[redacted]

Proposed Cease and Desist Order Number [redacted]
Tuesday, November 14, 2006

Regional Water Quality Control Board
895 Aerovista Place, Ste. 101
San Luis Obispo, CA 93401

Mr. Chairman, Honorable Board, and RWQCB Staff:

The attached document represents my evidence package due to RWQCB by 5:00 pm Wednesday, November 15, 2006.

[redacted]

Finally, I am still hopeful we may reach a mutually agreeable settlement prior to these scheduled hearings, and wish to retain the right to have our hearing rescheduled so that the Board may rule on a proposed settlement if we are able to reach that point. This action would be consistent with the *Prosecution Team's Notice of Proposed Settlement* (posted November 7, 2006) and with the Prosecution Staff's Notice of Additional Settling Dischargers (posted November 13, 2006).

Sincerely,

[redacted]

[redacted]

Proposed Cease and Desist Order [redacted]
Tuesday, November 14, 2006

Regional Water Quality Control Board
895 Aerovista Place, Ste. 101
San Luis Obispo, CA 93401

Mr. Chairman, Honorable Board, and RWQCB Staff:

On or about January 28, 2006, I received from the Central Coast Regional Water Quality Control Board ("RWQCB") a letter and a number of documents explaining that I was being prosecuted for alleged violations of a septic system discharge prohibition. The letter stated that the prohibition took effect in 1988 and is contained in the Water Quality Control Plan for the Central Coast Region. The documents further informed me that the RWQCB would hold a hearing on this matter on March 23, 2006, and that any comments or evidence that I wished to submit had to be in the hands of the RWQCB on or before March 1, 2006. Thereafter, the RWQCB continued the Hearing to April 28, 2006, and the due date for these comments to April 5, 2006.

The first round of hearings were held on April 28, 2006. Due to the enormity of this task, the hearings were continued to May 11th and May 12th. The May hearings dates were then continued due to the Prosecution Team's request for a continuance. This continuance was due to the Prosecution Team's requirement to change its legal counsel. These hearings were scheduled for November 2nd and 9th. Once again, the hearings were postponed, this time due to a late posting of documents for review. The hearings are now scheduled for December 14th and 15th.

This letter represents my formal comments, comments which will be explained in full at the Hearing(s) by me and/or by my counsel or representative. The RWQCB information informed me that the RWQCB prosecution team would rely on a list of documents in its presentation. I have not had a chance to review the documents, but I reserve the right to comment at the Hearing on the documents and/or on any arguments based on them.

Additionally, I wish to incorporate all of the other defendants' evidence, documents witnesses, arguments, and exhibits by reference into this package, and reserve my right to use this additional information in my defense as necessary.

Your website lists a link, Response to Prosecutions Staff's proposed CDO's submitted on or before October 13, 2006 (posted October 18, 2006). Within that link is a document simply titled Murphy. This document is dated October 12, 2006, and is the Los Osos CSD's response to prosecution staff's evidence. It was submitted by Gregory Murphy of Burke, Williams & Sorensen, LLP. I wish to submit this Murphy document, with its attached exhibits as my evidentiary package. This document is already in staff's possession.

Further, I include herein my intentions to re-submit my original argument package to retain that information as part of my defense material. I ask that this request constitute my re-submission as the documents are already in your possession as well.

Finally, I wish to retain my rights to sign the Sato/Shipe settlement currently under negotiation if this document can be negotiated to our mutual satisfaction.

Please stop these actions at this level before any more damage is done to our town and our homes. Thank you for your time in reviewing these issues.

I certify the information contained herein is true and correct to the best of my knowledge.

[redacted]

Attachment – pumping receipt

County of San Luis Obispo
Septic Tank Inspection Report
(Please type or print)

Date of Service / Maintenance 9/26/06

Owner's Name [redacted] Phone No: [redacted]

Location of Inspection [redacted]

Number of Bedrooms 3 Year Septic System Built: _____

Septage disposal location / date: S.M. 9/06

System Components:

X Septic tank with leach field or drywell ☐ Septic tank with pump ☐ Cesspool ☐ Other _____

Estimated capacity of septic tank 1200 gallons Number of compartments 2

Amount Pumped 1200 gallons Number of access lids: 2

Depth to Access lids: 2 ft Diameter of Access Lids: 24"

Construction of septic tank or Cesspool:

X Rectangular ☐ Round ☐ Other

☐ Concrete X Fiberglass ☐ plastic ☐ Brick ☐ other _____

Condition of Tank:	No	Yes		No	Yes
Tank deteriorated	X	☐	inlet tee present	☐	X
Baffle Wall deteriorated	X	☐	outlet tee present	☐	X
Lids are deteriorated	X	☐	house lateral open	☐	X
Heavy grease build-up	X	☐	needs pumping	X	☐

Minimum concrete thickness at lids: Fiberglass method of measurement: _____

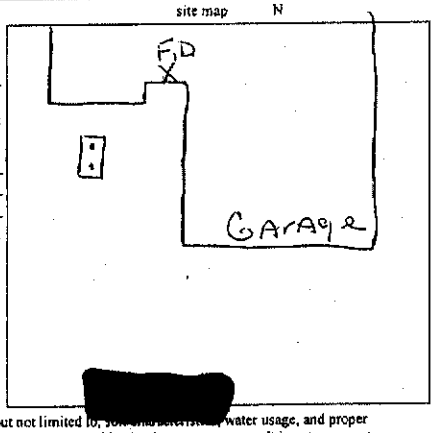
Prior to pumping was effluent above outflow tee? X No ☐ Yes (may indicate failing system)

While pumping did effluent re-enter tank from leach system X No ☐ Yes (may indicate failing system)

Signs of surfacing effluent X No ☐ Yes, location _____

Any signs of Past drainage problems? X No ☐ Yes

site map N



Maintenance performed: Pump S.T.

System appears to be functioning satisfactorily? ☐ No X Yes

Repairs / upgrade required

1. None
2. _____
3. _____

Comments / Recommendations: _____

Inspectors qualifications: ____C-42 ____NAWT

Other qualifications: Clays Septic

Service Company Performing Pumping / Maintenance:

The useful life of any septic system is determined by numerous factors, including but not limited to, [redacted] water usage, and proper maintenance. This inspection report is based on observations by the inspector and information provided by the system owner. It is not a guarantee of system adequacy.

Signature of Qualified Inspector: Anthony [illegible] Date: 9/26/06 Phone: _____

When form is completed, please return pink and yellow copy to: Department of Environmental Health, C/O Megan Lillich REHS, P.O. Box 1489, San Luis Obispo, Ca. 93405.

For any questions about septic repair or maintenance, please contact Barry Tolle REHS at 781-5628, e-mail at: btolle@co.slo.ca.us, or visit our website at www.sloplanning.org