

January 30, 2009

To: Mark Hutchinson
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From: Chuck Cesena
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RE: LOWWP Draft EIR Comments

Section 1.2-4, Page 1-8

There is still an unresolved legal question as to whether the CSD defaulted on the State Revolving Fund loan or if the State Water Resources Control Board improperly terminated the loan during the 90 period that the work was suspended, as allowed by the contract with the State. The CSD actually ordered the contractors to resume work on the project prior to the expiration of the 90 period, pending the resumption of loan payments from the State. Those payments were never reinstated.

Section 2.2.2, Page 2-5

See previous comment. Also, as a majority of the voters in Los Osos supported Measure B (which prohibited the siting of a wastewater treatment facility at the TriW site) during the fall of 2005 special election, the suspension of work on the project should not be considered a setback but a legally required action taken by the newly elected CSD Board. It is unfortunate that the attempted compromise brokered by Assemblyman Blakeslee, and accepted by the LOCSB, failed. Perhaps it would have saved the County much effort and the community 6 million dollars as that project looks, except for the environmentally superior choice of facultative ponds for treatment, eerily similar to the project the County now prefers.

Section 2.4.4, Page 2-12

Here is the first mention of an assumption that is central to the decision to be made regarding the project's collection system as it further assumptions regarding (at the very least) operations and maintenance costs, greenhouse gas emissions, and biosolids processing. Where does the requirement to pump STEP/STEP tanks every five years originate? This "requirement" is mentioned at least twenty times in the DEIR, probably many more. The Regional Water Quality Control Board's proposed onsite regulations require inspection every five years with pumping on an as-needed basis. At the early hearings on this issue, and at various hearings regarding the Cease & Desist Orders issued to 45 community members, the RWQCB did intend to require pumping every five

years. Expert testimony demonstrated that this would actually decrease the functioning of septic tanks in many instances and the requirement was changed to reflect the need to inspect tanks every five years. Please cite your authority requiring pumping every five years as personal experience and the expert testimony offered to the RWQCB indicated that pump-out intervals could be at least twice that.

Section 2.4.7, Page 2-15

If the one project selected by the County to pursue for design, permitting and construction is based on the information presented in the DEIR (see how important that one assumption regarding pumping intervals becomes), how does the design-build process fit in? Even the community preference survey could be tainted by misinformation in the DEIR.

Section 2.5, Page 2-22

Will construction actually be completed by late 2010 when it will not be started until 2010?

What happened to the late 2008 Community Survey? As cost is central to the selection of a community preference, and truly accurate cost estimates will not be known until the Requests for Proposals are returned, the Community Survey should not occur until after the proposals have been submitted.

Table 2-9, Page 2-35

Mitigation Measure 5.4-C1

This measure should be applied to the Broderson leachfields as well as the collection and treatment plant sites.

Mitigation Measures 5.5-A1 through 5.5-A13 and 5.5-C1 through C3

In general, adhering to required laws and regulations is not considered mitigation; it is compliance with the law. The mitigation is the byproduct of the consultation and it is usually best to approach the consultation with a known set of impacts and proposed mitigation. The purpose of an EIR is to quantify impacts, not to postpone mitigation decisions until a later date. The promise of pre-construction surveys is not adequate mitigation.

3.2.2, Page 3-13/14

Be specific about the number of pump stations scattered throughout the community. Yes, they can be counted on the nearby map, but this is the first mention in the text. This is an important issue as there will be noise and odor issues associated with living near the

pump stations. They are expensive and messy to maintain, especially in areas along the edge of the bay where they will be located below groundwater levels.

Proposed Project 1, the STEP/STEG option, not only precludes the need for the central pump station at the mid-town site, it does not require any of the other pump stations scattered throughout the community.

Section 3.3.1, Table 3-2, Page 3-20

This table should compare the contribution of I&I to wastewater treatment plant flows from both the proposed PVC pipe collection systems proposed in the DEIR and High Density Polyethylene pipe (HDPE) pipe, which is likely to be proposed by any design-build team proposing a STEP/STEG collection system. STEP/STEG collection systems easily lend themselves to the more water-tight HDPE pipe. Was PVC assumed for the STEP/STEG option just to try and keep the I&I numbers close between the gravity and STEP/STEG options?

