County of San Luis Obispo
Department of Public Works
1050 Monterey, Room 207
San Luis Obispo, CA 93408

Attention: Mark Hutchinson

January 30, 2009

RE: DRAFT ENVIRONMENTAL IMPACT REPORT, COUNTY OF SAN LUIS OBISPO, LOS OSOS WATERWATER PROJECT (LOWWP)
State Clearinghouse No. 2007121034

Dear Mr. Hutchinson,

The primary purpose of the following comments is to advance a proposal (Gorby) as contrasted to the DEIR preferred project (i.e. Tonini). It is the position of the author that the Gorby site offers significant advantages as a wastewater treatment and discharge site location over Tonini. The advantages would likely reduce the environmental impacts of Gorby as compared to Tonini. The DEIR identifies only one Class I unavoidable adverse environmental site for the Tonini project which appears to be understated.

The DEIR investigates the Tonini property extensively as well as the Cemetery "complex" of properties including Giacomazzi, Branin and Cemetery. In essence, the DEIR really provides co-equal analysis for only two alternatives. A co-equal analysis of the Gorby as a third alternative is essential. It is not the intent of the author to perform that necessary co-equal analysis, however I believe it exposes a significant flaw in the environmental document because so few viable options were analyzed.

Gorby Alternative Project Description Summary

Gravity sewerage collection system, use of an approximately 3-4 acre Oxidation Ditch for treatment to full tertiary-level. The raw wastewater conveyance system carries the collected wastewater from the Mid-town pump station across Los Osos Creek to the Gorby wastewater treatment plant. Treated wastewater will be conveyed to the Broderson discharge site between the months of December through May (wet weather discharge). Instead of leachfields at Broderson, gravity wells would be employed to allow discharges at a considerable depths below the soil surface (e.g. 15-25 ft.) with overall well depth between 50-60 ft. The conveyance to Broderson will involve a crossing of Los Osos Creek and follow an alignment northwest along Bayview Heights Dr. and west on Highland Dr. to the discharge site. From June through November (dry weather discharge) treated wastewater will be discharged into on-site percolation ponds (approximately 2-3 acres) adjacent to Los Osos Creek. Appurtenant structures and

parking would occupy the remainder of the site. Given the excellent southern exposure of the site an array of solar panels on buildings or over ponds would provide an efficient use of the space available. Greenwaste processing with biosolids may also be an option available on site. (Project Location Map, Attachment I, Gorby Alternative Project Site, Attachment II, Gorby Assessors Parcel Map, Attachment III, Gorby Ground Level Site Photo, Attachment IV.)

Gorby/Tonini Pro-Con Analysis

Advantages of Gorby Property

(Los Osos Valley Equine Farm, 1869 Los Osos Valley Rd.)

Gorby is 50 acres in total area with approximately 10 acres usable flat land presently occupied by the equestrian facility in the box canyon at the South west corner of the valley. Site is accessible from Los Osos Valley Road approximately six-tenths of a mile to the South.

* Currently boards dozens of horses with their associated waste stream; which would be removed, further protecting Los Osos Creek and Morro Bay from these point and non-point pollution sources.
* Nearest receptors (homes) are **up**wind and across the creek from the site.
* Adjacent to the Los Osos Urban Reserve Line and LOCSD boundary. This location addresses "growth inducing" arguments that plague sites further removed from the urban reserve line.
* Proximity to Los Osos Creek for potential summertime creek discharge (use of percolation ponds adjacent to creek). The Paso Robles Formation surfaces at Los Osos Creek in this vicinity. Also, the site strategically overlies the creek valley alluvial aquifer shown in Attachment V (creek compartment, currently under study in Task II of the Basin Management Work Program). Sound management of the basin will address the existing seawater intrusion situation.
* Additional flows to Los Osos Creek provide potential for Steelhead trout habitat enhancement (similar to Cuesta College/CMC wastewater treatment facility benefits to Chorro Creek).
* Redevelopment of an existing disturbed site reduces or eliminates biological impacts. No impacts to Red-legged frog or Morro shoulderband snail.
* Nearby agricultural interests have been willing to consider participation in an ag-exchange or in-lieu program. Gorby overlies the Los Osos Groundwater Basin (Attachment VI).
* SLO County has considered discharge potential in the vicinity of the site in 1987 project and the LOCSD did so subsequently.
* The wastewater facilities would be out of site, hidden in the canyon and out of the scenic view corridors.
* The site has excellent solar access for installation of solar panel arrays.
* No impact to prime Ag soils and no Williamson Act issues.

* Proximate to the Broderson recharge facility (approximately 1.5 miles) and 3 miles closer to the community than the Tonini site (DEIR Preferred Project).
* Construction of the collection system can begin and the treatment facility may be phased subsequently to allow the equine facility business time to discontinue its operations over a 1-year period before treatment facilities begin construction.
* The property including business opportunity is valued at around $2.5- $3 million in contrast to the $7 Million price tag on the Tonini property.
* In combination with the Broderson discharge site the overall wastewater project is contained within a small "footprint" and optimizes the length of collection system and transmission of treated wastewater pipelines ultimately reducing costs.
* With effective winter and summertime discharge strategies a balance between supply and demand for water within the basin may be achieved without the importation of state or Nacimiento water.
* The use of Gorby in connection with wastewater treatment and disposal sets the stage for viable water purveyor participation in further groundwater basin management strategies.
* The development of a wastewater project at this location is consistent with the Estero Area Plan update and resulting amendments to Title 23 (CZLUO).

The DEIR diminishes the potential for Gorby for a number of reasons. Most notable is the statement of unwillingness to sell on the part of the property owners. Other misplaced reasons include the potential presence of the Los Osos Fault (Strand A), Los Osos Creek is subject to flooding, sensitive receptors nearby, potential archaeological resources along Los Osos Creek and the need for potential road improvements where the site access intersects Los Osos Valley Rd.

Strand A of the Los Osos Fault is shown to bisect the property in Exhibit 5.4-1 Faults and Surface Features shown as Attachment VII. In fact, this an inferred fault because the fault line as shown is based upon questionable fault traces. At the Gorby site a break-in-slope (bis) is of uncertain origins, this bis may be associated fault presence; however it may also be an errosional feature. The only way to verify the origin of the bis and the potential presence of a fault is to conduct field testing. This field testing has not been done to date, please see Attachment VIII, P.G. & E. 1988 Fault Mapping of the area.

The Gorby site is shown to be affected by being partially within the 100-Year Flood Hazard map in Exhibit 5.3-1. Most, if not all facilities would be located outside the affected area given the Los Osos Creek setback requirements that would be imposed.

