

U. S. GOVERNMENT CODE
SECTION 19990 – 19990.6

CRIMINAL AND CIVIL
COMPLAINTS AGAINST

ROGER W. BRIGGS,
EXECUTIVE DIRECTOR
CCRWQCB

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GOVERNMENT CODE SECTION 19990 – 19990.6. COMPLAINT AGAINST

**ROGER W. BRIGGS, EXECUTIVE DIRECTOR,
REGIONAL WATER QUALITY CONTROL BOARD**

INVOLVING HIS PARTICIPATION IN UNETHICAL AND CRIMINAL MISCONDUCT REGARDING THE LOS OSOS WASTE WATER, WATER CONSERVATION, WATER CONTROL AND CENTRALIZED SEWER PROJECT ISSUES.

CONDUCT OUTLINED IN THIS COMPLAINT INCLUDE FRAUD, CONSPIRACY TO COMMIT FRAUD, ELECTION FRAUD, CONSPIRACY TO COMMIT ELECTION FRAUD, MAIL FRAUD, CONSPIRACY TO COMMIT MAIL FRAUD, TACTICS OF TERRORISM, EXTORTION, COERCION, INTIMIDATION, ABUSE OF AUTHORITY, ABUSE OF THE SYSTEM AND ABUSE OF THE LEGAL PROCESS.

THE COMMUNITY OF LOS OSOS DEMANDS AN IMMEDIATE, THOROUGH AND IMPARTIAL INVESTIGATION OF THE CHARGES.

At least since **1994** through the present (**2005**), Roger W. Briggs, Executive Director of the Central Coast Regional Water Quality Control Board, (herein-after known as the CCRWQCB), has, with deliberate, malicious intent, misused and abused the authority of his office, failed to do his duty as prescribed by law, used threats and lies to commit acts of intimidation and coercion against the residents of Los Osos to deceive and influence elections, has violated a number of state and federal felony laws including a number of California Water Codes (herein-after known as CAWC) and federal R.I.C.O. statutes, has participated in cover-ups of criminal acts and violations committed by certain officials and employees of San Luis Obispo County, the Los Osos Community Services District (herein-after known as the LOCSD) and the CCRWQCB and has committed and conspired to commit various acts of fraud against the community of Los Osos with the singular intent of purpose to force the construction of **the most expensive (per-capita) centralized sewer project in the history of the world** on the financial backs of selected low income, disabled and fixed income residents of the small coastal community of Los Osos, California.

As early as **1984**, Mr. Briggs was aware of a number of poorly constructed ground water monitoring wells installed and used by the SLO County to collect specious data in regards to alleged nitrate and fecal contamination of the Los Osos public water. He was also aware that no evidence of human contamination had been found in the Los Osos water basin “except in the poorly constructed monitoring wells.”

This is verified by Mr. Briggs in a **1984** memo¹ he sent to his then superiors, **B. Leonard & K. Jones** in which he stated, “Groundwater analysis in Tables 2 & 3 **do not** indicate human bacterial contamination, **except in poorly constructed monitoring wells**, according to **Percy Garcia** (county engineer). The county had these wells installed. **Frank (DeMarco)** inspected these wells last week with **Percy** and agrees **there is a potential for contamination from surface runoff.**”

¹ Briggs 1984 Internal Memo

CAWC 13300 clearly states that if it is even suspected there is potential contamination of public water it is the responsibility of the CCRWQCB to immediately take specific, appropriate actions to protect public water. **CAWC 13350(b)(1)** clearly states that “Any person who, without regard to intent or negligence, causes or permits any hazardous substance to be discharged in or on any of the waters of the state... shall be strictly liable civilly...”

Mr. Briggs and his superiors took no action. Mr. Briggs and his superiors allowed “hazardous substances” to enter the public water. Instead of ordering a complete inspection of all the monitoring wells, the required upgrading and/ or the closure of these wells, Mr. Briggs and his superiors turned their backs and allowed the SLO County and the LOCSD to continue to collect specious data from these wells through 2002..

FRAUD. Beginning in early **1999**, just after the LOCSD had been created by voters, at public meetings and in mailings to Los Osos residents, the LOCSD repeatedly told the community of Los Osos that, “**The Regional Water Quality Control Board has mandated that Los Osos build a sewer. Los Osos has no choice!**”

This statement was a lie. **CAWC 13360**² specifically states that neither the State or Regional Water Boards or the Courts may specify the method of compliance. This was clearly stated by Mr. Briggs in a **January 23, 1998** letter to Pandora Nah-Karner,³ an original LOCSD Director. Mr. Briggs stated, “**The RWQCB has no legal authority to specify the method of compliance**”

All of the LOCSD Directors and their General Manager, Bruce Buel and Mr. Briggs were aware of this law. The “**mandated**” sewer machination, despite the fact that **CAWC 13360** strictly forbids the State and Regional Water Boards and the Courts to specify any method of compliance, was continuously echoed and reinforced by Mr. Briggs, Gerhardt Hubner and Sorrell Marks of the CCRWQCB at LOCSD public meetings, in newspaper articles and editorials and in mailings to Los Osos residents over a period from 1999 through 2002.

