed above, the pump export proposal would not solve Los Osos groundwater contamination problem and it does not appear to be legally, logistically, or financially feasible.

RECOMMENDATION

Staff will answer any questions from any director.

Sincerely

Bruce Buel
General Manager

3/21/01-1F-01

BAY/OSOS CSD COMMITTEE

2 PAGES

Memo

To: ROGER BRIGGS

From: BAY/ OSOS CSD COMMITTEE

CC:

Date: 10/25/03

Re: PUBLIC INQUIRY

RECEIVED OCT 27 2003

Mr. Briggs:

CA Water Code 13301.1 requires the RWQCB to render all possible assistance to those who have been issued a C&D Order by making current information on successful and economic water quality control programs available.

The RWQCB has issued C&D Orders against certain areas of Los Osos under the jurisdiction of the LOCSD. Did the RWQCB provide "current information" to the LOCSD regarding "successful and economic water quality control programs?

If so, what "current information" did the RWQCB make available to the LOCSD regarding "successful and economic water quality control programs?" Did the RWQCB suggest methods of compliance other than a sewer? If so, please identify them.

Did the RWQCB render all possible assistance to individuals against whom C&D Orders were issued?

The Committee is still waiting your responses to previous Public Inquiries including a time to review certain documents. You are past the legal time period as set forth in the PRA. Please respond to those Inquiries and Requests now. Thank you.

Please fax responses to **(805) 528 5555**. Thank you.

Budd Sanford, for and on behalf of,
The Bay/ Osos CSD Committee

13301.1. The regional board shall render to persons against whom a cease and desist order is issued pursuant to Section 13301 all possible assistance in making available current information on successful and economical water quality control programs, as such information is developed by the state board pursuant to Section 13167, and information and assistance in applying for federal and state funds necessary to comply with the cease and desist order.

RECEIVED OCT 2 7 2003

From: Daniel Bleskey
Sent: Wednesday, February 01, 2006 11:56 AM
To: Roger Briggs; Harvey Packard
Cc: Lisa Schicker; John Fouche; 'Biggs, Julie Hayward'; George Milanes; gsecundy@waterboards.ca.gov; 'John McClendon'; The Honorable Sam Blakeslee; Onstot, Stephen R.; tdoduc@waterboards.ca.gov; Abraham Hyatt (ahyatt@thetribunenews.com); 'Alexis Strauss (Business Fax)'; CCantu@waterboards.ca.gov; christine.robertson@asm.ca.gov; 'Michael Thomas'; 'abaggett@waterboards.ca.gov'; tdoduc@waterboards.ca.gov; RKatz@waterboards.ca.gov; 'psilva@waterboards.ca.gov'; 'gary grimm'; 'Haas, Greg'
Subject: Request for Meeting to discuss Onsite remediation

Roger,

It is ironic that the timing of your latest action comes on the heals of our discovery of previous correspondence related to your approval of on-site systems with the LOCSD in September 2004. I have attached documentation that was discovered in Bruce Buel's files related to your consideration of these types of systems. As far as I can tell this information was never handed up the chain to the public or the LOCSD Board. At this time we are not proposing that this would be a permanent solution to the current situation, although with the recent developments in the on-site technologies, these systems have tremendous potential as compared to the 30 plus-year-old technologies that was available when 83-13 was adopted. Your previous willingness to consider this and the wording in the current draft Cease and Desist Orders to the residents seem to indicate your continued support for implementing such a program.

At our upcoming meeting District Staff is proposing to adopt a resolution for a septic management program and the updating of the Wastewater Project Report. It is our intention to move in both directions to provide an interim program to provide immediate mitigation for individual septic systems and plan for a permanent solution through the project report update.

Here is what we propose to do to support the individual dischargers and to remediate our three systems. We have met with the Pirana folks and they have indicated that they would be very interested in piloting their system here in Los Osos. We also know that Orenco was interested in the past and we are calling them to see if they would like to participate as well. The Nitrex system that was adopted by the LA Regional for Malibu has promise and there is a high probability that they would be interested as well. We would recommend that other vendors of appropriate technology be allowed to participate in a pilot project as well. The State Board's report entitled "Review of Technologies for the Onsite Treatment of Wastewater in California" lists dozens of other potential participants.

We are therefore requesting a meeting to discuss and if agreeable to outline an implementation program for these onsite systems to assist the residents and to serve as the basis for our septic management system. It is worth noting that if we can get the special legislation and implement a viable septic management system that can generate revenues we would be in the best position available to get the program started again, instead of the escalation of the current contentious environment. The Citizens in Los Osos have been characterized as not wanting a system, some don't, but the vast majority do. However, they want their community to be served by a system that they want. Tri-W was not their choice, however, we do have available the technology to mitigate or even resolve the situation on both the short and long term.

The process that we are proposing must have strong interaction between the LOCSD and your staff. September 27, 2005, is a direct indication that the past handling of Los Osos was not effective. We cannot afford to have the Regional Board staff not included but to provide healthy guidance instead of the heavy hammer used now or in the past. The LOCSD, despite how many times people say otherwise, has

shown a willingness to work toward a solution and compromise, with few limitations (i.e) Tri-W). But this does not mean that we cannot start again toward fixing this thing.

We need to meet as soon as possible to start the process. I am available all day Friday, Monday morning and Tuesday.

Let me know.

DanB

Agricultural Engineering Department

590 Woody Hayes Drive
Columbus, Ohio 43210
(614) 292-6131

THE OHIO STATE UNIVERSITY

Septic Tank Maintenance

Karen M. Mancl, Associate Professor of Agricultural Engineering
Extension Specialist, Water Quality

The most common wastewater treatment system used in rural areas is the septic tank-soil absorption system. The septic tank removes settleable and floatable solids from the wastewater, and the soil absorption field filters and treats the clarified septic tank effluent. Removing the solids from the wastewater protects the soil absorption system from clogging and premature failure. In addition to removing solids, the septic tank also permits digestion of a portion of the solids and stores the undigested portion.

The septic tank removes solids by holding wastewater in the tank, which allows the solids to settle and scum to rise to the top. To accomplish this, wastewater should be held in the tank for at least 24 hours. Up to 50 percent of the solids retained in the tank decompose. The remaining solids accumulate in the tank. **Biological and chemical additives are not needed** to aid or accelerate decomposition.

As the septic system is used, sludge continues to accumulate in the bottom of the septic tank. Properly designed tanks have enough space for up to three years safe accumulation of sludge. When the sludge level increases beyond this point, sewage has less time to settle properly before leaving the tank. As the sludge level increases, more solids escape into the absorption area. If sludge accumulates too long, no settling occurs before the sewage escapes directly to the soil absorption area. To prevent this, the tank must be pumped periodically. The material pumped out of the tank is known as "septage."

The frequency of pumping depends on several factors:

(1) Capacity of septic tank.

(2) Flow of wastewater (related to size of household).

(3) Volume of solids in wastewater (more solids if garbage disposal is used).

Table 1 gives the estimated pumping frequencies according to septic tank capacity and household size. The frequencies were calculated to provide a minimum of 24 hours of wastewater retention assuming 50 percent digestion of the retained solids.