The only homes in the vicinity are part of a low density neighborhood that lies upwind from the Gorby site. The Los Osos Creek also separates the Gorby site from the nearby receptors. Also, additional buffer is achieved because of the elevational differences (i.e. Gorby is in the valley below the hillside homes).

Potential impacts to archeological resources will be addressed with monitoring and creek setbacks.

Finally, the Gorby site was screened out because of insignificant road improvements that may be necessary including channelization (westbound left turn lane, eastbound deceleration lane) for vehicle access to the site from Los Osos Valley Road. These minimal improvements should hardly be a reason to exclude the subject site from further consideration.

Carrollo Engineers Rough Screening report (2007) discounted Gorby precluding its evaluation in a co-equal fashion in the DEIR so as to eliminate the potential consideration of the site as an alternative. Only a full evaluation of the potential environmental impacts of Gorby would verify or refute the sites superiority to the Tonini site by way of a reduction in potential environmental impacts.

Disadvantages of Tonini Ranch

(DEIR Preferred Project, 3515 Turri Road)

Approximately 637 acres, the Tonini Ranch lies approximately 4.5 miles from downtown Los Osos and is near the intersection of Los Osos Valley Road and Turri Road from which it takes access.

* Lies outside the Los Osos Groundwater Basin (approximately 2 miles) where about 750,000 gpd of secondary treated wastewater will be sprayed for evaporation and plant transpiration in a "grow and mow" scenario.
* Outside of the Urban Reserve Line and beyond the LOCSD boundary. This will necessitate construction of transmission pipelines an additional 3-3.5 miles one way or 6-7 miles for both collection system and treated wastewater conveyance. The cost implications will range from $8 to $12 million higher than transmission to and from Gorby.
* Transmission crosses two (2) blue line streams, one of which has a known presence of Red-legged frog.
* Agricultural interests overlying the Los Osos Groundwater basin have been willing to consider participation in an ag-exchange or in-lieu program however, the Tonini site is not central to those interests.
*The site has high groundwater as evidenced by depth to water measurements in wells on the ranch. In three wells (A, B and C) depth to groundwater ranges from 7.1 feet to 19.5 feet (Table 2, Tonini Site Reconnaissance, Cleath and Associates Memorandum, February 7, 2008). The high groundwater may rise given the introduction of 750,000 gpd at this location increasing the potential for liquefaction. Runoff from spray field operations especially in the winter may result in water quality degradation downstream and eventually in Morro Bay (100-Year Flood Hazard Map, Exhibit 5.3-1)
* Existing onsite surface drainage (criss-crossing of drainage ways) and springs may be adversely impacted by the additional hydraulic load resulting in the downstream water quality degradation listed above (Attachment X).
* Fresh water supply wells and springs appear to offer limited sustainable yields based on the size of the basin it overlies and the well production data for the ranch.
* Loss of Coastal Prime Agricultural soils (approximately 200) with needed cancellation of the existing Williamson Act Contract.

* Highly visible location at Los Osos Valley and Turri Roads (within Sensitive Resource Area – Title 23 CZLUO changes effective in Jan. 2009) The DEIR fails to describe the impacts whatsoever especially in the context of the Morros viewshed. At nighttime, given the limited ambient light, it will be very difficult to mitigate the impacts.
* In contrast to noises resulting from current agricultural operations there should be a considerable increase, especially at nighttime when wastewater plant operations continue in a reduced ambient noise level condition.
* Potential for impacts to seven known cultural resource sites likely from wastewater treatment plant construction including transmission facilities.
*In combination with the Broderson discharge site the overall wastewater project is contained within an overly large "footprint" and given the significant length of collection system and transmission of treated wastewater pipelines ultimately increasing costs.
* Given the distance to the Los Osos community Urban Reserve Line the use of the Tonini site for wastewater purposes creates the potential for growth inducing impacts between the facility and Los Osos as well as between the facility and the City of San Luis Obispo.
* The asking price of the property is $7 million which is more than double the value of Gorby.
* Return transmission of treated wastewater to the Borderson facility is 5 miles away which is 3.5 miles further than Gorby adding additional cost to the return line in the $3-5 million range.
* The proposed disposal scheme anticipates purveyor participation to achieve further seawater intrusion mitigation which may be beyond the capabilities of the LOCSD or the Golden State Water Company.

The DEIR investigates the Tonini property extensively as well as the Cemetery "complex" of properties including Giacomazzi, Branin and Cemetery. In essence, the DEIR really only provides coequal analysis for two alternatives. A co-equal analysis of Gorby as a third alternative is necessary. In short, the DEIR concludes that the Tonini site is the "preferred project" alternative because it has almost no neighbors (i.e. politically acceptable) and it is outside of the Los Osos Urban Reserve Line and consequently outside of Environmentally Sensitive Habitat Areas. While in fact, the significant environmental impacts from Tonini are numerous (between 6 and 7 unavoidable impacts) in contrast to the stated significant impacts in the DEIR of only one. The use of spray fields at Tonini will result in a self fulfilling prophesy of water importation from sources with uncertain futures (i.e. State or Nacimiento water). If imported water is either unavailable of too costly, it is likely no future growth will occur in the community and economic stagnation will result. The permanent loss of our lower groundwater basin may also result from continuous exportation of water to Tonini.

Mr. Hutchinson, please find additional comments on the DEIR below.

Land Use and Planning – It appears the DEIR has failed completely to review and analyze the recent Area Plan update for the Estero Rural Area including resulting amendments to Title 23 (CZLUO). Given the potential impacts to agriculture, biology, water resources, archeology, and scenic visual resources, it would appear a Class I unavoidable adverse impact to the environment would result.

Groundwater Resources – Presently the community of Los Osos is in a Level of Severity III for groundwater resources due to an overdraft of the groundwater basin of over 400afy. The DEIR Preferred Project addresses only a fraction of the overdraft condition and leaves further action to the primary water purveyors in the community (LOCSD and GSWC). The water purveyors cannot and will not perform functions outside of their usual operations to deliver water to customers. For example, purveyors can site new supply wells, increase storage capabilities and improve distribution systems. They are not suited to negotiating ag-reuse or in-lieu agreements with farmers, or be responsible for delivering water to specific sites in the context of an urban reuse program. The wastewater project that returns water to the basin is the "cornerstone" of effective management of the groundwater basin. A significant concern exists as to whether, or not the wastewater project will be a positive or negative contributor to basin management strategies. The existing overdraft must be addressed in total by the DEIR Preferred Project to conclude there is no Class I unavoidable adverse environmental effect. That is not the case with the current proposal.