At no time did Mr. Briggs ever demand the LOCSD or CCRWQCB staff stop or retract the CCRWQCB “**mandated**” centralized sewer project statements. He knowingly participated in the on going campaign by the LOCSD and the CCRWQCB to intimidate and deceive the community of Los Osos.

By Mr. Briggs reinforcing the LOCSD claim of a CCRWQCB “**mandated**” centralized sewer system, residents of Los Osos believed their local representatives were being coerced by the RWQCB, that the community was forced to comply and that “Los Osos had no choice.”

In fact, it was the LOCSD who had “**mandated**” the sewer. **CCRWQCB Resolution 00-131** made that clear in item **10** and Mr. Briggs was fully aware of this fact.

² CAWC 13360

³ Briggs Letter to Pandora Nash-Karner

The refusal by Mr. Briggs to deny or order the LOCSD to stop saying the centralized sewer had been “**mandated**” by the CCRWQCB allowed the LOCSD to forge ahead under a false cloak of helplessness and maintaining the appearance to most residents they were doing their best to serve the community against an all-powerful state agency.

At least since **1982**, the primary reason given for the need of a centralized sewer in Los Osos was that onsite septic systems were polluting the groundwater and the Morro Bay Estuary and only a centralized sewer system with specific technology would reduce the nitrates to a safe level and protect and preserve the water supply.

This was and always has been false. All of the world class experts who examined the ground water tables between 1980 and 2002 denounced the myth that onsite systems were the cause of ground water contamination and all recommended alternative options that included retention of most onsite systems, pumping down the ground water in certain areas and a septic-tank maintenance ordinance.

A **1994** nitrogen study ordered by the county and carried out by **Black & Veatch**, and all other experts agreed that the primary cause of water degradation was in fact agriculture runoff and nitrogen fixing vegetation, **NOT** human fecal matter from septic systems.⁴

Mr. Briggs was aware of this and aided in a cover up by the LOCSD. In a **January 29, 2001** communication,⁵ he instructed LOCSD General Manager Bruce Buel to delete any mention of decayed vegetation as being a primary contributing cause of the contamination.

Mr. Briggs stated, “....**some suggest that decay of natural vegetation, rather than septic systems is the source of nitrate contamination of ground water. these statements should be deleted....**. These statements lead a reader to question the need for the project (sewer) and intentionally reduce public confidence and support.” The statement questions if a centralized system with **7 Mgd** will provide any benefits.

Prior to a **June 2001** Assessment District election, Mr. Briggs participated with the LOCSD in a dis-information and fear campaign intended to deceive, coerce and intimidate voters into approving the LOCSD Assessment District vote.

During the months leading up to the vote, the LOCSD sent a number of mailings they called “**Messages**” to the voters.⁶ Continuously repeated in these “**Messages**” were statements that the CCRWQCB had “**mandated**” a centralized sewer for Los Osos, that **Los Osos had no choice**, that if the vote failed the **CCRWQCB** would fine the LOCSD **and individual residents \$10,000 per day**, that the LOCSD would suffer a **permanent loss** of any “low interest” SRF Loan funds and that the county of San Luis Obispo would take over and build the centralized sewer project, resulting in higher costs to residents.

⁴ Portion of (Revised 8-10-94) Los Osos/ Baywood Park Nitrogen Study

⁵ Portion of January 29, 2001 Briggs Letter

⁶ 3 LOCSD “Message” Samples

Representatives of the CCRWQCB including Gerhardt Hubner and Sorrel Marks and ex-LOCSD Director Pandora Nash-Karner appeared at LOCSD public meetings and other public venues echoing these same statements and threats.

The end result of the intimidation and coercion campaign was that significantly less than **50%** of eligible voters voted because they believed their vote made no difference. They believed that since the sewer had been mandated and failure of the Assessment vote meant massive fines against individuals, loss of the SRF Loan and a county take over of the project, why bother to vote.

In addition to then greater number of registered voters who did not vote, twenty-three individual entities controlled **1307** votes.⁷ All but one voted “**Yes.**” The result was some **3400** total “**Yes**” votes and approximately **640** “**No.**”

It wasn't until an LOCSD public meeting in **July 2002**, more than a year after the illegal Assessment District vote, and after public exposure of the truth by the **Total Recall Committee** that it was illegal for the CCRWQCB, the SWRCB or a court to “**mandate**” any solutions, that Gerhardt Hubner (on behalf of Mr. Briggs) publicly admitted that the CCRWQCB had **NEVER** “**mandated,**” nor had the legal authority to “**mandate**” a centralized sewer system for Los Osos.

Mr. Hubner also finally admitted that neither the CCRWQCB, Cleath & Associates or anyone else had **EVER** conducted any tests under the septic systems in Los Osos regarding nitrates. Whenever they were challenged, the CCRWQCB and the LOCSD repeatedly told the community they had thousands of pages of scientific data that proved onsite systems were polluting the aquifer and that a centralized system with specific technology was required.

There is not now, nor has there ever been any proper scientific data to support the alleged pollution of the ground water or the Morro Bay Estuary by Los Osos onsite systems. To the contrary, there is an abundance of scientific data that supports the opposite.