In Ohio, a 1500-gallon septic tank is used for a home with three bedrooms. If six people reside in a three-bedroom house, the tank should be pumped every 2.6 years. If the same system

Table 1. Estimate Septic Tank Pumping Frequencies in Years (For Year-Round Residence)

	Household Size (Number of People)									
Tank Size (gal)	1	2	3	4	5	6	7	8	9	10
500	5.8	2.6	1.5	1.0	0.7	0.4	0.3	0.2	0.1	—
750	9.1	4.2	2.6	1.8	1.3	1.0	0.7	0.6	0.4	0.3
1000	12.4	5.9	3.7	2.6	2.0	1.5	1.2	1.0	0.8	0.7
1250	15.6	7.5	4.8	3.4	2.6	2.0	1.7	1.4	1.2	1.0
1500	18.9	9.1	5.9	4.2	3.3	2.6	2.1	1.8	1.5	1.3
1750	22.1	10.7	6.9	5.0	3.9	3.1	2.6	2.2	1.9	1.6
2000	25.4	12.4	8.0	5.9	4.5	3.7	3.1	2.6	2.2	2.0
2250	28.6	14.0	9.1	6.7	5.2	4.2	3.5	3.0	2.6	2.3
2500	31.9	15.6	10.2	7.5	5.9	4.8	4.0	4.0	3.0	2.6

Note: More frequent pumping needed if garbage disposal is used.

This paper was first presented by Terry R. Bounds, P.E., at the 1994 conference of the American Society of Agricultural Engineers, in Atlanta, Georgia. This article may describe design criteria that was in effect at the time the article was written. FOR CURRENT DESIGN CRITERIA, call Orenco Systems, Inc. at 1-800-348-9843.

Septic Tank Septage Pumping Intervals

T.R. Bounds, P. E.*

Abstract

When a designer initiates an economic analysis of an effluent sewer—e.g. a septic tank effluent pump (STEP) collection system or a variable-grade collection system—or an on-site management district, the ability to predict tank pumping intervals is necessary for assigning a cost to that function. An arbitrarily short pumping interval may distort this operational cost by a factor of ten or twenty, causing it to appear prohibitive, or, at the very least, resulting in the expensive practice of transporting septage composed primarily of water. Pumping tanks more often than necessary not only wastes money and resources, but increases pressure on already overburdened septage receiving facilities.

In the 1970s effluent sewer systems were relatively rare, and operation and maintenance scheduling, including septic tank pumping intervals, were projected using information from U.S. Public Health Service studies published in 1955. During the 1980s, an eight-year audit of 450 watertight septic tanks in an effluent sewer system at Glide, Oregon, demonstrated respectable correlation with those Public Health Service studies, determining that 12 year pumping intervals predicted 30 years before, for an average size family with an adequately sized tank, were not unreasonably long. In 1991 Montesano, Washington, an effluent sewer community of 1,125 watertight septic tanks, found after monitoring 19% of their system that they too experience similar septage accumulation rates.

Based on the assumption that watertight tanks are an essential ingredient in any effluent sewer or managed on-site district, methods are presented to enable designers, regulators, and operations personnel to size tanks relative to occupancy loading, to achieve adequate hydraulic retention times for settlement of solids, to determine a tank's optimum effluent withdrawal level, and to predict septage pumping intervals.

Keywords

Septic tanks, Septage, Pumping, Interval, Frequency

Septic Tanks

There is a good reason why, in this age of advanced technology, the septic tank is still in use. It works. More than 45% of ultimate treatment can be accomplished in the septic tank. Its anoxic digestion can reduce solids as much as 80%. In short, the energy free septic tank is the most cost efficient primary treatment available for nonindustrial sewage. Eventually, however, a septic tank's undigested solids must be removed and disposed of. When is "eventually?" Opinions vary widely. Estimations based on guesswork or on traditional practices are frequently unreliable. Making accurate predictions of septage pumping intervals, however, is not only possible, it's often essential. When a designer undertakes an economic analysis of an effluent sewer—e.g. septic tank effluent pump (STEP) or variable-grade collection system—and when the manager of an on-site district establishes a maintenance budget, the ability to predict tank pumping intervals is imperative for assigning a cost to that function. An arbitrarily shortened pumping interval may inflate this operational cost causing it to appear prohibitive,

*T. R. Bounds, P.E., Vice President, Orenco Systems, Inc., Sutherlin, Oregon.

Memo

Date: September 15, 2004

To: Bruce Buel, General Manager

From: George Milanés, Utility Systems Manager 9/15/04

Cc: Daniel Wickham, Ph. D.

RE: **Pilot Project for Septic Leach-field Bioremediation**

Attached for your review is a proposal to LOCSD from Daniel Wickham, Ph. D. who is co-founder and CEO for Pirana ABG, Inc. Mr. Wickham is requesting permission from the LOCSD to install their patented Pirana Aerobic Bacterial Generator in the septic tanks of two homes within the CSD area jurisdiction.

I am forwarding this for your consideration. Please advise or should you wish to contact Dr. Wickham all the pertinent contact information is included.

P. O. Box 6064, Los Osos, California 93412 • (805) 528-9370 FAX (805) 528-9377 • www.losososcsd.org

President
Stan Gustafson

Vice-President
Gordon Hensley

Director
Rose Bowker
Richard LeGros
Bob Semonsen

General Manager
Bruce S. Buel

Utilities Manager
George J. Milanés

Administrative Services Manager
Patricia J. McClenahan

Fire Chief
Bruce D. Pickens

September 22, 2004

Gerhardt Hubner
Central Coast Regional Water Quality Control Board
895 Aereovista Place, Suite 101
San Luis Obispo, CA 93401

SUBJECT: Unsolicited Proposal from Pirana

Dear Gerhardt

Enclosed is a copy of an unsolicited proposal that LOCSD has received regarding a proposed pilot program for septage leachfield bio-remediation. This letter is LOCSD's request for feedback from the RWQCB regarding such a pilot program. Specifically, do you see any advantage to LOCSD to participate? Would you object if we wished to participate? Please advise.

Feel free to contact me if you have any questions at 528-9375 or e-mail me at bbuel@losososcsd.org.

Sincerely

Bruce Buel
LOCSD General Manager

CC: Dan Wickham, POBox 2109, Sebastopol, CA 95473 (w/o attach)
File

Offices At:
2122 9th Street
Los Osos, California 93402

Mailing Address:
P.O. Box 6064
Los Osos, California 93412
Phone 805/528-9370
Fax 805/528-9377
www.losososcsd.org

PIRANA

Dan Wickham
PO Box 2109, Sebastopol, CA 95473
Phone: 707.865.2515
Email: pirana@ev1.net

RECEIVED
SEP 1 5 2004
BY: M

September 12, 2004

PROPOSAL TO LOS OSOS CSD

To: George Milanes
Los Osos CSD

Re: Pilot Project for Septic Leachfield bioremediation

Pirana ABG Inc. requests permission from the Los Osos CSD to install their patented Pirana Aerobic Bacterial Generator (ABG) in the septic tanks of two homes within the CSD area of jurisdiction. The purpose of this demonstration is to show that advanced treatment can be made available to that portion of the CSD that will not have access to the proposed sewer plant for Los Osos by directly upgrading their existing septic tanks with the ABG technology.

Pirana ABG will provide the Pirana units for this demonstration and perform the labor for the installations. We request that Los Osos CSD or the homeowners provide the following additions to facilitate the demonstration:

1. A plastic or fiberglass riser over the outlet opening of the septic tank that provides access to the septic tank at the surface of the soil.
2. An outside electrical receptacle on the house located as close to the septic tank as is reasonable

The septic tanks chosen for this demonstration should be located near a groundwater monitoring well if possible, preferably in a locale which has demonstrated elevated nitrate concentrations. If such a site is not available Pirana ABG will install a lysimeter near the leach field to sample groundwater directly for nitrate concentration. The intent is to demonstrate that substitution of the bacterial community in septic systems through the use of an ABG can increase the rate of denitrification in such a system, thereby reducing the release of nitrate to groundwater.

