



THE ROCK

www.rockofthecoast.com

MAY-JUNE 2007

“GUARDIAN OF THE COAST”

25¢ MORE OR LESS

CDOs ‘Suspended’: RWQCB’s Reign of Terror Ends ... For Now

Errant Regional Water Board implodes, accepts County’s request to hold all cease and desist orders against “Prohibition Zone” homeowners in abeyance—as long as the County is “making progress” toward the construction of a community sewer. But will “progress” come at a price few can afford?

By ED OCHS

It’s over, for the time being. They are gone but not forgotten. The Central Coast Regional Water Quality Control Board and staff are packing their bags and taking their poisoned alphabet-soup of ACLs, CDOs and CAOs with them.

Besides, their job is done. They successfully terrorized the residents of Los Osos, who are wildly relieved that the punishment has stopped. But like a midwestern tornado gone astray, the CCRWQCB has left Los Osos in human ruin, with hundreds if not thousands of residents traumatized, lives in shock,

unable to concentrate on their families or jobs.

The pain and suffering of the original first wave of 45 CDO draft recipients notwithstanding, May 10 was a very good day for Los Osos. That evening’s LOCS D meeting was tinged with celebration, enlivened by champagne from Los Osos resident and former Board of Supervisors candidate, Judy Vick.

‘The reprieve that we have, however, is a brief one... We essentially have been given our very last opportunity, as far as the water board process is concerned... Keep your focus.’

—Monica Hunter, CCRWQCB Member

Highlighting the meeting was a rare appearance at the podium by resident and CCRWQCB board member Monica Hunter, who had recused herself from the hearing but appeared in person at the

CSD meeting to express her solidarity with the community and thank those who participated at the hearing, savoring the moment with residents while at the same time injecting a sobering message.

“The reprieve that we have, however, is a brief one,” Hunter said. “There are many people that are working very hard to find the right project and to pull consensus out of this process. We essentially have been given our very last opportunity, as far as the water board process is concerned.

“The (Board) has ironed out a lot of questions about the legalities of what they’re doing, but more important they also saw that the effort that’s going into this is very broad-based. They have heard reports from a number of people who’ve been active in the County’s process commenting that all sides are involved, and that speaks volumes...”

“I urge everyone that’s working on this to keep at it and to keep their focus... There are very difficult choices we’re going to have to make very soon...”

There is a real concern about the cost of the project for everyone,” said Hunter, acknowledging that affordability is still a serious issue for her.

Continued on page 10

County Challenged on ‘Free Pass’ for Defeated Tri-W Project

Tri-W was “carried through” “Rough Screening” and will likely slide through “Fine Screening” on its way to the advisory vote. Until it is eliminated from contention as a viable project, there are more than a few in Los Osos who believe ‘the fix is in.’

Once dead Tri-W lives. And now it’s the County Board of Supervisors that owns the sole authority to pick the final project, not Los Osos “Prohibition Zone” homeowners who must pay a potentially whopping bill for the Board’s decision.

The aborted, fatally-flawed, scandal-ridden Tri-W wastewater project remains “on the table” for consideration basically, says the County, because it’s gone through a lot to get here. But as long as Tri-W hangs around on the table, many Los Osos residents say they will vote against funding the County’s project.

Waved through “Rough Screening,” ushered through the “Fine Screening,” Tri-W has been taken “off the table” only so far as not getting a full police escort with sirens through the entire process. But it is still a safe bet that Tri-W, perhaps the same project both in town and out, will make it onto the community advisory ballot as *the* candidate to beat.

The “resurrection” of Tri-W has had a chilling affect on the community core that succeeded in stopping that project in an September 2005 election.

Speaking at the April 24 Board of Supervisors meeting, LOCS D president Chuck Cesena attacked the County’s rationale for including Tri-W in the mix, arguing that Tri-W isn’t the ‘fully funded, permitted project’ as the County professes.

“I don’t think (the Coastal Commission) is going to look favorably upon trying to permit a Tri-W project again,” Cesena said. “And (as far as Tri-W being fully) “fundable”? The SRF funded our project without any kind of a 218 vote, which they require now for SRF loans. You would not get a favorable 218 vote passed ever with a Tri-W-only project, so I don’t know if it’s really fundable, at least through that route...”

“If there’s a chance that it could be resurrected through an unclear advisory vote, then the 218 is at risk,” Cesena asserted, “because at that point all options have to be palatable for the members of the community to say ‘yes, I ‘m going to support the 218’... But I do think it will fail with Tri-W still on the table.”

Cesena had previously given the County every benefit of the doubt. “If the 218 does fail,” he added, “that leaves it back to our concern, the LOCS D’s, and a design/build (option), at that point would be the only thing left to us. And so I hope there’s no concern (on the Board of Supervisors’ part) if we have people come in and talk to us about design/build options and process and what it would all be about, just so we’re doing our own due diligence for that what-if.”

County Downplays Tri-W

For months the County had been stonewalling vocal opposition to Tri-W’s inclusion in the screening process. Critics began to see this paternalism as paving the way for Tri-W’s comeback from the scrap heap of history—as potentially the lead option against which all options will be measured, rather than on the outside looking in. Recently, the tag team of Supervisor Bruce Gibson and County Project Director Paavo Ogren have toned down their hard-line public position on Tri-W, newly aware, perhaps, that

Cesena’s comments spoke for the majority of the community, however slim, and that the County’s intransigence was fueling resistance. This doesn’t mean they changed their positions on Tri-W, just their public image.

“Tri-W is an option,” Supervisor Gibson said at the April 24 BOS meeting. “It is a candidate project. It moved through the rough screening because of the extensive amount of work that was done to get it permitted. Now, at the fine screening level, it becomes analyzed against other candidate project options. It is in the process without prejudgment. It is not going (to be weighed) one way or the other in terms of a potential future CEQA review of some other project.”

Said Ogren during that same BOS meeting, “From the very beginning, from June of last year, we’ve always said we want the project selection process to be community driven...”

Tri-W, he said, will be handled as a “co-equal alternative under the NEPA approach to environmental review—and Tri-W is not a preferred project in our mind. It’s just one that a lot of money has been spent on, it’s been developed, and it needs to be included in the pro/con analysis.”

Explained Ogren at the April 17 Technical Advisory Committee (TAC) meeting: “If anybody was going to take the Tri-W project and just say ‘it’s got to be built and it’s got to be built now,’ that would fall in that report of state-implemented solutions. If the State of California wanted to come in and... (is) just going to pick up that project and make sure it gets built then that would have been something the State needed to do, but the County’s approach is simply going to be to develop alternatives and work as best as we can with the community to identify a

Continued on page 10

Top of the Rock And That's the News ... or Is It?

The fact that 5,000 residents—30% of an entire town—will be forced to sell their homes and move because they can't afford to flush their toilets is not sexy or violent enough to make the national news.

Los Osos has become the No. 1 poster child in America for government turning against the people, so where are the cameras?

Where is the Tribune, KSBY, KCOY? Remarkably, the local media has little to do with Los Osos other than to use it as a punching bag. They relate to Los Osos as if it was a frog about to be dissected in biology class: Wear rubber gloves at all times when handling Los Osos, and a clothespin on your nose.

Where is the LA Times, San Francisco Chronicle and Sacramento Bee, KCAL, KTLA? Their statewide readership and viewership reach Los Osos, but apparently Los Osos doesn't reach them... geographically isolated in a media wasteland halfway between LA and San Francisco, a drive by or a fly over, a dot on the map and no more.

There is no "major" media to counter the blackout, not for 235 miles to the north or south in the polar capitals. What happens in Los Osos, stays in Los Osos.

What happens in Los Osos, stays in Los Osos.

Where are Bill O'Reilly, Sean Hannity, Lou Dobbs and Anderson Cooper 360? Los Osos is not Iraq, and you can't find out what's going on there either, where our children are dying daily. Instead, we get Paris Hilton, Alec Baldwin, Anna Nicole Smith and Britney Spears. The national news runs on visuals, as in "breaking news" and "film at 11." Words alone are not good enough for them. No pictures, no news. The national media are mega corporations that view news as entertainment, that hires entertainers and announcers to bring you the circus, non-journalists who are lazy, uncaring, out of the human loop, who advocate and defend nothing, chasing ratings, not news.

Except for the now-suspended RWQCB CDO hearings, starring Jeffrey Young as Dracula and Roger Briggs as Captain Ahab, there is no film of Los Osos residents being illegally targeted and tortured to tears, brutalized over something they have absolutely no control.

Maybe if Los Osos was a reality TV show people would finally "get it." It's "Survivor: Los Osos" and they're trying to kick everybody off the island—that means YOU. Maybe if it was a movie people would finally "get it." It's a horror movie, with zombies coming out of big pipes under the town and taking over the CSD in "The Sewer That Ate Los Osos." Maybe Los Osos could host the premiere on January 1, 2011 in its spanking new Tri-W Megaplex atop the sewer. That would attract the celebs that would attract the cameras that perhaps would shine a spotlight on the little town with the big sewer that only the well-off can afford. Few in town will be able to afford to go to the theater and see who plays them in the movie. Most of the stars and cast of the long-running LOCSO "Sewer Show" will be long gone by then, voted off the island in the first wave.

So don't hold your breath for the national news to arrive like the cavalry. Until something bad happens in Los Osos, until some local martyr takes on a bulldozer and loses—not just stands in front of one like the solitary Chinese man in Tienanmen Square who faced down the tanks. Until there's blood at Tri-W, the cameras won't be coming. You won't hear a peep from the evening news about what's going on in Los Osos, except an occasional soundbite, occasional bulletins from the County on mission milestones accomplished followed by the weather forecast. There will be no breaking news on broken homes. The

NEWSFLASH!



IN 2007 BRUCE PAYNE KNOCKED DOWN THE WALLS OF THE "PROHIBITION ZONE" AND FREED THE CDO PRISONERS.

de-evolution with not be televised.

Though minutes away, the County seems to look out at Los Osos through a telescope as a foreign country inhabited by non-English-speaking natives who are genetically predisposed toward arguing with anybody that crosses their path. County project director for the Los Osos sewer, Paavo Ogren, speaks about Los Osos as if it's a maritime province of Canada rather than next door. He speaks to half the community in a way that makes the other half feel geographically, culturally and politically isolated. He talks about them like they are not even in the room.