Drainage and Surface Water Quality-- The site has high groundwater as evidenced by depth to water measurements in wells on the ranch. In three wells (A, B and C) depth to groundwater ranges from 7.1 feet to 19.5 feet. The high groundwater may rise given the introduction of 750,000 gpd at this location increasing the potential for liquefaction. Runoff from spray field operations especially in the winter may result in water quality degradation downstream and eventually in Morro Bay. Existing onsite surface drainage (criss-crossing of drainage ways) and springs may be adversely impacted by the additional hydraulic load resulting in the downstream water quality degradation.

Geology – No Comment

Biological Resources -- The DEIR Preferred Project will require a Section 7 consultation with the USFWS in connection with the Morro shoulderband snail and the Red-legged frog. This presumes impacts to the species in question and therefore should result in a Class I impact. If not, why not?

Cultural Resources -- No Comment

Public Health and Safety -- No Comment

Traffic and Circulation -- It appears that a Class I impact for traffic and circulation during construction of the DEIR Preferred Project.

Air Quality -- It appears that a Class I impact for traffic and circulation during construction of the DEIR Preferred Project.

Noise -- It appears that a Class I impact for traffic and circulation during construction of the DEIR Preferred Project.

Agricultural Resources -- Acknowledge the presence of Class I impacts.

Visual Resources -- It is disappointing that $2 million the DEIR could not perform an adequate analysis of the potential effects of the DEIR Preferred Project. One photo simulation from substantial distance is hardly adequate to fully assess the project impacts. A much more detailed analysis should be completed, including an analysis of the Morros viewshed which the immediate backdrop to the project site. Other photo simulations of project components are also inadequate given their limited analysis. Without such an analysis it is unclear whether a Class I impact would result.

Environmental Justice – The DEIR Preferred Project is setting the community of Los Osos up for disaster. The use of spray fields at Tonini will result in a self fulfilling prophesy of water importation from sources with uncertain futures (i.e. State or Nacimiento water). If imported water is either unavailable of too costly, it is likely no future growth will occur in the community and economic stagnation will result. The permanent loss of our lower groundwater basin may also result from continuous exportation of water to Tonini. The community of Los Osos has been under a building moratorium for over 20 years. Businesses have come and gone and there is little continuing economic activity presently. Los Osos desperately needs some growth so there may be some employment base locally so that a jobs/housing balance may be better achieved. Such a balance is a key element of Strategic Growth Principals adopted by the County.

Summary

It appears there is the potential for as many as 10 Class I unavoidable adverse environmental impacts from the DEIR Proposed Project. Only further analysis will determine the exact number based upon the issues raised above. In any event, the number of Class I impacts will be significantly more than one as currently suggested. This fact may greatly influence conclusions about the Environmentally Superior Alternative. Related to conclusions about the

Environmentally Superior Alternative is work undertaken for Task I and Task II of the Los Osos Basin Management Work Program. Completion of this work may be essential to such conclusions.

Conclusion

To adequately determine the Environmentally Superior Alternative a co-equal analysis of the Gorby site should be completed. Also, given that the DEIR Preferred Project most certainly give rise to the need for imported water to the community, impacts of water importation to the community should be assessed as part as part of the current project proposal. Finally, the impacts associated with a cost of between $20-$36 million (Fine Screening Report, Imported Water, Table 3) depending on the source must also be analyzed.

Respectfully submitted,

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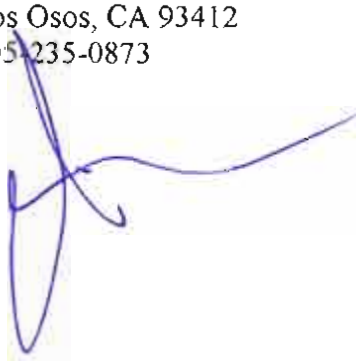
P.O. Box 6070
Los Osos, CA 93412
805-235-0873