Another consideration would be the selection of a septic tank that has shown reductions in hydraulic soil absorbancy due to "biomat" clogging. The intent is to show that soil absorbancy can be recovered in such a system and that the advantages to the CSD would be the ability to keep as many of the existing leach fields functioning, without the need for mechanical repair, as possible.

A third factor in the demonstration will be observations on solid buildup in the septic tanks chosen for the demonstration. We have seen that solids formation in septic tanks fitted with Pirana ABGs, at least over a period of four years, has not been significant. While the duration of the demonstration at Los Osos is not expected to be of such a length it should be possible to show that prevention of solids formation is signficant and would have a real impact on reducing the maintenance costs for a Septic management program.

We have been in communication with Mr. Jeff Tuhtin of Coastlands Engineers in Santa Rosa, California and they have expressed an interest in working with us on this demonstration project. Should the demonstration lead to installations of Pirana ABGs in the Los Osos CSD they would be interested in providing their engineering expertise.

Please feel free to contact me directly at 707-865-2515 or via email to pirana@ev1.net to discuss

Respectfully submitted:

Daniel Wickham, Ph.D.
CEO, Pirana ABG

California Regional Water Quality Control Board
Central Coast Region

Terry Tamminen
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov/rwqcb3
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

September 30, 2004

Bruce Buel, General Manager
Los Osos Community Services District
P. O. Box 6064
Los Osos, CA 93412

RECEIVED
OCT 1 2004
BY: JW

Dear Mr. Buel:

COMMENTS ON PIRANA PILOT PROJECT IN LOS OSOS, SAN LUIS OBISPO COUNTY

This letter responds to your request for comments regarding a proposal submitted by Pirana ABG Inc. to install its Pirana Aerobic Bacterial Generator (Pirana ABG) in two septic tanks in Los Osos for the purpose of pilot testing the system's performance. We have the following comments regarding the proposal.

1. Based upon the information provided, it appears likely that the Pirana ABG will mix the contents of the septic tank, resulting in discharge of grease and solids into the leachfield. To prevent such solids from damaging the leachfield, the tank should be thoroughly cleaned prior to installation of the Pirana ABG system.

2. The Pirana ABG will stimulate growth of aerobic organisms (suspended biomass) which will need adequate settling time if such biomass is to remain in the septic tank. Appropriately timed discharge (after adequate settling has occurred) is vital to retaining these solids in the septic tanks, though not addressed in the information provided. Also, in order to protect the leachfields from such solids, we recommend effluent filter screens be used at the pilot study sites.

3. The proposed system is aerobic in nature and will likely need venting and odor control.

4. The proposal submitted for comment is for pilot testing the Pirana ABG on two existing septic systems outside the discharge prohibition area. Performance data (influent and effluent quality, installation design, demonstrated nitrogen reduction, etc.) will be needed for review and further comment prior to general widespread use of the Pirana ABG systems.

5. We believe the risk of damaging existing leachfields with solids bypassing the septic tank is significant. Owners of the septic systems used as test sites should be notified (in writing) of such risks.

In summary, we have no objection to installation of the Pirana ABG systems for pilot testing in two septic systems in Los Osos (outside of the prohibition zone). However, based upon the expected water quality benefit and research information already available on the topic, participation in the study may not be a valuable investment for Los Osos CSD resources (including staff time). In any event, the Los Osos CSD should take action to protect (indemnify) community resources from liability due to the potential failure of the pilot test systems.

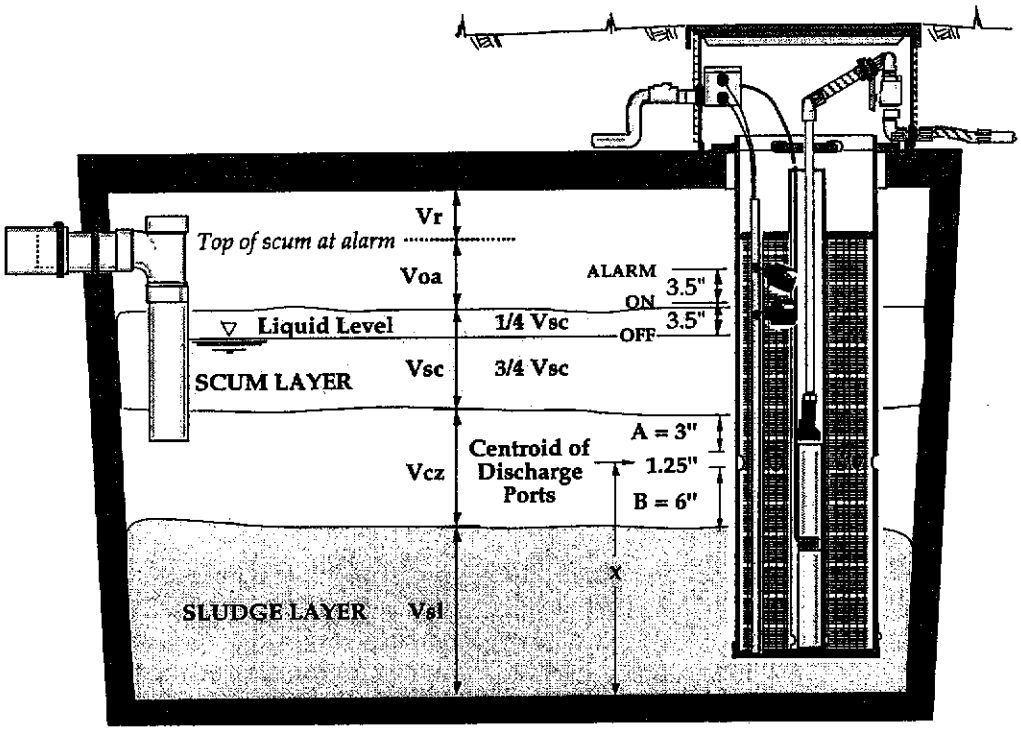


Figure 1: Typical 1000 gallon septic tank

inside top length = 93 in	top width = 57 in
inside bottom length = 87 in	bottom width = 51 in
inside height = 57 in	floor to invert of inlet = 51 in

The ***reserve space*** *(V_r)* is that portion of the tank from the soffit to the top of the scum layer when the liquid level is at the alarm stage. The 200 gallon reserve volume allowed is usually sufficient to permit 24 to 48 hours of normal use, in case of malfunction, before repairs must be made. The reserve space also allows for adequate tank ventilation back through the inlet plumbing.

The ***operating zone*** *(V_{oa})* is that portion of the tank between the "off" level and the "high-water alarm" level. Keeping this zone small has the advantage of maximizing sludge and scum storage volume and minimizing disturbance of the scum layer during pumping cycles.

The ***scum layer*** *(V_{sc})* is that portion of the septic tank's contents which floats. One-quarter of this layer is expected to float above the liquid level; three-quarters is submerged. *Scum clear space* ***"A"*** is the distance between the bottom of the scum layer at the pump's "off" level and the outlet (top of the discharge ports) of the septic tank. This distance should be a minimum of three inches.