Regarding fines against individuals. Mr. Briggs was aware that no individual is subject to fines without a specific reason. The law requires proper identification of an offense by the CCRWQCB and the offender given the opportunity to eliminate the problem with a solution of their own choosing as prescribed by law. There was never justification for Mr. Briggs to threaten fines against any individual if Los Osos failed to build a centralized sewer system.

Within days after the grass roots **Total Recall** effort to recall all five LOCSD Directors was announced, the LOCSD called an “emergency meeting” allegedly to inform the community.

The LOCSD assembled a roster of state and federal representatives that no doubt impressed a number of the uninformed residents. This included two representatives of the USEPA out of San Francisco, Cheryl McGovern and her supervisor, both of whom had no experience in centralized sewers or the Los Osos waste water issue.

⁷ 23 Voter Breakdown

Mc Govern was an estuary expert. There was an SWRCB financial representative, CCRWQCB representatives Gerhard Hubner and Sorrel Marks, the full LOCSD Board and LOCSD GM Bruce Buel.

Approximately three (3) days before the meeting, all the homes in the **Prohibition Zone** received a **four page, double sided, four color** mailer from Mr. Briggs.⁸

The timing of the mailer with the meeting was highly suspect since it allegedly addresses a number of “key” issues that had been exposed by the Total Recall committee.

The mailer was fraught with deliberately false and misleading statements designed to counter revelations by the Total Recall Committee that had exposed a number of illegal activities and efforts by the CCRWQCB and the LOCSD in their efforts to force the centralized sewer project. The assembled panel continued to parrot these falsehoods at the meeting.

Mr. Briggs and SWRCB officials and employees have continued efforts to coerce and intimidate the community of Los Osos. As recently as **September, 2005**, Mr. Briggs and the State Water Board have demanded the LOCSD violate the law by ignoring a **September 27, 2005** vote of the people that recalled three LOCSD Directors and passed **Measure B**, a law forbidding the construction of **ANY** centralized waste water facility in the main part of the town of Los Osos, and requiring a Proposition **218** vote to approve any new taxes or liens.

In a **November 18, 2005** e-mail from Barbara Evoy of the SWRCB,⁹ she makes a number of statements that appear to reveal an ongoing strategy to force the centralized sewer system on Los Osos. For example, in the second paragraph of one e-mail she reveals hope to keep the sewer project alive by “**carefully crafting our strategy.**” Why would a “strategy” have to be “**carefully crafted**” if the facts were honest, straight forward and without question?

Regarding the discussions between the SWRCB and the LOCSD she stated that “Darin was not a part of a negotiation team and this (the) proposal is not a bilateral document.”

This referred to the **October 24, 2005** discussions between the LOCSD and the SWRCB in which Darin Polhemus, a SWRCB official, came to Los Osos on behalf of the SWRCB to allegedly negotiate a settlement between the SWRCB and the LOCSD.

In an **October 21, 2005** letter,¹⁰ Assemblyman Blakeslee stated that he was told by Celeste Cantu, Executive Director of the SWRCB, that the negotiations were “**Structured Negotiations**” and that Darrin Polhemus had the authority to act **on behalf of the SWRCB**. Yet the Evoy e-mail contradicts that completely.

⁸ RWQCB Mailer

⁹ Barbara Evoy November 18, 2005 e-mail

¹⁰ Celeste Cantu letter to Blakeslee

This type of **“crafted strategy”** by the SWRCB simply continued the bad faith and arrogant attitudes and actions that Los Osos had been subjected to by Mr. Briggs and his associates since 1982.

Further on in the Evoy e-mail, she says, “We need a detailed time-frame with milestones. **When milestones are missed they (LOCSD) must immediately resume with the approved site.**” Create “*milestones*” designed to force the LOCSD to break the law. Again, why would you have to “create milestones” to force the LOCSD to do anything if, in fact, there were factual issues based on law?

Near the end of her e-mail she cites **“three options for consideration by our board.”** Number 2 is another example of the ongoing effort of the SWRCB and Mr. Briggs to force the LOCSD to **“repeal Measure B”** and ignore the majority vote of Los Osos residents.

Since 1999, the San Luis Obispo Tribune newspaper has printed a large number of editorials and letters from CCRWQCB staff, pas LOCSD Director Pandora Nash-Karner, LOCSD G. M. Bruce Buel, LOCSD Directors and their supporters that promote the centralized sewer system, continue to shout the CCRWQCB “mandated” system, fine4d against individuals, loss of the SRF Loan and the condemnation of anyone in opposition.

In a **November 04, 2005** e-mail from Tam Doduc¹¹ to William Rukeyser, he relates a conversation with Bill Morem of the SLO Tribune regarding a recent editorial or editorials that apparently didn’t favor the pro sewer and anti-recall/ **Measure B** positions. Doduc expressed concern over the fact that Morem will **“...make the SAME mistakes in future editorials.”**

Doduc then cites a **500** word op-ed opportunity offered to the SWRCB by Morem then he recommends that a “local (SLO county not Los Osos) voice (preferably non-government) would be the best author” and asks for “Any suggestions on local voices.”