Attachment I

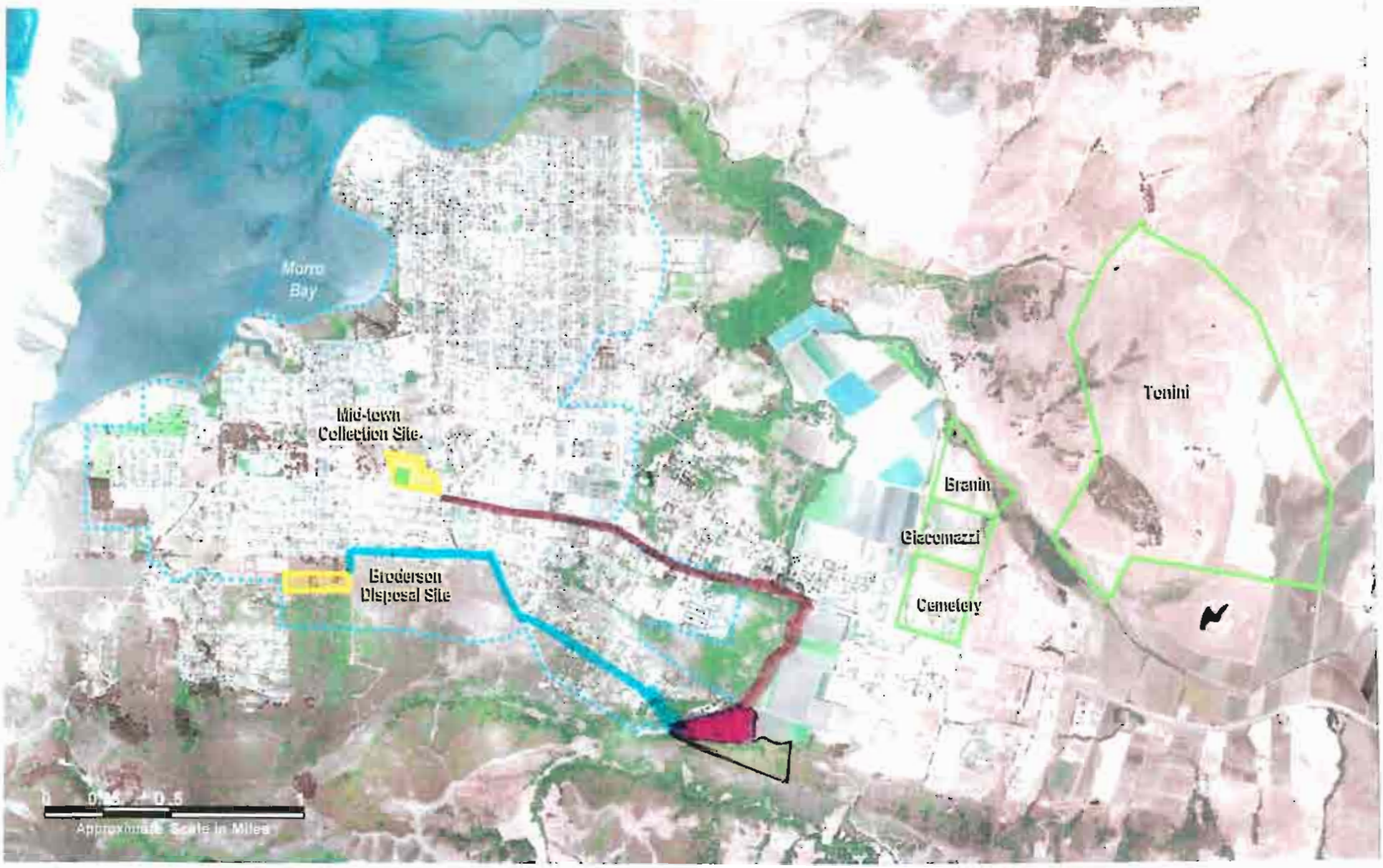
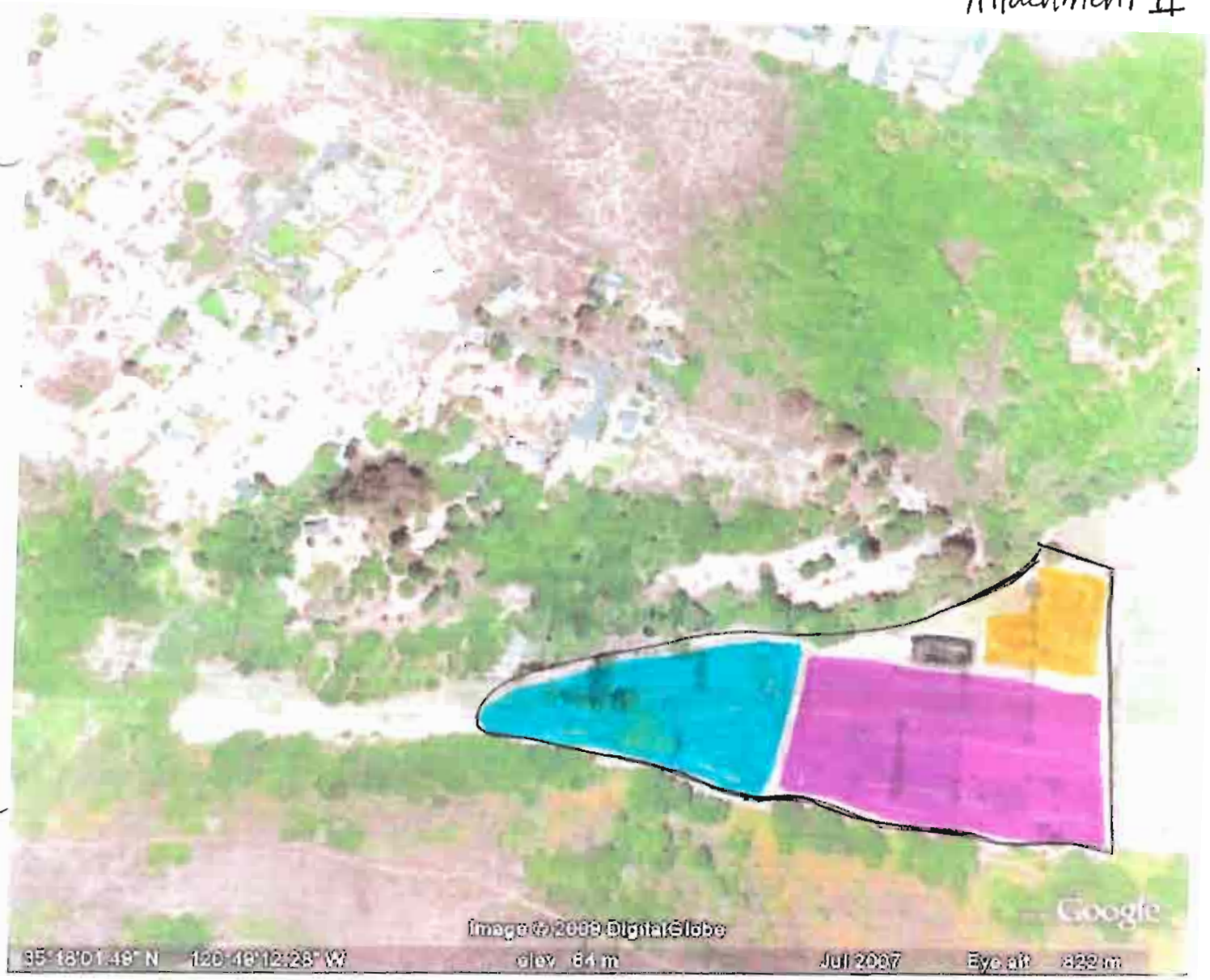


Figure 1-2

Project Location

Los Osos Wastewater Project EIR

Attachment II



N ≅ 300 SCALE

GORBY ALTERNATIVE PROJECT SITE
(CONCEPTUAL SITE PLAN)