The ***sludge layer*** *(V_{sl})* is the accumulation of solids that settle on the bottom of the tank. *Sludge clear space* ***"B"*** is the distance between the top surface of the sludge and the outlet (bottom of the discharge ports) of the septic tank. For tanks having surface area of 27 square feet or more, this distance **"B"** should be a minimum of six inches. The following equation may be used to express the sludge clear space for tanks with less than 27 square feet of surface area (Wiebel et al., 1955).

The set of equations derived from the Public Health Service studies, which is most commonly used for estimating septage pumping intervals, has a confidence level of 95%, i.e. no more than 5% of the time will accumulation rates be greater.

Rate of Scum accumulation *(95% confidence, PHS)*, gpc	R_{sc}	$= 5.24t + 12.04$	(2)
Rate of Sludge accumulation *(95% confidence, PHS)*, gpc	R_{sl}	$= 8.15t + 38.82$	(3)
	R_{sl+sc}	$= 13.39t + 50.86$	(4)

where: R_{sc} is the volume rate of scum accumulation, gallons/capita
R_{sl} is the volume rate of sludge accumulation, gallons/capita
t is the time, in years

Pumping Intervals

The total volume of the tank in Figure 1 is expressed as the sum of the volumes of the individual zones:

$$V_t = V_r + V_{oa} + V_{cz} + V_{sc} + V_{sl} \qquad (5)$$

where: V_t = Total Volume = 1200 gallons ±
V_r = Reserve Volume = 200 gallons ±
V_{oa} = Volume between off and alarm levels = 150 gallons ±
V_{cz} = Volume of clear zone between scum and sludge layers, in gallons
V_{sc} = Scum Volume = Rate of Accumulation (R_{sc}) x capita, in gallons
V_{sl} = Sludge Volume = Rate of Accumulation (R_{sl}) x capita, in gallons

The length of time between tank cleanings—the septage pumping interval—may be estimated by substituting all the known values into Eq. (5) for total volume (V_t):

1200 gal = 200 gal + 150 gal + 216 gal + (13.39t + 50.86)(3 cap)

which yields a pumping interval (t) of 12 years for this typical 1000 gallon concrete tank serving a 3-person household.

The volumes of sludge (V_{sl}) and scum (V_{sc}) expected to accumulate in 12 years are

$$V_{sl} = [8.15(12 \text{ yrs}) + 38.82]\ (3 \text{ cap}) = 410 \text{ gal} \qquad (6)$$

$$V_{sc} = [5.24(12 \text{ yrs}) + 12.04]\ (3 \text{ cap}) = 225 \text{ gal} \qquad (7)$$

Figure 3 shows that, in the 1000-gallon tanks in use in the Glide, Oregon, effluent sewer system, the limiting volume for the accumulation of sludge and scum is about 635 gallons.

Optimum Effluent Withdrawal Level

Because concrete tanks are usually poured with walls that are slightly sloped, so that the forms can be removed easily, volumes based on average length and width are only approximate. The true volume at

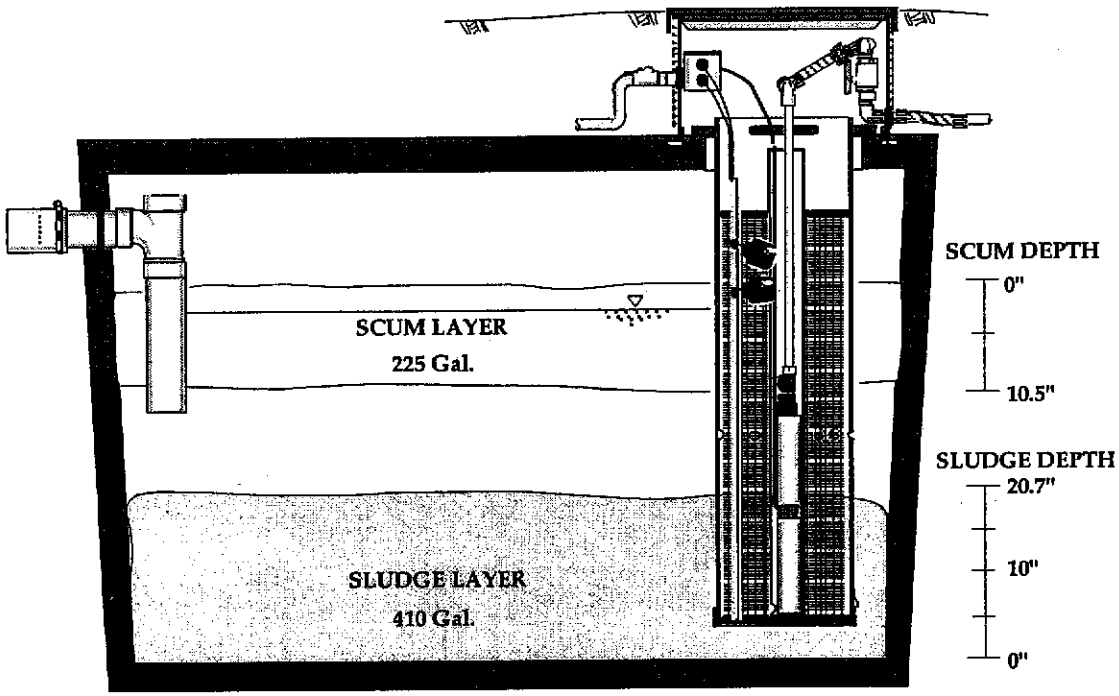


Figure 3: Sludge and Scum Depths in 1000 gallon Concrete Septic Tank, Glide, Oregon

Glide's Experience

During the 1980s, an eight year audit of 450 watertight septic tanks in an effluent sewer in Glide, Oregon, demonstrated respectable correlation with the U.S. Public Health Service studies and confirmed that, for the average household serviced by an adequately sized tank, the 12 year pumping intervals predicted 30 years before are not unreasonably long.

Monitoring

Although predictions of average septage pumping intervals are useful, accumulation rates in a few individual tanks may vary significantly from the average. Therefore, it's essential to monitor conditions in the tanks. At Glide, the first inspections were made following 2.8 years of service. Unless frequent service calls or excessive solids accumulation indicated otherwise, the next inspections took place after the fifth year of operation. Septage removal for typical 1000 gallon residential tanks is scheduled when the sludge thickness approaches 20.7 inches or the scum layer approaches 10.5 inches as illustrated in Fig 3. For a family of three, we can predict, with a 95% level of confidence, this will happen no more frequently than every 12 years. For a family of four, the interval would be every 7 or 8 years. Regardless of the projected pumping interval, in actual practice, each tank's pump-out date is based on measured sludge and scum thicknesses.

Figures 4 and 5 graphically illustrate the comparability of both the U.S. Public Health Service (USPHS) and the Glide (Bounds$_1$, 1988) studies. Both graphs typically show that in the Glide study a slightly greater rate of sludge and scum accumulation is expected; therefore, pump-out intervals will be shorter.

Of special concern is backwash brine discharged from water softeners, which may increase the hydraulic load 20% to 40% and may elevate chloride concentrations to levels that are as toxic to essential septic tank microbes as chlorine is to bacteria in a swimming pool. The rate of solids accumulation is accelerated whenever the microbial activity is suppressed. Ionic polarization, due to the heavy metallic salts, may cause solids in the septic tank to remain in suspension and prevent the natural scum layer from forming. As a result, effluent leaving the tank may contain high levels of suspended solids.