Weary from not seeing their reflections in the County's mirror, overwhelmed by the County's public works public relations machine, Los Ososans have seemingly lost their identity in the chaos. The erosion of community has contributed to the decline. More citizens used to speak at CSD and BOS meetings, but now find themselves in a strange land, serving a King downtown, and fewer march to the mike. It's pretty much down to the community's committed front line of defense, doing their best to keep the rigged game as honest as they can, as honest as it can be.

Los Osos is not Iraq, not by a long stretch, but there those in Los Osos who will tell you that residents have fought and died in the Sewer Wars, and didn't live long enough to see it end. Some are living with the open wounds of stress-related illnesses, the sad byproduct of the constant fear and worry over facing an uncertain future on a fixed income. The Sewer Wars have diverted and derailed more than a few lives, the ones they haven't ruined completely, and tossed more than a few marriages on the rocks, families and homes along the way.

Los Osos is not Iraq, that's for sure, but our servicemen and women should not be dying over there to defend a government against the people, wearing the clothing of democracy, attacking Los Osos and other California communities for tax money to feed their bureaucracies. It's not worth it. What is worth it, though, is telling our story so America can ask itself, "Is this an example of democracy worth dying for?"

If we can admit that the answer is "no," that it is NOT worth dying for, then and only then will we have any hope that we can fix it so it is worth paying the ultimate price, if not in Iraq then maybe someday here at home. Until then, democracy—"government of the people, for the people, by the people"—is on the run... And that's the news that's been missing. You won't see it on the evening news, because there is no film. But that doesn't mean it's not happening. There are thousands in Los Osos who will testify, if given the chance, that it's happening to them right here, right now.

—The Editor

ROCK SURVEY

YES or NO

WILL YOU VOTE FOR A 218 ASSESSMENT IF YOU DO NOT KNOW THE SPECIFIC PROJECT AND IF YOU MUST APPROVE AN ASSESSMENT FOR THE MOST EXPENSIVE OPTION?

**CALL 528-1224
OR GO TO
ROCKOFTHECOAST.COM**

THE ROCK GUARDIAN OF THE COAST STAFF

Ed Ochs
Editorial Director

Debi Pavek
Research

Aaron Ochs
Photography

Denizen Creative
Graphics

The Rock is a publication of The Rock Press. No article or material appearing in The Rock may be reprinted in part or in full without the written permission of the Publisher.
P.O. Box 6315, Los Osos, CA 93412. (805) 528-1224.
© 2007. All Rights Reserved.
Your first copy of The Rock is free;
\$1 for each additional copy.
One-year subscription: \$12

LETTERS AND ARTICLES: Letters should be emailed to TheRockReader@yahoo.com or mailed to The Rock, PO Box 6315, Los Osos, CA 93412. Letters should be no longer than 200 words, may be edited for space, and must be deemed relevant to material previously printed in The Rock to be considered for publication. Any letter containing unprintable or abusive language will be rejected in its entirety. Letters offering new and useful information will be given priority. Send article ideas to RockoftheCoast@yahoo.com.

Cracking the County's 218 Code

The County has made the upcoming Proposition 218 vote so confusing, Los Osos residents may not know what project they are going to be assessed for—at their great peril.

The County's proposed Proposition 218 vote, scheduled for launch this fall, is in serious trouble. The signs are everywhere.

To figure out exactly what the County's version of Prop 218 is all about, and what homeowners are voting for, Los Osos residents need clear, solid information. So far they have not received a thimble of intelligible information that does not require a translator paid by the County.

Many Los Osos residents who speak at Board Supervisors meetings have vowed to vote or campaign against the 218, unless it is for an affordable and sustainable project. Even those who support it conceptually are confused about the details, and are worried about the County undermining its own vote.

Confused residents, especially those who do not get cable-access-only Channel 20 or 21—30% to 40% of Los Osos—and have no or low access to the Internet, may not have a clue what they are voting on and just might throw out the ballot with the junk mail when it comes in September. It's hard to imagine how any explanation on the mail-in ballot itself could achieve anything other than confuse people further.

Fueled by partial, convoluted, revolving and evolving information from the County, many in the Los Osos community view the County's 218 vote as one big fiery ball of confusion. What makes it so confusing? The problems lie with the County's approach to and structure of the vote—as clear as “government code” and not easy to decipher. To add chaos to confusion it is also “out of order,” that is, not in a sequence familiar to local 218 watchers of Article XIIIID of the State Constitution.

Even County translators have had a difficult time grasping it.

“It took me a long time to understand, and I asked many questions for myself to understand why the County was doing it in the order they're doing it, and I finally think I understand it,” said a key member of the County's engineering TAC. “I struggled with that for a while, not that I necessarily like it. It's just that's where we're at.”

This ‘take-it-or-leave-it’ approach does not sit well with those in the community who don't accept ‘that's where we're at’ as a reason to choose Tri-W. Too many commonly heard explanations by the County end this way: “We're doing it because we're doing it this way” and “It's important to do it this way because it's important.”

Before and After

“The Supplemental EIR and additional CEQA review should be done prior to any 218 vote, not afterward,” said Cal Poly Professor, Dr. Tom Ruehr. “All community and regional considerations must be made prior to the 218 vote. This is again the reason so many problems have arisen in the past. All the facts must be known to the residents before they are willing to vote to support the sewer project. We cannot afford to have another debacle with unknown problems occurring and tremendous cost overrides after the 218 vote. We must never buy a pig in a poke regarding the Los Osos sewer.”

The County's 218 is not a “yes” or “no” vote on a specific project, but on whether to fund the County to build a project yet to be determined, at a cost yet to be determined—basically a blind financial obligation for the maximum amount of the maximum loan, payable almost entirely by 4,500 Los Osos homeowners in the “Prohibition Zone.”

“If the Proposition 218 vote is project specific,” County Project Director Paavo Ogren tried to explain to Supervisor Katcho Achadjian at an April Board of Supervisors meeting, “and that specific project fails for one reason or another... As we know two major projects have already failed in Los Osos. That means

we, you have to start all over again. We have to start back with the 218 procedures, and you have to start back to square one. With the funding decision coming first, that gives us the best flexibility of going down the road in a lot of the additional work that's going to be necessary, and really tailoring the project to meet the best needs of the community.”

Yet, at the same time, Supervisor Gibson stated: “The provisions of 2701 are that the project gets returned to the LOCSD, with a large pile of information that's been developed over the course of the County's efforts. The specifics of that haven't been worked out yet.”

‘The provisions of 2701 are that (if the 218 vote fails) the project gets returned to the LOCSD, with a large pile of information that's been developed over the course of the County's efforts. The specifics of that haven't been worked out yet.’

—Supervisor Gibson

Of all the supervisors, Achadjian is the only one that has shown any sincere interest, any interest at all for that matter, in the social and economic impacts of an unaffordable project on the greater community of Los Osos. Even if Achadjian were to vote against the Tri-W project as his final choice—not that he will—the Board vote would probably fall 4 to 1 for Tri-W.

“The Community advisory survey should be made a long time prior to any 218 vote. The citizens must know clearly what they are paying for instead of continually changing the system after the 218 vote,” said Dr. Ruehr. “It appears a vast waste of time and effort to do the process of comparing several cost estimates after the 218 vote—as has been suggested be done with the current TAC. This means we will have NO idea of the cost prior to voting on what it will cost. This is a totally asinine approach.”

Ogren contends that the County is within its legal obligations to conduct the 218 vote in the order it has introduced.

“Some misperceptions in the community exist on what is needed to comply,” Ogren wrote The Rock last August. “Some have indicated a belief that a specific project design is needed prior to the Proposition 218 vote, yet no such requirement truly exists.

“In addition to numerous procedural requirements, Proposition 218 requires the preparation of a ‘detailed engineer's report’ that suggests the proposed assessments that will be voted on, but it does not require final project selection. Indeed, if the Proposition 218 identified a final specific project, then other regulatory compliance issues would also need to be fully addressed prior to the Proposition 218 vote.”

So what's wrong with that order? What's wrong with getting the 218 vote right this time, with one project and one cost up front, even if it takes additional time, rather than risking the chance of the vote failing and having to start a 218 all over again? Why? Because it's not in the budget.

This sequence, Ogren continued, “would substantially increase the current \$2 million estimate that will be borne by County-wide taxpayers, and which will not be reimbursed if the vote fails. Plus, the community has never agreed on what the ‘final project’ should be and it is unreasonable to expect the County to identify a final project prior to the property

owners making the commitment that they do, in fact, want the County to construct a project.

“With a perceived ‘catch 22’ that exists,” he said, “our Board's adopted strategies nevertheless include a community advisory election to decide the final project, and with that promise adopted in writing, the final selection will only be controversial if the community continues to be divided in that final vote to select an alternative.

“By then, though,” he said, “the decision to construct or not-construct will have been made and the end of the controversy will be in sight.”

Not promised and not offered is any agreement by the Board of Supervisors to abide by the community advisory vote. The Board of Supervisors has the final say, not the property owners of Los Osos. This fact concerns some in the community that believe a vote without a real voice is a vote for Tri-W. It leaves the gate wide open.

“The 218 vote must clearly define all of the benefits to be gained from adopting the completed proposal to install the sewer,” said Dr. Ruehr. “The vote should only be taken once the full costs are disclosed. The final cost must not be exceeded under any circumstances. Proper contingency expenses are included in any engineering project. We must ensure the creeping costs do not exist. The Tri-W site and Broderson site are examples of previously approved systems with now-obvious engineering fatal flaws that would have necessitated millions of dollars of creeping costs increases over time.

“These provisions for a definite cost maximum, assurance of no creeping costs, a clearly articulated design for collection, treatment, water reuse, and a firm deadline for completion must be spelled out before the citizens of Los Osos can be expected to approve a 218 vote.”

Special Benefit Debate

The Proposition 218 vote must determine special benefits, and while the County is still working those calculations, at the same time a final ruling on a revised definition of benefit is currently being briefed in the Supreme Court of California.

