Sorrel

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Central Coast Region

Terry Tamminen
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Arnold Schwarzenegger
Governor

February 26, 2004

Steve Monowitz, Senior-Permitting Unit
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Mr. Monowitz:

ADDENDUM TO APPEAL OF COASTAL DEVELOPMENT PLAN/PERMIT NO. D020283D, LOS OSOS CSD WASTEWATER PROJECT, SAN LUIS OBISPO COUNTY

We have received and reviewed the appeal addendum dated February 2, 2004 from Concerned Citizens of Los Osos regarding the Coastal Development Permit for the Los Osos Community Services District (CSD) wastewater project, and have the following comments.

The due date for filing the appeal and associated supporting documentation was November 18, 2003. This addendum is dated February 8, 2004, well past the deadline. As a matter of fairness to the Los Osos CSD (representative of community members paying for the project) and other interested parties this kind of repeated attempt to delay the project should not be rewarded. Each delay adds considerable cost to this project. However if this addendum is allowed into the record we request the following comments also be included and considered by the Coastal Commission in its action on the appeal.

1. **Issue:** The appeal addendum contends that the treatment plant location is not the best use of ESHA.

   Response: This issue is contained in the original appeal document, please see our Response to Issue A.10 in our February 3, 2004 letter regarding the subject appeal (Attachment 1).

2. **Issue:** The appeal addendum contends that the LCP Amendment for the treatment plant site was approved under the auspices that the wastewater project would (a) resolve pollution of surface and ground waters, and (b) provide downtown park amenities. The project no longer includes park amenities, therefore such changes require supplemental EIR.

   Response: Early project proposals included park amenities at the treatment plant location. However, such amenities were eliminated from the development plan in order to comply with the Coastal Commission's LCP Amendment conditions. No subsequent EIR is necessary or required.

3. **Issue:** The appellant contends that an alternative site is feasible and preferable because issues such as parks, offices and affordability are no longer applicable. Also, the appellants preferred alternative site would have less visual or aesthetic impacts than the Tri-W site.

   Response: To contend that affordability is no longer applicable is absurd. The expense of the community wastewater project has been and continues to be the primary source of project opposition within the community. In fact, each group posing a project alternative has claimed lower cost/ affordability as the main issue supporting their alternative. However, the fact remains that the Los Osos CSD project is the only feasible alternative, in addition to being the most affordable alternative.

For more details regarding alternatives and affordability, please see Responses to Issues A.5, A.12, B.3 and B.4 in our February 3, 2004 letter regarding the subject appeal (Attachment 1).

4. **Issue:** The appellant contends that the wastewater facilities should be designed to accommodate a wider service area, including the entire Urban Reserve Area.

   Response: The wastewater project has been specifically limited to capacity needed to serve the prohibition area, in order to prevent growth inducing impacts of serving a wider area. Such design limitations are a component of the LCP Amendment and State Revolving Fund requirements.

5. **Issue:** The appellant contends that the draft report "Simulated Effects of a Proposed Sewer Project on Nitrate Concentrations in the Los Osos Valley Groundwater Basin" indicates areas outside the prohibition area may be contributing to nitrate contamination, therefore a new EIR is needed.

   Response: Please see our December 10, 2003, comment letter regarding the draft model simulation and report (Attachment 2). We did not find the report's conclusions to be scientifically supported, nor was it accepted by the community water purveyors (who commissioned the effort). In short, the report summarizes a modeling effort using inaccurate input data and incorrect assumptions.

6. **Issue:** The appellant contends that the wastewater facility has been modified from that described in the EIR as buried. Also, the appellant contends that the wastewater facility will be taller than considered in the LCP Amendment, and therefore further obstruct views of Morro Bay.

   Response: The appellant's contention is false. The treatment facilities are proposed to be buried below grade, a feature which will minimize visual impacts. It should also be noted that the appellant's description of building height does not indicate the portion of the buildings located below grade so as to minimize visual impacts.

7. **Issue:** The appellant contends that activities at the treatment facility (regarding sludge hauling, treatment component operation and maintenance, opening hatches in dog park area, landscaping and fencing materials) is changed from that evaluated in the EIR and re-evaluation is needed.

   Response: As indicated in our Response to Issue A.14 in our February 3, 2004 letter, the design emerging from the past several years of project development, is considerably more detailed that that described in the EIR. The minor changes listed by the appellants do not rise to a level of significant that would trigger re-evaluation in a subsequent EIR.

8. **Issue:** The appellant requests delay of the project (Local Coastal Development Plan Permit) until current litigation between Cal Cities Water Co. and the Regional Board is resolved.

   Response: Litigation has been a regular tool used by project opponents to delay the community wastewater project. Please see our Response to Issue A.1 in our February 3, 2004 letter regarding the subject appeal.

9. **Issue:** The appellant claims that the current wastewater facility design is considerably larger than that presented to the Coastal Commission in August 2002.

   Response: The appellant's claim is false. In fact diagrams included with the appeal addendum clearly describe the footprint of the wastewater facilities and actually depict reduced building height (above ground level).

10. **Issue:** The appellant contends that the Los Osos CSD wastewater facility should provide for treatment of septage from septic systems throughout the County.

    Response: The proposed project is not designed to provide wastewater service for a County-wide population. The scope of development and services are limited to discharges within the Los Osos CSD services area. Receiving, treating and disposing of septage from throughout San Luis Obispo County has never been part of the Los Osos CSD wastewater project. Furthermore, we do not believe the community of Los Osos should (or could) shoulder the burdened with such an undertaking.

Summary: We have reviewed the Concerned Citizens of Los Osos Appeal Addendum and find no substantial basis to deny or alter the Coastal Development Plan or Permit. We do not believe there is a viable alternative project that would meet the community's water quality objectives and/or be more cost effective. Furthermore, delays will add to the cost of the project, as has been demonstrated repeatedly over the past decades. It is unreasonable to believe that the CSD could develop a project upon which every community member will agree. This project meets water quality requirements and when fully operational will begin the process of restoring degradation of coastal resources and ground water. We urge you to support this important environmental and public health protection project by **denying the appeal of the Coastal Development Plan/Permit No. D020283D for the Los Osos Wastewater Project at your March 2004 Meeting in Monterey.**

If there is any furhter information our staff can provide (from the thirty year history and dozens of studies performed in Los Osos) please contact **Gerhardt Hubner at 805-542-4647 or Sorrel Marks at 805-542-3695.**

Sincerely,

Roger W. Briggs
Executive Officer

Attachments
1. February 3, 2004 letter to Steve Monowitz
2. December 10, 2004 letter to Bruce Buel

cc: Mr. Bruce Buel, General Manager
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P. O. Box 6064
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