

January 30, 2009

Mark Hutchinson
Environmental Programs Manager
San Luis Obispo County Department of Public Works
County Government Center Room 207
San Luis Obispo, CA 93408

RECEIVED

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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS

Frank Ausilio
P. O. Box 7072
Los Osos, CA 93412
805-528-5679

SUBJECT: Draft Environmental Impact Report
County of San Luis Obispo
Los Osos Wastewater Project

Dear Mr. Hutchinson:

These are my comments and questions on the Draft Environmental Impact Report for the proposed Los Osos Wastewater Project.

1. Several reports provide different figures on the amount of seawater intrusion in the Los Osos ground water basin. What is the actual amount of seawater intrusion in the Los Osos ground water basin? Why has the Draft EIR underestimated the amount?

A number of studies and reports have investigated the degree of seawater intrusion into the Los Osos Ground Water Basin and have reached various conclusions. In the 2005 Seawater Intrusion Assessment, Cleath & Associates concluded that "[u]pper aquifer leakage is the primary component of recharge to the lower aquifer" of the Los Osos ground water basin. The Cleath report estimated that the amount of seawater intrusion in the lower aquifer is 560 acre feet per year (AFY). This estimate was based on the average of analytical and model results. (pp. 76-77) In February 2007, the Resource Capacity Study of the Water Supply in the Los Osos Area reported that the water basin is being overdrafted by about 600 AFY from the lower aquifer, causing seawater intrusion. This estimate was originally reported in a 2003 Sea Water Intrusion Assessment completed by the Los Osos Community Services District. (p. 6 of the Resource Capacity Study) The Draft EIR states the current seawater intrusion is 460 AFY and that removing septic leakage from the upper aquifer could increase seawater intrusion by 90 more AFY, to a total of 550 AFY. (p.7-59)

2. Several reports provide different figures on groundwater production from private and agricultural wells. What is the correct data regarding groundwater production from private and agricultural wells? Why has the Draft EIR presented figures that are lower

than those presented in previous studies? Since these data were compiled, additional development in the water basin has increased the AFY pumped by private domestic and agricultural wells. According to the Coastal Zone Land Use Ordinance, more wells can be added in the future outside the Prohibition Zone. (P. Sittig,, 8/31/07, email)

According to Appendix D of the Draft EIR, recent groundwater production estimates indicate that private domestic wells pump 80 AFY and agricultural and domestic wells within the Los Osos Creek valley pump 870 AFY. (p. 5.2-11) A Hydrogeology and Water Resources Report prepared in 1988 indicated that private domestic wells pumped 210 AFY in 1986 and agricultural pumpage was 970 AFY in 1986. (p. 31) The Sea Water Intrusion Assessment by Cleath & Associates from 2005 indicated that private domestic wells pumped an average of 200 AFY from 1985-2001 and agricultural pumpage averaged 950 AFY. The 950 AFY figure includes 70 AFY at Sea Pines Golf Course. (Table 2, p. 14)

3. Several places in the Draft EIR provide different figures on the seawater intrusion benefit at the Broderson leach field. What is the correct number of acre feet per year that will reach the lower aquifer and reduce seawater intrusion?

The Draft EIR states, "If 448 AFY is discharged to the Broderson leachfield, the resulting seawater intrusion benefit would be 100 AFY." (p.7-60) The Detailed Proposed Project Descriptions portion of the Draft EIR states, "Groundwater modeling analysis has indicated that discharging 448 AFY through the Broderson leachfield could reduce seawater intrusion by 187 AFY." (p. 3-45) Table 7-8 indicates that seawater intrusion mitigation at the Broderson leachfield would be 99 AFY. (p. 7-60) The Hopkins Report, included in Appendix D of the Draft EIR, stated, "With the initial proposed capacity it is anticipated that at least 100 AFY will percolate through the regional aquitard into the lower aquifer system. The remaining 348 AFY will be a component of annual recharge to the upper aquifer system." (Appendix D, Preliminary Hydrogeological Impacts Study, p. 33)

4. What will happen to treated effluent when the leachfield is being maintained and/or repaired during the rainy season when the spray fields are unusable? What effect will a temporary suspension of the disposal of effluent at the leachfield have on seawater intrusion?