“The issue with benefit right now as it relates to assessments is under great debate,” said Eileen Didio, paralegal to the Director of Legal Affairs, Timothy Bittle, for the Howard Jarvis Taxpayers Association. “The Supreme Court of California right now is hearing a case called the Silicon Valley Taxpayers Association versus Santa Clara Open Space Authority, and it deals with the issue of benefit and what the true legal analysis should be of benefit, of who should have it, because anyone can benefit from anything. They are trying to establish that.

“So I can't give you a legal analysis (that addresses benefits) as it compares to Prop 218 because that case has yet to be decided.

“They're still allowed to do (assessments),” Didio said, “but as far as us bringing suit or even talking with (the County) about their methodology of how benefit is being applied, there is no solid base we can go off of. Once that Supreme Court decision is heard, once they release it, then we'll have an idea as far as what that interpretation is on 218, and could take steps if it's in a positive light, as far as (Los Osos') situation.”

Didio expects to finally hear the court's opinion in September, just as the 218 is about to be undertaken. If a court decision is finalized in September, and if applicable to Los Osos, the timing of its release may very well come too late to help reshape the vote, although the court's decision could possibly bring a lawsuit in its wake.

Continued on page 5

Los Osos and the County: Trust or Bust

Project Director Ogren believes the County has earned trust points and deserves patience. For those who don't trust the County, the "Big Fix" is in—and has been from the start.

County project director Paavo Ogren believes it is an issue of "trust in government in general" that shadows the Los Osos wastewater project, and the County is basically the victim, tarred by the same brush that painted Washington DC indifferent and inept after Katrina in 2005.

"As we already know two major projects have already failed in Los Osos," reminded Ogren at the April 24 Board of Supervisors meeting:

"It is important to reflect that back in 1998 the County did have a project that would have been a lot less expensive than the projects that we're looking at right now," he later added. "But the unraveling of what happened in the last eight years is very much an issue of trust in government in general. We do have a big challenge ahead of us... Part of that challenge is simply trying to rebuild trust in government."

Ogren said the County is earning back the community's trust a piece at a time by keeping its word. "As we're going down this process, hopefully people will recognize that we are doing exactly what we told the community we would do for them."

Ogren referred to some of the "challenges" reflected in the public comment session "that don't have anything to do with the wastewater project, but simply have to do with trust in government in general. As we move forward over the next several months, in laying out the information that we're going to be laying out, hopefully that will help address some of those trust issues."

The County and Critics

Any lack of trust by Los Osos for the County seems to escape Ogren, as if it's the community fighting with itself that manufactures mistrust.

"...It is difficult to envision the quick and immediate development of trust throughout the community when controversy has prevailed for a long time," Ogren wrote *The Rock* last August. He himself seems to have trust issues with at least half the Los Osos community, particularly when it comes to whom he chooses to work closely with, as well as with his inability to consistently, clearly, effectively articulate the County's direction, and his limited tolerance for direct criticism.

Ogren took exception to recent comments by Cal Poly professor, Dr. Tom Ruehr, "arguments," Ogren asserted, "that somehow we're violating ethics or that we're taking criminal actions. Those are things that we simply disagree with. The comments that I read out of his write-up that County engineering wants to run out the cost of the project as high as possible, that's just simply preposterous. I don't know how any stretch of the imagination would conclude that we are going to go for a successful resolution to this project by driving up project costs."

Dr. Ruehr told *The Rock*, "The failure of the County, the RWQCB and the Coastal Commission to look out for the welfare of the citizens of Los Osos is the very reason I feel compelled to speak out regarding these problems. We cannot trust these people for the facts. They are locked into an octopus process of squeezing Los Osos for all it is worth—both economically and water wise."

Dr. Ruehr, a Cal Poly professor in the Earth and Soil Sciences Department, and an ethics teacher, was critical of the County in his review of the County's "Rough Screening Analysis." In his comments in *The Rock* Interview in this issue he wrote: "The recharge site proposal for the Broderson site and Tri-W was about 100 to 1000 times the actual water application rate that could be allowed. The County Engineering and the RWQCB signed off indicating they accepted

these rates. This was a major professional mistake. This is a fatal flaw regarding the recharge process."

Concluded Dr. Ruehr, "Because the County Engineering and the RWQCB signed off and approved this improper rate, we can NOT trust them fully to look out for the welfare of Los Osos residents. They are not considering all of the factors, only those which will make the sewer cost the most." (Read the rest of Dr. Ruehr's interview starting on page 6.)

'There's a bit of sort of a soft smear campaign that seems to be going on that does very much concern me.'

—Paavo Ogren

Ogren labels such direct criticisms based on "assertions that we've heard at town hall meetings, which is, 'Why is the County being so hard on the community?' and I just sit there a little bit with disbelief. (The Board of Supervisors) has appropriated \$2 million to kick off these efforts. We worked extensively with Assemblyman Blakeslee in trying to develop a legislative approach to solving the problem. We've gone back to DC in order to pursue federal funding. We're trying to develop options for the community. That is part of the challenges that we're getting through. And there's a bit of sort of a soft smear campaign that seems to be going on that does very much concern me."

Earlier during that meeting Ogren responded to a slide he created of "frequently asked questions," one about why decentralized systems are not being considered. "This was actually one where we got some fairly hostile emails from Texas, of all places."

Missiles From Texas

The "hostile emails from Texas" he referred to came from Austin-based water management/decentralized systems consultant, David "The Waterguy" Venhuizen. Excerpts from April email exchanges between Ogren and Venhuizen highlight for residents the level of the debate and what's at stake when professionals collide:

Venhuizen: "Given the results, particularly the cost implications, of past efforts... one can surmise that the 'community advisory referendum' that 'will be conducted to determine the community's preferred project alternative' is likely to present a choice that pretty much amounts to, would you rather be hung or shot..."

Ogren: "We are not evaluating alternatives for on-site decentralized facilities, which would be private facilities and not public facilities under our mission. I have spoken on numerous occasions that we are public service providers and that our scope is to evaluate options for the community that we can develop as providers of public service."

Venhuizen microscopes passages in the "Rough Screening Analysis" that refer to "Decades of use of the septic tanks have contributed to a build up of nitrate and other wastewater-derived contaminants in the groundwater." And, that "... it is the intent of the project's alternative evaluation to identify those community wastewater projects that the County believes it can obtain permits, fund and construct in a reasonable period of time for the community as options for solving the long-standing wastewater contamination."

Since every septic tank has been permitted by SLO County, Venhuizen questions, "How has it been

determined it is impossible for SLO County to modify its requirements so that the systems it permits would cease the buildup of the pollutants in the groundwater, which is exactly what any large-scale collection system leading to one treatment center is purported to accomplish? While one might deem this approach 'private facilities and not public facilities under our mission,' it entails 'private facilities' which are under the direct control of SLO County.

"This is indeed the ONE option which the County knows beyond a doubt it can obtain permits for and which it could unilaterally impose upon all properties, simply by setting such new requirements for its permits, something it has clearly neglected to do ever since the 'Prohibition Zone' was created.

"Why (has) SLO County stood by for years and allowed the problem to fester instead of executing its duties? Of course, given the prevailing belief system, one presumes that is because it just didn't believe that anything but 'the sewer' could fix the problem."

Venhuizen, a leading proponent of decentralized systems, charged Ogren and the County with "maintain(ing) the 'authority' of its views, by branding as heresy any views to the contrary and marginalizing their adherents. But... there are a lot of people in Los Osos who can plainly see that the emperor has no clothes, so I guess we'll see if the mainstream can pull off one more time its charade that, based on 19th century thinking, only certain options may be considered."

Seeking assistance from another emailer, Ogren wrote: "What this smells like more than anything, is people who are willing to take shots at the process, make general accusatory assertions, and essentially take the role of an antagonist without providing any constructive information for us to work with. It could be, I suppose, that they are intentionally withholding detailed thoughts so that they can make an eleventh hour sabotage of our efforts during public meetings. I think they should provide us details now—perhaps they are too concerned that expressing details now would really illuminate the lack of details behind their thoughts, expose flaws, and reduce the effectiveness of their eleventh hour sabotage."

Replied Venhuizen, in part: "...when someone simply points out that this is not rational, that person is labeled as 'not constructive,' as 'argumentative through general speculation,' as 'an antagonist without providing any constructive information,' and the like, and that perspective is summarily rejected, a sort of self-supporting feedback process that locks out considering anything that is deemed incompatible with what is 'understood' by those running the process to be 'realistic.'"

Venhuizen hoped that when Ogren went on record as asking for "constructive feedback" the door for dialogue might open a crack, and he followed up. He felt he had no choice but to speak out "to get (Ogren) into that position... We'll see if any dialogue occurs."

Continued on page 5

32% OF RESIDENTS ARE RENTERS AS SEWER RATES GO UP VACANCY WILL GO UP TOO LANDLORDS AND TENANTS NEED AN AFFORDABLE SEWER DON'T FORCE US OUT WITH HIGH SEWER PRICES PLEASE VOTE AFFORDABLE

PAID FOR BY

LANDLORDS & TENANTS FOR AN AFFORDABLE SEWER

CRACKING THE 218 CODE

Continued from page 3

Didio said the HJTA will review the engineer's report and the ballot "to take a look at it and make sure it is legal as far as following all the provisions of the Constitution. That's the best as far as we can do right now.

"As far as certain projects, (being) sort of up in the air as far as price, once you find that you're asked to vote yes or no on this, you're going to have all the facts in front of you. It would be completely illegal for them to ask you to vote yes on something and you not know how much it is and what it's for. So there's going to be a detailed engineer's report in which they'll describe the projects, they'll describe how the assessment is calculated, who pays what, what is it going for.

'The issue with benefit right now as it relates to assessments is under great debate. The Supreme Court of California right now is hearing a case called the Silicon Valley Taxpayers Association versus Santa Clara Open Space Authority, and it deals with the issue of benefit and what the true legal analysis should be...'
—Howard Jarvis Taxpayers Assn.

"Based on my own research," Didio said, "that's what they're currently doing right now, and that's why it seems sort of chaotic.

"They have all these projects to pose and they're trying to figure stuff out. Any type of assessment when it's proposed goes through this kind of planning and re-planning. You're never going to be asked to approve an assessment and not told the price for it, that's completely illegal."