Effects of Occupancy, Loading and Tank Size

The following tables are design aids formulated by the system's design engineers. Note that the operating conditions of the concrete tanks at Glide referred to in Table 1 and Table 2 are the same as those shown in Figure 1. That is, scum clear space = 3", sludge clear space = 6", operating space (liquid level off to alarm) = 5.5", reserve storage time = 24 hours, and occupant loading rate = 50 gpcd.

Table 1 compares pumping intervals, at the 95 % confidence level, from the Glide study to those from the Public Health Service study. *The statistical confidence level indicates that 95 out of 100 tanks do not require pumping before the intervals shown.* This table is used for establishing pumping programs and monitoring schedules, for operation and maintenance budgeting, and for comparing the cost effectiveness of sewering alternatives.

Table 1: Septage Pumping Interval (95% level of confidence)

Glide Effluent Sewer 1987

1000 Gallon Tank				
Number of Occupants	2	3	4	5
Pump-out Interval, yrs	22	11	7	4

1500 Gallon Tank				
Number of Occupants	5	6	7	8
Pump-out Interval, yrs	9	7	5	4

US Public Health Service 1955

1000 Gallon Tank				
Number of Occupants	2	3	4	5
Pump-out Interval, yrs	25	14	9	5

1500 Gallon Tank				
Number of Occupants	5	6	7	8
Pump-out Interval, yrs	12	9	6	4

When the occupancy load reaches five, when there are four bedrooms, or when garbage grinders are in use, using a 1500 gallon tank helps keep the pumping interval uniform without sacrificing effluent quality. When the occupancy load exceeds nine, or when the residence is exceptionally large, the tank sizing requires special consideration.

When a tank's discharge is by gravity rather than by pump, the liquid level operating range is considerably smaller. To modulate the flow through the tank, the operating range in a gravity discharge tank is normally set at about two inches, which allows more space for sludge and scum accumulation. Therefore, the expected intervals between septage removals are slightly longer than they are in tanks with pumps.

Table 2 compares the *average* pumping intervals established by the Glide study to those from the Public Health Service study. That is, about half the tanks require pumping sooner than the indicated interval

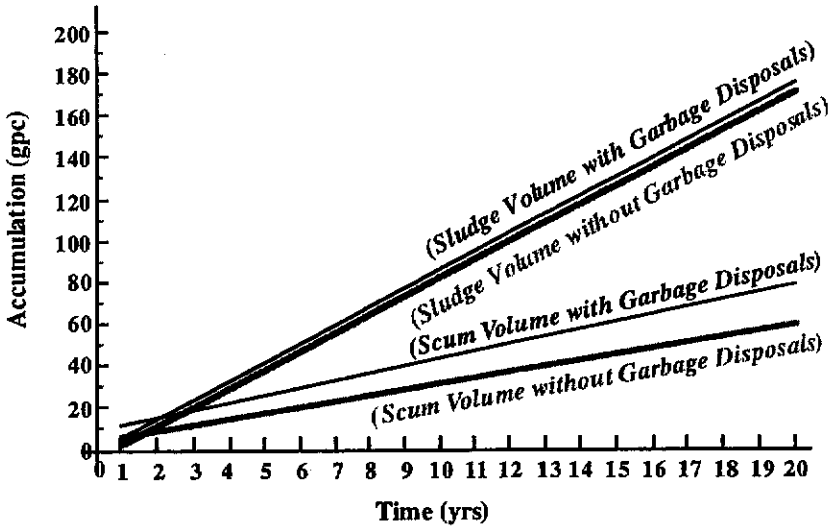


Figure 6: Accumulation rates for systems with garbage disposals and those without.

Montesano's Audit

In the fall of 1988, the community of Montesano, Washington began construction of a 1,125 unit septic tank effluent pumping system to replace a faulty gravity sewer. The Montesano system employed all fiberglass septic tanks and they developed a database system, similar to the one used at Glide, for establishing their monitoring and pumping schedules. In 1993, after monitoring 19% of their system, Montesano's engineers (Ollivant, 1993) found that they too experience similar septage accumulation rates and that their planned 10 year pump-out frequency was conservative by a factor of 2.5.

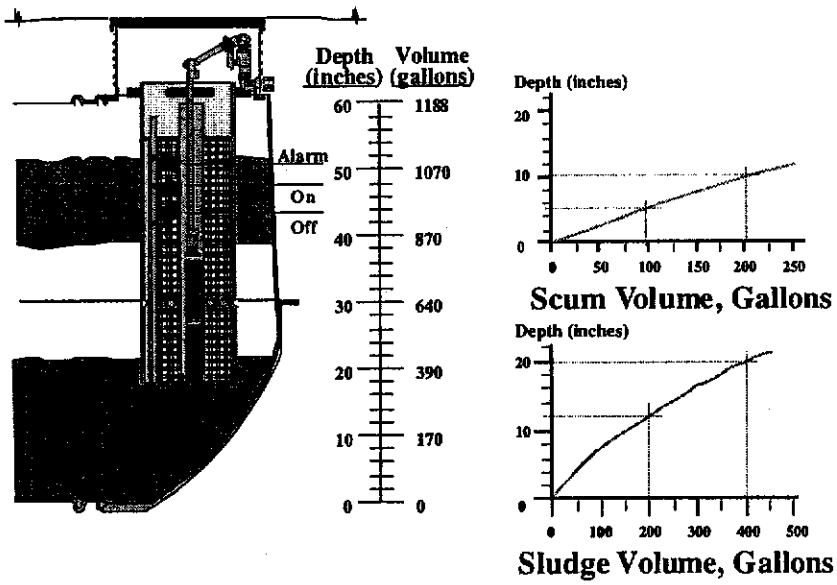


Figure 7: Sludge and Scum Depths in 1000 gallon Fiberglass Tanks, Montesano, Washington

Regardless of their expected pump-out intervals, the city monitors sludge and scum accumulation in each tank every 3 years; their schedule is staggered, so they monitor only about one-third of the tanks every year. Tanks are pumped according to the depth of accumulation of either sludge or scum as shown in 7.