5. When the Draft EIR discusses rainwater runoff from the Broderson leachfield, it is not clear if the reference is to rain that falls on the site, stormwater runoff from higher elevations, or both. What will be the effect of rainwater runoff from higher ground onto the Broderson leachfield? What will happen when severe stormwater runoff from higher elevations combines with the treated effluent and the on-site stormwater runoff at the Broderson site?

According to Spencer Harris, Cleath & Associates, the Broderson site has a 10 percent slope, approximately. (12/23/08 email)

The Draft EIR states, "The leachfields would be designed so that stormwater runoff does not leave the site. Grading would contour the earth to ensure that runoff passes into the leach trenches and infiltrates to the groundwater below." (p. 5.3-29)

In describing the Broderson leachfield and the potential stormwater runoff from it, the Draft EIR states, "The secondary treated effluent directed to the Broderson site would infiltrate into the 8-acre leachfield. The 6.5-foot deep trenches would be backfilled with a 4-foot layer of gravel for drainage, which would then be covered by geotextile fabric and a final cover of 2.5 feet of native soil. The system is designed so that it would not create or contribute any additional stormwater runoff in the vicinity." (p. 5.3-48)

Included in Appendix D of the Draft EIR, in section D-2, is the Hopkins Hydrogeology Impacts Study, which states, "The Broderson disposal facilities will be the primary source of disposal during the wet weather months. During the rainy season, treated wastewater passing through the treatment process could reach as high as 1.5 mgd [million gallons per day] for short periods (60 days or less) and require storage and disposal."

The capacity of the storage ponds at the treatment facility will be 15 million gallons. At the rate of 1.5 million gallons of treated wastewater processed per day, the ponds will reach capacity after 10 days. When the ponds are full, what will happen to the rest of the effluent? How many million gallons per day of treated effluent can the Broderson leachfield absorb during the wet weather months?

On 6/3/08 and 6/9/08, I submitted to the Los Osos Technical Advisory Committee several photographs from the Telegram-Tribune and the Sun Bulletin that were printed on 12/26/79, 12/27/79, and 1/3/80. These photos depicted the flooding of homes and property in the Highland Drive and Bayview Heights Drive areas following a severe winter storm. The proposed Broderson leachfield is contiguous to these areas that received such severe damage due to the stormwater runoff from higher elevations.

How will the Broderson leachfield be able to absorb the rainwater that falls on it combined with the stormwater runoff from higher elevations, especially when there is a high increase in the amount of effluent pumped from the wastewater treatment plant during the wet weather months?

6. The Draft EIR does not explain the effects that adding septage from the septic tanks outside the Prohibition Zone into the wastewater treatment system will have on seawater intrusion and treated effluent disposal prior to buildout. These septic tanks will have to be pumped out about every 5 years and the resulting septage will be treated at the wastewater treatment plant.

The Draft EIR states, "Septage pumped from the 4,679 STEP/STEG tanks (Proposed Project #1 only) and 749 septic tanks remaining outside the Prohibition Zone (All Proposed Projects) would be about 3 percent solids. Based on pumping each tank every 5 years, total septage is about 6,400 gallons per day for Proposed Project 1 or 720 gallons per day for Proposed Projects 2, 3 and 4 for 250 days per year." (p. 3-21)

7. The Draft EIR contains two different estimates for the reduction of water consumption through conservation. What is the correct estimate for the reduction of water consumption through conservation?

The Draft EIR discusses conservation measures that may be taken to reduce water consumption by 10% per capita over the 2006 average daily per capita wastewater generation rate. (p. 3-42) These measures are expected to conserve 160 AFY by the year 2020. In another location in the report, the reduction in per capita water demand is stated as 12% over the 2006 rate. (p. 7-58)

It is not clear from the Draft EIR exactly when water conservation measures will begin and how many acre feet will be conserved in each year in order to meet the goal of 160 AFY by the year 2020.