Aging gravity collection systems are known to have peak wet weather flows up to 10 times the dry weather flows, even the City of San Luis Obispo has experienced this. This system will be new, but even new systems, such as that constructed in the City of Lathrop less than five years ago, have I&I issues during wet weather. Given the saturated sandy soils in much of Los Osos, and the propensity for earthquakes in California, HDPE pipe should be required for either proposed collection system in all areas where groundwater will be within 10 feet of the collection system and sea level rises due to global warming should be factored into this requirement.

Table 3-3, Page 3-20

The septage estimates are greatly influenced by the assumption that STEP/STEG tanks would be pumped every five years. Again, where is your cited authority for this assumption?

Section 3.3.2, Page 3-34

What is involved with abandoning the existing septic tanks for a gravity collection system? If the top must be pulled to either fill or clean the tank for future reuse, the on-lot disturbance would be nearly the same as if replacing the tank.

The sizes of the various pump stations should be correlated with the locations, both on this page and on all of the maps showing their locations. Where are the larger duplex stations located and especially where are the two triplex stations with the 30 and 60 horsepower pumps?

Page 3-35

Why couldn't some of the tanks be placed at the edge of the County right-of-way if front yard space is tight and the streets have 80 foot wide corridors? Where did Kennedy and Jenks or Crawford, Multari and Clark come up the requirement to pump tanks every five years? No other authorities are mentioned in Appendix B.

Nor would the STEP/STEG system require the other 19 pump stations scattered throughout the community.

Page 3-40

Biosolids processing estimates are especially vulnerable to miscalculation because of the five year pump out assumption.

Page 3-44

It is bad enough to use spray fields outside the groundwater basin for disposal, even on a temporary basis. Can't we at least grow a productive crop other than grasses to be disposed of at a landfill?

Section 3.3.3, Page 3-53

A STEP/STEG system would eliminate the need for all 20 pump stations scattered throughout the community, not just at the Mid-town site.

Here the five year pumping requirement is affecting the proposed maintenance needs and costs of a STEP/STEG project.

Page 3-59

This makes it sound as though the contractor, and not the property owner, will make the decision as to whether the new STEP/STEG tank will go where the existing septic tank is located. Please clarify.

Page 3-60, Table 3-8a

Was it determined that 2/3 of the STEP/STEG tanks would go in a new location to drive up the excavation totals?

Page 3-63

Could a modern gravity collection system be constructed of fuse-welded HDPE pipe so that there are no joints to eventually leak? The sandy soils and earthquakes that will result in sagging pipes will be a test for even the tightest rubber gaskets, which will eventually turn brittle unless replaced. The replacement of gaskets in 12 foot deep

holes seems like a maintenance nightmare for both water and street crews. How often would the gaskets need to be replaced? For each proposed project, please provide initial construction and life cycle cost I&I and exfiltration estimates for each type of pipe. Lifecycle cost should be defined as the replacement of most, if not all, system parts. Is this paragraph saying that little exfiltration is expected because of the high percolation rates in our sandy soils? What about those sections of the collection system that will be sitting in groundwater? Are we expecting the hydraulic head of the groundwater to keep the wastewater in the pipes? Inflow of groundwater high in salts will be very problematic for the treatment plant operations. Yes, this can be reduced through continual inspection and maintenance, but that will not prevent catastrophic failures. Minimize all possibility of leaks and reduce maintenance needs by requiring HPDE pipe as it has no joints for even tree roots to attack the system. Rubber gaskets will not prevent this from happening either.

Section 3.3.6, Page 3-65

What direct experience does Carollo Engineers have with the design, construction, or operation of a STEP/STEG system? This question is asked because in 2008 the County requested that the National Water Research Institute (NWRI) peer review the Carollo-prepared Technical Memorandums, which comprised the Fine Screening Report upon which the DEIR is based. At the follow up teleconference with County staff and consultants, the NWRI panel member stated that he was having a hard time not using the words gravity-biased when discussing the memorandums. If the engineering work upon which the DEIR is based is biased, how can the DEIR itself not also be? Since the County's analysis has shown very little difference between the environmental impacts associated with the various projects (Paavo Ogren, Los Osos Middle School informational meeting in November 2008), cost is even more likely to be the deciding factor in community preference. It is likely that only through a fair design-build process will the true cost of a STEP/STEG system be known. If the Community Survey will occur prior to the conclusion of the Request for Qualifications/Proposals process, how will it be structured to deal with cost proposals that could be tens of millions below the low end of any estimate contained in the DEIR?