APPURTENANT STRUCTURES

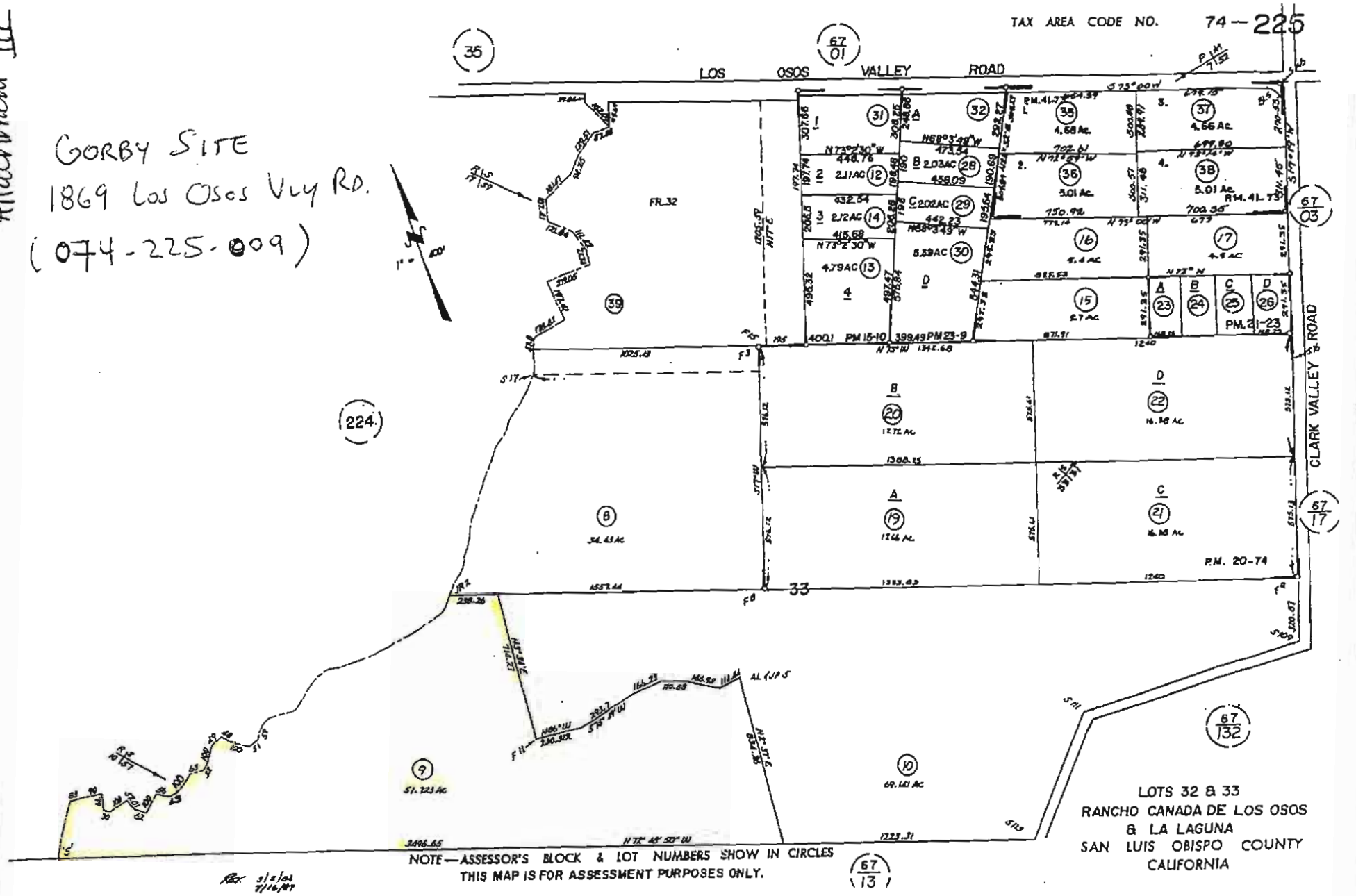
PARKING

OXIDATION DITCH

PERCOLATION POND
(DRY WEATHER RECHARGE)

Attachment III

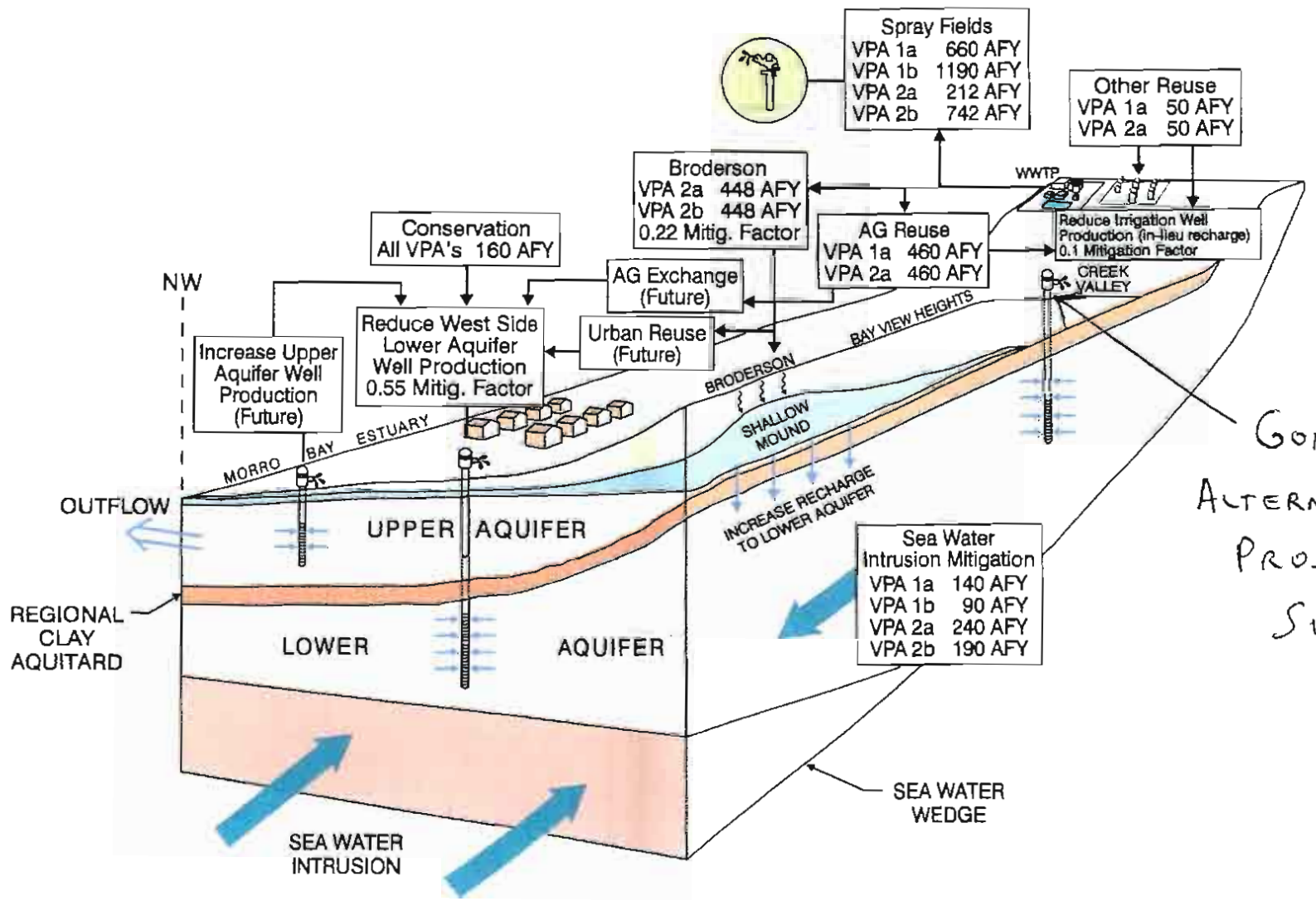
GORBY SITE
1869 Los Osos Vly Rd.
(074-225-009)