8. In addition to the three residential water purveyors in Los Osos, there are a large number of private domestic and agricultural wells that also draw water from the Los Osos ground water basin. However, the Draft EIR leaves improvement of local water resources solely to the water purveyors. Why is the County planning to leave the improvement of local water resources solely to the water purveyors, especially when AB 2701 (Section 1.c) states, "The county may undertake any efforts necessary to construct and operate a community wastewater collection and treatment system... These efforts may include programs and projects for recharging aquifers, preventing saltwater intrusion, and managing groundwater resources to the extent that they are related to the construction and operation of the community wastewater collection and treatment system."?

As of 9/24/07, there were a minimum of 350 private domestic and agricultural wells in the water basin. (C. Rattigan, Public Health Department, email) Per an 8/31/07 email from Paul Sittig, Department of Planning & Building, additional wells may be added within the basin. As of 2005, well users pumped 1/3 (33%) of the total AFY pumped out of the basin. (Cleath & Associates, Sea Water Intrusion Assessment, p. 14)

The Draft EIR states, "Another important consideration of the Project involves water resource issues related to seawater intrusion that is contaminating the Los Osos groundwater basin. While the purpose of the LOWWP is to develop a community wastewater system, implementation measures for effluent disposal can

enhance opportunities for the water purveyors to improve the local water resources.” (p.1-10)

9. According to the DEIR, water conservation measures will only apply in the Prohibition Zone. Why is the County not ensuring that all water users in the basin are included in water conservation measures?

In discussing the preferred alternative project, the Draft EIR states, “It would also not be necessary to develop joint programs and secure agreements with local water purveyors and agricultural interests, which could conceivably delay project completion.” (p. 7-61)

In contrast to the Draft EIR, the Resource Capacity Study recommended the adoption of “an ordinance to institute water conservation requirements for parcels outside of water purveyor service areas that mirror the efforts undertaken by purveyors within their service areas.” (p. 3)

In a “Report Back on the Resource Capacity Study for the Los Osos Water Supply, it was stated, “Lastly, no solution to these issues [*seawater intrusion issues*] can be pursued without consideration of the wastewater treatment project. The information needs of both overlap and can inform each other.” (p.2)

On 2/13/04 the Los Osos Community Services District filed a complaint in Superior Court against Golden State Water Company, S&T Mutual Water Company, the County of San Luis, Sea Pines Golf Course, and 500 Does (unnamed private domestic and agricultural well users) regarding the relative rights of the parties to use water resources from the Los Osos Water Basin. An Interlocutory Stipulated Judgment among the parties, in which they agreed to participate and cooperate in developing a plan for resource preservation and management within the basin, was filed on 8/5/08. This agreement does not include the 350+ private domestic and agricultural well users who use 33% of the water produced in the basin. (C. Rattigan, Public Health Department, email) (Cleath & Associates, Sea Water Intrusion Assessment, p.14)

10. The words “sea water” and “seawater” both appear in the Draft EIR in numerous places. The words “leach field” and “leachfield” both appear in the Draft EIR in numerous places. The use of 2 different spellings for the same word makes it difficult to search the document for information on each of these issues.

Sincerely,



Frank Ausilio

Attachments

Exhibit A - 9/24/07 email from C. Rattigan (crattigan@co.slo.ca.us)

Exhibit B - 8/31/07 email from P. Sittig (psittig@co.slo.ca.us)

Exhibit C - 12/23/08 email from Spencer Harris

Exhibit A

Subj: Fw: Approx. number of wells in Los Osos
Date: 9/24/07 4:15:20 PM Pacific Daylight Time
From: crattigan@co.slo.ca.us
To: fjaunion@aol.com
Sent from the Internet ([Details](#))

By the way the records started showing up in our database in the early 1960's but there are very few records until the early 1970's.

Cindy

----- Forwarded by Cindy Rattigan/PH/COSLO on 09/24/2007 04:14 PM -----

Cindy Rattigan/PH/COSLO

To: fjaunion@aol.com

cc

09/24/2007 04:07 PM

Subject: Approx. number of wells in Los Osos

Hi Frank.