A legal 218? Perhaps. But will anyone understand what they're voting for? Will they know they are voting for the maximum amount of assessment that can be levied and not on a specific project?

The End of Affordability

Dr. Ruehr points to Figure 1.1 in the TAC report as "a classic example of the problem."

"It says, 'Proposition 218 assessment to match final project selected.' Again, we see the paternalistic and blank-check approach that County Engineering believes is the only way. Certainly, the County Engineering wants to run up the total costs as much as they can. We must do everything possible to turn this around allowing the citizens of Los Osos to be in control of what they will have to pay by knowing up front the true costs of this project. It is time to treat the citizens of Los Osos with respect and mature reasoning from facts and fiscal responsibility, rather than continue the paternalistic dictatorial approach used in the past."

Affordability, as an embedded issue in the 218, is non-existent, and has all but disappeared from the County's radar, although significantly more affordable options, such as Ripley Pacific and Orenco, are clearly available to Los Osos.

Said Ogren recently: "One of the things we have shared in our grant efforts is the basic affordability analysis, that the EPA guidelines of 2.5% of MH median household income in comparison to the cost of the project... Clearly, just the technologies that are available are all very expensive and that's why we are looking at multiple ways of mitigating the affordability challenges."

"The community must have an 'Economic Impact Analysis' prior to any vote," writes Dr. Ruehr. "We need to know the full impact on this community, especially because of the large number of retired

people living on fixed incomes. Two 'Economic Impact Analyses' are needed. One including only the residents within the prohibition zone and one including all those potentially benefiting from the proposed sewer and potential hooking up in to the future from outside of the prohibition zone."

Los Osos residents have been focused on this one 218 vote, and most don't realize that this 218 is only the beginning. If this 218 passes, and the County elects to press on with the project, it's just the first assessment in layers of assessments, along with fees and charges, yet to come.

The County is not giving property owners the true cost of the sewer, which they are entitled to know before they vote, since liens will be placed on their homes once the assessment passes. Those additional costs will eventually surface. For example, the laterals or hook-up costs will not appear on the 218, and that will be an extra \$3-\$4000 per home, if the Supervisors choose gravity collection. Once this 218 passes, the floodgates of assessments will open. Then there will be no turning back, no matter how expensive the sewer turns out to be.

TRUST OR BUST

Continued from page 4

Weeks later, Ogren had not replied to Venhuizen. Apparently, he had said all he was going to say.

Trust on Trial

Set in motion by AB2701, the uneasy relationship between the County and Los Osos boils down to trust, and trusting seems to be the hardest part—for both entities. But it is not simply about "the trust in government in general" as Ogren claims. History has left its scars and skeptics. Bankruptcy and budgets rule Los Osos. The past is never far too from the present.

Perhaps the good will that has accrued from the County's May 8 letter to the CCRWQCB requesting that further CDO prosecutions be held in abeyance, and its success in halting mass CAOs, will serve to build trust.

Why should the property owners and residents of Los Osos trust the County? What happened to all Los Osos' property taxes collected by the County? Where did they go? Almost 20% go to County administration. How much went to other projects in other parts of the County but not to Los Osos? The signs of neglect are almost everywhere one looks in Los Osos—unpaved roads, no sidewalks, few streetlights, no parks. Instead, waiting for the sewer that never came, the County spent the money throughout the County, and Los Osos went without.

'The unraveling of what happened in the last eight years is very much an issue of trust in government in general.'

—Paavo Ogren

Trust is the cornerstone of any relationship. The County has to earn trust, and to earn trust the County must show that it, too, is trustworthy. To date it has offered little in the way of hard evidence—and kept practically none of its promises, despite Ogren's assertion that it has, unless Ogren is referring only to the vocal minority of the community that he identifies with.

Under duress of dissolution, LOCSD selected option B from the LAFCO ultimatum, which was for the LOCSD to work *with* the County, but there still exists no interagency agreement, as was initially agreed, because the County has basically refused to work with the current CSD board, preferring instead to work with the Technical Advisory Committee (TAC) appointees, most who reflect proponents of



AT NIGHT, PAAVO ENJOYS COOKING FOR SMALL PARTIES AT HIS HOME.

Tri-W and gravity collection. This way, the County has taken over the project lock, stock and barrel, with the final choice of project reserved for the Board of Supervisors, not the "Prohibition Zone" homeowners forced to pay for it. When the County intervened with the CCRWQCB, it successfully dodged the inevitable conclusion that it created the problem by permitting the septic and allowing the building of homes to create the density issue in the first place. As a result, the Water Board terrorized "Prohibition Zone" homeowners with CDOs and threats of CAOs and fines. So who got who off the hook?

The County clearly illustrated its definition of 'working with the community' in the formulation of the Technical Advisory Council (TAC), which was politically gerrymandered in its appointments to create a "Comfort Zone" in much the same way Los Osos/Baywood Park was gerrymandered to create the "Proposition Zone." Now the County is peddling a Proposition 218 vote, also gerrymandered for political purposes, constructed out of order from most Proposition 218 votes for reasons that make little sense to much of the Los Osos community.

So why should Los Osos trust the County? Why should it vote to tax itself and risk paying the tab sight unseen for the most expensive sewer project, per capita, in U.S. history, a \$200 million sewer system for a town of 20,000 people, for a "zone" of 4,500 homeowners to pick up almost the entire bill?

"Is there an required act of trust inherent in this? The answer is, yes, there is," a key member of the County's project team told a Rock correspondent in March. "Does the County believe, in my view, in their heart of hearts that Tri-W is the quickest, easiest project? I think the answer to that is 'no.' I think they're fairly convinced if they attempted that they would be stopped. I think history has shown that the community is effective at stopping (a project)."

That stopped project was the megasewer at the Tri-W site in the middle of town, and that project is back on the table and still very much alive, having been given a 'free pass' through the "Rough Screening" to get to the "Fine Screening." Some have said that if Tri-W was given the same rigorous screening as all the other potential options, it would have been eliminated in the first round. Which is why many in Los Osos do not trust the County—and won't until the table is wiped clean.

—Ed Ochs

**WE CANNOT APPROVE ANOTHER
BLANK CHECK! LOCATION AND THE
TOTAL COST HAVE TO BE KNOWN
BEFORE NOT AFTER
WE VOTE TO LIEN OUR HOMES
AND PROPERTIES!!!**

PAID FOR BY
CITIZENS FOR A FAIR AND HONEST 218

THE ROCK Interview

Dr. Thomas Ruehr



Los Osos resident and Cal Poly professor Tom Ruehr has for years volunteered his time and expertise to the Los Osos community. When the County assumed control of the Los Osos sewer project on January 1 and sought applicants for its engineering Technical Advisory Committee, Dr. Ruehr again stepped forward to serve. When he heard secondhand that he had been rejected for the TAC, he responded with his critique of the "Rough Screening Analysis." In a far-ranging, no-holds-barred interview with The Rock, Dr. Ruehr tackles "the truth about the Los Osos sewer situation," discusses his role in the Great Debate, his views on a sewer for Los Osos, the County's 218 vote, RWQCB, and what he believes should be done. Following is an excerpt of that interview. Read the interview with Dr. Ruehr in its entirety at www.rockofthecoast.com.

Q. Can you please provide me with a concise professional bio with your Los Osos history for readers?

A. Thank you for this opportunity to explain the truth about the Los Osos sewer situation from one who has experienced it from the mid-1970s to today.

I believe I am uniquely qualified to address these issues. First, I provided expert advice to the County Engineering Analytical Laboratory when they had analytical problems in testing nitrate in Los Osos. My research specialization focuses upon all biochemical and microbial transformations of nitrogen compounds in the environment.

I served as a member of the Nitrate Study of Los Osos Technical Advisory Committee. I served as a member of the Los Osos Wastewater Alternatives Technical Advisory Committee. I have served on the County Health Department's Technical Advisory Committee on Biosolids.

I served as a chair of the Los Osos Blue Ribbon Committee on Water. I served on the Solutions Group seeking an effective wastewater treatment process for Los Osos. I served as a member of the Ripley Pacific Engineering team when they provided the recent report on alternative water treatment for Los Osos.

I am a Professor in the Earth and Soil Science Department at Cal Poly State University. I have expertise as a soil microbiologist and biochemist. I am a co-author of a book on fertigation and understand the interactions of water and nutrients. This expertise is critical to understanding the problems commonly ignored regarding the recharge of the wastewater on the sand dunes of Los Osos. Engineers have ignored several major soil problems that plague the wastewater piping and collection process and the wastewater recharge.

In addition, my understanding of microbiology provides me with a greater insight into the best way to biodegrade the sewage in the treatment plant and the subsequent decomposition of the resulting biosolids. The processing of the biosolids has been ignored by the proposed sewage treatment projects (prior to the Ripley Pacific report).

Q. What prompted you to write your "TAC Comments"? What made you feel you had to respond?

A. I firmly believe most citizens of Los Osos are being brainwashed by the Regional Water Quality Control Board (RWQCB) staff and by County Engineering. Only part of the information is presented. I believe this has been very unethical on the part of the board staff. Their recent letter of mandate to all citizens simply affirms this belief. All citizens deserve to know the full facts.

I was asked by several members of the community and one from the TAC to provide a response. Increasingly, I have felt a great injustice is being forced upon the community. This realization has resulted from my past experience working with this community. Many times I realized the information provided by the RWQCB staff to the board with recommendations was either wrong, over emphasizing minor points, and too often glaringly failing to report contrary information. This can be supported by anyone reviewing the RWQCB reports on Los Osos and comparing what is known by the

people in the community. Obviously, it was not an objective scientific process, but instead it was definitely a political process.

The RWQCB has continuously changed their criteria. The major past problem has been their absolute stupidity of rejecting all science and technology developed within the past 25 years. They have been excessively wedded only to multinational sewer companies providing sewer systems for cities of 2 million people. These processes are not appropriate for small communities of 20,000 people.

'Most citizens of Los Osos are being brainwashed by the Regional Water Quality Control Board staff and by County Engineering... Increasingly, I have felt a great injustice is being forced upon the community.'

