



# California Regional Water Quality Control Board

## Central Coast Region



Alan C. Lloyd, Ph.D.  
Agency Secretary

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Arnold Schwarzenegger  
Governor

October 6, 2005

Los Osos Community Services District  
P. O. Box 6064  
Los Osos, CA 93412

Dear Directors:

### **COMPLAINT FOR ADMINISTRATIVE CIVIL LIABILITY FOR VIOLATION OF TIME SCHEDULE ORDER NO. 00-131**

Enclosed is Administrative Civil Liability Complaint No. R3-2005-0137 issued by the Executive Officer of the Central Coast Regional Water Quality Control Board (Central Coast Water Board) for violations of Regional Board Order No. 00-131, a Time Schedule Order Concerning Los Osos Community Services District in San Luis Obispo County.

On December 1 or 2, 2005, the Central Coast Water Board at the Central Coast Water Board Hearing Room, 895 Aerovista Place, Suite 101, San Luis Obispo, will hear public testimony and decide whether to affirm the Executive Officer's recommended liability of \$11,190,000 to Los Osos Community Services District (CSD), increase or decrease the amount, or refer the matter for judicial civil action.

The Central Coast Water Board remains committed to resolving water quality problems in Los Osos. Our position is unchanged from that stated in earlier correspondence, hence there has been ample prior warning of this action. Time Schedule Order No. 00-131 contains a date-specific compliance schedule for completion of the wastewater project and specifies monetary penalties of \$10,000 per day for failure to comply with the schedule, unless such failure is beyond the CSD's reasonable ability to control. The Regional Board's requirements and Time Schedule Order No. 00-131 were issued to the community's governing entity (the Los Osos CSD) and recent election of new Los Osos CSD Directors does not change those requirements specified in Order No. 00-131. Controllable project delays, such as halting construction on the wastewater project, would clearly be within the CSD's ability to control.

If completion of the wastewater project proceeds immediately, I am prepared to recommend that the Water Board apply the assessed amount to project costs. However, such recommendation would be contingent upon the CSD taking all necessary actions to support completion of this wastewater project, including (but not limited to) continuing to defend against appeal of the recent Superior Court ruling invalidating the facility location initiative; that is, continue to support the Superior Court's ruling in favor of the project under construction.

I remain hopeful that each of the Los Osos CSD directors will solemnly consider the long-range economic, social and environmental impacts to your community that would result from halting the wastewater project. Monetary penalties in the enclosed Complaint represent just a portion of the costs that would result from such action. Additional costs include payment of the debt already incurred, repayment of the State loan with interest (see attached letter previously sent to the District by the State Water Resources Control Board), payment of construction contracts, repayment of grants, ultimately paying for a wastewater project without funding assistance currently available, and paying for a project

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that is likely to incur additional costs due to inflation. **We also intend to begin enforcement proceedings against individual dischargers; that is, individual property owners** with septic system discharges in violation of the Basin Plan prohibition. This action will also be additional cost to the community that you could avoid by choosing to comply rather than intentionally violating the prohibition and the Water Code, and intentionally continuing extended pollution.

Please review these documents and provide written comments **by Monday, October 31, 2005, 5:00 pm.** Late comments will be accepted only upon a ruling of the Chair. If you have questions or would like to discuss this matter further detail, please call me at 805/549-3140.

Sincerely,



Roger W. Briggs  
Executive Officer

Attachments:

Administrative Civil Liability Complaint No. R3-2005-0137

State Water Resources Control Board letter to Bruce Buel dated September 23, 2005

cs: Steve Monowitz

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File: Los Osos CSD Wastewater Project  
Task: 126-01