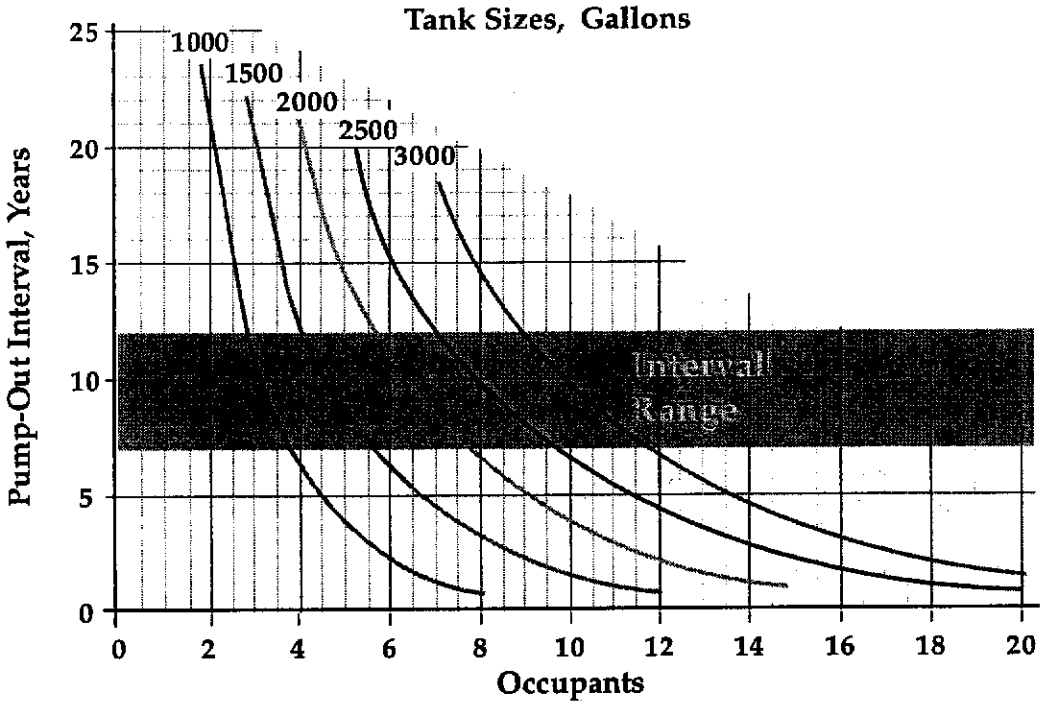


Figure 8: Pump-Out Intervals at 95% level of Confidence

Conclusion

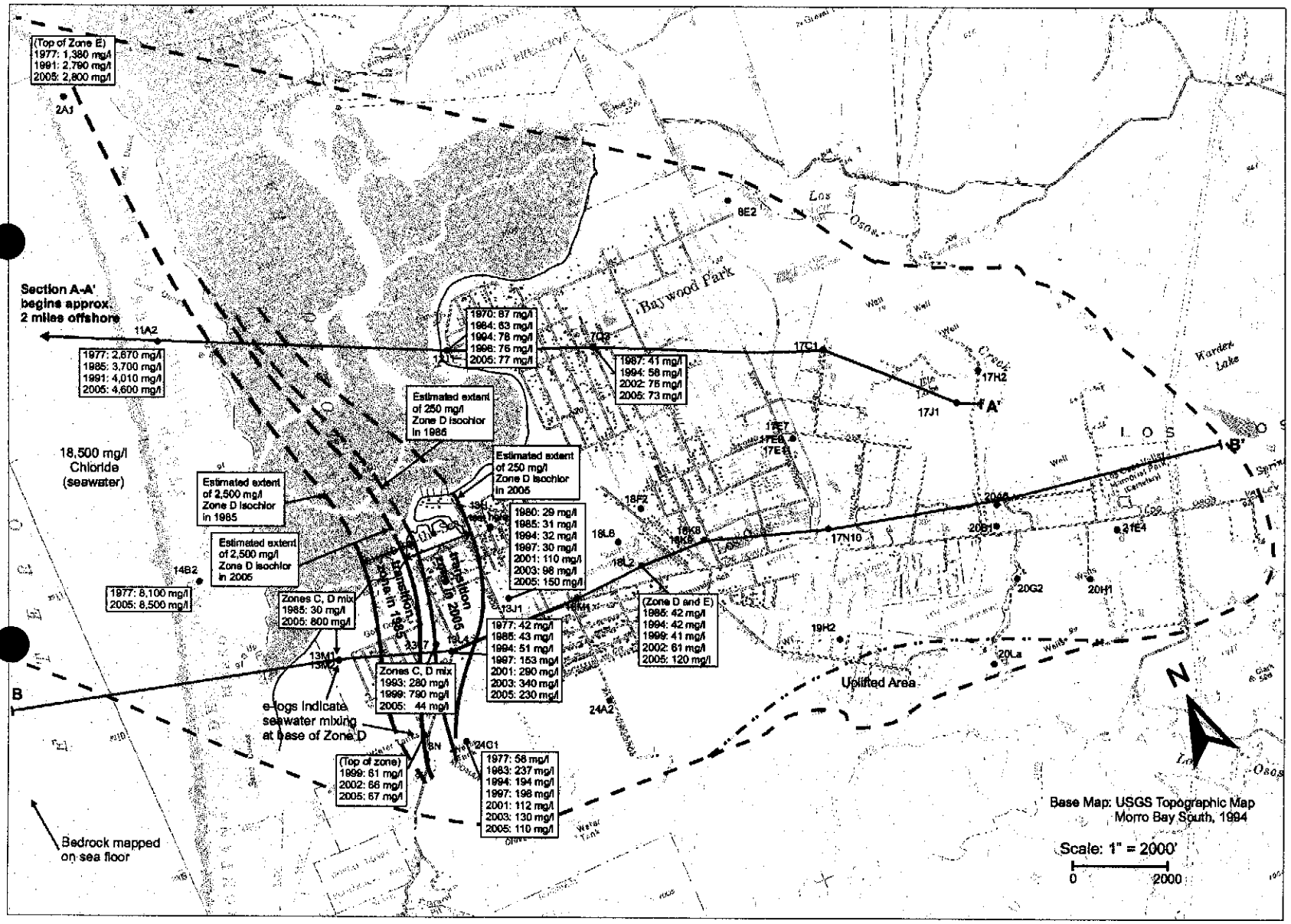
In summary, predicting reasonable septic tank pumping intervals with a respectable degree of reliability is an achievable goal. Suggestions or requirements that all septic tanks must be pumped every two, three or even five years are simply unsupported by scientific evidence. The microbial activity that affects optimal decomposition takes up to three years to develop fully. In five years, considerably less than half of most tanks' scum and sludge capacity has been reached (Bounds$_1$, 1988). When a management program is in place, pump-outs are scheduled based on inspections and monitoring records so that costs are controlled. Onsite design manuals may encourage frequent pump-outs as a precautionary measure when an inspection program is not in effect; however, longer intervals are usually justified, particularly if an effluent screening device is in place. Adequately sized tanks ensure less frequent pump-outs. Septic tank systems may once have been considered a stopgap until such time as a "real" sewer could be built. As technology has improved the image of the septic tank, it has come to be appreciated as a effective, permanent solution. As such, it deserves to be accorded the same scientific consideration as other treatment systems.

References

1. Bounds$_1$, Terry R. 1988. Glide audit 1986-1987, summary of sludge and scum accumulation rates. Douglas County Department of Public Works, Roseburg, Oregon.

2. Bounds$_2$, Terry R. 1993. Alternative sewer design workshop, effluent sewer technology, septic tank effluent pump (STEP) and septic tank effluent gravity (STEG) systems. Orenco Systems, Inc., Roseburg, Oregon.

SW1



LEGEND

18L2 Lower aquifer well

12J1 1970: 87 mg/l, 1984: 63 mg/l, 1994: 78 mg/l, 1998: 76 mg/l, 2005: 77 mg/l — Zone D well with selected chloride data

Estimated extent of 2500 mg/l Zone D isochlor (dashed where uncertain)

