[redacted]
Los Osos, CA 93412
Proposed Cease and Desist Order Number R3-2006[redacted]
Saturday, April 1, 2006

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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 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.

This letter represents my formal comments, which comments will be explained in full at the Hearing(s) by me and/or by my counsel or representatives. In addition, I am under the belief that the Los Osos Community Services District ("CSD") is submitting a number of documents in support of its comments on this matter. I hereby reserve the right to comment on those documents. In addition, the RWQCB information sent to me informed me that the RWQCB prosecution team would rely on a list of documents in its presentation. While the RWQCB team claims that it has made its documents available for my review, they have only been available at RWQCB offices during the work day. Because I am unable to get to the RWQCB offices during the work day, 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.

We Have Not Had Enough Time to Prepare Our Defense.

Dozens of hours have gone into preparing this small package. Collectively, hundreds if not thousands of hours have gone into preparing the packages for the entire group of proposed Cease and Desist Order (CDO) recipients. But it's still not enough. I know of one person in the entire community of Los Osos that actually had the time, and took the time to go through the thousands and thousands of pages of evidence located at the Regional office. The rest of us have jobs we have to try and maintain to pay the bills. While having unlimited access to the documents Monday through Friday, 8:00 – 5:00 may be convenient for staff, it is nearly impossible for us lay people to adhere to those time constraints. Even if we could, even if I had read through all 8,000 pages of evidence since the end of January when we first received your proposal, there is no plausible way in which I could have organized and properly analyzed that much information in so little time. And to not only organized, copy, and analyze but also to have the time to have

mounted a defense and rebut that much data is just not possible. Not for one individual, or even a couple of people.

Rather these proposed actions, these CDOs, are intended for industrial and commercial polluters. They are intended for factories, for chemical plants, and for sewer plants. They were designed for silver mines and cattle ranches. THEY WERE NEVER INTENDED FOR INDIVIDUAL HOMEOWNERS. When you keep that in mind, the process and procedures you have in place make perfect sense. Large industries have staff that are able to deal with this. They can devote the hundreds if not thousands of man hours necessary to properly analyze the prosecution's evidence and prepare an adequate defense against the charges.

Further, large industry actually has the means and wherewithal to properly address the alleged violation. As homeowners, we do not and can not.

You Are Attempting to Hold Individuals Accountable and Responsible for Actions beyond their Control

It is not our fault that there is not a sewer plant in Los Osos to which we can hook up our house. It is not our fault, it is not our neighbor's fault, nor is it even the fault of our whole block. It is the fault of a prior CSD board that was so far removed from the will of the people that the entire staff that supported the project was removed from office. Had the prior CSD selected a project based on merit instead of their future legacy we would be building a plant right now. Truly stop for a moment and think about it. The ONLY manner in which Tri-W emerged as the best project to select was when they stacked the deck. They weighed having some sort of recreational park next to an industrial complex, pathogen rich, subject to spilling thousands of gallons of raw sewage behemoth as THE highest selection criteria for the selection committee. Only after this slight of hand action did the Tri-W site float to the top of the septage pile.

Now I want you to think about that for a moment. The "old" board favored the Tri-W plant by the slim margin of 3 to 2. Your Board uttered those now infamous words, "If you don't like the project, change your board." With a slim margin of 3 to 2, the town needed to only remove one of the prior directors to change the tone of the board. All of the parties running (and subsequently elected) were running on a very clear platform. They were against the Tri-W site and the Tri-W project. So the town only needed to remove one of the old directors to effect a change in the direction of the board. The town not only rejected one of the old board, they removed all three board members that supported Tri-W. This Tri-W project should never have progressed as far as it did. It was <u>always</u> a bad project for our town.

There are a Great Many Procedural Issues in Question in the Proposal to Issue These CDOs.

1. We did not receive our proposal by certified mailing.
2. We were all denied our right to an individual hearing on this issue.
3. There is no mention of affordability for your proposed action.
4. There is no mention of an affordability study for your proposed actions.

5. There was no timely or consistent enforcement of water board laws in this case. The Resolution upon which you are basing the proposed CDOs is over 20 years old. As such, it is stale and should not be enforced.
6. Water Quality Enforcement Policy, revised February 19, 2002 talks, again, about creating an even playing field, and about illegal dischargers having a competitive advantage over legal, regulation following dischargers. This action does nothing towards meeting the Board's goals in this regard. There is no competitive advantage to be gained here. In fact, complying with the proposed pumping regiment **grants** a competitive advantage to those living outside of the prohibition zone, to those who have not yet received a proposed CDO, and to those who currently own vacant property. Further, it grants a competitive advantage to businesses operating inside of the Prohibition Zone inasmuch as no businesses were selected for this action.
7. Targeting or selecting 45 homes inside of the entire Prohibition Zone again goes against the Boards stated policy of administrating their policies in a fair and consistent manner.
8. Water Quality Enforcement Policy revised February 19, 2002 states enforcement actions should be taken "as soon as possible" after discovery of violations. Again, this is a stale action taken at an improper time.
9. Issuing these CDOs does NOT promote the water board goals of promoting "an even playing field". In fact, staff's analysis of the situation is incorrect. Staff improperly concludes that, "the Discharger has incurred little or no costs since then [1988] to comply with the prohibition. The burden of any monitoring or reporting required by this Order is reasonable in light of the severe pollution that has resulted from operation of septic systems in the prohibition area.... Actually, staff is attempting to promote an uneven playing field by issuing these CDOs in light of the fact that the people living outside of the prohibition Zone will not incur one cent of costs due to these CDOs. Further, if these CDOs are in fact issued, the homeowners of Los Osos who receive them first will incur substantially more cost than people forced to pump their septic tanks at some future date.
10. These proposed actions are not consistent with other similar circumstances and resultant enforcement actions throughout the State of California.
11. The proposed actions demonstrate absolutely no nexus between the proposed pumping requirement and a return to compliance with 83-13. It is merely a band aid. In and of itself the actions have no method with which to cause a sewer or any other septic system to be built. Therefore, it is designed as a punitive measure and against Board policy.
12. There have been no progressive enforcement actions taken against the residents of Los Osos. We went straight from a 1983 resolution to proposed CDOs.
13. There have been no actual actions taken by the board to inform **ANY** of the proposed recipients (or even any of the residents of Los Osos) of any violation, of the rules arising from Resolutions 83-12 and 83-13, of the fact that we are allegedly discharging illegally, or that there may be Board actions initiated against us. Any and all information we have received has been through newspaper articles, word of mouth, innuendo or rumor.
14. As per your own July 9, 2004 staff report, "Project delays, and noncompliance with the Time Schedule order, are clearly beyond the Los Osos CSD's ability to control." If the whole CSD cannot control the noncompliance with the Time

Schedule Order, it is clearly beyond **our** control to have started or stopped the Tri-W project. We are being penalized for actions which are beyond our control.

15. Per your July 9, 2004 Staff report, under "Cons" to issuing Cease and Desist orders against individuals. "It should be noted however, that the vast majority of voters in Los Osos have supported the project at every step." Staff is suggesting how completely unfair it would be to actually issue CDOs against individual homeowners – homeowners how are trying to build some sort of waste water treatment facility.
16. The Regional Water Board maintains a list of enforcement prioritization available for public review (subject to redacting any confidential informant information). A review of this Public Enforcement Priority List dated March 27, 2006 further supports my position. ALL of the Agencies listed on the document are just that – Agencies or commercial companies. The heading to the report even states, Agency. The next column on the report is titled, "Facility". And when you read through the report, you quickly realize all of the parties listed on this high priority enforcement document are large commercial entities. California Department of Corrections, Coast Unified School District, the City of Hollister, and the City of Pismo Beach. Large, commercial entities. Each and every one of them. Then along we come. Individual homeowners. In fact, we're not even on the list, yet here we are in this whole situation. The point, once again, is that CDOs are not designed, were not designed, never have been designed, and are not the proper tool to use against individual home owners. CDOs are designed for large commercial entities or small commercial entities with large propensities for pollution.
17. I reviewed your enforcement statistics for the last six years. Statewide, there have been only 189 Cease and Desist Orders issued for the last six years **TOTAL.** Your attempt to issue nearly 5,000 CDOs to all of the homeowners in the Prohibition Zone is unprecedented and unheard of. It is again a violation of policy – it has simply never been done.

Site Specific and Scientific Issues

Our property has between 30 to 50 feet of ground between leach field and the ground water. Much of the literature states that denitrification occurs in as little as two to four feet of sand. Further, sand is one of the best natural filters known for removing nitrates from water.

The nearest test well to our house, well 18B1 last measured 2.4 mg/l of nitrates in October, 2005. This well is only sitting on between 10 to 20 feet of soil separation to groundwater. Our house has two to five times as much soil separation to groundwater as this nearest well. Yet the well still only shows 2.4 mg/l of contamination. This is the most recent test available.

The RWQCB has provided no evidence that our home is even polluting. They have taken no lysimeter readings from our home. The CSD has taken no readings from our home. No one has taken any water quality readings from our septic tank, from our leach field, from six feet under our leach field, or from anywhere else on our property. So no one knows how much, if any, we are contributing to the ground water situation.

The proposed actions may do much more harm than good. No one can say for certain what will actually happen to the septic tanks and septic systems in our houses, because no one has ever pumped out their systems at this rate. I have heard conjecture that the entire microbial action in the tanks will be so out of balance that the pollution coming out of the septic tanks will actually increase. I have even heard much speculation that leach fields will start to accumulate sludge, clog, and fail shortly after starting this 60 day program. Will the Water Board own up to their responsibility if this happens and pay for future repairs? I don't think so.

Nitrogen levels in the Los Osos area have dramatically **decreased** over the last 20 years. The sampled well reading for the year 1983 totaled 902 mg/l of nitrates. These same wells totaled 248 mg/l of nitrates in October, 2005. That shows a net difference 654 mg/l of nitrates over a 23 year period wherein the Water Board states we are in a near state of emergency with our nitrate levels. Put another way, it represents a decline in nitrate levels in our drinking water of **over 72%.** This decrease is without any draconian septic tank pumping regiment, and without any enforcement against the residents of Los Osos. At the very least, is should prompt a dialog between Water Board (and/or Regional Water Board), Los Osos CSD, and the citizens of Los Osos. Dialog, not monolog.

Further, there are very, very serious concerns over the accuracy of the nitrate reading over the entire 23 year period from 1983 up to the present. Nationally accredited water engineers like R. Glenn Stillman and Wade D. Brim have stated repeatedly under oath and through deposition that the wells used form monitoring here in Los Osos are improper, inadequate, built out of State specifications, and are outright illegal. They should not now nor ever have been used to test our aquifers. In fact, they state the wells amount to nothing more than ordinary funnels to funnel surface pollutants directly into our upper aquifer.

