



California Regional Water Quality Control Board

Central Coast Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5411
Phone (805) 549-3147 • FAX (805) 543-0397



Gray Davis
Governor

April 29, 2002

Mr. John Mori
National Environmental Services Center
National Small Flows Clearinghouse/
National On-site Demonstration Project
West Virginia University
P.O. Box 6064
Morgantown, WV 26506

Mr. James A. Hanlon, Director
Office of Wastewater Management
U.S. Environmental Protection Agency
Washington, D.C. 20460

Dear Mr. Mori/Mr. Hanlon:

COMPLAINT REGARDING PRESENTATION BY MR. GRAHAM KNOWLES (ON-SITE DEMONSTRATION PROJECT) TO THE COMMUNITY OF LOS OSOS, CALIFORNIA

On April 2, 2002, Mr. Graham Knowles representing the On-Site Demonstration Project was the keynote speaker at a Town Hall meeting hosted by Citizens for Affordable and Safe Environment. Citizens for Affordable and Safe Environment (CASE) are a recently formed group of opponents of the Los Osos Community Services District's Wastewater Project. The water quality problems facing Los Osos have been a priority for this Regional Board (a State Agency) for more than 30 years, during which millions of dollars and countless hours of staff time have been dedicated to resolution (by state and local environmental protection and public health agencies as well as community volunteers). The current community wastewater project is the result of decades of environmental studies; pollutant source evaluation; potential management, collection, treatment and disposal alternatives; cost-effectiveness studies; and public input. Some of the key issues are summarized on the attached flyer (Attachment 4). In order for him to be adequately prepared, my staff discussed the background and sensitivity of this issue with Mr. Knowles prior to his participation in the CASE meeting. In addition, a comprehensive Regional Board staff report on the subject (Attachment 2 was emailed to Mr. Knowles). Therefore, we were surprised and extremely disappointed with the following components of Mr. Knowles' presentation as shown on the videotape (Attachment 1):

- Statements expressing contempt, disrespect and lack of confidence in government officials (County Health, County Engineering, State Water Resources/Control Boards, etc.) - without revealing that he has never worked with this project or any of the many resource agencies/staff dedicated to resolving water quality issues in Los Osos.
- ✕ • Assuring the audience that on-site systems are a viable and cost-effective alternative to conventional sewerage of the community of Los Osos - without revealing the dozens of alternatives evaluated for suitability in Los Osos, or the water quality implications of such systems.
- Not adequately qualifying that he had not reviewed the comprehensive and voluminous set of reports, data and material on the subject in this office, or the offices of the County of San Luis

California Environmental Protection Agency



Recycled Paper

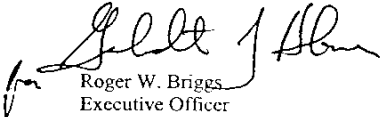
Obispo or the Los Osos Community Services District; yet offering opinion to the audience on what had or had not been investigated in the community regarding on-site systems.

- Assuring the audience that small lot size (25' wide), density of development (15,000 people), and shallow ground water (surfacing in some areas) are not significant issues of concern for on-site systems. Mr. Knowles assured staff here (email Attachment 3) that he was only going to present on-site systems in general. Quote from this email: "I will not be giving any specific presentation on your specific issues".
- Encouraging recall of the locally elected Directors of the Los Osos Community Services District (even suggesting fund-raising techniques to support the recall effort) -- without having any knowledge of the effectiveness and dedicated efforts of those Directors.
- Repeatedly instructing the audience that the "mind set" of regulatory agencies, health officials, etc. is outdated and that "they" do not like on-site systems -- without revealing that those same agencies/officials support and approve use of on-site systems where site-specific conditions are compatible and environmental quality and public health will be protected.

In summary, we believe Mr. Knowles' presentation included inappropriate representations that lacked a factual basis and was a disservice to the numerous professionals and citizens working to resolve the water quality issues facing the community of Los Osos. This Regional Board and its staff very much support public education and out-reach efforts. Staff however, makes it a point to strictly present facts, information and data in its public education outreach programs providing balanced analysis and conclusions.

We believe that misleading the public in this manner can do nothing but fuel fear and controversy and which may result in unnecessary additional costs due to delays and litigation. We also believe that the presentation by Mr. Knowles was not a prudent or acceptable use of these U.S. EPA grant funds. We would appreciate an acknowledgement of the receipt of this letter. If you have any questions please contact Sorrel Marks at my staff at 805-549-3695 or Gerhardt Hubner at 805-542-4647.

Sincerely,



Roger W. Briggs
Executive Officer

Attachments:

1. Videotape of CASE Town Meeting, and Presentation by Mr. Graham Knowles
2. Status Report on the Los Osos Community Services District Wastewater Project, February 2002
3. Email from Graham Knowles to Gerhardt Hubner, dated March 31, 2002
4. Los Osos Aerial Photo

Cc:

Gary Hudiburgh (without attachment 1)
Chief Municipal Systems Branch
Office of Wastewater Management
U.S. EPA
Washington D.C. 20460

California Environmental Protection Agency



Recycled Paper

LOS OSOS LID WJW 1/20/02



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 10 2002

OFFICE OF
WATER

Mr. Roger W. Briggs
Executive Officer
California Regional Water Quality Control Board
Central Coast Region
81 Higuera Street, Suite 200
San Luis Obispo, California 93401-5411

Dear Mr. Briggs:

We have received your letter dated April 29, 2002, which raised concerns regarding a presentation by Mr. Graham Knowles of the National Small Flows Clearinghouse in Los Osos, California on April 2, 2002. Our staff have had several telephone conversations about this matter.