Q. Why did you apply for the TAC? What were your hopes? Expectations? And now?

A. I believed I was very well qualified to provide scientific and technical information to the community. This has continually been my motivation in working for the best for Los Osos. I realized when the County formed the TAC without having an engineer as the director meant they would revert to a totally political process rather than any real interest in considering the true science and technology.

At the time, I hoped some sense of science and technology would provide new ideas and would help our citizens to realize we are being forced by the RWQCB to accept what they want us to install.

I saw an e-mail statement from Roger Briggs (RWQCB Staff Director) stating effectively Los Osos is not paying nearly enough for this sewer. The RWQCB can demand the community do something, but they are legally prohibited from dictating what must be done. However, because power corrupts, they have gradually assumed more power and are exceeding their legal mandate at many levels on many issues. The California Attorney General should investigate their actions, but with the current administration, this is unlikely to happen.

Q. How were you notified you were not selected? Do you sense bias? For/against what? Do you have "history" with the County? Can you suggest any reason they would have no use for your expertise, or the expertise of Dr. John Alexander and other professionals?

A. A person who knew me called to tell me I was not selected. When I learned who had been chosen to serve on the TAC, it was obvious to me the chosen people were only people known or thought potentially to be non-critical and willing to rubber stamp what the new TAC wanted to force onto Los Osos.

After reading the recent report to the TAC, I am

firmly convinced the intent is to force the Tri-W site with the deeply buried large-diameter sewer pipes working as a gravity collection and using the Broderson recharge site, plus avoiding dealing with the issue of biosolids and ignore including the cost of the homeowner connection from their homes to the system, thereby running up the price on the sewer, especially with add-ons to each homeowner. The intent is to use the excuse of federal and state support for the loan as a means to have a vote for a blank check with continually escalating costs.

Clearly, the TAC mission and identification of the types of people to select was focusing not on the science and technology and mainly on how to obtain state and federal support for the loan and not related to technical information.

My first involvement in the Los Osos issue occurred unintentionally when I was consulted by the County Engineering Analytical Laboratory staff. Percy Garcia shared the County's collected data with me. In five minutes, I was able to show how dividing the nitrate by the chloride concentration resulted in the chloride being a tracer. The numerical value decreased with depth. From a chemical point of view, this ratio should remain constant. From a microbiological view, if denitrification (loss of nitrate as nitrogen gas into the air) occurs, then the ratio would decrease as the nitrate disappears. This confirmed in my mind the obvious result of the County's data and clearly indicated the septic tanks were functioning properly in Los Osos.

Subsequently, while serving on the first Nitrate Study of Los Osos Technical Advisory Committee, I was told by Percy Garcia someone higher up in County Engineering had given him a gag order preventing him from sharing any facts with me. Consequently, this was my first experience of scientists and engineers suppressing the truth to promote a pre-conceived political process regarding the Los Osos sewer.

Why have technical expertise on the committee? When the County Engineering has made up its mind about the sewer and what it should be, why be confused with the facts? Again, this is a way of rejecting truth and affirming only the political process. This is why myself and John Alexander were rejected, and affirms why many of the other qualified individuals were not selected.

Q. Detractors try to dismiss your comments by labeling you a "no-sewer advocate" partly responsible for Los Osos not having a cost-effective sewer earlier. How have detractors distorted your position and how have your views changed over the past 10-15 years, if they have, regarding the need for a sewer?

A. Some people believe I have been against a sewer. I recognize a sewer is needed. I only ask for a true, open and honest assessment of every single facet of the myriad of problems related to this sewer. We owe the citizens of Los Osos the full truth—to know all of the facts and the full costs before we approve of any legislation to contract bonds for the construction of a sewer in Los Osos.

We must have some guarantee the various fatal flaws will not occur. Sufficient small businesses are in the sewer game, they probably will be willing to step forward to provide these guarantees and provide loan funds. They will do this for much less cost, with less adverse environmental impact and with much

less social disruption for this community than will occur by approving the Tri-W site with the Broderson recharge and the failure to treat the biosolids problem or the initial hookups from each home to the sewer pipes.

I have always indicated some locations require a wastewater treatment process. Initially, I believed this could be achieved with local clusters of treatment processes throughout Los Osos. As I gained information about the groundwater hydrology, it became apparent a larger treatment area would be required.

I became firmly convinced of the political process when the gerrymandered prohibition zone was defined. No rational scientific basis exists for this zone. All people in the community share the ground water, therefore all should be responsible for protecting it. This situation is a local example of the Tragedy of the Commons," where the commons is the ground water and all are free to use it and to abuse it.

Any solution must include all homes in the Los Osos basin as part of the sewer, not simply the poor people within the prohibition zone. Interestingly, the wealthy people of Los Osos are primarily outside of the prohibition zone. If the sewer is paid for by the prohibition zone people, then these wealthy people can link up later without having to pay the major cost of the sewer. This is one reason I believe any vote taken based upon the prohibition zone is unethical.

I served on the Los Osos Wastewater Alternatives Technical Advisory Committee. This committee of 12 dedicated Los Osos citizens reached a consensus for a sewer based mainly on some of the basic ideas promoted by the recent Ripley Pacific Engineering report. This was presented to the County Board of Supervisors before the turn of the millennium. If the County had listened to us, we would now have a sewer installed and operating in Los Osos today.

Instead, the RWQCB persuaded the Engineering consultant to counter any ideas from the alternatives TAC. The Engineer used "voodoo economics" to charge the cost of the full sewer against each of the other recommended sewer processes identified by the community TAC. This made it appear all alternatives would be much more expensive, whereas they would actually be less than half the cost of what the Engineer had recommended. This "voodoo economics" was accepted by the County Board of Supervisors and served to prolong the sewer to this current date. The Solutions Group was formed and I participated with the hope of developing another alternative solution.

My involvement has often been badly misconstrued. We need a sewer. However, we do not need an excessively expensive sewer when economical alternatives are known to work effectively. I have tried to provide my insight into what scientific facts and engineering principles can be applied to the sewer design and the various components required to ensure the installed sewer would work effectively.

I was against the Tri-W site because I knew it contained many fatal flaws. I have always supported the installation of a sewer, but I am very much against the community being forced to install a sewer which will NOT solve the problems of the community. I will continue to oppose any sewer proposal where engineers fail to explain clearly to the community how every component functions effectively and how its cost has been minimized (not necessarily the cheapest) to ensure a properly operating sewer system will work.

I am very opposed to the approval of any sewer having hidden creeping costs as currently exist for the Tri-W site with the conventional sewer. As has been common recently, more and more public works are being approved with only half of the facts and the design being only partially developed. This results in constantly escalating costs to cover "unforeseen" consequences, which were actually built into the system intentionally.

This is a way to ensure future jobs for engineers to continue to correct the problems they created when

they tried to correct the first fix with the engineering solution requiring another fix to fix the last fix which did not work. When does this mentality stop? Why should we as citizens allow them to screw us economically with this mentality?

I affirm my stand for common sense and for an affordable and effective wastewater treatment process for Los Osos citizens. When we are presented with one, I will campaign strongly for its passage. Until the proper sewer design is presented with a reasonable cost, I will continue to oppose the stupidity promoted over the last more than 20 years.

'I became firmly convinced of the political process when the gerrymandered prohibition zone was defined. No rational scientific basis exists for this zone. All people in the community share the ground water, therefore all should be responsible for protecting it.'

Q. Why should we worry about mercury from Lake Nacimiento water if it's below detectable levels?

A. The community leaders (from the very first time the issue of the sewer was raised in public discussions) realized in the late 1970s the issue was not about a sewer. They knew the head of County Engineering had been brought to San Luis Obispo to force all communities to use state water or water from Lake Nacimiento.

Nacimiento water has the fatal flaw of containing mercury. Mercury is an accumulative poison. The more water you drink, the more the mercury poison builds up inside your body. Thus, any mercury is too much mercury to allow its use by Los Osos. If we import water from Lake Nacimiento, the people in our community will slowly be poisoned by mercury in the water accumulating in our bodies. In "Alice in Wonderland," the Mad Hatter was suffering from craziness brought on by working with mercury salts to coat beaver pelts (keeping insects and microbes from eating the pelt). These beaver pelts were used to make top hats in England.

Water from Morro Bay and Cayucos is state water. This appears to be an effort to force state water upon the citizens of Los Osos. Now it rears its ugly head again, this time in disguise. Cayucos and Morro Bay are underlain by serpentine rock and soils. Any water from Morro Bay and Cayucos aquifer when mixed with the state water develops a disproportionately higher level of magnesium. This high magnesium creates a variety of problems including reducing the rate of water infiltration into the soil. High magnesium in water makes people more "regular" than they may care to become.

State water is dangerous and potentially fatally flawed. The state water brought into the Metropolitan Water District of Los Angeles is loaded with natural organic compounds obtained when the water flows through the San Joaquin Delta Histosols (organic muck and peat soils). These natural organic compounds react with the chlorine treatment to form a wide variety of organo-chlorine compounds many of which are known or suspected of being cancer-causing agents (carcinogens).

Why should we expose the citizens of Los Osos to this problem? The only answer is greed. It makes no difference whether other communities continue to do the wrong thing, it is not appropriate to allow Los Osos to expose our residents intentionally to this very serious potential health threat. State water flows through the San Joaquin Delta and has this problem.

These are the major reason we must ensure all aspects of the sewer result in our keeping all of our

water locally. We must be able to reduce our water loss to Morro Bay to a minimum of about one inch of water per year. The rest of the water must be effectively reused and must NOT be wasted by allowing it to enter the bay by seepage from surrounding soils from the upper aquifer.

Q. When you say we should avoid State Revolving Funds (SRF) monies to keep costs low, are you focusing only on the theoretical possibility and ignoring the likely outcome?

A. I am deeply troubled by the assumption only SRF funds with major government strings will be the only way to go in Los Osos. I firmly believe various firms will be able to provide private lending because they realize the ecologically friendly small and medium size sewer companies are fighting for their existence. If any community can obtain private funding for their sewer process, I can affirm it will certainly be Los Osos. Worldwide attention is focused upon Los Osos in the wastewater industry. These smaller companies understand the problems we face and will be willing to assist us. Most engineers focused upon gigantic sewers do not realize other opportunities do exist for funding.