Even when they have been rebutted by Cleath and Associates, I have seen declarations further contending the Cleath responses are incorrect, and the wells are as stated above. This gives a net result of making is extraordinarily difficult if not altogether impossible to discern the truth about where the nitrate levels are actually at in our water tables.

However, even if you accept the readings at face value, they are down 72% from 1983. Even today, if you take the latest well reading (October, 2005), then total up all 25 wells (including the terribly high nitrate level wells i.e. 28mg/l and 21 mg/l), when you average out all of the testing wells in the Los Osos basin, the total nitrate level today stands at 10.51 mg/l. That's all, 10.51! Now I will stipulate that *is* above the standard of 10 mg/l, and I will stipulate we need to address this issue in Los Osos, but not with Cease and Desist orders. This is not the manner with which to address this problem. This is *just barely* over the legal limit. Then when you take into account the fact that 83-13 is over 20 years old it further supports the argument there is no fire to put out. We do not need to take these drastic measures. There are better, much better ways to handle these issues.

There are a Great many Legal Issues as Well.

Your Board does **not** have the legal authority necessary to issue a Cease and Desist Order against our home or against our property. Water Code section 1831(a) states, " When the board determines that any person is violating, or threatening to violate, any requirement

described in subdivision (d), the board may issue an order to that person to cease and desist from that violation." Section 1831(d) states, "The board may issue a cease and desist order in response to a violation or threatened violation of any of the following:". Finally, section 1831(d)(3) states, "Any decision or order of the board issued under this part, Section 275, or Article 7 (commencing with Section 13550) of Chapter 7 of Division 7, in which decision or order the person to whom the cease and desist order will be issued, or a predecessor in interest to that person, was named as a party directly affected by the decision or order."

Resolution 83-13 does not name my family, the family who we purchased our house from, nor does 83-13 identify our property. We have not been named "as a party directly affected by the decision or order".

Another key issue concerning these proposed actions is contained within Water Code, Section 1835. Water code section 1835 states, "As used in this chapter, "person" includes any city, county, District, the state, or any department or agency thereof, and the United States to the extent authorized by law." There you have it. Crystal clear proof that cease and desist orders are not to be issued against individual home owners. Your code does not authorize it. Our family is not a city, a county, a district, the state, a department or agency of the state, nor the United States. We are private citizens. As such, you don not have the authority by law issue these Cease and Desist orders.

We are NOT in violation of Resolution 83-13. Resolution 83-13 reads in part, "Failure to comply with any of the compliance dates established by Resolution 83-13 will prompt a Regional Board hearing at the earliest possible date to consider adoption of an immediate prohibition of discharge from *additional* individual and community seware disposal systems."

There are two points to be made here. First of all, our home was built in 1979. As such, our home was in existence at the time 83-13 was adopted. 83-13 states, "to consider adoption of an immediate prohibition of discharge from *additional* individual and community seware disposal systems." As our system was in existence at the time 83-13 was adopted, it was an **existing** disposal system. 83-13 seeks to ban discharges from **additional** disposal systems. Therefore, 83-13 does not apply to our home. Period.

Further, 83-12 states, "Failure to comply with any of the compliance dates established by Resolution 83-13 will prompt a Regional Board hearing at the earliest possible date to consider adoption of an immediate prohibition of discharge from additional individual and community *seware* disposal systems." Our home does not, nor has it ever had a seware disposal system. In fact, I do not even know what a seware disposal system is. Therefore, again, 83-13 does not apply to our home.

Our home is licensed by the County of San Luis Obispo as a single-family residence. This license is in the form of a building permit. It is building permit numbe[redacted]. This permit was approved as final on November 13, 1979. It included a permit for our plumbing, which in turn included a permit for our septic tank. Therefore our home was built in accordance with the County of San Luis Obispo rules and regulations at the time it was constructed. It passed all required inspections and approvals. It is a legally built single family residence, including all of the wastewater generated by our home. If

subsequent permits approved by the County of San Luis Obispo caused the densities of our homes, and therefore our leach fields as well, to become so dense as to affect the quality of the effluent leaving our leach field, then the County of San Luis Obispo bears the responsibility for approving such subsequent permits. Not our family, nor anyone else in Los Osos.

Further, we currently have another building permit active from the County of San Luis Obispo. It is an electrical permit, permit numbe[redacted]. At this time it is due to expire in August, 2006. If there were any legal issues affecting our home, then the County would not have issued this current permit. Again, our home is properly permitted, and was properly permitted, inspected and approved since it was built in 1979. It precedes Resolution 83-13 by nearly four years.

These proposed CDOs use resolution 83-13 as a basis in law to issue the CDOs. However, nowhere in Resolution 83-13 is my family named. Nowhere in 83-13 is our home listed as being in violation. Nowhere in 83-13 is the name of anyone who ever owned our home, nor any mention of our home. How can you take an enforcement action against a homeowner when they have never been identified as a violator of this resolution? In fact, not only have we never been given notice of being in violation, we have never even been told that we may be subject to any actions from the RWQCB whatsoever. All of our information has come via newspaper articles, neighborhood gossip, and CSD meeting dialog. Neither the WQCB nor the RWQCB have ever notified us that we were in violation of anything. Yet you are now attempting to take enforcement actions upon us.

Furthermore, there are incredible ramifications of these proposed CDOs in terms of the environment. The Board has stated its intentions to issue CDOs against all of the houses inside of the prohibition zone. I believe there are approximately 4,800 homes inside of the prohibition zone. This will amount to between 120 and 150 additional truck driving through town each and every weekday for the next four years. This will cause a tremendous increase in air pollution. Remember, these are all black-smoke belching, noisy, industrial diesel trucks. Additionally, every one of these truck must run its engine while idling at the citizen's home, then run the pump engine while pumping the tanks.

Along with the increased air pollution, we will have additional noise pollution. Again, remember these are industrial diesel trucks. We will have a huge increase in airborne particulate matter in the form of the particles that come out of the septic tanks, such as sludge, slime and scum. We will have an incredible increase in odors permeating the town, and undoubtedly in odor complaints filed with the Regional Air Quality Control Board. We will have further increases in odors and airborne particles as these trucks are designed to only pump out one or two tanks at a time. Then they must either drive all the way to Santa Maria to dump their payload, or they must transfer their payload to a larger truck for hauling to Santa Maria.

If they drive round trip to Santa Maria and back, it is quite easy to see how quickly the tons of additional airborne particulate matter would add up in the form of diesel exhaust. If they transfer their contents to a larger, transfer truck, it is similarly easy to see how the particulate matter in the form of septage will leak out through the transfer process and go airborne in our town, along with those wonderful septic tank odors. And remember,

besides just annoying, the septage is a veritable laboratory of virus, bacteria, and other microorganisms just waiting to go airborne and infect our town. Remember a few paragraphs back I spoke of our elderly, fixed-income population. Bear in mind elderly, fixed income also means elderly and less immune to virus and bacteria. In a worst-case scenario, you could have a massive spill causing a small epidemic in our little town. All of this due to the act that maybe 5 to 10 homes have their septic tank pumped out on any given day in Los Osos, yet your Order would require upwards of 120 homes to have their tanks pumped out each and every weekday. And I seriously doubt that it could be accomplished during the week. Truck failures, inclement weather, problems at the treatment plant, and some filed systems (probably caused by these pumping requirements) would undoubtedly mean we would have pump trucks running seven days a week through our little town. Day in and day out. This brings us to yet another substantial legal issue.

In the proposed Cease and Desist Orders, you state, "This enforcement action is being taken for the protection of eth environment and as such is exempt from the provisions of the California Environmental Quality Act (Section 15321, Chapter 3, Division 6, Title 14, California Code of Regulations, "CEQA"). In addition, the Septic System is an existing facility and this Order allows no expansion of use beyond that previously existing so this enforcement action is exempt from the provisions of CEQA (Section 15301, Chapter 3, division 6, Title 14, California Code of Regulations)." I believe you couldn't be more wrong.

California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19 deals with Categorical Exemptions to the California Environmental Quality Act (CEQA).

California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19, Section 15300.2(a) states, "Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies." There are a great many areas of Los Osos that are State and I believe even Federally protected habitat. We have red-legged frogs, and kangaroo rats. We have dwarf or pigmy oak trees. We have a lot of environmentally fragile issues here that I don't even know about. The point is, these areas of concern are all over Los Osos. That makes it a very precarious area for digging and trampling through property, and dragging suction hose across yards and into back yards.

California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19, Section 15300.2(b) reads "Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant." I cannot even imagine trying to argue that ordering over 100 diesel trucks to pump every septic tank in town dry for the next four year would not have a significant impact. The argument would simply be beyond my comprehension.

Then there's California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19, Section 15300.2(c). Sections 2(c) states, "Significant Effect. A categorical exemption

shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." Again, if pumping the town dry with over 100 trucks per day for four years is NOT an unusual circumstance, then I have absolutely no idea what would be considered an unusual circumstance.

My point is simple. These proposed CDOs are NOT exempt from the CEQA requirements. Period. Therefore, all CEQA rules and regulations must be strictly adhered to if you continue your plan to implement these 4,800 CDOs. Any attempt to circumvent the CEQA requirement could be construed as an attempt at an illegal activity and even possibly cause criminal charges to be brought.

These same arguments may even apply to the Coastal Commission as well. Unfortunately Time constraints have forced me to abandon that issue for now.

There has Been No Affordability Study Done regarding this Proposed Enforcement Acton Just as There was Never an Affordability Study Done for the Tri-W Project.

The Tri-W project was truly a bad project (for our town) from the start. One of the critical issues with that project was the enormous per capita cost we would have incurred in our small town. Los Osos is compromised of a great many elderly citizens and a surprisingly high number of disabled or limited ability people as well. These people live with little means on fixed incomes. The Tri-W project NEVER took a look at the affordability of that project with regards to the citizen's ability to pay the projected monthly costs. Instead, they chose to use the County Assessor's roles for property values in our little community. Unfortunately, as we all know, anyone who has lived in our town for more than just a few years is in the awkward position of being "asset rich and cash poor." I suspect over 33%, maybe even as high as 50 or 60% of our entire town could not afford to buy their own home in today's market. The real estate appreciation of our beautiful coast is thus a two edged sword. Yes, we have fantastic equity built up in our homes should we ever decide to sell and move away. I say move away because since the entire Central Coast has appreciated in a similar manner, if you could not afford to buy your own home today you could also not afford to buy in nearly any other part of our entire County. So I repeat. Should you decide to sell and move away, or with our aging population, should an heir of a homeowner from Los Osos decide to sell a home or even a vacant lot, there would be a tremendous gain on the property. For people that bought in the early 1970s, their gain could easily exceed $600,000.