My staff has reviewed your complaints and the enclosure to your letter, including the videotape of Mr. Knowles' presentation. We agree that some of the comments made by Mr. Knowles can reasonably be considered to be inappropriate given the technical and political context of the Los Osos wastewater situation. While the U.S. Environmental Protection Agency (EPA) supports and promotes the concept of decentralized wastewater treatment, we also have emphasized that final wastewater decisions must be made at the local and State levels, taking into consideration local socio-economic, regulatory, institutional, environmental and other relevant factors.

My staff has met with Dr. John Mori, Director of the National Environmental Services Center (NESC) at West Virginia University, the umbrella organization which includes the National Onsite Demonstration Project and the National Small Flows Clearinghouse, both of which are funded through grants from EPA. Concerns about the Los Osos presentation were discussed, as well as steps to improve the presentation and communication of the decentralized wastewater treatment message to communities in the future. Dr. Mori also agreed not to charge the Los Osos trip expenses against the EPA grant.

We regret the unintended results of the April 2 meeting. We also appreciate the efforts of your Agency to resolve the complex water quality and wastewater treatment issues in Los Osos. It is the aim of our Agency, as well as the NESC, to assist communities and States in meeting their water quality goals. If you have any questions, or wish to discuss this matter further, please contact me or call Mr. Gary Hudiburgh, Chief, Municipal Assistance Branch, at (202) 564-0626.

Sincerely,

James A. Hanlon
Director

Office of Wastewater Management

1
2
3
4
5
6
7
8
9
10
11
12

LOS OSOS ...

May 20, 2002

Mr. Roger W. Briggs
Executive Officer
California Regional Water Quality Control Board
81 Higuera Street, Suite 200
San Luis Obispo, CA 93401-0397

Dear Mr. Briggs:

I am in receipt of your complaint regarding Mr. Graham Knowles, a Program Coordinator of the National Environmental Services Center (NESC) located at West Virginia University.

Allow me to first state that your regulatory body and our center are both dedicated to improving the sanitary conditions of communities in a manner that will protect the public health and the environment. We truly wish to see the best possible solution to the problems presented by the Los Osos community. The goal of the program directed by Graham Knowles is to seek out communities who wish to improve the quality of onsite wastewater treatment by creating management practices and entities that will routinely inspect and repair failing systems. These activities are usually put into a context of general health and water quality issues.

As we work with communities throughout the United States, it is common for us to see communities at odds with themselves and / or regulatory bodies as to the best, cost- effective solution to the problems presented. At times land use issues are central to the controversy. "Big pipe" controversies are also common, as well as the desire of a community to retain its rural or neighborhood nature.

At times, but not by any means always, the creation of management entities can be the best solution to these problems. Stinson Beach, Sea Ranch, and Continental Divide are excellent examples in California of what can be accomplished by using such an approach.

I do thank you for sending the video of the CASE meeting. It is the only objective basis I have for responding to your complaint. While I cannot agree entirely with all your allegations, I do concur that Graham provided a recall example from another state which needlessly raised the emotions of the audience.

Graham simply responded to a request from the CASE group to be considered for an award to establish a management entity. Apparently the CASE group used the visit as a way to further their position. Graham was invited to a "town hall" meeting, which had the implication to him that the issue of onsite treatment was open for discussion.



Phone: 304-293-4191
800-624-8301
Fax: 304-293-3161
<http://nesc.wvu.edu> | PO Box 6064
Morgantown, WV
26506-6064

Equal Opportunity/Affirmative Action Institution

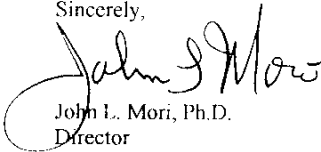
The CASE leaders were apparently displeased with Graham as they expected him to unequivocally state that onsite was a viable option for the community. He refused to make that statement specifically. I do agree with you that the general tone of his presentation may have still left that impression.

You must understand that we cannot exclude a community from consideration, information, or assistance simply because there is a dispute with the governing regulatory authority. To do so would be to subvert the democratic process. However, we must conduct ourselves responsibly. Our basic rule is not to be an advocate for either side. We believe that the best science, cost effective solutions, and community dialogue should be encouraged. The unintended but overall effect of his visit was the creation of an advocacy position by our organization, which was an unfortunate turn of events as it conflicts with our basic policy.

You can be assured that effective immediately all of our screening procedures and field methods will be fully evaluated to insure a fair and balanced approach. You should also be aware that federal dollars will not be used to pay for the expenses associated with this trip.

In your complaint you requested an acknowledgment of your letter. Please consider this letter as honoring your request. Please feel free to telephone me at 304-293-4191 should you wish to discuss this matter further.

Sincerely,

A handwritten signature in cursive script that reads "John L. Mori". The signature is written in dark ink and is positioned above the typed name and title.

John L. Mori, Ph.D.
Director