Why is it necessary to specifically use a “SLO county resident” who is not in the government? Why not have a qualified SWRCB or CCRWQCB authority write the piece? Is this part of the “crafted strategy?”

Dudoc also cites a conversation with Shirley Bianchi (SLO County Supervisor), in which she assures her support for their (SWRCB) efforts and gives the “impression” that the other supervisor shares the same view. This despite the fact that a SLO County official had previously stated that the county would not be interested in taking over the Los Osos centralized sewer project.

The collaboration between the State and Regional Water Boards, the SLO County Board of Supervisors and the previous LOCSD Directors against the community of Los Osos has been ongoing since 1999 with one of the major participants being Mr. Roger Briggs. This latest gaggle of e-mails between SWRCB officials and staff reveal how deep-seated this willingness to coerce, intimidate and break the law actually is.

¹¹ Tom Doduc November 04, 2005 e-mail

Even after their removal from office, Mr. Briggs continues to conspire with ex-LOCSD President Stan Gustafson, ex-LOCSD General Manager Bruce Buel, ex LOCSD Directors Hensley and Pandora Nash-Karner.

Between **September 28, 2005** (one day after the LOCSD Recall Election) and **September 30, 2005**, Mr. Briggs, Bruce Buel and Pandora Nash-Karner exchanged e-mails revealing their long-time relationship and outlining some of their conspiratorial strategies. For example, in a September 28 e-mail CCed to a number of people, Pandora asks Mr. Briggs to "...transfer the sewer project to the county **BEFORE** the current CSD-3 (recalled Directors) leave office."¹²

In another **September 28, 2005** e-mail¹³ Pandora tells Mr. Briggs that, "I'd like to talk to you about **potential strategy...to stop the new board from stopping the project. I'll call you Thursday morning.**" Mr. Briggs tells Pandora of his moves and gives her a time schedule.

In a **September 29, 2005** e-mail¹⁴ from Mr. Briggs he states "**We also plan to enforce against the individual dischargers – the septic system owners.**"

Mr. Briggs is aware that he has **NO LEGAL AUTHORITY** to "enforce against" any "individual" without first responding to a complaint or notification, identifying a real problem, notifying the resident of the problem, giving the resident time to make the necessary repairs and to help the resident with "**cost effective**" options, then request the A. G. to seek the appropriate court order, not because of the results of an election that he doesn't agree with regardless of how the landscape is changed.

On **September 30, 2005**, three (3) e-mails between Mr. Briggs and Bruce Buel¹⁵ discuss Mr. Briggs getting "...the names and addresses of each water customer of the District. He also requests Buel to "...include a **request for monthly quantity of water and number of years as a customer of the CSD.**"

The threats of fines against individual Los Osos residents by the CCRWQCB and the LOCSD has been a tool of fear and intimidation used by these agencies to coerce and intimidate the residents of Los Osos. In the mid-1990's, the CCRWQCB threatened to fine individual residents **\$840,000**.

At a **July 2005** LOCSD public meeting then LOCSD Director Richard Legros not only stated that the CCRWQCB would fine the community and individual residents if the project were delayed or stopped, he specified the amount would exceed **\$11 million dollars**. He had no legal basis for that statement. It was learned later that Mr. Briggs and the LOCSD had formulated a plan in the event the recall election had removed the CSD-3 from office.

Mr. Briggs has been a facilitator of, and a participant in, acts of coercion, intimidation and fraud against the community of Los Osos for more than twenty (20) years and must be immediately removed from his position until an investigation has been concluded.

¹² Pandora Karner e-mail

¹³ Pandora/ Briggs September 28 e-mail "potential Strategy"

¹⁴ Briggs September 29, 2005 e-mail "Individual Fines"

¹⁵ Briggs/ Buel September 30, 2005 e-mails

If an investigation verifies any illegal or unethical activity and conduct as charged in this complaint or any other illegal or unethical activity and conduct revealed during the course of the investigation, Mr. Briggs must be permanently removed from any position of authority with any state agency and prosecuted to the fullest extent of the law.

A copy of this complaint and supporting documents have been sent to other appropriate state and federal agencies.

I am an adult, over the age of 18 years, a resident of Los Osos, California and a resident of the Prohibition Zone. I swear that all statements made by me in this complaint are true to the best of my knowledge and I sign this under penalty of perjury.

January , 2006

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RELEVANT FACTS & EVENTS

In **1982**, the county of San Luis Obispo ordered **11** groundwater monitoring wells to be drilled in Los Osos by Brown & Caldwell. They were strictly for the purpose of collecting data regarding the condition of the public water for a period not to exceed one year. The wells are identified as follows:

Well #30S/7L3
Well #30S/07Q1
Well #30S/07N1
Well #30S/12J1
Well #30S/13A7
Well #30S/13H1
Well #30S/ 13L5
Well #30S/13Q1
Well #30S/17F4
Well #30S/18J6
Well #30S/18R1

Prior to the installation of these wells nitrate levels in Los Osos were essentially flat. After the wells were installed, nitrate levels began spiking up and down. These 'upward spikes' were registered primarily from the monitoring wells and immediately and especially after rainfalls.