Section 5.2.1, Page 5.2-4

It should be noted that the stated groundwater monitoring wells' overall nitrate level of 10mg/l is just at the State drinking water standards and has not been increasing since the moratorium was imposed in 1988.

Table 5.4-1, Page 5.4-5, Question number #5 (last collection system question)

This question is asked about septic tanks (with leachfields) in areas where sewers are not available, as opposed to STEP/STEG tanks (without leachfields) which are part of a sewer system. So it is unclear why this question is not given a NI rating for Project 1?

Impact 5.4-C, Page 5.4-9

The 5-10 feet of loose sands spread over portions of the collection system have a high potential for liquefaction but the 5-10 feet of loose sands at the Broderson leachfields do not, even at the reduced application rates of 448 AFY?

Impact 5.4-F, Page 5.4-15

If risk of ground subsidence is greatest where dewatering occurs during construction, how can all projects be considered to have equal threat given that at least half of the STEP/STEG collection system would be installed using a micro-tunneling technology as opposed to the deep trenches and dewatering of the gravity system? This subsidence could result in subtle damage to walls, driveways and homes adjacent to the dewatering, damage so subtle it might not be apparent for months or years.

Impact 5.4-H, page 5.4-19

Again, this question is asked about septic tanks (with leachfields) in areas where sewers are not available, as opposed to STEP/STEG tanks (without leachfields) which are part of a sewer system. The real question is “after an earthquake, would a collection system of PVC pipe with bell and spigot housings be more or less likely to leak than a STEP/STEG tank?”

Section 5.4.6, Table 5.4.2, Page 5.4-19, Mitigation 5.4-C1

This requirement should apply to the disposal areas as well as collection and treatment sites.

Mitigation 5.4-F1

Relying on a future report to reduce a potentially significant impact to a level of insignificance seems risky. What happens if there are no measures identified that could reduce the level of significance or if the measures are determined too expensive to implement?

Section 5.5.7, Impact 5.5-A, Page 5.5-8

Would micro-tunneling, as opposed to open-cut trenching, reduce the potential for a significant impact to the creek and the endangered wildlife it supports? If so, it should be a required mitigation measure. The same holds true for HDPE pipe, if it has an advantage over the more rigid PVC. Have these measures been included in cost estimates?

Couldn't the impact upon sensitive plant species resulting from the clearing for the pump stations and leach fields have been quantified? Other than for the endangered snail, it is doubtful there is appreciable endangered species habitat/presence in the front yards of Los Osos.

Page 5.5-40 Combined Project Effects

How does the phrase "could result in a measurable combined effect on resources protected under local policies and ordinances" sit into a significance determination? This statement appears in the Combined Project Effects discussion for each project over the next few pages. Why weren't they measured so that decisions could be made?

Impact 5.5-E, Page 5.5-40, CZLUO SEC. 23.07.160-23.07.166 SRA

This paragraph, and the next two, indicates that the STEP/STEG and gravity systems could differ substantially with regard to potential impacts to sensitive natural communities, but never attempts to quantify those differences.

The title refers to Sensitive Resource Areas (SRA) but the paragraph discusses Environmentally Sensitive Habitat (ESHA). This paragraph seems to be saying that SRA (or ESHA) has been designated in front yards. Significant amounts of undisturbed natural habitats in front yards is an unlikely occurrence, and is not likely to be officially mapped as SRA (ESHA). At the pump stations perhaps, as they are more likely to be located at street ends adjacent to undisturbed native habitat.

CZLUO 23.07.170 ESHA

Same question as above, is ESHA likely to be designated in a front yard?

CZLUO 23.07.172 Wetlands, Streams, and Riparian

It is even more unlikely that any of these habitat types would be found in front yards.

Page 5.5-42 Proposed Project 4

What happened to the discussion of treatment and disposal sites?