Estimated extent of 250 mg/l Zone D isochlor (dashed where uncertain)

approx. basin limits

Figure 9

Chloride Concentrations
Lower Aquifer Zone D

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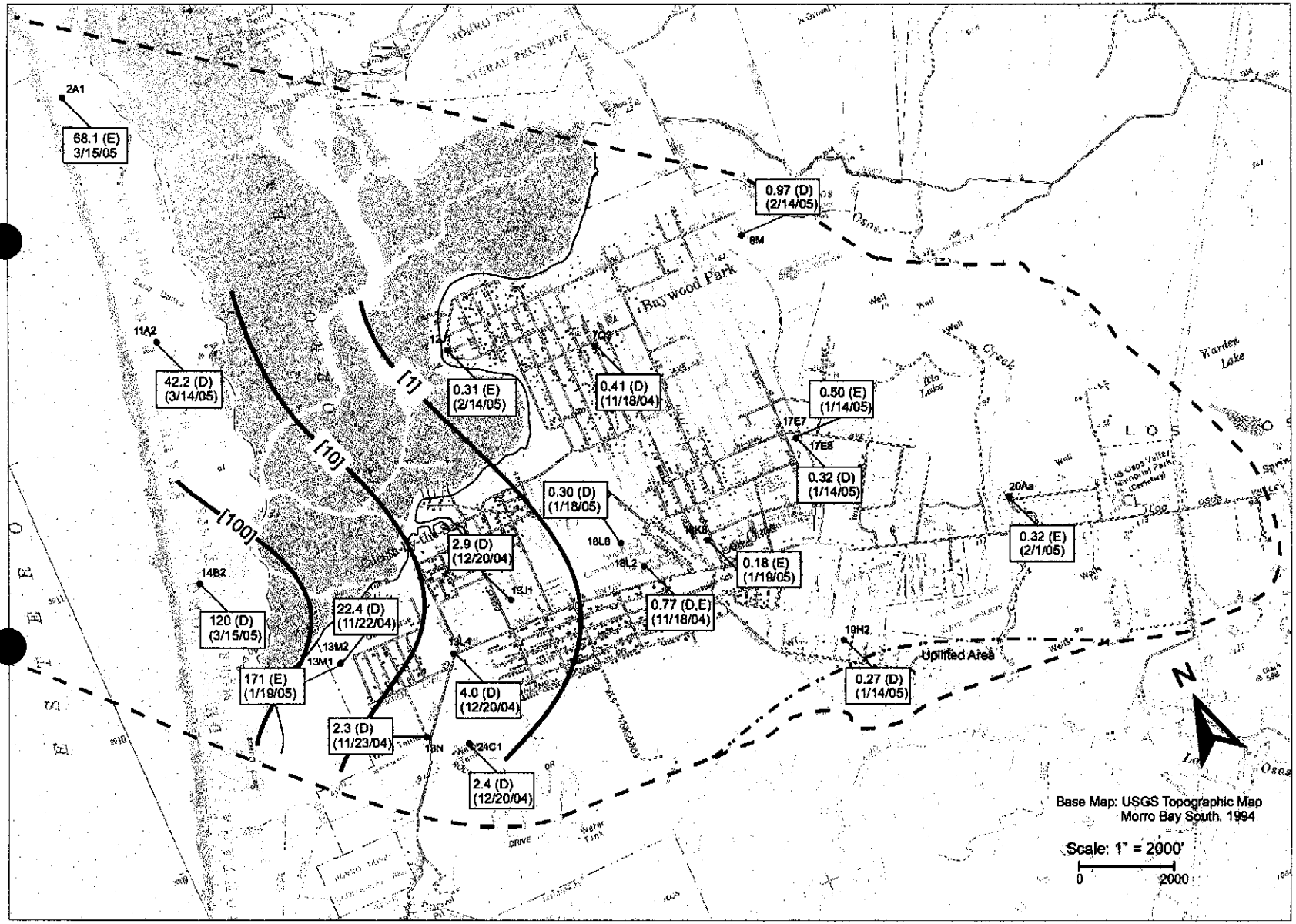


LEGEND

7Q3 — 0.41 (D) (11/18/04): Lower aquifer well (Zones D and/or E) with Chloride-to-Bicarbonate ion ratio (milliequivalents per liter/milliequivalents per liter) and sample date

[1] — Estimated line of equal Chloride-to-Bicarbonate ratio for Zone D (milliequivalents per liter/milliequivalents per liter)

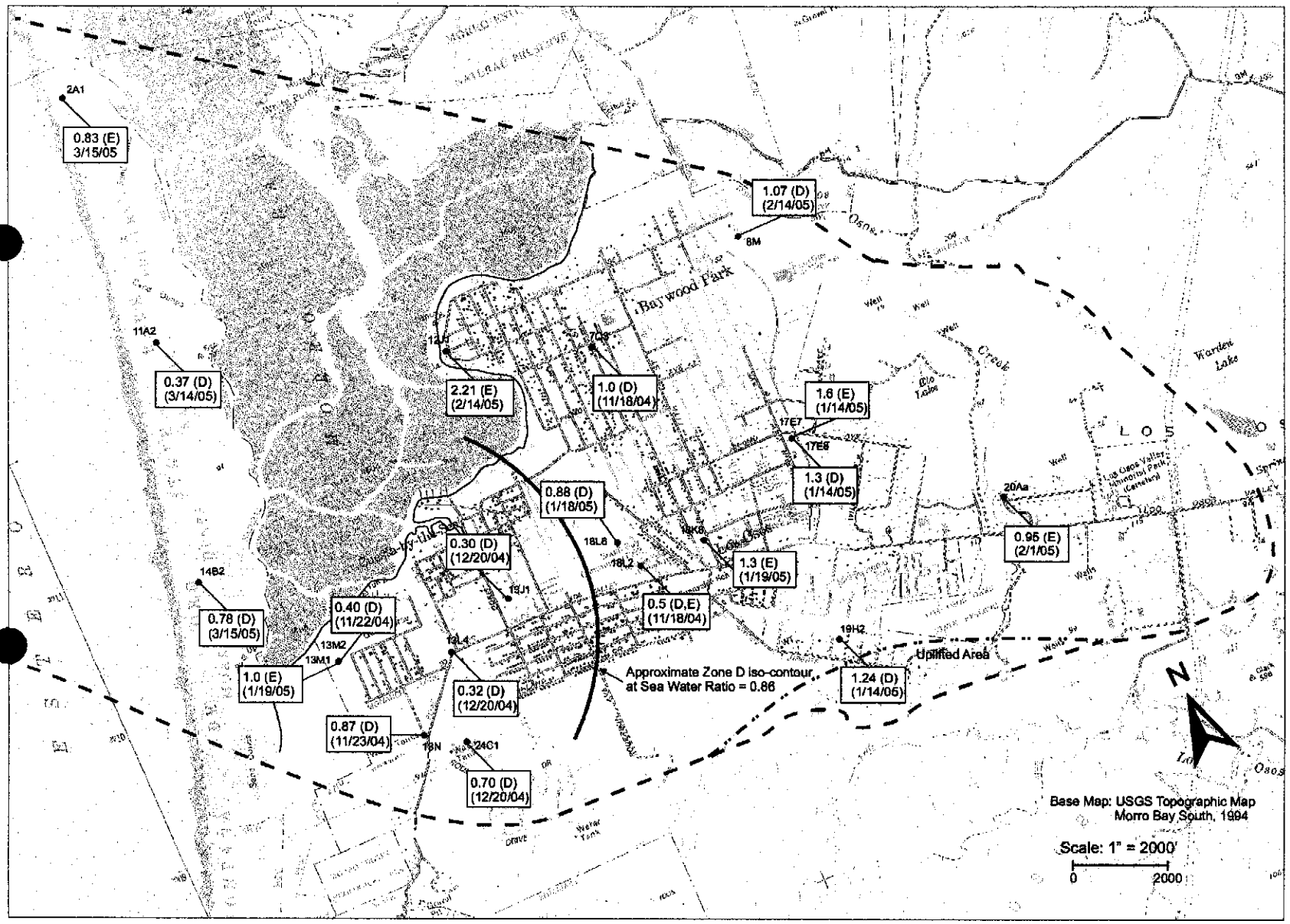
approx. basin limits

Figure 10

Chloride-to-Bicarbonate
Ion Ratio
Lower Aquifer

DWR Grant Project
Los Osos CSD

Cleath & Associates



LEGEND

7Q3 — Lower aquifer well (Zones D and/or E) with Sodium-to-Chloride Ion ratio (milliequivalents per liter/milliequivalents per liter) and sample date