A considerable amount of data used by the CCRWQCB to show the alleged increases in the nitrate levels in the Los Osos ground water was specious data taken from these illegal wells after rainfalls. Of course, that is when surface nitrates and other pollutants such as animal feces, agricultural runoff and decayed vegetation were able to easily flow through the unsealed tops of the poorly constructed wells directly into the public water.

The use and actual condition of these illegal wells was first noted in the Briggs 1984 memo but fully documented and verified by Mr. Glenn Stillman, Vice-President and Principal Engineer with Alaska Petroleum Environmental Engineering, Inc., in his Affidavit¹⁶ for a federal court action brought against the LOCSO in 2001.

Mr. Stillman's extensive list of credentials, experience and qualifications are stated on the first page of his Affidavit. Mr. Stillman confirmed that the wells were illegal for a number of reasons so specified. Photographs of some of these wells are included herein.¹⁷

On page **10** of his Affidavit, Mr. Stillman states that "There is insufficient scientific data to support the drawing of the Prohibition Zone boundaries." He further states on page **10**, "Sorrell Marks (CC) RWQCB claims that all properties outside the Prohibition Zone are ½ acre lots. This is not true. In addition, lot size does not matter to the (CC)RWQCB which claims that vertical separation between septic system and groundwater is all that matters.

¹⁶ Glenn Stillman Affidavit

¹⁷ 7 Pages of Illegal Well Photos

“Ms. Marks then claims that homes high up on the hill would be too expensive to hook up with sewers (but this does not address all the expensive homes on the valley floor that are not in the Prohibition Zone).”

Mr. Stillman concluded by stating, “In short, I have found no scientific basis for the specific boundaries that the Agencies (CCRWQCB) used to establish the Prohibition Zone.”

In an Affidavit for the federal civil action against the LOCSD in 2001, Mr. Wade Brimm also addressed the illegal monitoring wells.¹⁸ His credentials are stated on page one and two (through #7) of the Affidavit. He also participated in the SLO County ordered August 1994 Nitrogen Study conducted by Black & Veatch.

Mr. Brimm refutes the studies cited by the CCRWQCB and others used to support their reasons for insisting the construction of a specified centralized sewer project in Los Osos. Mr. Brimm identifies the “... two definite sources for nitrates being detected in the upper regions of the groundwater aquifer underlying Los Osos.”

He states the first source is “...**extensive acreages of agricultural lands lying easterly of the community, plus five (5) horse farms/ stables.**” The second source is “...**a large amount of surface water runoff from the surrounding water shed, inundating and flowing into old improperly abandoned wells, including those installed in 1982 by Brown & Caldwell.**”

Mr. Brimm further stated, “I have personally inspected **10** ‘suspect’ (monitoring) wells in the community. These are wells which the county has sampled four times each year since **1982** and published data as indicating nitrates in the ground water.”

Because of the **inferior construction** of these wells, because most or all were installed **below ground level**, these wells **did not protect the public water supply** and **did in fact allow contaminated water and other undesirable runoff into the public water supply.**

Under **CAWC** law, these temporary wells should have been permanently sealed (closed) with concrete or other acceptable permanent sealants within one-year of installation to prevent any further contaminants from entering the public water. **This was not done.**

If any or all of the temporary monitoring wells were to remain open past their legal life span, the county was required to meet **California Well Standards** as stated in **CAWC Section 13801** that **mandates State Water Bulletin 74-81** be complied with. This was never done. Mr. Briggs allowed the wells to remain open.

CAWC Section 13225 states, “Each regional board ... shall (a) Obtain coordinated action in water quality control including the **prevention and abatement of water pollution and nuisance** and, (d) **Request enforcement** by appropriate federal, **state** and **local agencies** of their respective water quality control laws and, (f) Report to the **State board** and appropriate **local health officer any case of suspected contamination to the region.**”

¹⁸ Wade Brimm Affidavit

By allowing the wells to remain open, Mr. Briggs, CCRWQCB staff, SLO County officials and the LOCSD deliberately defied Section **13225(a) and (d) and (f)** and by doing so, did not take the appropriate actions to “**prevent and abate water pollution and nuisance.**”

CAWC Section 13271 (a) (1) states, “.... **any person** who, **without regard to intent or negligence** ... **permits** any hazardous substance or sewage to be discharged in or on any water of the State ... or **probably will be discharged** in or on any water of the State, shall as soon as (1) **that person has knowledge of the discharge**, (2) **notification is possible** and, (3) **notification can be provided** ... **immediately** notify the Office of Emergency Services.”

CAWC Section 13304 (e) addresses “**immediate action**” authority and definition of what constitutes use of that authority. “**Threaten**” ... means a **condition creating a substantial probability of harm** when the probability and potential extent of harm make it **reasonably necessary to take immediate action to prevent ... damages to persons, property or natural resources.**”

These illegal wells were a “**condition creating a substantial probability of harm**” that required “**immediate action to prevent.....damages to persons, property or natural resources.**” No actions were taken by Mr. Briggs.

CAWC Section 13340 further states that “**Whenever a Regional Board finds that discharge of waste within its region is taking place or threatening to take place which does or will cause a condition of pollution or nuisance**” ... they shall request the Attorney General to petition the Superior Court to enjoin such discharge.