But therein lays the problem. If one looks at the County Assessor's roles, Los Osos appears (on paper) to be a rich town. A town that could have easily afforded the "measly" $200 per month sewer bills.

But this is not true. Most of the town cannot afford a $200 a month sewer bill. This was a key factor in recalling all three of our illustrious Board members. If our town could not afford a $200/month sewer bill, how on earth does your Board expect them to pay a $200/month pumping your septic tank bill? Staff has stated, "Moreover, the Water Board adopted the prohibition in 1983, and it went into effect in 1988, and the Discharger has incurred little or no costs since then to comply with the prohibition. The burden of any monitoring or reporting required by this Order is reasonable in light of the severe

pollution that has resulted from operation of septic systems in the prohibition area, and the long history of violations of the prohibition at the Site." But this is simply not correct. Let me reiterate. Most of the residents of Los Osos could not have afforded to pay a $200 / month sewer bill, and these same residents similarly cannot afford to pay a $200/month pump you septic tank bill. I realize staff reports the cost at $100/month, but you don't need a PhD in economics to understand that the cost of pumping septic tanks in Los Osos will go up immediately following any adoption of these CDOs by the Board. Your Board is attempting to pick up where our old board left off. RUNNING THE ELDERLY, THE POOR, AND THE DISABLED OUT OF THEIR HOMES AND OUT OF TOWN. It's simply unconscionable.

If you really want to assign some blame for our current state of affairs, you need look no further than the mirror. When your Board adopted resolution 83-13, you struck a severe blow to our community and a nearly fatal blow to any project that will ever be proposed. My understanding was that staff and the County of San Luis Obispo had recommended the Los Osos Prohibition Zone (LOPZ) be drawn along the same lines as the Los Osos Urbanization Zone. In other words the whole area now served by the Los Osos Community Services District (LOCSD). This recommendation was not followed. Instead, a line was drawn that split our town in two. Those in the zone and those outside of the zone. By this action, your Board more than any actions on Los Osos' part caused us to get to where we are today. Allow me to explain:

1. People living inside of the Prohibition Zone and people with buildable lots inside of the Prohibition Zone have waited nearly 20 years to build new homes or remodel their existing home to add bedrooms and bathrooms as part of their remodel.
2. People living inside of the Prohibition Zone are truly fed up and tired of the town being ripped in two. There is even a current movement to completely dissolve the entire LOCSD. The sad thing is the movement is led by the ousted CSD Board members. (As an aside, these very actions show the true intent of the old board members, and their intent to build at Tri-W. They are acting with total disregard to the town and are perpetuating the rift in our fabric instead of trying to pull our town back together. But these same actions validate the recall of those same three prior Board members.)
3. People living inside of the Prohibition Zone want some permanent solution so that there is no more Prohibition Zone.
4. If these CDOs are issued, people living inside of the Prohibition Zone will see an immediate drop in their property values of about $100,000 PER HOME.

Now, let's look at the people outside of the Prohibition Zone.

1. People living outside of the Prohibition Zone have NO INTEREST WHATSOEVER if the Prohibition Zone ever goes away.
2. The longer the Prohibition Zone exists, the quicker the values of their homes rise outside of the Prohibition Zone. Just think like a prospective home buyer.
    a. If they buy inside of the zone, they're facing a monthly sewer fee from anywhere between $50/month to maybe $300 or $400/month. No one can really tell them how much it will be.

b. If they buy inside of the Prohibition Zone, they cannot add a bedroom or bathroom to their new home. And they have absolutely no idea how long it will be before they can do so.
c. Now, if they buy outside of the Prohibition Zone, they can start the application for their remodel permit on the same day they close escrow.
d. They can take that same $50 to $400 / month sewer charge and pay for the remodel.

When you look at it in this light, you begin to understand my statement above that the Board is as much responsible for the predicament we face today as anyone by their adoption of Resolution 83-13. You begin to understand why ALL of the votes on any issue having to do with this are so close. Although it is in the best interests of the Los Osos residents living inside of the Prohibition Zone to vote for a sewer and to vote to move forward with our whole town, IT WILL NEVER be in the best interests of those living outside of the prohibition Zone to vote for a sewer.

So I have a solution. Your document Staff Report for Regular Meeting of July 9, 2004, listed several interesting options for our community.

1. Rescind Resolution 83-13. There is a lengthy discussion contained in the report. Your staff lists the pros to this action as, "Water quality impairment is caused by existing discharges in Los Osos. Resolution of existing water quality problems (a community sewer) may be more readily approved by the Coastal Commission if Resolution 83-13 were not being used as a means of prohibiting growth in Los Osos. In short, the Regional Board resolution may be used to undermine efforts to resolve the larger water quality problem (i.e., roughly 10% of potential loading and therefore 10% of the total wastewater related problems are being prevented by the prohibition, but 90% of the problem is being prolonged by the prohibition…)."
2. Once 83-13 is lifted, you will need to stop the proposed enforcement and issuance of these CDO actions.
3. Once 83-13 is rescinded, begin work on a truly comprehensive basin plan for Los Osos. This plan would need to be draw along the same borders as the jurisdiction for the LOCSD. In this fashion, all of the community would have a stakeholder's buy-in for an affordable, sustainable, cost-effective wastewater treatment plan.
4. Further, all of Los Osos would have a stake holder's buy-in for a comprehensive salt water intrusion strategy.
5. Growth in Los Osos would still not "explode" as we have not yet resolved our salt-water lower aquifer issues.
6. This would be a win-win-win-win scenario. The WQCB would win in that there would be support gained from the community to move forward with a "good" project as stated above. The RWQCB would win in that they would no longer have Los Osos illegally discharging in alleged violation of resolution 83-13. The Los Osos CSD would win in that they would be able to devote their full attention on a viable wastewater treatment plan instead of getting pulled in several directions all at the same time. These directions include:
    a. The Dissolve the CSD movement.
    b. Defending themselves against these same proposed CDOs as we individuals are doing.

c. Attempting to garner support form the people living outside of the current prohibition zone.
d. Striving to include these people from outside of the prohibition zone in rate paying efforts as the people living inside of the prohibition zone deem it totally unjust and inequitable.
e. Trying to include the people from outside of the prohibition zone in the rate efforts since we all draw from the same water basin, we all derive services from the Los Osos infrastructure, i.e. Sheriffs Department, Fire Department and Medical response.

The citizens of Los Osos. Once Resolution 83-13 is rescinded, the huge rift dividing our town will fade away like ripple in a pool of still water.

In summary, I again request you to rescind the proposed Cease and Desist Orders and any and all enforcement actions against the citizens and town of Los Osos. We have had inadequate time to prepare our defense against these proposed actions. You are attempting to hold individuals accountable for actions beyond their control. A great many of your own Enforcement Policies have been violated by these actions and proposed actions. A CDO was never intended to be used against individuals; rather, it is a tool to use against industry and industrial polluters. There are site specific facts dealing with our home that mitigate any suspected pollution loading of the upper aquifer from our home. There are a great many unresolved legal issues. Your Board has improperly concluded these actions are exempt from CEQA requirements. Issues abound concerning the fact that most of the town cannot afford to comply with these proposed orders. There are serious questions regarding the accuracy of the monitoring well readings and equally serious concerns regarding the viability of the proposed pumping schedules. Finally, there is the issue of splitting our entire town in half by the Board's actions in the adoption of Resolution 83-13.

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]

Homeowner and recipient of proposed CDO.

Lori Okun and Philip G. Wyels
Senior Staff Counsel and Assistant Chief Counsel
State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100
Sacramento, CA 95812

RE: [redacted] *and Family Comments for April 28, 2006, Central Coast RWQCB Hearing*

Dear Mr. Wyels:

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 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.

This letter represents my formal comments, which comments will be explained in full at the Hearing(s) by me and/or by my counsel or representatives. In addition, I am under the belief that the Los Osos Community Services District ("CSD") is submitting a number of documents in support of its comments on this matter. I hereby reserve the right to comment on those documents. In addition, the RWQCB information sent to me informed me that the RWQCB prosecution team would rely on a list of documents in its presentation. While the RWQCB team claims that it has made its documents available for my review, they have only been available at RWQCB offices during the work day. Because I am unable to get to the RWQCB offices during the work day, 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.

As a brief summary, it is my contention that the RWQCB has completely failed to investigate my property, knows nothing about the working of my septic system, has made no effort to determine whether and to what extent my system is operating illegally, and therefore lacks the proper foundation to issue a CDO against me. In addition, the manner in which this prosecution has been conducted violates my rights under both California law and the Constitutions of the United States and the State of California. In light of all of this, the RWQCB cannot legally issue a CDO against me.

I. This Prosecution Violates Both California Law and My Due Process Rights Under the State and Federal Constitutions

In researching the State Water Resources Control Board ("SWRBC") and each Regional Water Quality Control Board in the State, I can find no instance in which a CDO was ever issued against an individual homeowner. The SWRCB's own Enforcement Policy states that CDOs regularly involve "*extensive capital improvements*" beyond the scope of a single property. After looking at the SWRCB Policy as a whole, it is clear that the SWRCB does not consider a CDO to be an appropriate prosecution tool against private citizens, because citizens hold no discharge permits and have no control over sewage or stormwater collection and treatment.

In addition, the RWQCB, through the CDO process, is ***specifying the manner of compliance*** with by essentially forcing me to pump my septic tank. This is a clear violation of the Porter-Cologne Act, which forbids the RWQCB from issuing mandates about the method of compliance. According to Water Code § 13360 no "waste discharge requirement or other order of a regional board or the state board . . . shall specify the design, location, type of construction, or particular manner" of compliance with the Boards' requirements or orders. (Cal. Water Code § 13360(a)). I am certain that the RWQCB prosecution team will contend that the CDOs allow Los Osos residents to propose alternative means of compliance. But I lack the technical sophistication of the RWQCB, so it should be incumbent upon the RWQCB to explain to me what options I have, instead of making me search, in my free time, for ways to comply with the CDO. In failing to do this, the RWQCB's proposed Order is a *de facto* prescription of the manner of compliance.