1.0 (D)
(11/18/04)

approx. basin limits

Figure 11

Sodium-to-Chloride
Ion Ratio
Lower Aquifer

DWR Grant Project
Los Osos CSD

Cleath & Associates

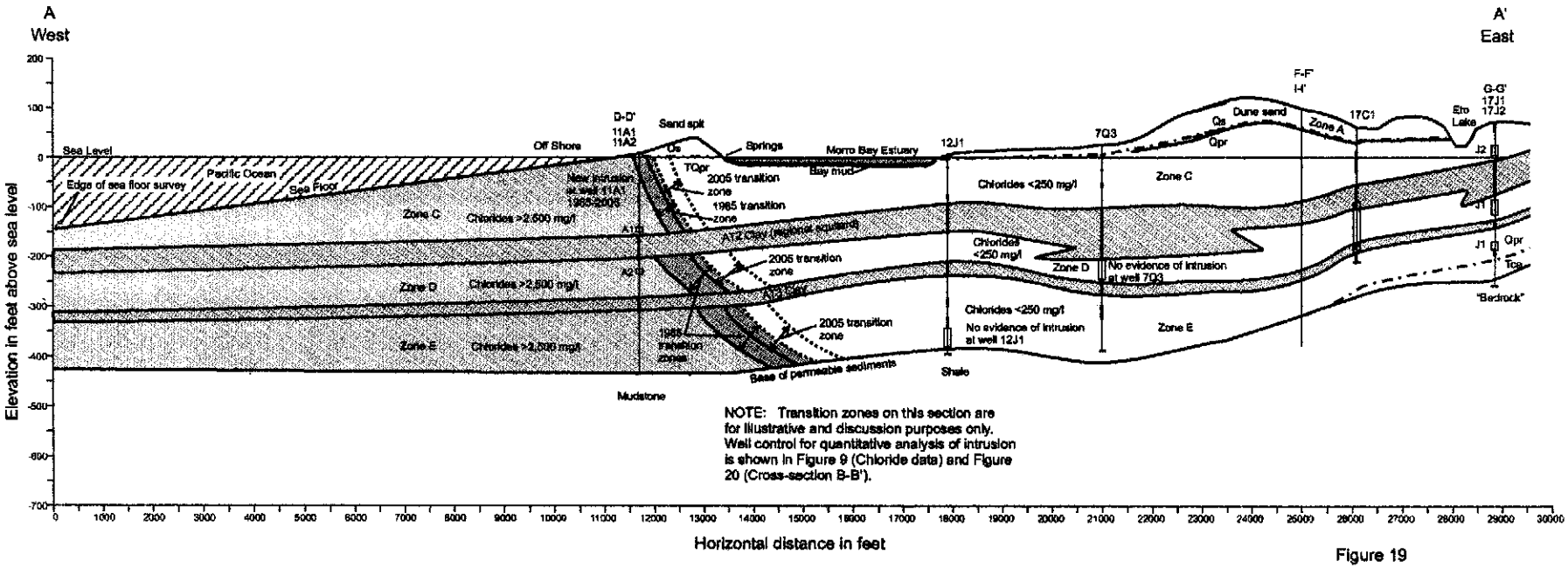


Figure 19

Hydrogeologic Cross-Section A-A'
Los Osos Valley
Ground Water Basin

DWR Grant Project
Los Osos CSD

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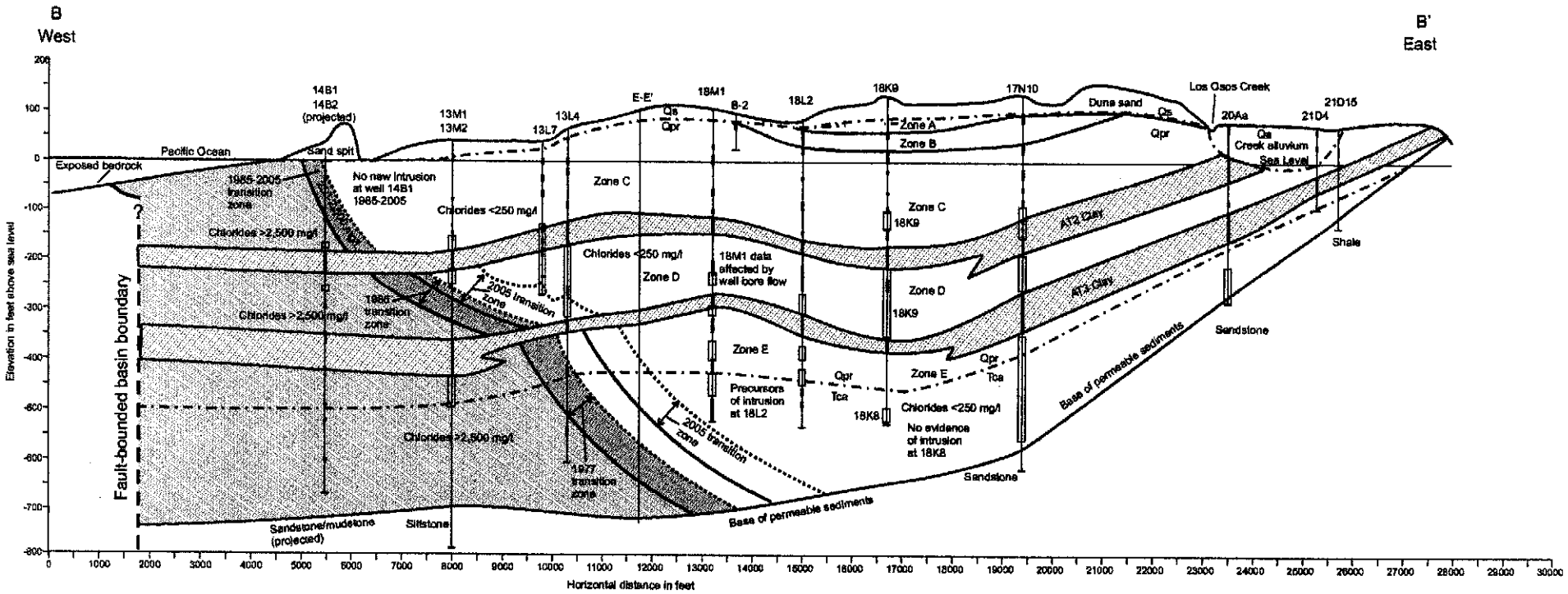

Aquifer Zones:
Zone A - Perched Aquifer
Zone B - Transitional Aquifer
Zone C - Upper Aquifer
Zone D - Lower Aquifer (shallow)
Zone E - Lower Aquifer (deep)

Well data point
18M1 Well ID
Clay layer
Well screen

Formation:
Qa - alluvium
Qs - dune sand
Qpr - Paso Robles Formation
Tca - Careaga Formation

New intrusion

Approximate location of sea water - fresh water transition zone with extent of new intrusion between 1985-2005 (Zone D) and 1977-2005 (Zone E)

Figure 20

Hydrogeologic Cross-Section B - B'
Los Osos Valley Ground Water Basin

DWR Grant Project
Los Osos CSD

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