By failing to take the appropriate actions, Mr. Briggs and the CCRWQCB “**permitted ... a condition of pollution**” to exist that threatened the health and safety of the residents of Los Osos and violated the authority of his charge.

By allowing these illegal wells to remain open, Mr. Briggs, the county of San Luis Obispo and the LOCSD violated a number of other CAW Codes including, but not limited to, **Sections 13225, 13271 (a) (1), 13300 – 13301, 13304, 13340 and, 13350 (b) (1)** that states, “.... any person who, **without regard to intent or negligence**... permits any hazardous substance or sewage to be discharged in or in any waters of the State **or probably will be discharged** in or on any water of the State.... **is guilty of a felony** punishable up to **3 years** in prison and up to **\$25,000 per day** in fines, **per offense**.”

The deliberate **in-actions** of Mr. Briggs, SLO County Health Inspector Percy Garcia, past LOCSD Directors and ex-LOCSD General Manager Bruce Buel in failing to take appropriate steps as prescribed by law to secure these “**poorly constructed monitoring wells,**” they violated felony provisions of **CAWC Section 13387** leaving each and all subject to criminal indictment and prosecution and, if found guilty, subject to imprisonment and thousands of dollars in “**per day**” penalties pursuant to **CAWC Section 13350**.

By allowing the illegal monitoring wells to remain open, Mr. Briggs “**without regard to intent or negligence and with (full) knowledge of probable discharge,**” permitted potentially hazardous substances including, but not limited to, types of feces, bacterial contaminants from decayed vegetation, possible hazardous chemical products and bacteria to enter the public water.

Mr. Briggs had knowledge of the conditions of these illegal monitoring wells and their potential for allowing contaminants into the public water yet he deliberately failed to notify any proper authority or take or order any appropriate action to protect the public water.

No one from the CCRWQCB took any appropriate actions, notified the **Office of Emergency Services** or required the county of San Luis Obispo or the LOCSO to take the appropriate actions to protect and preserve the integrity and safety of the public water regarding these illegal monitoring wells.

In **October of 2003**, a public records request was sent to **Celeste Cantu** of the SWRCB.¹⁹ The PRR identified the 1984 Briggs memo and **CAWC 13225(f)** and asked if Mr. Briggs or anyone from the CCRWQCB “**..ever** filed a report with the SWRCB regarding the poorly constructed monitoring wells.” No response was ever received.

In **November 2003**, a PRR was sent to Mr. Briggs²⁰ regarding the illegal monitoring wells. The **1984** Briggs memo and **CAWC 13225** were identified. Mr. Briggs was asked if he or anyone at the CCRWQCB **ever** informed the SLO County Health and/or the SWRCB about the illegal monitoring wells as **mandated** by law and if he had ever taken any action to close or order the closure of these wells or to **mandate** that they be brought up to CA Well Standards. Mr. Briggs refused to respond.

In **March, 2002**, a complaint was filed against Roger Briggs with the Board For Professional Engineers & Land Surveyors regarding the illegal monitoring wells. In his **March 13, 2002** response,²¹ Mr. Briggs made a number of statements and references that are untrue and deceptive. In paragraph three, when discussing his 1984 memo and the reference to “poorly constructed monitoring wells,” Mr. Briggs attempts to dismiss his remarks by placing responsibility on others.

He states that “...two others at the meeting (one of my fellow employees...) said they felt there **was potential for surface runoff contamination, presumably** from some wells.....described by the County’s lab analyst as “**poorly constructed.**”” Why did Mr. Briggs deliberately ignore the law: “**...without regard to intent or negligence and with (full) knowledge of probable discharge.**”

There is nothing in the Briggs 1984 memo that uses the term, “**presumably.**” In fact, Percy Garcia and “Frank” (de Marco?) of the CCRWQCB were adamant about the “**poorly constructed**” wells being the **only source** for “**human bacterial contamination.**”

¹⁹ October 25, 2003 PRR to Celeste Cantu

²⁰ Briggs November 2003 PRR

²¹ March 13, 2002 Briggs Response to Complaint

On page two of the Briggs complaint response, first paragraph, he states, “I have never seen the wells.” But he knew of them as evidenced in his 1984 memo and other correspondence both inner-office and to other individuals and agencies. He addressed them in the four-page, four-color May 2002 mailer. Does the law require Mr. Briggs to “see” the wells before he takes action based on the law and the data?

Then he states that, “His recollection is that two or three monitoring wells were set at a grade that **could allow** storm water runoff to enter the well cover monuments, with a concern about the possibility of bacteria getting into the wells.”

Despite the fact that his statement regarding “two or three” well deceitful and deliberately evasive, if there was even one well in probable violation, why didn’t Mr. Briggs order an inspection to determine the appropriate action necessary under the law? Why didn’t the CCRWQCB follow up with the county or later, the LOCSD to be sure the alleged “improvements” were made to the “well monuments?”

In paragraph three, Mr. Briggs cleverly skirts the issue of well closure (permanently sealing the wells) by referring to the word “**sealed**” in the complaint as meaning “sanitary seals.” Mr. Briggs was well aware that the word “**sealed**” as used in the complaint referred to a **permanent closing** of the well, not sanitary seals.

