

**From:** Michael Thomas  
**To:** Matt Thompson  
**Date:** 4/4/2006 10:17:50 AM  
**Subject:** Fwd: Response to Proposed Cease and Desist Orders-Los Osos

>>> Suzanne Dannenbring <sdannenbring@thegrid.net> 4/3/2006 9:12 PM >>>  
To: Water Board Advisors and Water Board Prosecution Staff

From: William and Maryella Dannenbring  
1416 15th Street  
Los Osos, CA 93402

Subject: Proposed Cease and Desist Orders in Los Osos, CA

We are one of 50 property owners to be chosen at random from among the property owners in Los Osos for this enforcement. The Regional Board never looked at whether our property actually pollutes the groundwater or surface water in this area or whether it pollutes more or less than our neighbors' properties. The Regional Board is acting arbitrarily and without justification in choosing me and 49 other property owners to be the subject of this Order. It seems that we are being asked to prove our innocence to the Regional Board instead of the Board having to prove our guilt before subjecting us to fines and punishment.

We believe the proposed action by the Regional Board is extremely unfair, is punitive and does not move the community of Los Osos to a solution with a sewer system. The 50 property owners can do nothing by themselves to remedy this situation. We have a democracy that may not function the most efficiently all the time, but it is only our elected government, namely the CSD, which can solve this community-wide problem.

We recognize that the Regional Board is frustrated by the amount of time that has gone by with no significant sewer construction progress. Surely, there must be a way in which the Regional Board can work in a collaborative way with our elected local government to get a sewer system built. Punishing its citizens is not the answer. In the interest of fairness, the proposed Cease and Desist Order should not be approved.

#### PUMPING SEPTIC TANKS BI-MONTHLY

We question the wisdom of this proposed action. What is the evidence that our pumping out our septic tank so frequently will do any good since we do not know to what extent, if any, we are polluting the ground water. We are a household of two with a 1,000 gallon septic tank. Under normal conditions we should be pumping our tank around every 5 years. For a septic tank to function properly, adequate liquid volume must be maintained to allow for sufficient settling time or retention time to permit solids to either settle out as sludge or join the floating scum layer at the top of the tank. Is this possible with bi-monthly pumping? What is the evidence that the septic tank will function properly with this frequency of pumping? We do not believe that the consequences of this proposed action have been adequately considered.

#### UNINTENDED CONSEQUENCES OF PROPOSED ACTION

The Cease and Desist Orders go well beyond the purported goal of cleaning up

the ground water pollution. They have decided financial impacts over and above the cost of septic tank pumping. They will lower property values and make property loans smaller and more difficult to obtain. Who would want to buy a property encumbered with a cease and desist order unless it could be obtained at a noticeable price reduction? If we had to sell our house, for health reasons for example, we would be subject to a sizeable financial penalty. We believe this is another reason why the Regional Board's issuance of a Cease and Desist Order is indeed punitive and will wreak economic havoc on a community of people who are committed to getting a sewer built.

#### DISCLOSURE AT TIME OF PROPERTY PURCHASE OF PROHIBITION OF SEPTIC TANK DISCHARGES

Supposedly, we were informed at the time of the purchase of our property in 1994 that there was a prohibition of discharges from all septic tanks. I have checked our escrow papers and found no such disclosure. What I did find was this: "Buyer is aware that the subject property is within:...E. an area wherein construction of a sewer system has been mandated for the Los Osos area by State Agencies. The cost of construction and operation are currently undetermined.삼

While we do not dispute the prohibition of septic tank discharges dating from 1988, we argue that there was no such disclosure at the time of our purchase in June 1994. We question the fairness of the Cease and Desist Orders since we as homeowners were never advised that septic tank discharges were illegal.

Sincerely,

William and Maryella Dannenbring