Also, I understand that there were comments at the RWQCB's Administrative Civil Liability hearing for the CSD which make it clear that the RWQCB is *not* an unbiased, neutral forum for this Hearing. At the CSD's hearing, Chairperson Young stated the intention of the RWQCB to pursue individual enforcement actions. Other members of the RWQCB joined Chairperson Young in stating, for the record, their opinion that individual enforcement actions needed to be taken. I have been told that Board Member Shallcross went so far as to state that individual enforcement actions would change the political will of the people. This statement shows that the RWQCB has an improper purpose to the entire CDO process. Prosecution, even administrative prosecution, undertaken to bend the political will of the electorate is so clearly improper that it is difficult to imagine how any CDO issued pursuant to such prosecution could be upheld by a court.

It is clear, both in light of the evident bias of on the part of the RWQCB and in light of the manner in which the prosecutions were initiated, that the issuance of CDOs will violate my legal and constitutional rights. I therefore ask that the RWQCB cease this prosecution, or, in the alternative, recuse itself from hearing this matter and allow a truly neutral party to render a decision.

II. The CDOs are Based on Faulty Scientific and Environmental Analyses

As I understand it, the CSD is challenging the scientific underpinnings of Resolution 83-13 and the issuance of CDOs to me and to others based on Resolution 83-13. I join in their challenge to Resolution 83-13 and this prosecution based on Resolution 83-13. In the interest of not being duplicative, I will not submit documents in support of my joinder, but instead reserve the right to comment on the CSD's documentation and to comment on the RWQCB's documentation.

It is worth noting, however, that at the time Resolution 83-13 was adopted, it was recognized that the Prohibition Zone was not a scientifically precise area of discharge/pollution, but the RWQCB Staff's best guess based solely upon information available at that time. But that means that there is *no actual scientific evidence supporting the current prosecutions*, just a guess from 1983.

Most importantly, and as stated in brief above, there is absolutely ***zero evidence*** offered by the RWQCB to show that my septic tank has violated Resolution 83-13. It is abundantly clear that the RWQCB has failed completely to develop any scientific evidence with regard to my property or any other individual property. In the more than 20 years since Resolution 83-13 was adopted, the RWQCB never collected site-specific or property-specific information, but it now seeks to prosecute based not on site-specific information but based on some presumption that the prosecution team's evidence must apply equally to every property targeted for prosecution. Without actually studying the individual properties, the RWQCB instead is initiating a new form of prosecution in the State of California – ***prosecute by implication***. This runs counter to the Prosecution Team's claim that the purpose of the CDOs is the actual protection of groundwater and instead serves to support the idea that the RWQCB has politically-motivated reasons for prosecution me and other Los Osos residents.

Specifically, my septic system and other septic tanks currently in use in Los Osos are approved, legal, septic systems. Most of our systems were placed in use prior to Resolution 83-13. At no time has the RWQCB, the County of San Luis Obispo, or the CSD ever inspected my septic system to determine whether it is faulty or whether it is working as it is *designed to work* and leaching liquids into a leach field in the upper aquifer for additional natural treatment. If my septic system and other septic systems are working *as designed and permitted by the government*, then they cannot be the subject of this enforcement hearing. Yet the RWQCB initiated this action without even trying to find out whether the environmental characteristics – depth of aquifer, proximity of leach field to streams, proximity of leach field to other leach fields, etc. – of *my property or my septic system* lead to the need to revoke my septic permit and to require pumping.

III. The RWQCB Violated My Due Process Rights Throughout the CDO Process

In addition to these scientific concerns and the probability that this entire process is of questionable validity because of them, specific actions taken during the process

increase the illegality of the prosecutions and the probability of invalidation. Specifically, the manner in which the prosecution team went about initiating the prosecution was designed to intimidate, harass, and confuse me and the other residents of Los Osos. This flies in the face of our American system of justice and any conception of governmental fairness.

In the letter dated Friday, January 27, 2006, the RWQCB illegally demanded that I turn over specified information to the RWQCB within 5 business days of receipt of the letter or face $1000 per day fines. The request for information was purportedly made pursuant to Water Code Section 13267. But that Section deals with **technical or monitoring program reports**, not general information like the tenant reports requested by the RWQCB. Therefore, and contrary to what the RWQCB indicated in that first letter, there was no legal ground to assess or threaten to assess a $1000 per day fine pursuant to Section 13268. Clearly, the RWQCB, with its vast knowledge of the Water Code, had to know that Section 13267 and Section 13268 could not apply to the information it sought. Just as clearly, the RWQCB made reference to the statutes in its letter as a means by which to frighten and confuse property owners and make my resistance to the CDOs an ineffective formality.

Resolution 83-13, the basis of this prosecution, was drafted with a local population of nearly 27,000 persons as the presumption for its scientific analysis. Yet Los Osos has only grown to 15,000 persons. This raises some problems. Primarily, Resolution 83-13 is either based on scientifically indefensible positions with regard to the permissible growth in the area, or in the alternative, it relies on *outdated* science which has no practical application to the facts in the Los Osos area. In either the case, the Resolution cannot possibly be the basis for the RWQCB issuing legally-defensible CDOs against me and the other 44 residents being prosecuted.

Resolution 83-13 also permitted the construction of 1150 new housing units in the Los Osos/Baywood Park area until the discharges prohibited in that Resolution are ceased. Yet the RWQCB never explained why, if 1150 additional units were to be built, how the additional units would not negatively impact the environment. This results in an incomprehensible position by the RWQCB – first the RWQCB states that pollution is rampant, then the RWQCB states that more building will be allowed, and now the RWQCB is prosecuting both those persons who were here when Resolution 83-13 was put into place and those who were allowed to build despite what the RWQCB now states are massive problems with the groundwater.

Recently, I and other residents of Los Osos became frustrated with prior CSD leadership. That leadership, apparently acting in good faith, moved forward with plans to satisfy the requirements of Resolution 83-13 and subsequent documents issued in light of the Resolution through a sewage treatment facility and ponding system. I supported these moves, and indeed, I and most residents have always supported the construction of *some* sewer system and treatment facility in Los Osos. But in a betrayal of our trust, the former CSD leadership also moved forward with plans to build a sewage treatment facility at a location in the middle of Los Osos, right next to a school, churches and parks. I and

other residents, exercising our rights to free speech and to recall elected officials, did recall three CSD board members who favored the in-town sewage treatment plant and adopted an initiative to prohibit the siting of such a plant in the middle of the town.

Nearly four months later, the RWQCB initiated this prosecution of individual property owners. The RWQCB did not attempt to determine which properties, if any, *actually pollute* the groundwater or surface water in Los Osos or which properties are the most egregious polluters. Instead, the RWQCB acted irrationally and without substantial justification in just randomly choosing property owners to be the subject of this Hearing. Also, and as stated above, the first letter I received included an illegal attempt to force me to turn over information to the RWQCB to *assist the RWQCB* in its prosecution of me and of others. This attempt was supported by the RWQCB's threat of a $1000 per day fines which the RWQCB had no power to assess. The information that was demanded of me is subject to the Fifth Amendment privilege against self-incrimination.

Not only did the RWQCB attempt to *fine away the Fifth Amendment*, but the threatened fines, massive for an individual like me, instilled *fear* in the community. That fear was multiplied by the manner in which the RWQCB manipulated the information available to the individuals. The RWQCB did so in three ways: (1) failure to provide any list of the persons targeted for prosecution; (2) the dissemination of a list of thirty-four (34) documents supporting the RWQCB's prosecution without granting ready access to these documents to people like me who cannot get to the RWQCB offices during the business day; and (3) the approximately five-week time period in which I and other citizens, acting with very limited and rudimentary scientific knowledge, were required to respond to the RWQCB.

The first manipulation by the RWQCB – failing for over a month to provide a list of the other residents targeted for prosecution – violated my rights in two ways. First, I had no means by which to determine whether the CDO procedure is actually "random" or whether prosecution is being undertaken as a means by which to get back at me and other residents of Los Osos for exercising our Constitutional rights in an election. Also, the RWQCB's failure to release the identities made it impossible or highly-difficult for us to jointly represent our interests. It is only in the last few weeks that we have found each other and started trying to work together. Before this, we were left without any way to share funds and resources and create any meaningful rebuttal to the RWQCB's prosecution.

The Prosecution Team sent out the list of 34 documents that support its position in this matter. While the documents have supposedly been available for review at the RWQCB offices during normal business hours, I and other individuals targeted for enforcement have not had copies of or unfettered access to the documents to try to understand them and find a way to counter them on our own time. Unlike the RWQCB, this is not our job, and I for one cannot spend all day, every day, looking at this kind of information or take time off to go to the RWQCB offices and sit and look at the documents there. Because the RWQCB has failed to let me review its evidence, I have had no chance to have that evidence or the conclusions based on it subjected to any

testing or analysis. In essence, the RWQCB has told me that I have to rebut scientific information without knowing what evidence I must rebut.

Conversely, the RWQCB has granted itself the privilege of receiving all comments made by the Designated Parties – as well as all of the evidence those parties can collect in their own behalves – one month before the Hearing. The Prosecution Team will therefore have access to *all* of the relevant information, while I and the other citizens will only know what information each of us provided. It is indisputable that this unequal access to information will result in a Hearing which is prejudiced in favor of the prosecution team. This violates due process and equal protection and casts further doubt on this whole prosecution.

Even if the RWQCB gave each of us all of the scientific and technical information it had at the outset of this matter, I would have had a mere nine weeks to attempt to understand it and respond to it, and I would have had to do so using all of my free time and quite a bit of my own money. Conversely, the RWQCB is a government agency with state resources and a large staff dedicated to prosecuting me and others. Still, it took them nearly four months – following the election, at which time Mr. Briggs indicated a desire to begin enforcement – to start this prosecution. Once again, this is a violation of my due process and equal protection rights.

The prosecution team never attempted to target the most egregious violators of Resolution 83-13. Indeed, the RWQCB has never actually made any scientific study of my property or any other property in Los Osos. RWQCB personnel have admitted that they have no experience in dealing with a large group of targeted persons and that they are going through "on-the-job" learning. This on-the-job learning may well result in I and some other members of the community facing immediate orders to begin septic pumping at a cost of thousands of dollars per year. Meanwhile, other residents will face no such order for months or years to come. Indeed, if the on-the-job learning by the RWQCB results in a shift in enforcement mentality, some residents could wind up not being subject to any order – while the targeted residents continue to face thousands of dollars in mandated costs per year.

In addition, the fact that I and 44 other residents will be subject to a single hearing with a single presentation by the prosecution team is evidence of the RWQCB's intent to treat this as a "one-size-fits-all" enforcement. How can this possibly be equitable, when each property has a different septic system, has different environmental factors at play, and must be treated as a stand-alone case? Once more, a violation of the due process and equal protection principles espoused by our federal and State constitutions exists to cast doubt on the legality of this enforcement process in general and this hearing in particular.