Q. Why should we look at private funding over SRF monies? Some claim the high interest rates of private funding make this option more expensive in the long run. Is it?

A. I believe we must try as much as possible to prevent any use of the State Revolving Fund monies. I believe we can have access to private funding. It will cost not much more than the state funding.

Most importantly, we will be able to ensure we can have a sewer with the least amount of cost overrides if we reject using the SRF. With the SRF and an early 218 vote, we will very likely end up buying a pig in a poke. By this I mean the gigantic multi-national sewer installation companies will continually increase the costs. The total cost will be a continuously changing number, mainly because they have ignored the problems encountered with water recharge and biosolids processing. Many problems will develop with the installation and operation of the massively engineered Los Osos sewer. This will result in very expensive cost overrides to fix the last fix that failed to solve the original problem which should have been identified by a properly designed sewer.

Q. How does the RWQCB benefit by insisting on "the most expensive sewer possible"?

A. The RWQCB will be making more money in the form of monitoring the Los Osos wastewater situation in the future. The larger the plant, the more money will be coming to the RWQCB. Consequently, they have a vested interest in forcing Los Osos to have the most expensive sewer possible. This helps to explain their zeal for approving anything in Los Osos regardless of whether it works or protects the overall water quality. Their eagerness to protect the water "quality" will result in the total loss of all water useful for drinking. Thus, they will eventually work themselves out of a job in Los Osos, but by then the community will be destroyed.

Q. What are the major problems with conventional gravity collection?

A. The major problem is the deep trenching and the installation of long, straight pipes that do not bend to fit the changes in elevation and do not work around corners very well. The deep trenching and large-diameter pipe installation is the most expensive part of the entire sewer.

Conventional gravity collection will cause several

Continued on page 8

DR. TOM RUEHR*Continued from page 7*

major problems. First, the large-diameter pipes will leak sewage downward into the soil below each leak. This will result in many uncontrolled leaks. This will provide non-treated nitrate, phosphate, and pathogens to the soil and enhance contamination within the collection zone. This spreads the current problem all over because no septic tank exists under each of these leaks to provide clean up of this leakage spilled into the soil.

Second, these large-diameter pipes will leak inward, meaning in zones closest to the sea level, sea water will move into these pipes. Any sea water leakage into these large diameter pipes will have two effects. The sea salts will strongly inhibit the microbial decomposition in the treatment plant. More importantly, these sea salts will prevent this water from being used as a water source for humans. This is absolutely to be prevented under all circumstances. This is a fatal flaw for the currently proposed gravity collection system.

Another fatal flaw is the major deep-soil disturbance due to installation of the large-diameter pipes. This process will cause deep disturbance at several major locations, going from high on the hillside on the south downward towards the bay to the north.

The problem is this disturbance will greatly increase the problems of soil erosion when water concentrates moving down the streets oriented north to south. If any of these streets leaks water, it will result in major out wash of the soil along the route of the sewer lines.

In addition, in the event of an earthquake, this will greatly increase the probability of structural damage in homes because the stability of soil can never be returned to the original stability after such a deep soil disturbance. This situation will decrease over time after the sewer is installed, but it will never go away with the number and degree of deep digging actions in this vicinity.

Use of the STEP, vacuum and low-pressure collection systems allows much faster response to leakage problems and other difficulties because it has much better monitoring. The greatly improved methods of installing small-diameter pipe with minimal soil disturbance avoid much of the problems identified previously. Modern engineering technology allows for directed drilling horizontally below ground, allowing for the installation of small-diameter pipes without this severe deep trenching and soil disturbance.

Q. If speed of installation is so urgent a factor to the RWQCB and County, and if STEP can be installed faster, why shouldn't it be more of a consideration?

A. The RWQCB stalled the sewer process proposed by the original first wastewater alternatives TAC. Ironically, they want to say it was the fault of Los Osos for the delay, when in fact the RWQCB rejected a sewer with some of the same components proposed by the Ripley Pacific Engineering plan.

It is a fact the STEP or other non-gravitational sewage-water collection system can be installed quickly. This is why this should be considered seriously as an effective solution. The RWQCB and County will have infinite patience of installation for a gigantic sewer for a community of 2 million people. The conventional Tri-W sewer treatment plant would require about 5 to 6 years to become fully operational, whereas the STEP system could be installed in about 2 ½ years.

Q. With the Tri-W and Broderson sites as prime examples of previously approved systems with now-obvious engineering flaws, would Los Osos have encountered millions of dollars of cost increases over time to manage these flaws had the Tri-W project been built?

A. If the Tri-W site had been developed, we would have seen tremendous costs, which would have

required many unanticipated problems. These would include major health problems, earthquake damage, severe soil erosion, major contamination from the leaking large-diameter straight sewer pipes at each slight change in angle of these pipe connections. Each of these would have required millions of dollars more to fix the fix caused by the previous attempted fix. In addition, the water would become contaminated by sea water intrusion near the bay. This would have permanently destroyed the use of all of our water and effectively killed the community of Los Osos.

The use of the Broderson recharge site would have resulted in surface flooding within a few years. If it actually allowed deeper percolation for a short time, the water would have lubricated the potential for mass movement of the water-saturated sand downhill during an earthquake. In addition, it would have resulted in water surfacing downhill about half way down the street from the Methodist church and the bay. All of these would have required millions of more dollars to attempt to fix the problems created by the ill-conceived original sewer fix.

'Any solution must include all homes in the Los Osos basin as part of the sewer... If the sewer is paid for by (poorer) prohibition zone people, then wealthy people (outside the zone) can link up later without having to pay the major cost of the sewer. This is one reason I believe any vote taken based upon the prohibition zone is unethical.'

All of these are examples of the creeping costs we would have encountered with the fatally flawed Tri-W treatment site and Broderson wastewater recharge location. We must know the full extent of all parts of the sewer and know its full final cost before we approve the vote for this new sewer. We cannot allow these creeping costs to destroy Los Osos.

Q. Do you believe the "fatal flaws" in the Tri-W site project justified stopping it? Do you see these same "fatal flaws" stopping the project again this time around, even if approved by the County and RWQCB?

A. The treatment site location must consider what I believe are a fatal flaw from the human health perspective. Because of the persistent fog, any viruses entrapped in the air due to movement of the sewage and wastewater will result in a major downwind direction effect of contaminating residents close to the treatment facility. This effect is well known in the wastewater community where sewage treatment personnel are often fairly sick for the first several years until they become immune through previous exposure to these various viruses and microbes.

However, these health problems are much more serious for susceptible individuals (infants, elderly and those having a compromised immune system). Ideally, the treatment facility should be completely enclosed and all air leaving the facility should be treated with UV radiation to reduce the possibility of this happening in Los Osos.

Locating the treatment facility to the east of Los Osos (as proposed by the Ripley Pacific Engineering plan) would greatly reduce this health threat.

Any way we can prevent major health problems for

our citizens is an ethical mandate for the community. Allowing the previous sewer or even the new sewer process (to be adopted by the TAC and approved by the County Board of Supervisors) must ensure the current and future health of all of our citizens. This is a primary concern. In fact, this is the hidden concern of water quality for which the RWQCB is acting to force the gigantic sewer on Los Osos.

Q. Why is the County wasting time and millions of dollars of our tax money on a 218 vote with no specific project and no cap?

A. The 218 vote itself is an interesting tool. It was designed by the legislature to force communities to have a sewer. It was intended to hoodwink most of the people and have them approve a pig in a poke (a proposed sewer with many problems in the design) long before the true design and problems were revealed.

We should demand an actual cap on the total cost of the proposed sewer. This can only be determined after we know what all of the components of the sewer will be. In addition, we must assess all of the potential fatal flaws and work out solutions without fatal flaws, allowing the community to install an effectively functioning economical system. Once all of these are accomplished, then it will be appropriate to have a 218 vote with a cap on the total cost and well-informed citizens understanding how each of the parts functions to provide the treatment and recycling of wastewater.

Slick multicolored brochures may be nice, but if the system is highly flawed all you have is a slick multicolored brochure supporting a fatally flawed sewer proposal. We should correct the problems first. Then, and only then, should we worry about the advertising to sell the project. In fact, this community is highly educated. They do not want to be insulted by glitz from brochures. They want to know all of the facts about the system, all of its components and how all of the previous problems have been changed to meet all of the needs of the citizens of Los Osos.

Q. How has the intervention of Blakeslee impacted the Los Osos sewer project, i.e. circumvented the will of the people of Los Osos?

A. Another paternalistic action was the process Blakeslee used to become the white knight. How often has the state government imposed its will upon the properly elected citizens of Los Angeles or San Francisco in a similar manner? Those who would lose from a significant very expensive conventional sewer installation wanted to ensure a major sewer project would continue in Los Osos. This state intervention had nothing to do with local politics or the capabilities of the CSD members to provide direction to the community process. It is all about ensuring gigantic multinational sewer corporations can win in Los Osos. If they can win, then they can impose their own very expensive will in every other small community in the nation. Los Osos is recognized worldwide as a test case of gigantic multinational sewer corporations versus reasonable community-wide small to medium-size modular sewer projects to use the most modern technology at ecologically-applicable means and economical costs.

Normal financing companies would reject bonds for Los Osos due to the recent CSD default. However, I believe funds will be available from private sources to assure a sewer can be built meeting the expectations of sensible, environmentally sound, properly functioning and economically affordable. One reason is these smaller sewer firms are also fighting for their existence. The ones who come out on top in Los Osos are likely to be the ones who will be able to control the new process of sewer construction for small communities throughout the U.S.

Q. When did our government change from representing us to attacking us? How much of this struggle is "the politics of pollution"?

A. It is questionable whether our government ever represented us. The basic problem of septic tanks in Los Osos was almost entirely due to the County itself. The County knew the lots were too small for effective septic tank processing. Regardless, to prevent saying no to any developer, the County continued to approve of many new lots to be used for new housing developments without insisting these lots be combined into larger units which would effectively meet the code. Larger lots do exist in Los Osos and are mainly outside of the prohibition zone.

