STATE OF CALIFORNIA
CENTRAL COAST WATER BOARD
Received
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Subject: Cease and Desist Order No. R3-2006-1027

To the Chairman of the board I would like to request a subpoena for the following individuals: economic and business advisors to the board that provided information in regards to the CDO's and the staff members assigned to work with the LOCSD board to rectify the nitrate problems.

This request will provide information on how the removal of at least 11 million dollars per year will affect the economy of the Los Osos valley. This will also provide information on the effect on the price of pumping the septic tanks will have when 5,000 properties are to be pumped or face a $1000.00 day fine. We know what happened to gas prices when production was cut for a month. The cost of pumping will rise due to the short supply of trucks and the potential of the $1000.00 a day fine, and the short term of investment by the businesses of only three years to recover the cost of new trucks and employees.
The request for the staff member to work with the LOCSD will be to determine the role of the water board to help solve this problem. I have been unable to locate any documents to support positive actions between the water board and the LOCSD.

The prosecution team has entered a list of documents to support their case. The documents provided a greater insight to the original CDO. The documents show how the original CDO was flawed in the determination on the polluting of the ground water. The documents clearly show how not the entire prohibition zone has polluted the ground water to the extent of requiring immediate stopping all discharges. These documents also indicate that Cabrillo Estates and the one acre lots by the bay should not have been excluded. Cabrillo Estates has grown in population since 1988 and wastewater drains into the west basin where the highest levels of nitrate are located. The one acre lots are not high enough above water level to remove the nitrates therefore polluting the water directly.

The first action of the prosecution team should have been to correct the problems with the original CDO before complicating matters with individual CDO's.

Why should these properties be included first? The properties are now known to be part of the pollution problem. All the voters in those areas are eligible to vote on the LOCSD workings. They voted for and against Measure B, also voted for and against the recall of the previous LOCSD board, and they are able to sign the petition to dissolve the CSD. The people that own property outside of the prohibition zone are not subject to the financial burden of the devaluation of the houses within the prohibition zone such as no improvements to add a bath or bedrooms, loss of potential value during sale and refinance (banks consider $200 to $400 month as part of the loan payment).

The staff has used the estimate of pumping will reduce the nitrate loading by 22%. The staff has not provided any facts to back up this **estimate**. Staff addressed this during the February 15 meeting by using 100 gallon a day per household. This would result in a 17% decrease. To achieve 22% the household usage would have to be 76 gallons per day. Prosecution could have provided water records of staff to prove that 100 gallons per day would be a reasonable estimate. The staff did provide the information that each tank is designed for 375 gallons per day and are 1000 gallon tanks. Using the numbers provided by staff 1000 gallons pumped every two month would cause the empty tank to refill in 2.67 days causing the nitrate level to decease by an average of 4%. My house sits on top of a hill which is approximately 50 feet above water level. The monitoring well is approximately two blocks away and downhill and is about 18 feet above water level. The latest data provided by the prosecution indicates the nitrate level at 2.4mg/l. Approximately 400 homes are located around this well, the nitrate level should drop from 2.4 to a new 2.35 mg/l at a cost beginning at $960,000.00 to $1,440,000 each year. The prosecution also stated in previous meeting that 10mg/l is drinking water standard and they would accept a level of 7mg/l. The

2.4mg/l is the latest report of nitrates in the water from this well. The well has had results of higher levels in the past. The review of the data indicates 6.7mg/l as being the most consistent reading. The well has exceeded 10mg/l during December, January, and February of only two years.

The prosecution team has assured us that we will be receiving a fair hearing and that the board has not been previously briefed on the content of their case. During the February 15 meeting prosecution was asked what their case was and we were told that the information provided to us was the case. I would hope that the prosecution did not change the case based on the comment and defense that I and other have provided. We are restricted by not being able to add to the case after March 1. I would hope the prosecution also would not be allowed to make additions or deletions to their case after it was presented to us.

The following information was part of the prosecution documentation.

- The nitrate level under my house **does not exceed** recommended levels for **drinking water**.
- Having **more than 30 feet** to ground water removes nitrates.
- Pumping every two month will results in a **4% reduction in nitrate**. (2.4 down to 2.35 mg/l drinking water 10mg/l or less) (even accepting 22% lowers 2.4 down to 1.87mg/l)
- Not all the septic tanks are polluting.
- Not all of the septic systems that are polluting are included in the prohibition zone.

The following list is why the prosecution should not win their case.

- **No documented proof** on water usage or discharge.
- **No documented proof** that pumping will reduce nitrates in our area.
- **No environmental impact plan** to cover this type of waste water treatment program.
- **No evidence** if this wastewater treatment program will even work.
- **No written verification** that Santa Maria waste treatment will be able to handle 30,000,000 gallons of wastewater per year and dispose of it at the same level the water board has required LOCSD.
- **No written verification** of how the pumping companies will handle the cost and the limited time of three the four years to recoup the cost of doing business.
- **No written report on the cost** of issuing 5000 CDO's and the cost of monitoring the compliance of 5000 tank owners.
- **No report** on who or how the verification of waste water ever makes it to the treatment plants.
- **No consideration** of the loss of about $40,000 in home equity because of the requirement to pump.
- **No consideration** on how the original CDO divided the town economically and politically.
- **No consideration** on how this round of CDO's has divided the town and may end the LOCSD. Ending the LOCSD will put installation of a wastewater treatment plant even further behind. Staff indicated to us on Feb.15 that the county has no plans for a wastewater treatment plant.
- **No consideration** of the amount of **TDC** (total dissolve solids) that will increase into the ground water due to septic tanks not working properly during the recovery period. Data has indicated that the septic tank does not properly reduce the TDC until the tank becomes properly balanced. The nitrate level is only part of the water quality problem. We should not be causing one pollutant to increase to lower another.

In summary I would like the thank the prosecution staff for providing the documents needed to show that my property is not polluting to a point that pumping would have any significant decrease in the nitrate level. The documents also provided information that the original CDO was in error. The prosecution is relying on the validity of the original CDO. However the documentation provided by the prosecution brings that validity into question. The prosecution hopes that the boards accepts the mistakes of the 1988 water board in regards to the cause of the ground water pollutants. The board should not continue the individual CDO against all septic users. This plan has no hope of working toward a solution. The documents also indicated that the water board is aware that the bay is being polluted by areas that were excluded by the original CDO. The water board has determined that it is okay for these locations to pollute without any restrictions. The water board has used the assumption that we are polluting because of

our proximity to the polluted water and yet determined others septic systems within the basin are not.

I did not vote for measure B. I did not vote to recall the CSD board. I was in favor of a wastewater treatment plant and intend to connect when it becomes available.

How does the prosecution justify the cost to the water boards budget to issue 5000 CDO's,5000 hearings and staff time preparation, 5000 appeals to the state water board, and possible 5000 civil court of appeals.

I would rather see my money being spent on a project that could decrease nitrate levels. One would be to use the tri-w site as a leach field and use the three water wells that are located in the most polluted area. This would create a closed loop system using the ground to purify the water.

What does the water board really hope to obtain by this action? This is the most frequently asked question. The answer is that nobody knows. We do know that deceasing the nitrate level to an acceptable level is not it. Even at 22% decease has been stated by prosecution not to be acceptable. More effective ways have been suggested and prosecution rejected the ideas because it would eliminate the need for individual CDO's.