As a final matter, Section 4477 of the California Government Code prohibits all state agencies from entering into contracts of $5000 or more for the purchase of supplies, equipment, or services from *any nongovernmental entity who is the subject of a CDO*. It is very clear that the CDOs are not meant to address individual homeowners but entities

in the business of stormwater or sewage treatment – of course, as stated elsewhere in these comments, the use of CDOs against individuals is unprecedented.

In this case, use of CDOs will cause financial havoc for at least one resident of Los Osos whose home-based business depends in large part on governmental contracts – and possibly more residents and property owners. The extraordinary use of CDOs to compel us to vote in a manner consistent with the RWQCB's thinking results, in these instances, in not only massive costs to all of us, but an extreme detriment to those with businesses that contract with the State. This amounts to government compulsion, and cannot be sustained by any court.

VI. Summary of Comments

I do not have a great understanding of the scientific evidence at issue here. But I do know that Resolution 83-13 was based on limited science, and that the RWQCB has made no efforts to update that science to reflect the current reality in Los Osos. I also know that the RWQCB has never investigated my property to determine whether I am actually violating the law. In addition, the due process and equal protection violations by the RWQCB cast further doubt on the intentions of the RWQCB in prosecuting me – particularly when viewed in the context of the weak science supporting the prosecution team's position. In light of what I have been told about the RWQCB's statements at the CSD hearing, I can only presume that this prosecution is politically-motivated and that the RWQCB cares less about water quality than it does about getting its way.

I look forward to the Hearing and to an opportunity to fully and fairly be heard and rebut the Prosecution Team's misguided efforts.

Sincerely,

[redacted]

cc: Michael Thomas, Assistant Executive Officer, Central Coast RWQCB (mthomas@waterboards.ca.gov)
Lori T. Okun, Esq., Prosecution Staff (lokun@waterboards.ca.gov)
Roger W. Briggs, Prosecution Staff (rbriggs@waterboards.ca.gov)

Staff Report
Nitrate Monitor, Amount of Decrease in Levels
NO_3 levels, mg/l

Well Number	1983	April, 2005	Difference	% Reduction
10E-13A7	39		39	
10E-13G		8.9	-8.9	
10E-13H	22	1.3	20.7	94.09%
10E-13L5	36	28	8	22.22%
10E-13Q1	47	21	26	55.32%
10E-24A	26	11	15	57.69%
11E-7K	65	14	51	78.46%
11E-7L3	19	19	0	0.00%
11E-7N1		2.2	-2.2	0.00%
11E-7Q1	54	18	36	66.67%
11E-7R1	87	12	75	86.21%
11E-8N2	12	0.5	11.5	95.83%
11E-17D	20	20	0	0.00%
11E-7F4	16	0.5	15.5	96.88%
11E-17N4	25	5.1	19.9	79.60%
11E-18B1	57	2.4	54.6	95.79%
11E-18C1	42	10	32	76.19%
11E-18E1	15	7.9	7.1	47.33%
11E-18H3	70.4	10	60.4	85.80%
11E-18J6	0	4.4	-4.4	0.00%
11E-18L3	50	13	37	74.00%
11E-18L4	47	9.6	37.4	79.57%
11E-18N1	97	12	85	87.63%
11E-18R1	37	15	22	59.46%
11E-20B	19	2.5	16.5	86.84%
TOTALS	902.4	248.3	**(654.10)**	61.98%
Averages	39.23	10.35	**(28.89)**	-73.63%

Current Nitrate Levels

Well Number	Nitrate Level (mg/l)
7L3	19.00
7K	14.00
7N1	2.20
7Q1	18.00
7R1	12.00
8N2	0.50
18C1	10.00
17D	20.00
18B1	2.40
18A	14.00
18E1	7.90
13L5	28.00
13H	1.30
17F4	0.50
13G	8.90
18L3	13.00
18L4	9.60
18J6	4.40
13Q1	21.00
18N1	12.00
24A	11.00
18R1	15.00
17N4	5.10
20B	2.50
13A7	NA
18H3	NA
Average	10.51