Section 5.5.8, Table 5.5.2, Page 5.5-42

How can the consultation process be considered mitigation? It results in mitigation agreements, but the process itself is not mitigation.

Page 5.5-44 Southern Steelhead

If you are committed to minimizing impacts to the maximum feasible extent, specify micro-tunneling with HDPE pipe under the creeks.

Section 5.6.6, Impact 5.6-B, Page 5.6-7

This paragraph seems to be saying that the collection system for each project would have an equal potential for impacts to archaeological resources. But how can that be when micro-tunneling (horizontal drilling) associated with the smaller diameter pipe associated with a STEP/STEG system allows the rerouting of the line around resources? A gravity system would use deep trenching. Even if horizontal boring of the larger diameter gravity pipe were attempted, the gradient could not easily be adjusted to miss the resource. It would be more likely to just bore through the resource.

Page 5.6-8 Proposed Project 1 Collection System

If the STEP/STEG tanks are replaced at the location of existing tanks, the potential for impacts to archaeological resources is minimal.

Section 5.7.5, Impact 5.7-B, Page 5.7-8 Proposed project 1 Treatment Plant Site

There are benign alternatives to methanol. This was pointed out at the TAC meetings, why has it been ignored? Would allowing the adjacent farmers to use the effluent reduce the need for denitrification?

Impact 5.7-C, Page 5.7-9

Is there a difference in the shear strength of HDPE pipe versus the likelihood of PVC pipe to separate at the bell and spigot housing?

Section 5.8.5, Impact 5.8-A, Page 5.8.8

The construction related traffic impact discussion totally avoids discussing the fact that much of a STEP/STEG system would use horizontal drilling and gravity projects deep trenching methods. The impacts of each upon local daily traffic flow could be significant and should be discussed.

Section 5.10.5, Impact 5.10-B page 5.10-14/15

My condolences to anyone living near a pump station during the construction, operation, or maintenance of those facilities.

Section 7.2.2, Page 7-6

If the primary goal of the project is to satisfy the mandates from the State and Regional Water Quality Control Boards, who receive all of their capability (responsibility?) to help fund the mandated projects from the federal Environmental Protection Agency, why can't

we insist on a project that meets EPA's affordability criteria, as detailed by Mimi Whitney and others?

Section 7.3.3, Table 7.5, Page 7-23

Since much of the "gravity" collection system would actually be under pressure, would ex-filtration actually be less than for a STEP/STEG system? Even given the likelihood that a STEP/STEG system would use HDPE pipe and a gravity system PVE pipe? There are many more connections in a PVC system. That is just more opportunity to leak and more area to maintain.

How much of the greenhouse gas disadvantage assigned to a STEP/STEG system is attributed to the use of methanol in the calculations versus more benign alternatives? How much is attributed to the extra truck trips from a fictitious five-year pump out interval? Where is the mention of biosolids production? A STEP/STEG system reduces this by about 75%.

Section 7.3.7, Page 7.60

It is not clear if a seawater mitigation factor of 0.1 for areas of the Los Osos Creek Valley refers to reduced pumping from the east compartment of the groundwater basin or areas further east in the valley? Would the east compartment studies that are due in March or April be likely to change seawater mitigation factors for the agricultural lands in the area?

In conclusion, there are several assumptions made that seem to taint much of the information presented in the DEIR. One is that the STEP/STEG tanks would need to be pumped every five years. Another is that a STEP/STEG project would use PVC pipe for the collection system. Each of these greatly inflates the potential environmental impacts of this collection system and the second assumption does not allow for the environmental advantages of the HDPE pipe that is likely to be used. From the moment in mid-2006 that the previous County Public Works Director declared to the Board of Supervisors that it would be a gravity system that would be built, this process has seemed pre-determined. The comments from the NWRI panel member during the 2008 teleconference added to that suspicion. This is such a complex project that environmental and engineering evaluations can support just about anything the authors set out to support. The people of Los Osos will be not only footing the bill for the construction and operation of the project, we will also be paying for the fines likely to result from a collection system built in an area with high groundwater and unstable soils. We deserve an honest answer to the most basic of questions: what is the true environmental and economic cost of a STEP/STEG alternative? Please allow the design-build process to be a fair one.