Attachment IV

Gorby

Attachment V



GORBY ALTERNATIVE PROJECT SITE

Figure 2.1
SEA WATER INTRUSION MITIGATION STRATEGIES
LOS OSOS WASTEWATER TREATMENT PROJECT
SAN LUIS OBISPO COUNTY

Cleath & Associates
May 2007

slo507f8-7630.ai

Attachment VL

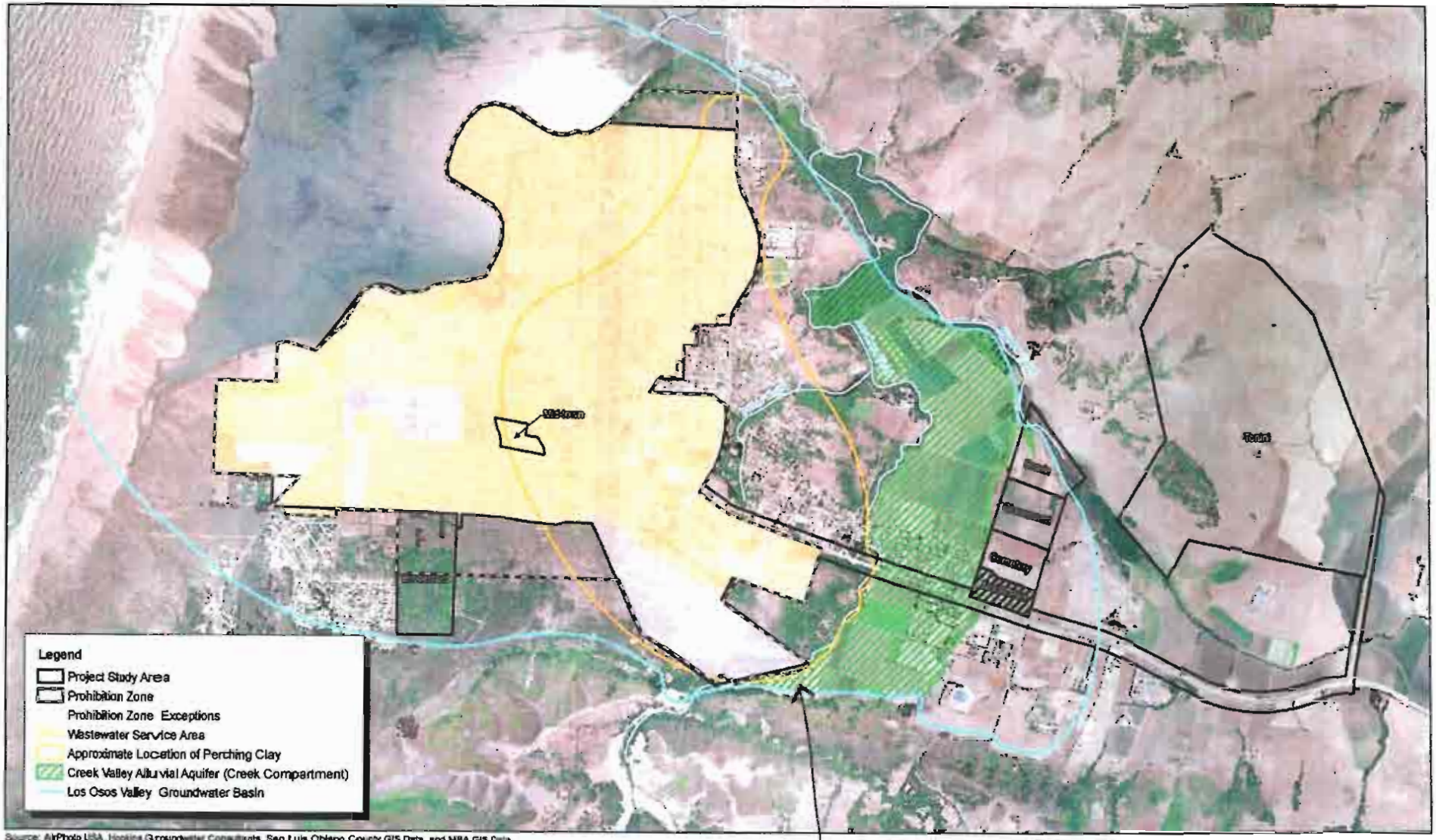
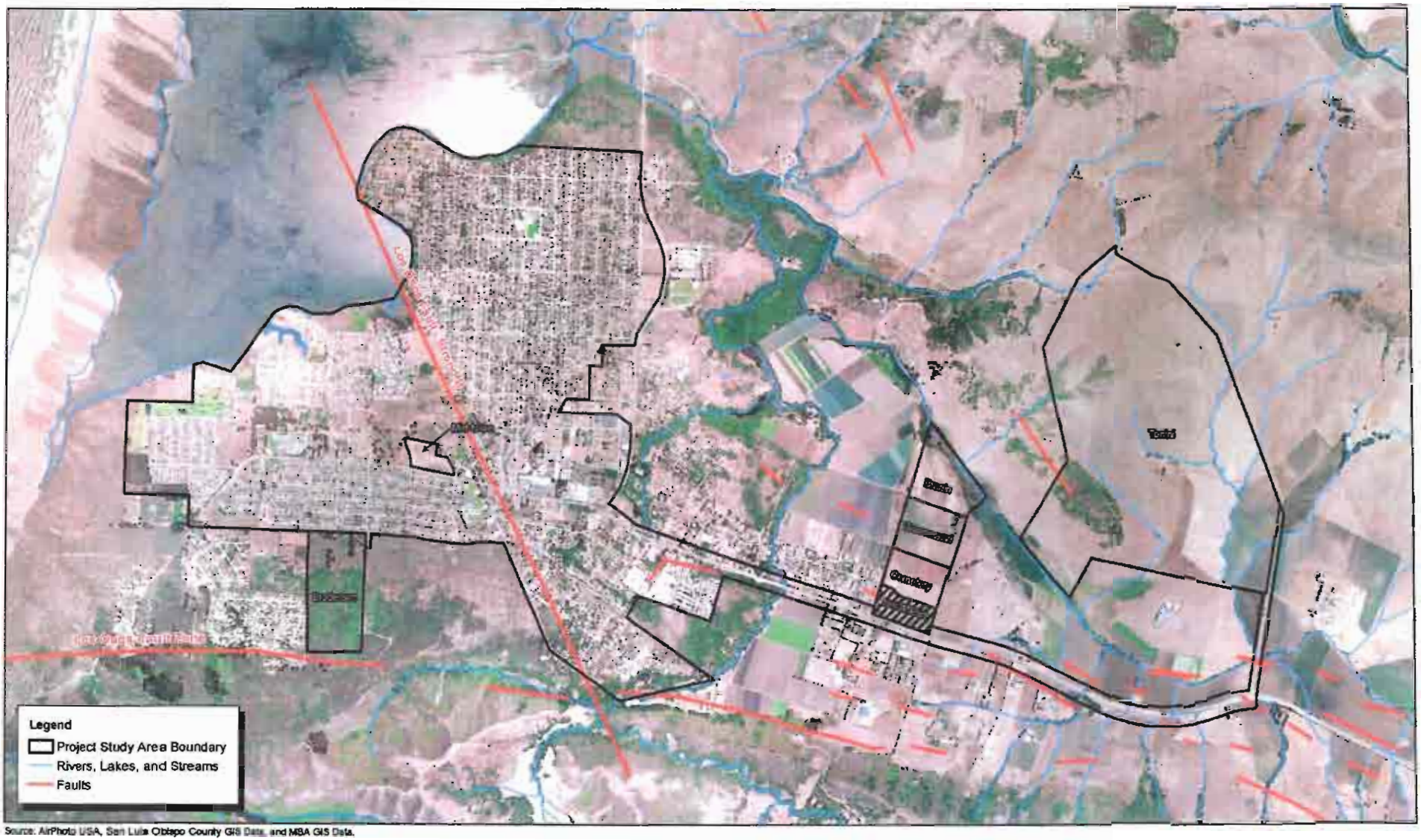