Even today the County refuses to bite the bullet and tell developers no new houses can be built in Los Osos. The reason is we have already over used our total water yield for this water basin. This means we will continue to mine the ground water and create sea water intrusion thereby destroying our own water source completely. This will kill the Los Osos community.

The major process is one that began with the RWQCB making an error by declaring an emergency situation existed in Los Osos. The RWQCB declared a nitrate problem existed in 1983. This was done to ensure Los Osos could qualify for state and federal funding of a sewer. This was a good intention, but it was premature. Since this time, the RWQCB has desperately tried to find any reason for saying this nitrate problem exists. More nitrate data has indicated the nitrate level of the ground water has increased, albeit many of the access wells used have been installed improperly and had failed to be sealed from surface contamination.

'The final insult was the recent visit by the Congressman from Indiana and Lois Capps touring the bay mud. What does the presence of bay mud have to do with Los Osos sewers? Do sand dunes contribute to this fine clay mud? Note the desperation of the RWQCB to paint a tar brush on Los Osos. They tried somehow to suggest the mud was caused by Los Osos sewers.'

The RWQCB has to cover their behind because of their hasty declaration in 1983. The demonstration of effective denitrification by the septic systems in Los Osos (as reported in the "Nitrate Study of Los Osos") was a sore thumb in their eye. Consequently, this became a political problem of trying to seek revenge against the intelligence of the citizens who mobilized to poke holes in the various forms of desperation that the RWQCB has invoked.

These include saying nitrate in the water or Morro Bay is due to improperly functioning septic tanks, but in reality this nitrate was from animals (deer, etc.) coming down to the Sweet Springs and to water pools near the bay at night. A septic tank functions when the water moves downward. If the water moves upward, the septic tank soil over the leach field also removes contaminants.

The RWQCB has attempted to prove DNA in Morro Bay comes from Los Osos septic tanks. However, they have never been able to do this. If this were clearly demonstrated the County Health Department would have become involved and shut down the septic tank use. This has not happened in Los Osos.

The final insult was the recent visit by the Congressman from Indiana and Lois Capps touring the bay mud. What does the presence of bay mud have to do with Los Osos sewers? Do sand dunes contribute to this fine clay mud? Note the desperation of the RWQCB to paint a tar brush on Los Osos. They tried somehow to suggest the mud was caused by Los Osos sewers.

Q. Why can't we take better advantage of the rapid advances and new technologies in water processing? Doesn't the County owe Los Osos the best technologies available, rather than only dated technologies approvable by the RWQCB?

A. Many amazing technologies have recently been developed with much superior and effective water processing in the past few years. Within the past decade a major mindset change has occurred in the wastewater industry. This new mindset essentially argues previous massive sewer installations should be avoided because of the serious problems (long term they create) and the realization smaller is more efficient, effective with lower long-term maintenance and providing better water quality at a much lower treatment cost.

It has been highly depressing to read (in the new TAC report) how the County intends to force the conventional gravity sewer onto the community of Los Osos with bait-and-switch tactics and a blank-check mentality. All parts of the sewer as currently conceived will contain fatal flaws that should have been eliminated, but they continue to reappear time and again in report after report without correction.

Somewhere an engineering firm will have to bite the bullet and say these are fatal flaws and they cannot install this sewer. I vividly recall County Engineer George Gibson many times reminded the first wastewater alternatives TAC, the many problems in Los Osos may very likely prevent the proper functioning of any installed sewer in this community.

The various geologic and hydrologic models clearly indicate the nitrates under Los Osos will not clear up even with an installed sewer for at least 40 years. In all probability, the nitrates will take much longer to disappear.

If the community is classified as a toxic waste dump, then the RWQCB will be required to clean it up because they took responsibility for it when they issued the letters of condemnation. Obviously, by evicting all homeowners and rendering their property worthless, the property cannot be sold to pay for cleaning up the nitrate problem. Where will the funds come from to be able to declare Los Osos a non-toxic waste site? All of these constitute unprecedented actions. They clearly indicate acts of desperation by the RWQCB and have not been processed to their logical conclusions.

Be aware of the previous bait-and-switch process. They allow the TAC to develop many useful ideas. Then at the very last minute, all previous work is negated by claiming many "fatal flaws" resulting in all previous work having no value. Consequently, only the new ideas with no opportunity to evaluate their impacts publicly are forced upon the community. This has occurred several times in the past in Los Osos.

The bait-and-switch tactics consisted of the first wastewater TAC exploring the various wastewater alternatives (over 20 were examined). This TAC had reached a consensus to move ahead with the sewer. After we made our presentation to the County Board of Supervisors, the engineer presumably working with us (but who had refused to meet with us or share any information) made the "voodoo economics" presentation charging the cost of the conventional sewer against all of the other proposals we knew were much less in cost. This was the first example.

The bait-and-switch tactics continued with the vote to approve the creation of the CSD. The citizens were under the impression the Solutions Group's proposal for a ponding system would be used. All of a sudden from nowhere, the full-blown sewer at the Tri-W site with the Broderson recharge was adopted. Many citizens were waiting to learn when they would be voting on the approval of this indebtedness. The legal counsel explained they could circumvent the law in this case. Clearly, this was a form of taxation without representation of the full electorate on a bond issue as occurs in nearly every California State election on bond issues. These bonds are voted on with a clearly indicated cost and the implications of the resulting

passage or failure of the vote.

What is needed is to provide a clearly reasoned comparison step wide of why each option was chosen and why each other alternative was rejected.

The people of Los Osos do not want to spend more money on colored brochures, they want more solid clearly argued thinking with more effective and assured results for these steps in the sewer process. They deserve to have a clear understanding of the bottom-line cost and have an "Economic Impact Analysis" indicating the true impact on both those within and those outside of the prohibition zone.

Many times the County Engineering or the RWQCB has claimed the new technologies have not been "tested." They are speaking from a position of ignorance. Modern sewer technologies have been tested by having been installed and are functioning in many parts of the U.S. and in various countries of the world. When these people say they have not been tested, they are revealing their ignorance of modern sewer technologies. Also, they are strongly biasing the process by saying, "We do not want to use any modern technology. Why should we when our minds are already made up and we know the best thing for Los Osos is the conventional gigantic sewer for a city of 2 million people?"

This is the mindset we must guard against because it is another example of how the County Engineering and the RWQCB has a phobia first of new technology and second of how they want to force the gigantic conventional sewer upon the citizens of Los Osos when modern sewer technology with modular design capabilities will serve our needs adequately and newer designs which have been proven through successful implementation and operation in many other locations.

They use the egotistical excuse it has not been done in this specific region of the RWQCB. This is very self serving. One should ask why they are so reactive and have such a phobia against allowing these proven technologies in this region of the RWQCB. Are they afraid the conventional sewer will be seen as not performing as adequately as will the newly developed sewer technologies? Are they in the pocket of the gigantic sewer companies and cannot allow any new proven technologies to be used here because they have already compromised their ethics by accepting bribes or services under the table? We may never know, but it does not prevent reasonable people of asking why modern technology is rejected with such lame excuses when these technologies are exactly what will save Los Osos from the fatal flaws of the conventional sewer system.

It appears to be highly unethical for professionals to dismiss out of hand any new technologies. What ethical responsibility does the County Engineering and the RWQCB have to provide an open and unbiased approach to any and all new technologies?

'Are (the County and RWQCB) afraid the conventional sewer will be seen as not performing as adequately as will the newly developed sewer technologies? Are they in the pocket of the gigantic sewer companies and cannot allow any new proven technologies to be used here...? We may never know, but it does not prevent reasonable people of asking why modern technology is rejected with such lame excuses when these technologies are exactly what will save Los Osos from the fatal flaws of the conventional sewer system.'

COUNTY CHALLENGED ON TRI-W*Continued from page 1*

project that best meets the needs of the community.”

At the May 8 BOS meeting, Ogren chalked up “reactions” to “semantics.” “When we use the term ‘alternatives to the Tri-W project,’ it seems that some people are jumping to the conclusion therefore that, oh, Tri-W must be the County’s preferred project...”

“I’m not sure I’m in favor of taking Tri-W off of the table and saying that it’s not a viable project... There’s no logical reason for taking Tri-W, in an analytical sense, off of the table. Certainly we recognize there’s a lot of community concerns regarding the Tri-W project... But, from a purely analytical standpoint, why expose the project, the County, the community to potential litigation by taking something off of the table prior to CEQA?”

Is publicly downplaying Tri-W sufficiently reassuring to those who share Cesena’s concern that Tri-W will get picked in the end, the beneficiary of a bait-and-switch at the eleventh hour? Especially since the community advisory vote is just that—*advisory*, and not legally binding on the Board of Supervisors. What then is to keep them from rationalizing Tri-W? Supervisor Gibson has indicated that the community advisory vote will play a big role, but will not be the sole determining factor in his final decision-making process. The final decision on the project rests exclusively with the BOS, which worries some BOS-watching residents who have watched an icy Gibson act as whip for the County’s agenda.

Acknowledged Ogren, “(The Board of Supervisors) is the authorized governing board that sits with the decision-making power...”

There are those who believe that the County is actively listening only to the portion of the community that enjoys special influence with the County, that promoted the defeated Tri-W project, lost its board majority overnight in a recall election, fought and failed to dissolve the district, and that now is heavily lobbying the County to bring back the defunct Tri-W project in the middle of town. Ogren is certainly the man in the middle. He has said that the Los Osos project is so complex and controversial that *somebody* in Los Osos is guaranteed to get upset, no matter what he says or does.

Dr. Ruehr’s Comments

When the County packed the Technical Advisory Committee in March with supporters of the in-town Tri-W project and proponents of the gravity collection system, community battle lines began to harden.

“After reading the recent report to the TAC,” Cal Poly professor Tom Ruehr, who was rejected for the TAC by County Public Works, told *The Rock*, “I am firmly convinced the intent is to force the Tri-W site with the deeply buried large-diameter sewer pipes working as a gravity collection and using the Broderson recharge site, plus avoiding dealing with the issue of biosolids and ignore including the cost of the homeowner connection from their homes to the system, thereby running up the price on the sewer, especially with add-ons to each homeowner.”