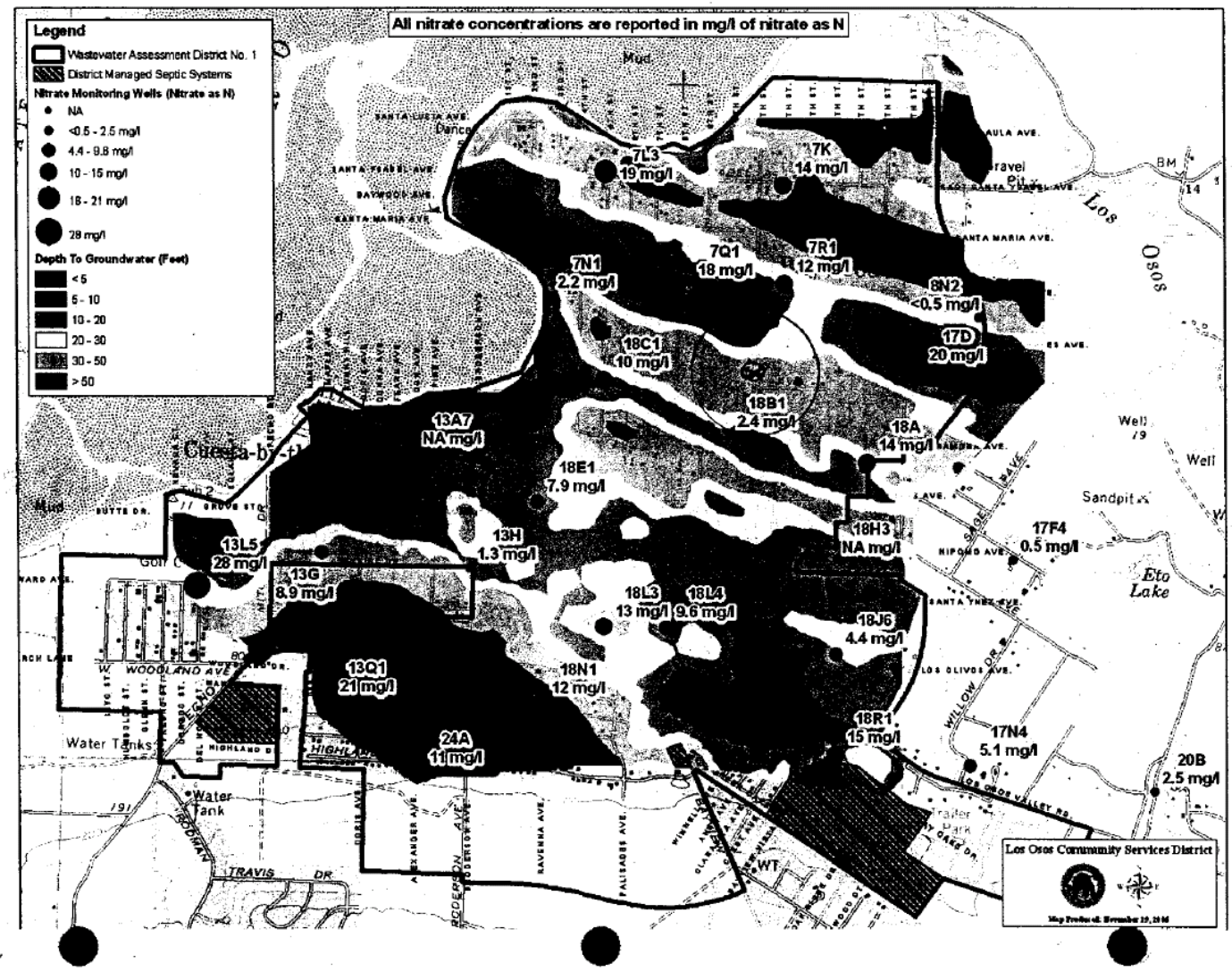
Source: LOCSD Map, November 29, 2005

Regional Water Board Enforcement Prioritization - Required Fields

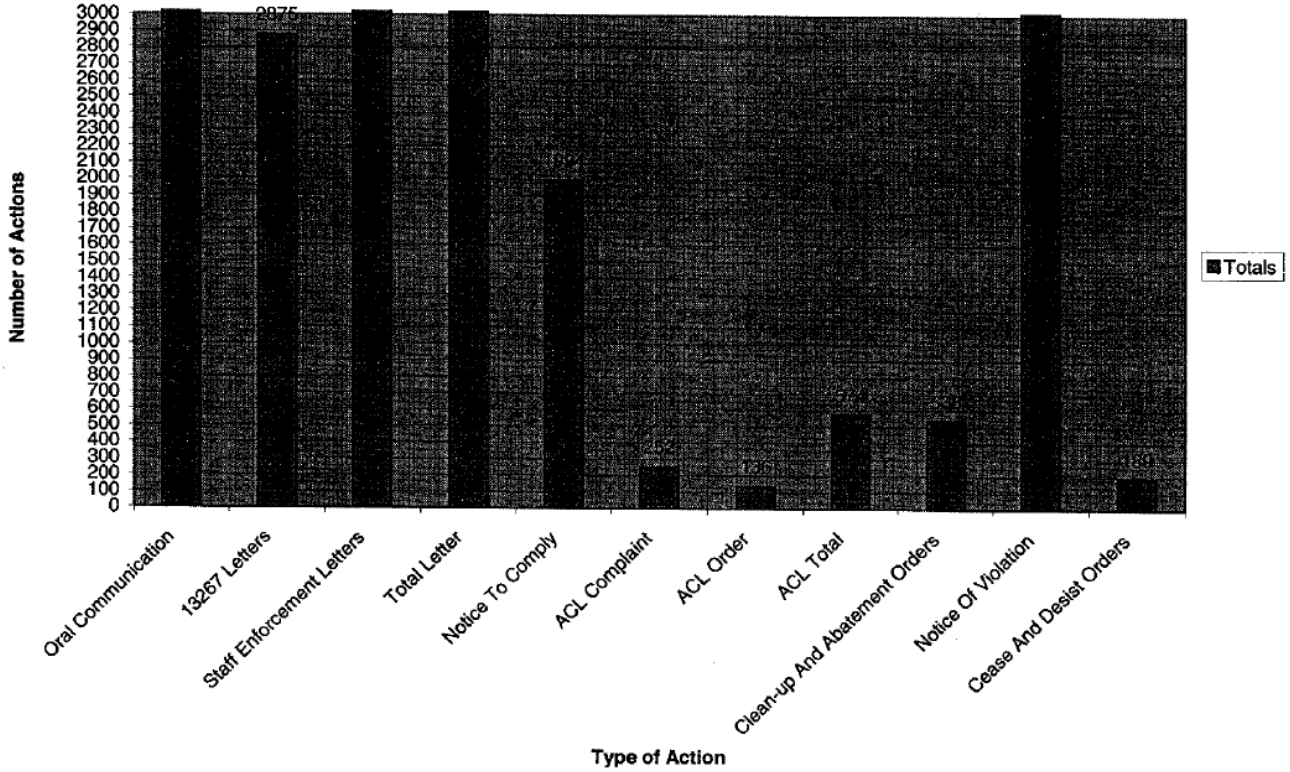
General Info						Violation Information			Status of Enforcement Preparation						
RB	Priority	Agency (Party)	Facility (Place)	Identifier Type & Number	Program - Type	Violation Type	Violation Description	Chronic Violator	Senior	Staff	Date Assigned	Enforcement Action Type	Status	Date Action Issued	Order #
3	H	Ca Dept of Corrections	California Men's Colony	WDID 3 40 010 8001	NPDES	Water Quality	Sanitary Sewer Overflow/Spill, Unauthorized Discharge	Yes	HCP	MT	01/10/05	Administrative Civil Liability - Complaint	A	05/08/05	R3-2005-0037
3	H	Ca Dept of Corrections	California Men's Colony	WDID 3 40 010 8001	NPDES	Other Requirement	California Water Code	Yes	HCP	MT	09/15/04	Clean-up and Abatement Order	A	02/23/05	R3-2005-0036
3	H	Coast Unified School District	Cambria Elementary School	WDID 3 40C 326 427	CONSTW	Other Requirement	Permit Conditions		CA	JB	01/05/03	Administrative Civil Liability - Order	A	07/07/05	R3-2005-0012
3	H	Hollister, City of	Hollister Domestic WWTP	WDID 3 35 010 0001	NON15	Other Requirement	Permit Condition	Yes	DA	MTK	11/12/02	Notice of Violation	A	04/12/02	
3	H	Hollister, City of	Hollister Domestic WWTP	WDID 3 35 010 0001	NON15	Water Quality	Sanitary Sewer Overflow/Spill/Bypass	Yes	DA	MTK	03/01/02	Administrative Civil Liability - Order	A	11/01/02	R3-2002-0097
3	H	Monarch Grove Reclamation H2O	Monarch Grove Reclamation	WDID 3 40 105 7001	NON15	Reporting, Water Quality	Effluent, Late Report		HCP	SJM	06/20/05	Administrative Civil Liability - Order	A	12/02/05	R3-2005-0090
3	H	Pismo Beach, City of	Pismo Beach WWTP	WDID 3 40 010 6001	NPDES	Water Quality	Effluent, Receiving Water, Unauthorized Discharge	Yes	HCP	SJM	01/15/04	Mandatory Minimum Penalty - Order	A	03/24/05	R3-2005-0009
3	H	San Simeon CSD	San Simeon WWTP	WDID 3 40 011 0001	NPDES	Water Quality	Effluent	Yes	HCP	MT	05/10/05	Mandatory Minimum Penalty - Order	A	12/02/05	R3-2005-0032
3	H	Tract 1990 LLC	Heritage Loop Rd Improvements	3 40 C 330849	CONSTW	Other Requirement, Water Quality	Basin Planning Prohibition, BMP, Permit Condition, Receiving Water, Unauthorized Discharge		CA	DBI	11/15/05	Notice of Violation	A	03/07/06	
3	H	John E. King	Oak Shores II Tract 2162 Phase I - Lake Nacimiento	3 40 C 329636	CONSTW	Other Requirement, Reporting, Water Quality	Basin Planning Prohibition, BMP, Permit Condition, Deficient Report, Receiving Water, Unauthorized Discharge	Yes	CA	DBI	11/15/05	Notice of Violation	D		

Regional Water Board Enforcement Prioritization - Required Fields

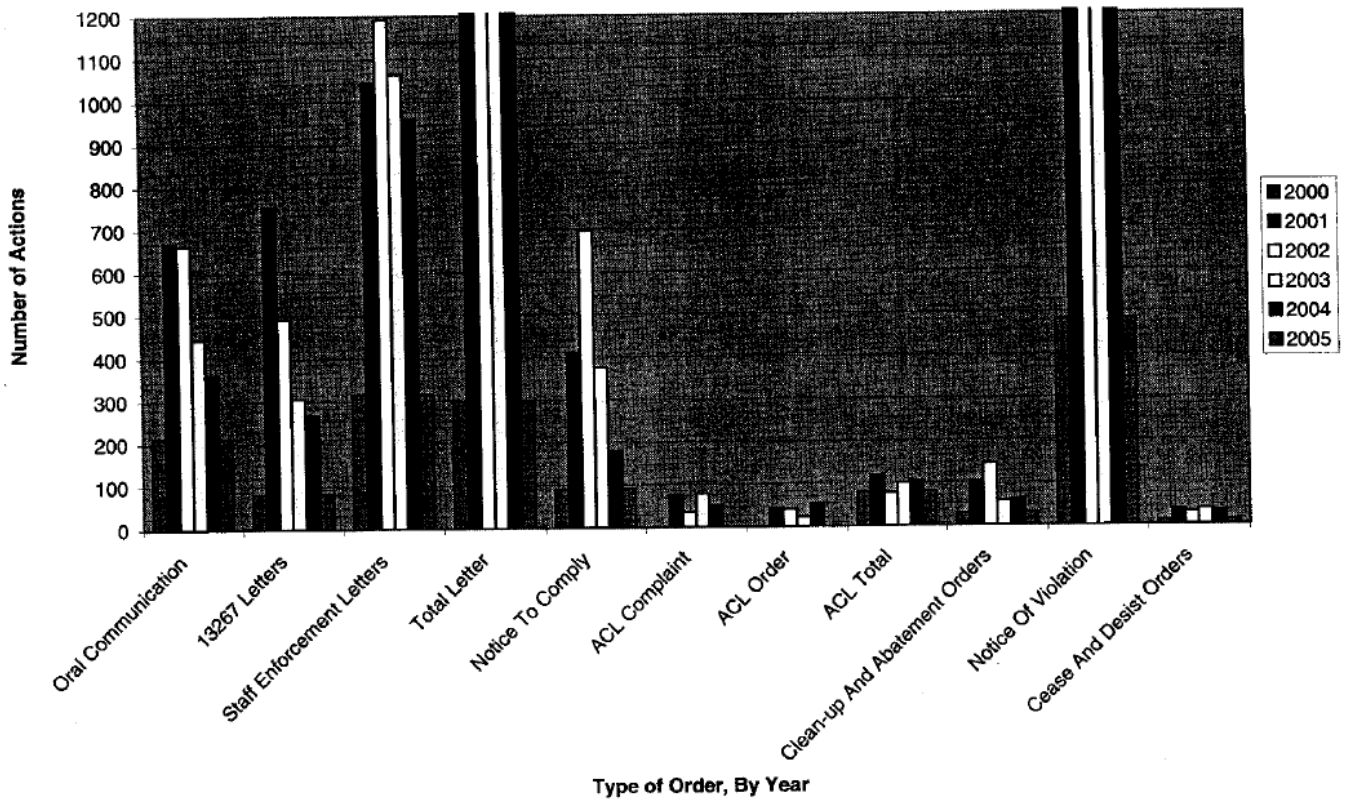
General Info						Violation Information			Status of Enforcement Preparation						
RB	Priority	Agency (Party)	Facility (Place)	Identifier Type & Number	Program Type	Violation Type	Violation Description	Chronic Violator	Senior	Staff	Date Assigned	Enforcement Action Type	Status	Date Action Issued	Order #
3	H	Brad Jones	Cambria Air Force Base	NON-FILER	CONSTW, NON15	Other Requirement, Water Quality	Basin Planning Prohibition, California Water Code, Failure to Obtain Permit, Receiving Water, Unauthorized Discharge					TBD			
3	H		Los Osos Prohibition Zone		NON15		Basin Plan Prohibition		HCP			Cease and Desist Order			
3	H		Los Osos CSD		NON15				HCP			Cease and Desist Order			
3	H		Los Osos CSD		NON15				HCP			Time Schedule Order			


All nitrate concentrations are reported in mg/l of nitrate as N
Legend
Wastewater Assessment District No. 1
District Managed Septic Systems
Nitrate Monitoring Wells (Nitrate as N)
NA
<0.5 - 2.5 mg/l
4.4 - 9.8 mg/l
10 - 15 mg/l
18 - 21 mg/l
28 mg/l
Depth To Groundwater (Feet)
< 5
5 - 10
10 - 20
20 - 30
30 - 50
> 50
7L3 19 mg/l
7K 14 mg/l
7N1 2.2 mg/l
7Q1 18 mg/l
7R1 12 mg/l
8N2 <0.5 mg/l
17D 20 mg/l
18C1 10 mg/l
18B1 2.4 mg/l
18A 14 mg/l
13A7 NA mg/l
18E1 7.9 mg/l
13H 1.3 mg/l
18H3 NA mg/l
17F4 0.5 mg/l
13L5 28 mg/l
13G 8.9 mg/l
18L3 13 mg/l
18L4 9.6 mg/l
18J6 4.4 mg/l
13Q1 21 mg/l
18N1 12 mg/l
24A 11 mg/l
18R1 15 mg/l
17N4 5.1 mg/l
20B 2.5 mg/l
Los Osos
Eto Lake
Sandpit
Water Tanks
Water Tank
Los Osos Community Services District

RWQCB Enforcement Actions - 6 YEAR TOTALS



RWQCB Enforcement Statistics



Construction Permit

San Luis Obispo County Department of Planning and Building

County Government Center San Luis Obispo, California 93408 Telephone: (805) 781-5600

Applicant : [redacted] **Permit :** Electrical Permit

Permit #: [redacted] **Project #:** [redacted] **Issued:** 11/16/2004 **Expires:** 11/16/2005

Project Address: [redacted]

Community: LSOS

Owner: [redacted]

Parcel(s) for this project: [redacted] **Occupancy Groups:** **Types of Construction:**

PROJECT DESCRIPTION

UPGRADE EXISTING ELECTRIC METER TO 200 AMP/ ADD NEW SUBPANEL AND SPA CIRCUIT

SPECIAL REQUIREMENTS

Prior to Foundation

None

Prior to Frame

None

Prior to Final

None

Initials: _____

11/16/2004 3:02:12PM

Construction_Permit.rpt

COUNTY OF SAN MATEO
PLANNING DEPARTMENT
ORDINANCE ADMINISTRATION DIVISION

APPLICATION and PERMIT

COMPLETED
DATE 11-13-77

Date August 10, 1976

Address [redacted] Los Osos

Owner [redacted] Mailing Address [redacted]