Exhibit 5.2-1
Los Osos Groundwater Basin
COUNTY OF SAN LUIS OBISPO • LOS OSOS WASTEWATER PROJECT
GROUNDWATER QUALITY AND WATER SUPPLY EXPANDED ANALYSIS SECTION

GORBY
ALTERNATIVE PROJECT SITE

Attachment VII



Source: AirPhoto USA, San Luis Obispo County GIS Data, and MBA GIS Data.

NORTH

2,000 1,000 0 2,000
Feet

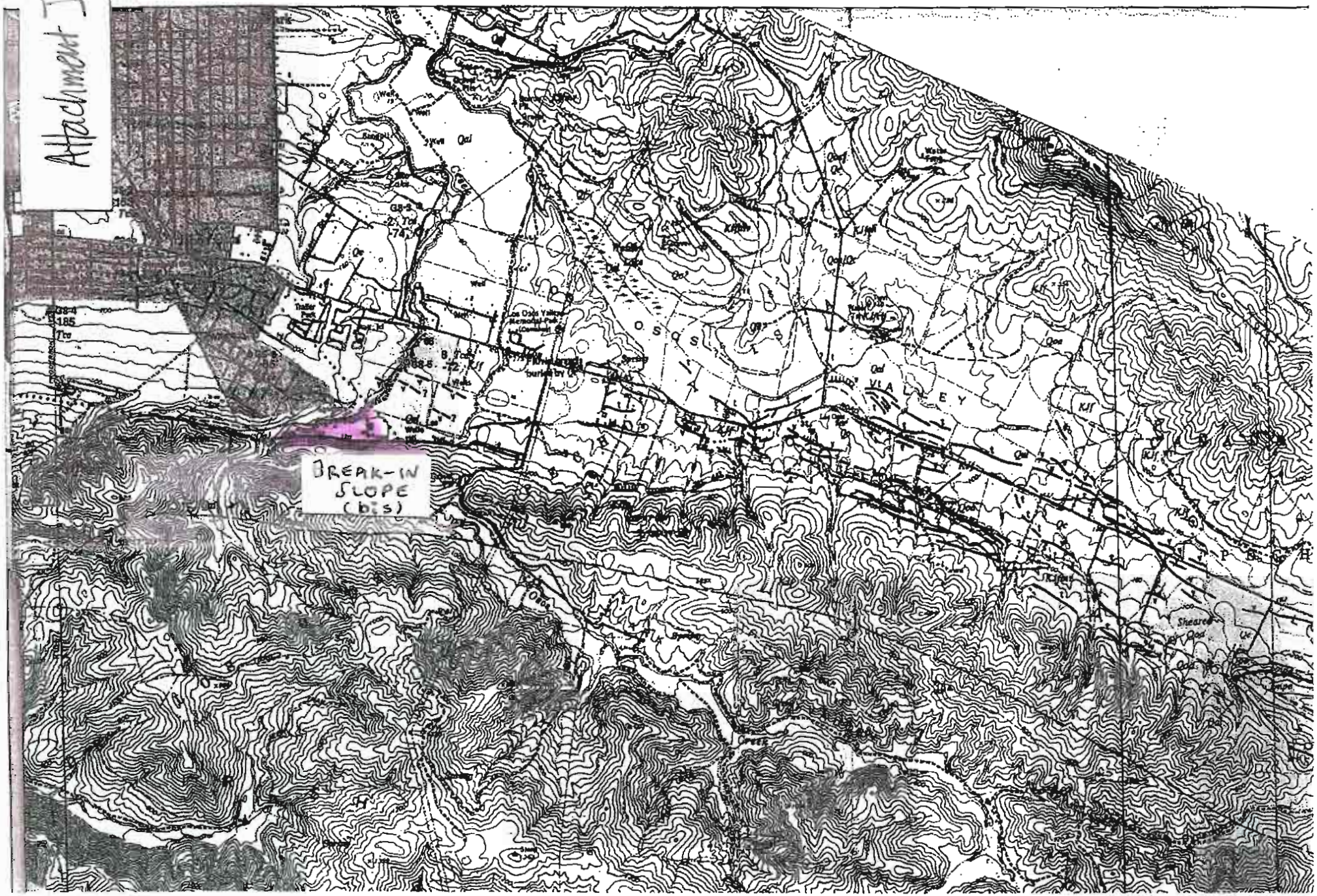
Michael Baudman Associates

02240002 • 11/2008 | 5.4-1_fault_map.mxd

Exhibit 5.4-1
Faults and Surface Features

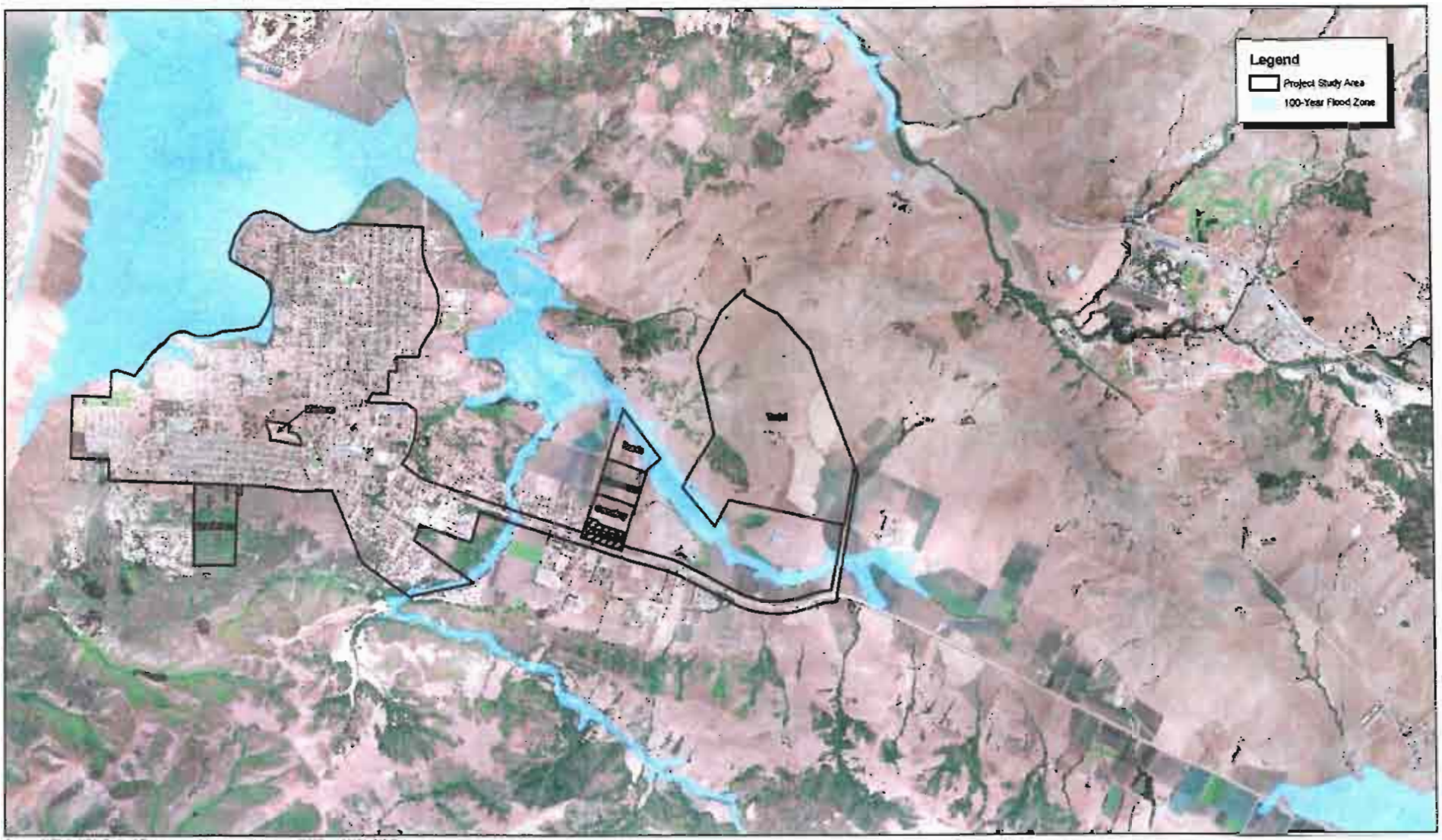
COUNTY OF SAN LUIS OBISPO - LOS OSOS WASTEWATER PROJECT
GEOLOGY EXPANDED ANALYSIS SECTION

Attachment VIII



GORBY SITE

Attachment IX



Source: AirPhoto USA, Federal Emergency Management Agency (2007) and MBA GIS Data.

3,000 1,500 0 3,000
Feet

