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## San Luis Obispo **COASTKEEPER**<sup>®</sup>

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

VIA FACSIMILE: 805-781-1229 and email

**Subject:** Public Comment – Los Osos Wastewater Project Draft EIR

Mr. Hutchinson

Thank you for the opportunity to comment on the County's Draft EIR for the Los Osos Wastewater Project.

San Luis Obispo **COASTKEEPER**<sup>®</sup>, a program of Environment in the Public Interest, is organized for the purpose of ensuring that the public has a voice with agencies and official responsible for enforcing water quality, watershed protection, and environmental regulations. As such, SLO **COASTKEEPER**<sup>®</sup> and our 800 Central Coast supporters are concerned that the proposed DEIR is deficient in that the alternatives analysis ignores a feasible project and site previously demonstrated to require a smaller project "footprint" and would likely avoid significant and/or potentially significant impacts.

Additional deficiencies exist in the identification of the "environmentally superior alternative" through an inadequate analysis of likely cumulative impacts.

Our specific concerns follow:



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## INADEQUATE CONSIDERATION AND DISCUSSION ALTERNATIVES:

CEQA Guidelines section 15126.6 requires that:

“An EIR shall describe a range of reasonable alternatives to the project, or to the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” 15126.6(a)

Section 15126.6(b) gives further guidance on an adequate consideration and discussion of alternatives:

“Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.”

In 2001 an EIR for a community-wide wastewater project in Los Osos was certified, subsequently acquired all necessary permits and began construction in 2005. This project, referred to as the Mid-Town project, presented a smaller footprint than the alternatives considered in the DEIR; provided superior treatment (tertiary as opposed to secondary treatment proposed in the DEIR); and provided a disposal system designed to improve the community's water overdraft as well as saltwater intrusion.

While the 2001 project was halted in 2005, the reasons were political and not for any technical deficiency. In fact, while the DEIR implies that the EIR was “rescinded” in 2006, no legal foundation exists to support a claim that the Los Osos CSD had the legal authority for such action, and no successful legal challenge to the Certified EIR for the 2001 Los Osos Wastewater Project exists.

The failure to consider a project alternative that is less impactful renders any analysis under either CEQA or NEPA defective.

## INADEQUATE ANALYSIS OF CUMMULATIVE IMPACTS

The project under consideration in the DEIR is unarguably an infrastructure. CEQA guidelines and the Courts have settled the issue of the County's responsibility to analyze the cumulative impacts of a proposed project – especially the provision of urban infrastructure to and

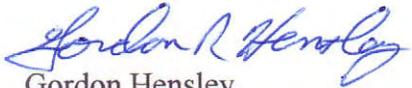


undeveloped rural agricultural area such as Turri Road.

The County cannot simply ignore major projects currently being processed. For instance the Warden Ag Cluster Subdivision is sufficiently close to the Turri Road project site that the proposed development cannot be ignored in the DEIR's cumulative analysis.

Without adequate analysis of the combined effects of development project currently being processed, the County's analysis of the impacts presented in this DEIR is hopelessly inadequate.

Respectfully Submitted,



Gordon Hensley,

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