In fact, the full text in the complaint stated that the wells were to have been **permanently sealed** or brought up to California Well Standards. There was no mistaking the definition of the word “sealed” as used in the complaint. Of course Mr. Briggs had to skirt because to acknowledge the actual meaning, he would have had to respond to the legal questions.

In paragraph four, Mr. Briggs quotes Cleath and Associates as stating, “None of the well locations reviewed are subject to flooding or overtopping by contaminated or polluted waters” and, “...all monitoring wells are capped, preventing the direct entry of surface water into the casings.” The first statement is either a lie or the wells in question were not inspected. This last statement is absolutely absurd.

But the last sentence in this paragraph is telling. Mr. Briggs quotes Cleath and Associates, “The potential for direct entry of contaminated or polluted service water into the wells inspected **is low.**”

“...**is low.**” Even if this were the true condition of the wells, the law doesn’t say that a “low” potential for contamination is acceptable. The law is specific regarding the responsibility and duty of the CCRWQCB in the event **ANY** condition of these wells was a “possible” or “suspected” source of contamination of public water. It was the responsibility of Mr. Briggs to take specific steps to **GUARANTEE** that **NO** contaminants could enter the public water through even one well, let alone eleven. He did nothing.

In his paragraph five, Mr. Briggs states, “... as far as the 1984 concern about surface water entering the wells, **either** there was **no significant problem** to begin with, or the problem was indeed corrected, as Mr. (Frank) De Marco recalls the County’s intent.”

Mr. Briggs is unable to address the actual condition of the wells. According to Mr. Briggs, as of **March 2002**, the CCRWQCB had no data to support any conclusion despite the fact that the “poorly constructed” condition of these monitoring wells was identified by the County Engineer and “Frank (De Marco) of the CCRWQCB in 1984.

In paragraph six, Mr. Briggs states that the Cleath reports showed that “...none of the wells reviewed are subject to surface flooding, or overtopping by contaminated or polluted waters.... The Cleath reports refute the allegation that the wells are the source for runoff spilling freely into the upper aquifer.”

If that is true, then Cleath and Associates did **NOT** examine any of the eleven “poorly constructed monitoring wells” or they deliberately falsified their reports. The photographs show clearly the “below ground” construction and improper caps. The Wade Brimm and Greg Stillman reports are thorough and leave no doubt about the probable avenues of ground water pollution these eleven wells were even as late as 2002.

In the last paragraph of page two, Mr. Briggs admits that “The Cleath reports **do conclude** that **some of the monitoring wells will need reconditioning** to improve seals, but none of the wells reviewed had **significant potential** for ground water contamination due to an inadequate vertical seal.”

Mr. Briggs acknowledges the fact that there are **some wells** in need of “**reconditioning** to improve seals.” These were temporary monitoring wells with a one-year legal life span. They were identified by SLO County Engineers and CCRWQCB personnel as “**poorly constructed**” and “**potential sources of ground water pollution**” as early as 1984 and again in 1997 and twice in 2001 by world class experts, yet Mr. Briggs continued to vacillate and back track in his responses regarding these wells.

On page three of his response letter, paragraph one, Mr. Briggs references the part of the complaint dealing with the fact that most of the eleven illegal wells were placed below ground level. He cites a reference in the California Well Standards Bulletin 74-90 regarding tops of wells as “terminating above ground surface...except where site conditions such as vehicular traffic will not allow.”

None of the eleven illegal wells is affected by “**vehicular traffic**.” All are installed out of the traffic areas in vacant lots or on parcels of raw land. None of the wells are “traffic rated well boxes.”

The last sentence of paragraph two, page three of Mr. Briggs response spends a considerable time focusing attention on the alleged contamination of Los Osos water by septic systems and dismissing any “potential” contamination problem with eleven wells as insignificant and meaningless.

The deliberate avoidance of Mr. Briggs to directly address the issues regarding the illegal wells while creating the illusion of recognition is clearly revealed in the underlining of three words: “**potential, infrequent and possibly.**”

These illegal monitoring wells had been used by the county and the LOCSD for **18** or more years to collect specious data used to support the alleged nitrate contamination of Los Osos water.

Mr. Briggs has repeatedly denied the fact that he deliberately allowed these eleven illegal monitoring wells to remain open despite the fact that in his own 1984 memo, he acknowledged a report from Frank DeMarco (CCRWQCB) and Percy Garcia (SLO County) that the only areas of contamination to the Los Osos water they could find was from **“poorly constructed ground water monitoring wells”** that had been installed in 1982.

Mr. Briggs deliberately failed to act on the information known to him at least as early as 1984 regarding these illegal wells and the probability they were the sole sources of any contamination of the public water in Los Osos. he deliberately failed to take the appropriate actions as mandated by law to preserve and protect the public water.

As early as 1984, Mr. Briggs was aware that it was his responsibility to monitor these wells for their potential to contaminate the public water despite their legal obligation to do so.

Further in his response, Mr. Briggs attempts to divert attention away from, and dismiss the importance of, the well issues by off-handedly dismissing their importance in respect to the alleged over all contamination problem in Los Osos for which there is no accurate scientific data but which is supported in large amount by specious data culled from these illegal monitoring wells.