I went ahead and ran two reports. One out of our current database, then one out of our older database. I then deleted any duplicate records that I could visibly find, and the temporary monitoring wells.

The number I came up with of domestic water wells is: 350. This will include irrigation, livestock, ag, etc... but not temporary monitoring wells.

I hope this helps.

Cindy

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Exhibit B

Subj: Potential for Additional Wells in Los Osos
Date: 8/31/07 9:59:29 AM Pacific Daylight Time
From: psittig@co.slo.ca.us
To: fjaunion@aol.com
Sent from the Internet (Details)

Hello Frank,

We talked at the front counter yesterday, August 30th, about the possibility of adding personal wells within Los Osos. I first told you that the limit would be for properties of at least 2.5 acres in the Residential Suburban land use category (Coastal Zone Land Use Ordinance 23.04.027b).

After you had left, I talked with another planner who works primarily in the Coastal Zone of the County, and she told me of the section in Title 19 (Building and Construction ordinance for the County) that prohibits wells to be used for Single Family Dwellings within the service boundary of a community water system (19.20.236b). There is a small area of Residential Suburban beyond the Urban Reserve Line, which might be the limit to the community water systems of Los Osos (but I don't know the water purveyors limits, you should ask them for maps). To the north of Los Osos Valley Road, there are 9 parcels larger than 2.5 acres, accessed from the end of Lariat and Sombrero Drives. The 1 acre parcels in front would be too small to have both on-site septic and on-site wells, unless there was some agreement or tests to say otherwise.

There is section of 7 Residential Rural lots, ranging from 4.5 to 5.5 acres in size, just south of LOVR and to the west of Clark Valley Road, and an additional 4 lots that are each just over 1 acre in size. There is nothing in the CZLUO that defines the lot size requirement for Residential Rural lots in relation to any on-site wells and septic systems, but I believe that the actual size limit is 5 acres, so many of these parcels would seem to be nonconforming. It appears that the rest of the land adjacent to Los Osos is defined as Agriculture or Open Space, with some Public Facility lots here and there.

If you'd still like the pictures, I'll work on compiling them for you by Monday.

Thanks, and have a good weekend -
Paul Sittig
Planner - Coastal Team

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Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
(805) 781-4374
psittig@co.slo.ca.us

Exhibit C

Subj: **FW: broderon slope**
Date: 12/29/2008 8:31:43 A.M. Pacific Standard Time
From: jharper@losososcscsd.org
To: fjaunion@aol.com

Frank, FYI. Hope your holiday was fabulous. Later, Jan

Jan Harper, LOCSD
805.528-9370

Please consider the environment before printing this e-mail.

From: Spencer Harris
Sent: Wednesday, December 24, 2008 9:41 AM
To: Jan Harper
Subject: RE: broderon slope

Jan,

The data (ground surface elevation contours) can be found on the U.S.G.S. topographic map of Morro Bay South. This topographic map is used as a base map in all our reports. The LOCSD also has more detailed topographic data in electronic format.

Spencer

--- On Tue, 12/23/08, Jan Harper <jharper@losososcscsd.org> wrote:

From: Jan Harper <jharper@losososcscsd.org>
Subject: RE: broderon slope
Date: Tuesday, December 23, 2008, 4:43 PM

Thanks Spencer, Where could someone find this data? Have a great holiday and enjoy your time off. Jan

Jan Harper, LOCSD
805.528-9370

Please consider the environment before printing this e-mail.

From: Spencer Harris
Sent: Tuesday, December 23, 2008 2:33 PM
To: Jan Harper
Subject: broderon slope

Hi Jan,

The average slope between the Borderson site and Los Osos Valley Road is about 7 percent. It is not a uniform slope, but steepens as you go uphill from LOVR. At the Borderson disposal site, the slope is closer to 10 percent. Let me know if you need anything else.

Spencer

Monday, December 29, 2008 AOL: Fjaunion