When asked what it suggested to him that Tri-W was still “on the table,” Ruehr replied, “County Engineering has decided all alternatives will be compared to the Tri-W site for the new TAC consideration. This clearly means the Tri-W site is the main one selected and unless other alternatives are better, we will be stuck with the fatally flawed Tri-W site.”

The County’s tactics weigh heavily on Dr. Ruehr. “It has been highly depressing to read (in a TAC screening report) how the County intends to force the conventional gravity sewer onto the community of Los Osos with bait-and-switch tactics and a blank-check mentality. All parts of the sewer as currently conceived will contain fatal flaws that should have been eliminated, but they continue to reappear time and again in report after report without correction.”

Yet Tri-W lives.

CDOs ‘SUSPENDED’*Continued from page 1***The County’s Letter**

That the County is in the planning stages of the Los Osos sewer project was not reason enough for the Water Board to ease up on its prosecutions of individual homeowners in the “Prohibition Zone”—until May 10. Prior to that, instead of standing down, they were ramping up to send out mass CAOs and a “settlement agreement” to 4,400 PZ homeowners.

After reviewing the CCRWQCB’s staff report for its May 10 hearing on future enforcement proceedings, the Board of Supervisors finally asserted itself by voting unanimously on May 8 to send a letter to the RWQCB “requesting that future enforcement proceedings in the Los Osos Prohibition Zone be held in abeyance.”

“The San Luis Obispo County Board of Supervisors strongly recommends that the Regional Water Board adopt the ‘No Action’ alternative for the time being,” the BOS letter affirmed. “The Regional Water Board’s previous enforcement actions against 45 randomly-selected individuals has produced a vocal and angry response from some in the community and has resulted in at least one ad hoc group organizing to oppose those actions on legal grounds... We believe that further such actions would hinder the County’s extensive efforts to develop wastewater treatment alternatives...”

Why did the County take such action now after all this time on the sidelines watching the CCRWQCB torture “Prohibition Zone” homeowners, when the community had begged the Board to intervene long ago? Concern over the fate of its Proposition 218 vote flushed them out.

“Previous Regional Water Board actions have been alleged by some to constitute ‘electioneering’ in an effort to favorably influence the Prop 218 vote outcome,” the BOS letter stated. “Please note that the County does not see evidence of legally-defined electioneering in previous Cease and Desist Orders, the associated Settlement Agreements, or the recently-issued Notices of Violation. We are concerned, however, about the perception of Regional Water Board electioneering becoming an ever-increasing distraction and impairing the Prop 218 vote, if active enforcement actions or hearings are underway this fall.”

Water Board Stands Down

The County’s letter played a catalytic role in the RWQCB’s sudden change of direction. It quickly became evident at the hearing that a dramatic turnaround was about to take place, and that there apparently was some turmoil behind the scenes of the usually unified water board. In an abrupt change of tone, Dr. Daniel Press questioned the propriety of holding a maximum fine for non-compliance of \$5000 a day over the heads of “PZ” homeowners, citing it as the trigger for homeowners’ fears of losing their homes to CDOs and CAOs, which he denied was ever the Board’s intent. Press suggested lowering the “cap” on individual fines to \$30 a day, rather than \$5000 a day which would cause a person to lose their home in a matter of months.

Board member Gary Shallcross agreed with Press, setting the tone for the rest of the hearing by managing to put a positive spin on the board’s sudden retreat through the escape-hatch provided by the County in its stand-down-now letter.

“It seems to the board that the only time we get anything done around here is when we threaten enforcement,” said Shallcross, “and it looks like this time actually something is getting done.”

“So, as far as I’m concerned, enforcement at least has helped start us off down the path where we want to go, and I’m not averse to withholding that enforcement and encouraging this. I certainly don’t want the enforcement to get in the way of progress... Maybe we can continue this item at least until we hear from the County in September. Maybe we’ll hear a little more in July.”

Shallcross expressed frustration at Supervisor Gibson and County Project Director Ogren not being able to appear at the hearing because of an unspecified long-standing appointment both County officials had in Sacramento.

“I would just like to see all of that (CDOs, CAOs) put in abeyance. Let’s wait,” he told board members. “Maybe it could be rolled over. It seems like it would be an unfortunate waste of time if indeed we’re looking at a possible successful project in the not too distant future.”

“The thing is,” Shallcross reassured board and staff, “we can always come back and do it. So why now? I think we’re getting what we want. It’s looks like we’re going in that direction anyway.”

In one exchange, Chairman Young appeared to review a litany of major breakdowns by staff that led to what had to be a humiliating moment for the unsympathetic chief enforcer.

“My fundamental concern,” said Young, “is try and treat everybody the same. If you get to a point where you’re going to take an action in the future, the board would like to do it against everybody, so that it would be equalized.”

He asked that “prior-issued enforcement actions” also be “equalized” and “conformed.” “I think the board would like everyone in the community to have the same consequences attached to their ownership of property.” To which Staff Prosecutor Reed Sato suggested, “The board may want to consider suspending the requirements of those previously issued orders, of the previously issued settlements, so that everyone in the community in the ‘Prohibition Zone’ is in the same [equal] place [on enforcement].”

It was unanimously agreed that the Board would agendize “action to suspend” CDOs and CAOs for Los Osos at an upcoming hearing.

Young asked staff for a “system that is run more efficiently, as long as it does comport with due process and people are being notified what the charges are and given an opportunity to be heard.

“I know that an opportunity to be heard does not require an oral hearing with oral argument,” he emphasized. “In terms of being able to handle the vast numbers of potential property owners... there is a deference paid to an administrative agency’s burden in trying to handle issues, and that does factor into what due process is required.”

Said Board member Press: “We’re sending a signal to the community, saying, tangible evidence of progress is really what we need to work on... At the next hearing, if the County comes back with something exciting we can agendize suspending the CDOs, and that would be a quid pro quo. Then the next thing would be another milestone and more support from the Board.

“Should we ever be back at the individual enforcement stage, I want to signal my support for a dollar penalty based on a foregone economic cost.”

Defiant to the very end, Chairman Young even boasted, “I don’t mind being called a terrorist myself.” The Chairman will have to wait at least until September to resume his reign of terror, because Abu Ghraib is out for summer, and this cease and desist order is for him.

STEP COLLECTION WILL REDUCE
BIOSOLID SLUDGE BY 10 TO 1
PONDS WILL REMOVE SOLIDS ALMOST
COMPLETELY GRAVITY COLLECTION IS
WRONG FOR LOS OSOS EARTHQUAKES
AND ROOTS WILL CAUSE RAW SEWAGE
TO LEAK INTO OUR DRINKING WATER
AQUIFER OUR WATER SUPPLY IS TOO
PRECIOUS AND LIMITED TO RISK THAT
STEP GIVES US FREE PRIMARY
TREATMENT SAVING ENERGY ON TREAT
MENT STEP/PONDS ARE THE
SUSTAINABLE CHOICE

PAID FOR BY

CITIZENS FOR AFFORDABLE & SAFE ENVIRONMENT

The Café Confections of La Parisienne French Bakery



Where else can you lunch on a beef dip sandwich on a French baguette and chase it down with fresh French pastry while gazing out on Morro Bay and Morro Rock other than La Parisienne French Bakery. It doesn't matter what the weather is, because the view is always picture-postcard—rain, fog or shine—and the sandwiches, salads, burgers, soups, quiches, pastries, cookies and cakes are always prepared with country-fresh charm and flair.



The Bakery is the good taste and teamwork of Philippe and Debra Mouret—Philippe the French baker, master of the night, Debra the one-woman kitchen, mistress of the day. Because Debra puts everything together in the kitchen, the meals are always consistent and prepared with her special delicate touch. You can see Debra hard at work through the open "window" into the kitchen, and this is your guarantee that you will always get a little gourmet meal at a modest price at this popular French-American luncheonette. Three years in Morro Bay, The Bakery has rapidly become an area tradition, and, with its front doors open to the bay, has become one of the friendliest spots in town where tourists and residents mingle.

Favorite sandwiches (\$5.15) include Sautéed Shrimp Sandwich with mushrooms, French Dip, Burgundy Beef and Chicken Dijon, served with a petite salad. Standout salads (\$6.25) offer Chicken Cashew (or Almond), Shrimp & Avocado, Tropical



Fruit, Salmon Caesar and Nicoise. Tasty burgers (\$5.75) include French (swiss, bacon, avocado), Madrid (cheddar, avocado, Ortega chile), Geneva (swiss, sautéed mushrooms), Riviera (brie, almonds, Dijon) and Salmon Burger. Perhaps a French hot dog intrigues you today? (\$2.75). Delicious quiches (\$3.50 a slice) feature crab and leek, asparagus and salmon, and sun-dried tomatoes, goat cheese & artichoke. Homemade soups (\$3.50) soothe with French onion, minestrone, cream of broccoli and split pea, all served with croutons and cheese, all warm on a cold bay day. Or try half a sandwich and soup (\$6.25). The Bakery opens at 7:30 a.m., so if you're up early start the day with a breakfast croissant (\$3.95) or omelet sandwich (\$4.95). There's always something tasty and

affordable for everybody at The Bakery. Debra leaves room for dessert because The Bakery offers plenty to choose from among many



delicate sweets, such as the distinct strawberries and cream cheese puff pastry, the chilled chocolate cream-filled éclair, or fruit (kiwi, apricot, pineapple, strawberry) magrite (cake).

Don't leave without taking home something to go with dinner—dessert, a quiche, or a fresh-baked baguette (try the sun-dried tomato or parmesan) to turn your own sandwiches at home in gourmet treats. Seating for 20 to 25 inside, 10 to 15 more outside.

La Parisienne anchors the Front St. complex that also houses the newly opened Harry's Ribs, Salt Water Taffy—one of the best taffy shops around—and corner landmark, Farmer's Kites & Surreys.

La Parisienne French Bakery, 1140 Front St., Morro Bay. Tel: (805) 772-8530. Open daily, 7:30 a.m - 4:30 p.m., 4 p.m. Saturday. Closed Tuesdays.

—Ed Ochs



"Information is the currency of Democracy."

— Thomas Jefferson

For information:

1340 AM

SAT. 7:34 PM

LET'S TALK

hosted by

Tank Nelson

**PLACE ORENCO AD
HERE**