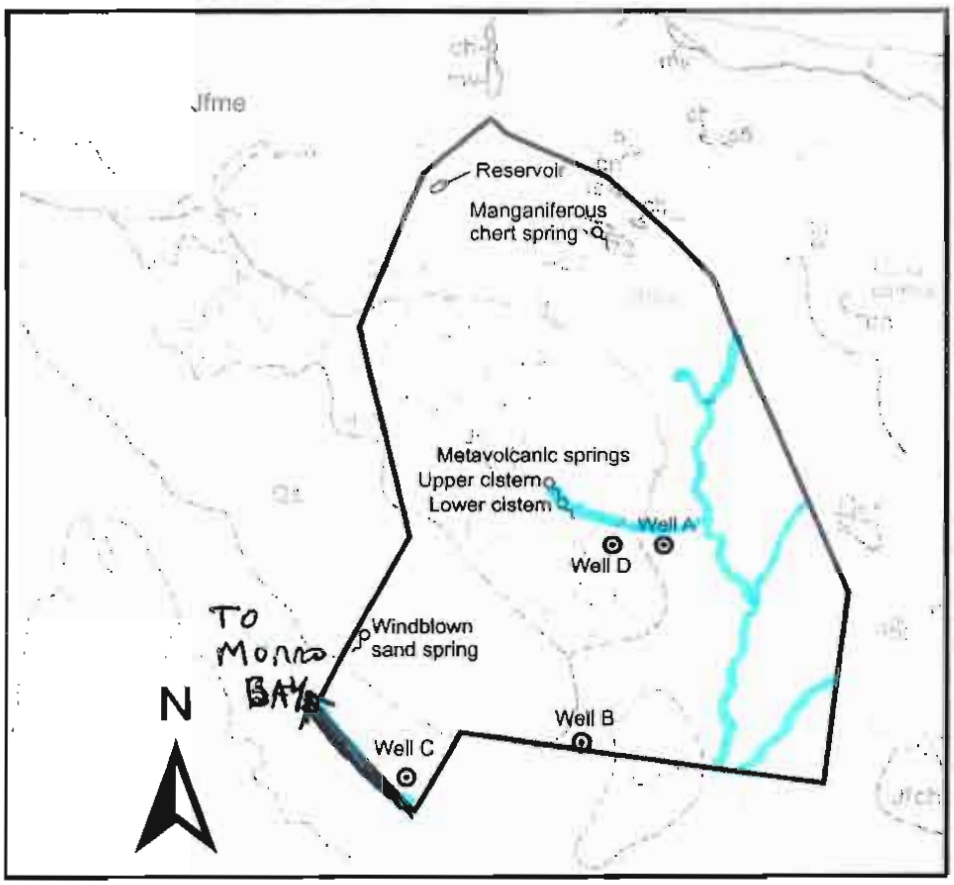
Michael Baudesson Associates

02240002 • 11/2008 | 5.3-1_flood.mxd

Exhibit 5.3-1
100 - Year Flood Hazard Map

COUNTY OF SAN LUIS OBISPO - LOS OSOS WASTEWATER PROJECT
WATER DRAINAGE AND WATER QUALITY EXPANDED ANALYSIS SECTION

Attachment X



Geology: C.A. Hall, 1973, Geologic Map of the Morro Bay South and Port San Luis Quadrangles

Map Scale: 1 inch = 2000 feet

Legend

Well
Spring

Qal - alluvial deposits
Qs - sand dune deposits, including older stabilized dune deposits. Portions possibly Paso Robles Fm.
Qls - landslide deposits
Jv - Franciscan Fm. metavolcanics
Jfme - Franciscan Fm. Mélange with ch (chert), mv (metavolcanics) and bs (blue schist)

Figure 1

Tonini Geology
and Water Features
Los Osos Wastewater Project

Cleath & Associates