Phone [redacted] Los Osos, CA

Assessor's L.A. [redacted] Block 88 Tract Town of El Moro

Assessor's Parcel [redacted] Contractor Owner

BUILDING

Occupancy (for when completed) S-F Residence
No. Square Feet in Building 1323 Garage 434 No. Bedrooms
Exterior Walls wood siding Pitch of Roof 4:12 Roof Covering cedar shingles
Number of Stories 1 Fireplace
Gas Floor Vent Forced Air Heat
Water Heater 22 Other gas

VALUATION
$ 44,789.00

SANITATION REQUIREMENTS
1000 gal. septic tank
450 lin. ft. leach lines

ROAD IMPROVEMENTS

ROAD IMPROVEMENT

ZONING REQUIREMENTS

District R-1
Front Setback 25 Other setbacks
Side Setbacks R 5 L 5 Parking 2 Easements
Rear Setback 10 P.C. Action

ACTION BY OTHER DEPARTMENTS
Encroachment Permit

MOBILE HOME

Occupancy No. Bedrooms
Manufacturer Size Year
Awnings Carport Cabana Porch
State/MV License
Mobile Home Permit
Hardback Permit
Source of Water
Well Abandonment

PLANNING REVIEW

Permit Issued

GRADING PERMIT DATA

Date Issued
Date Completed by County Engineer
Date Rough Inspected

COASTAL ZONE

Project in Report Area? Yes XX No
If yes, if your project is in the Coastal Zone Permit Area, you are advised to contact the Coastal Commission for further information regarding project approval.

SUMMARY OF FEES

Building Permit	$ 176.00
Plan Check	$ 88.00
Electrical Permit	$ 27.00
Plumbing Permit	$ 35.50
Contractor's Fee	$ 3.14
Zoning Fee	30
Grading Permit	
Driveway Fee	$ 10.15
Tie Fee	$ 1.00
Workers' Comp. Insurance	
TOTAL	$ 338.09

I hereby acknowledge that I have read this application and state that the above is correct, and agree to comply with all County Ordinances and State Laws relating to building construction.

Signature of Owner or Agent

PLANNING DIRECTOR

Cl 8-2-79

Cl 8-2-79

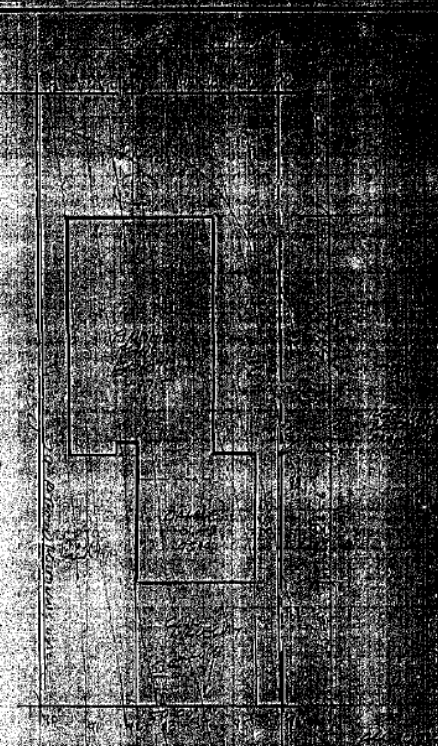
Cl 8-2-79

Cl 8-2-79

Bond DUE OK 11-13-79

TO BE COMPLETED BY APPLICANT

[redacted]



TO BE COMPLETED BY STAFF

ZONING REVIEW

Project: [illegible]

Zone: [illegible] Map No. [illegible]

Parking: [illegible] Space [illegible]

County Road Water No. [illegible]

Road Improvement Fund: [illegible]

Coastal Zone: [illegible] Out

Urban Area: [illegible] Rural Area: [illegible]

CUP var., dept. review No. [illegible]

Parcel Map No. [illegible]

Tract Map No. [illegible]

Water Source Well: [illegible] Comm. Water: [illegible]

Public Zone: [illegible]

Fire Department Review

Health Department Review

County Engineer Review

Business License Required

Architectural Review

By: [illegible] Date: [illegible]

SITE REVIEW

Percolation Test Required

Soils Sidewalk Dry Test

Engineer Foundations

Grading Permit

Retaining Wall

By: [illegible] Date: [illegible]

COUNTY OF SAN LUIS OBISPO
PLANNING DEPARTMENT

APPLICATION FOR BUILDING PERMIT

Return to: Courthouse Annex, Room [illegible] [illegible]

APPLICANT

Please fill in the unshaded areas. Attach appropriate plans.

Owner: [redacted] Address: [redacted] Phone: [redacted] Building Lic. No.: [illegible]

Contractor: OWNER Address: Phone: State Lic. No.: [illegible]

Architect, Designer or Engineer: Address: Phone: State Lic. No.: [illegible]

Lender: Address:

PROJECT

Project Address: [illegible]

Township Area: [illegible]

Type of Project: ☒ All new ☐ Add ☐ Alter ☐ Repair ☐ Demolish ☐ Move ☐ Other

Proposed Use: ☒ Single Family Residence ☐ Mobile Home ☐ Site ☐ Commercial ☐

AREAS & SIZES

Building Area: 1523 sq. ft. No. of Stories: 1

Garage Area: 454 sq. ft. No. of Bedrooms: 3

Carport Area: sq. ft. Existing Structures: NONE

Deck or Covered Porch: sq. ft.

Other: sq. ft.

TYPE OF CONSTRUCTION

Type No.: Occupancy Group: Occupant Load:

FRAME	FOUNDATION	EXTERIOR WALL	ROOF	PLUMBING
☒ Wood Stud	☒ Continuous concrete/wood floor	☒ Wood Siding	☐ Tile	No. of Bathrooms: 2
☐ Metal	☐ Slab	☐ Wood Trim	☐ Concrete Tile	Type: [illegible]
☐ Timber	☐ Piers	☐ Stucco	☐ Clay Tile	☐ Metal
☐ Concrete	☐	☐ Stone Veneer	☐ Metal	☒ Composition Shingle
☐		☐	☐ Built-Up Veneer	☐ Wood Shingle
				☐ Shake
				☐ Tile
				☐

ENERGY

TYPE OF SPACE HEATING/CAPACITY (List Mfr.)

☒ Gas: 50,000) btu/hr
☐ Butane-LPG, etc.:) btu/hr
☐ Active Solar:) btu/hr
☐ Passive Solar: Type: Mfr.:
☐ Fireplace:) btu/hr
☐ Electric Heatpump:) btu/hr
☐ Electric Forced Air:) btu/hr

☐ Other Electrical Facility:
☐ Other:

TYPE OF SPACE COOLING: NONE
Type: Capacity: btu/hr

TYPE OF WATER HEATING
Type: Capacity: btu/hr

UTILITIES

Source of Water: PUBLIC Electric Co.: PG&E

Sewage Disposal: PRIVATE Temporary Power Pole: YES

Gas (type): LP TANK Source: GAS CO.

Applicant is responsible for verification and availability of sewer, water, electric, telephone, and other services. Any requirements County personnel will be available to assist on scheduling of permit, site and inspections; telephone numbers are on this form. Building permit [illegible]

FEES

Bldg. Permit	[illegible]	Plumb. Permit	[illegible]	Total Fees	[illegible]
Mech.	[illegible]	Elec.	[illegible]		
Plan Check	[illegible]	Grading	[illegible]		
Energy	[illegible]	Water Heater	[illegible]		
Roofing	[illegible]	Spa	[illegible]		
Other	[illegible]	Other	[illegible]		
Total	[illegible]	Total	[illegible]		

NOTE: APPLICANT COMPLETED REVERSE SIDE AND SIGN

STATEMENT REQUIRED FOR ISSUANCE OF CONSTRUCTION PERMITS

CONTRACTOR'S LICENSE

(Pursuant to Business & Professions Code Section 7031.5)

CHECK ☐ I am licensed as a Contractor pursuant to Chapter 9, Division 3 of the Business and Professions Code of the State of California. My license number is _____ Class _____ My license is in full force and effect.

OR ☒ I am exempt from the provisions of Chapter 9, Division 3 of the Business and Professions Code of the State of California pursuant to Section 7044.9 (Owner-Builder/not for sale).

INSURANCE COVERAGE

(Pursuant to CA Labor Code Section 3800)

CHECK ☐ Certificate of Workmen's Compensation Insurance, copy thereof or Certificate of Consent to self-insure from Director of Industrial Relations has been filed with the County and is still in effect.

OR ☒ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workmen's Compensation Laws of California. I understand that failure to comply with applicable Workmen's Compensation Laws shall cause revocation of the permit.

I have read this completed application carefully. The information is accurate.

☐ Owner

☐ Agent

[redacted] 8/14/78 [redacted]

Signature Date Agent's name printed

RESIDENTIAL BUILDING RECORD

ADDRESS [redacted]

PARCEL [redacted]

SHEET _____ OF _____ SHEETS

DESCRIPTION OF BUILDING

CLASS & SHAPE	CONSTRUCTION	STRUCTURAL	EXTERIOR	ROOF TYPE	WIRING	HEATING
D6.0 B'	Sub-Standard	X Frame	F L R B	Gable X Hip	X Cable K & T	X Cent. X Force
	X Standard		Stucco	Flat Shed	Conduit	Wall Grav.
STORIES	Above-Stand.	Sheathing		Dormers	X 220	Floor Perim.
			X X X X Siding P/L		Poor Spec.	Bs. Bd Elect.
DESIGN USE	FOUNDATION	Block		X Rafters		
X Single X	X Concrete				LIGHT FIXTURES	H. Pump
Convent.		Brick	Brick	ROOF PITCH	Few Econ.	
X Modern X	Brick Wood			Low X Med.	Many Spec.	COOLING
	Piers	X Floor Joist		High		Cent. Refr.
Multiple			WINDOWS	ROOF COVER	PLUMBING	Wall Evap.
	X Reinforced	X Sub Floor	X Metal Wood	Shingle	X Water Heater	Roof
el			X Sliding D.H.	Shake		
	Hillside	Conc. Floor	Casement	Tile	Sink	FIREPLACE
		INSULATION	Few Econ.	X Compo. SHG		X F.S.
Units	Light Heavy	Ceiling Wall	Many Spec.		X Laundry Auto	

ROOM AND FINISH DETAIL

ROOMS	FLOORS B	1	2	FLOOR FINISH Material	Gr.	TRIM	INTERIOR FINISH Walls	Ceilings
Typical		X		Carpet			SP-[illegible]	SP-[illegible]
Ent. Hall								
Living								
Dining								
Family								
Bed		3						
Bed								
Utility		1						
Kitchen		1						

Drain Bd. Material: Lgth: Ft. Splash:

CONSTRUCTION RECORD

Permit No.	Permit For	Amount	Date	EFF. YEAR	APPR. YEAR	NORMAL % GOOD Age	Remaining Life	Table	%	RATING (F.A.G.) Condition Int.	Condition Ext.	Workmanship	Storage Space Cupbd.	Storage Space Closet
[redacted]		44,489	3/10/79	1979	1980					A	A	A	A	A

BATH DETAIL

Fl.	No.	FINISH Floors	FINISH Walls	FIXTURES Wc	La	T	Type	Grade	SHOWER St.	O.T.	G.D.	Finish
1	1	VIN	SR	1	1							
1	1	"	"	1	1							

SPECIAL FEATURES

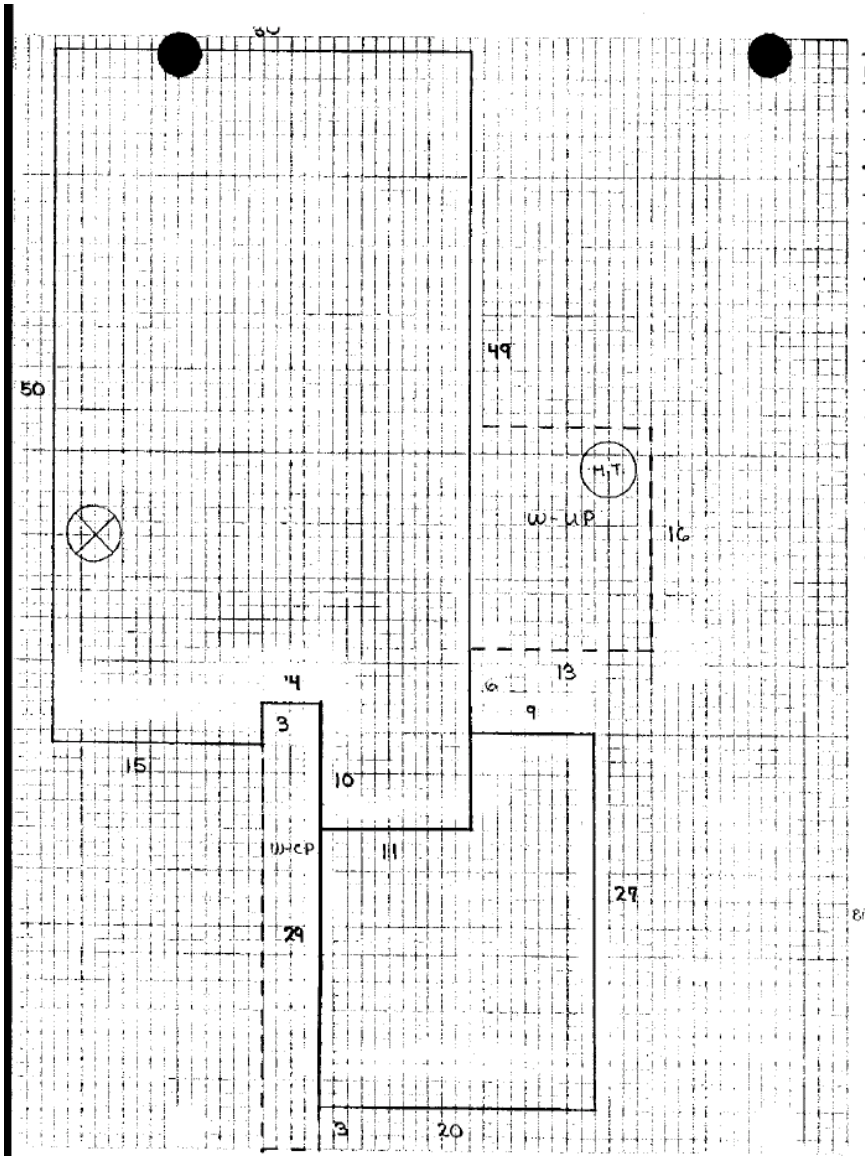
Oven		Fan		Intercom	
Range		Disposal		Pullman	
Hood		Dishwasher	1	6' SGD	

COMPUTATION

11/79 Final

Appraiser and Date [illegible] 3/16/80

Unit	Area	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost
[illegible]	1,565																
[illegible]	448																
[illegible]																	
[illegible]	128																
[illegible]	168																
[illegible]	500																
Hot Tub																	
TOTAL																	
NORMAL % GO																	
R.C.L.N.D.																	



MISC. BLDG.	FOUND	CONS.	EXT.	ROOF	FLOOR		SIZE, ETC.

YARD IMPS.	CONSTRUCTION	SIZE, ETC.
FW-C	DRIVEWAY	500 # E
FENCE -	@ 100 CIN 5' H	

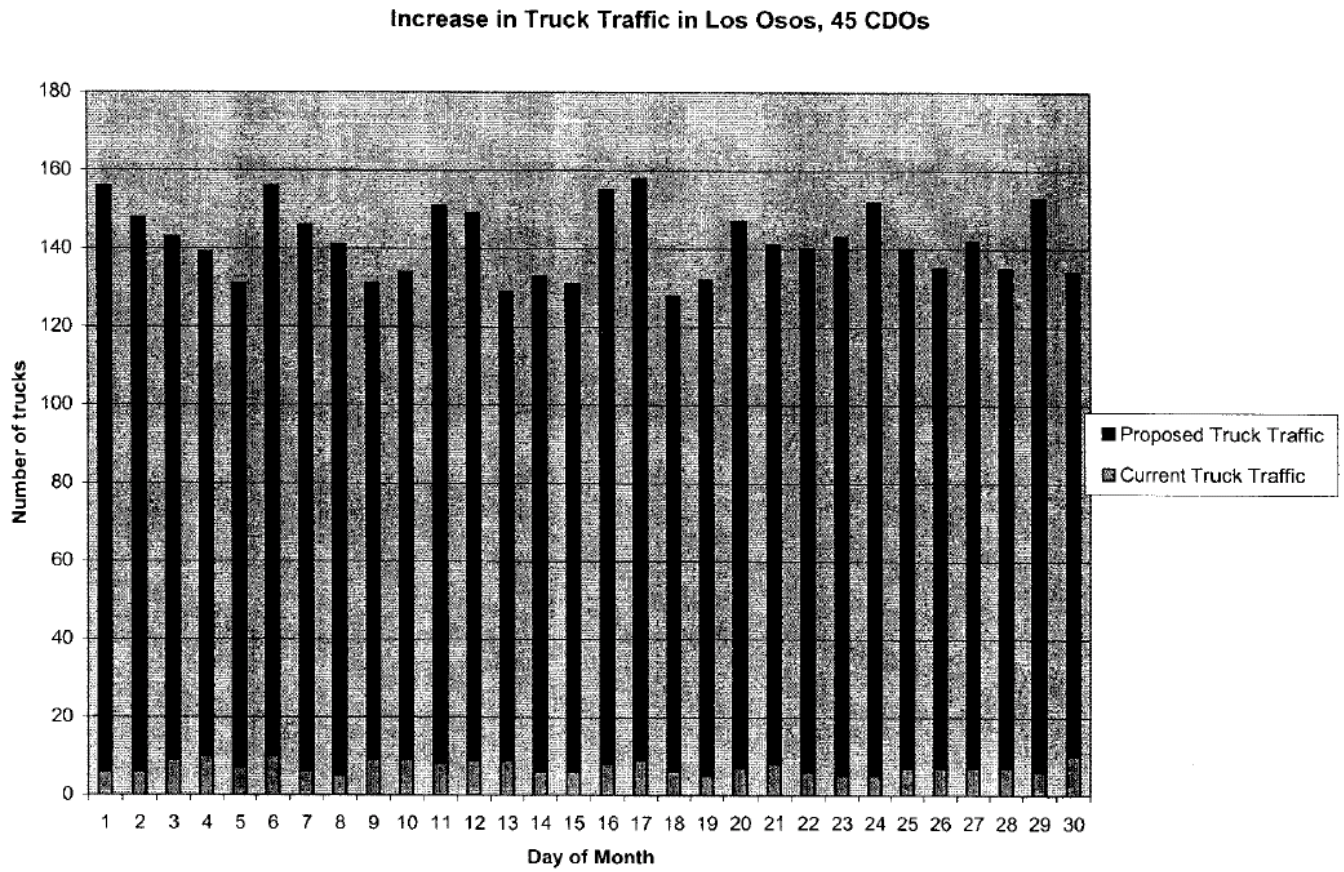
COMPUTATIONS

RES		
30 x 47	1410	
3 x 15	45	
10 x 11	110	
	1,565	
GAR		
7 x 9	63	
19 x 20	380	
	443	
W-CP		
4 x 32	128	
W-UP		
13 x 16	168	

REMARKS

TMCP 3/19/80 - SKETCH PHOTO NO CONTACT
RE: MC 11/13/86 - RES APPEARS IN AVG COND
NEEDS STAINING - ADDED FENCING TO BLDG
RES LOOKS OLD - NO VALUE INCREASE MC
8F 11-6-87 Drive hp. Avg condition. No visible chg

	Current, 5 to 10 Septic Pumps / day (Randomly Generated Numbers)	Proposed, 120 to 150 trucks per day (Randomly Generated Numbers)	Net Increase, Trucks per Month
1	6	150	144
2	6	142	136
3	9	134	125
4	10	129	119
5	7	124	117
6	10	146	136
7	6	140	134
8	5	136	131
9	9	122	113
10	9	125	116
11	8	143	135
12	9	140	131
13	9	120	111
14	6	127	121
15	6	125	119
16	8	147	139
17	9	149	140
18	6	122	116
19	5	127	122
20	7	140	133
21	8	133	125
22	6	134	128
23	5	138	133
24	5	147	142
25	7	133	126
26	7	128	121
27	7	135	128
28	7	128	121
29	6	147	141
30	10	124	114
One Month Totals	218	4035	**3817**


Increase in Truck Traffic in Los Osos, 45 CDOs
Number of trucks
180
160
140
120
100
80
60
40
20
0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
Day of Month
Proposed Truck Traffic
Current Truck Traffic