In the third paragraph, page three of his response, Mr. Briggs references a complaint filed with the SLO District Attorney in 2002 regarding the eleven illegal wells and his involvement. He states that the D.A. declined to pursue the matter, thereby giving the impression that the complaint had no legal substance, therefore, the issue of the illegal wells was not valid.

In fact, there were two complaints filed with the SLO District Attorney at the same time. One dealt with the illegal monitoring wells, the other with election fraud. The D.A. only addressed the election fraud and said nothing about the illegal wells. This despite the overwhelming evidence that at least demanded a full investigation.

It is alleged that the D. A. deliberately refused to open investigations because of political cronyism. When the complaints were filed, Mr. Steven von Dohlen, Assistant D. A., told Mr. Sanford in a phone conversation that the D.A.’s office “might have to recuse themselves” because they were friendly with some of the people charged. After a challenge by Sanford, von Dolen quickly retracted his statement.

In addition to the previous violations, it seems that Mr. Briggs and others already identified are in violation of **CA Penal Code Section 182(a) (4) and (5)** regarding **“conspiracy.”**

The alleged Los Osos waste water issues have continued without resolve for more than **30** years. In early **1980’s** the CCRWQCB issued **Resolution 83-12** in which it suggested the county survey the Los Osos ground water basin, pump down the ground water in appropriate areas, create a **“Septic Tank Maintenance Ordinance,”** have all

onsite tanks inspected and make sure the appropriate actions were taken for those systems that required repair or replacement to be brought up to standards and install cluster plants where appropriate. The county took no action at all to preserve or protect the public water.

On the same day, Resolution 83-12 was issued, the CCRWQCB issued **Resolution 83-13** that completely contradicted 83-12. Soon after the **Prohibition Zone** was created by a CCRWQCB Board member who lived in the Cabrillo Estates area of Los Osos that is conveniently *outside* the Zone.

Despite the fact that there has **NEVER** been any proper scientific data to justify the Prohibition Zone or a centralized sewer system, after 83-13 was issued the pressure to install a central waste water system in Los Osos began in earnest. Mr. Briggs was involved in the effort from the beginning.

Despite the fact that between **1982** and **1997** Mr. Briggs and other officials of the CCRWQCB repeatedly attempted to coerce and intimidate Los Osos and the county through threats of fines and other actions into building a centralized sewer in Los Osos, no centralized sewer system was built and no fines were ever sought or levied against the county or individual Los Osos residents by the CCRWQCB.

There is a CCRWQCB history of threatened fines against individual Los Osos residents as a tool used to intimidate and coerce. In an early 1990's SLO Tribune newspaper article, B. Leonard threatened to fine each individual Los Osos resident in the Prohibition Zone **\$840,000** if the county's centralized sewer were not built. This terror tactic has been repeatedly used by Mr. Briggs and the LOCSO as well.

In an effort to stop the county and the CCRWQCB, an effort to create a CSD in Los Osos began in 1997. This effort was spearheaded by a group of seven people who called themselves "**Team Los Osos.**" It consisted of the following people: **Pandora Nash-Karner, Rosemary Bowker, Stan Gustafson, Gordon Hensley, Sylvia Smith, Frank Freiler and Virgil Just.**

These were some of the people who had been at the forefront of the fight against the centralized sewer throughout the 1990's and were trusted by a majority of the community.

Their concerns were evidenced in a June 11, 1997 letter to then Governor Wilson²² from Stan Gustafson and Gordon Hensley asking for his help to stop the county and the CCRWQCB from forcing the sewer on Los Osos.

Their reasons included a lack of affordability, the devastating negative economic impact on selected residents, the inability of a centralized sewer to have any appreciable affect on any nitrate levels and other sound reasons. The CCRWQCB was aware of these factors yet deliberately ignored them and other lawful mandates in favor of forcing the centralized sewer with specific technology on segments of the Los Osos community.

²² 1997 Governor Wilson Letter from Gustafson & Hensley w/ 3 pages of enlarged text.

In November 1998, after a campaign based on “no sewer,” and “Cheaper, Better, Faster,” the voters passed **Measure K** that created the LOCSD and elected Karner, Gustafson, Bowker, Hensley and Smith to the Board.

The LOCSD officially opened on **January 2, 1999**. Shortly thereafter, to the shock and dismay of the community, the LOCSD issued the following **19** word statement: “**The RWQCB has mandated that Los Osos build a sewer. Los Osos has no choice.**”

The CCRWQCB “**mandated**” centralized sewer statement was repeated by the LOCSD, Mr. Briggs and representatives of the CCRWQCB at public LOCSD meetings, in the newspaper and in other public media venues.

These seventeen words were deliberately crafted to take focus away from the LOCSD and on to the all-powerful” CCRWQCB, creating the illusion to the general public that since the “all powerful” state agency had “mandated” the centralized sewer, the LOCSD was powerless to do anything else.

The CCRWQCB under Mr. Briggs and the LOCSD believed they had a clear road ahead with little or no community resistance or fear of their scheme being discovered and wasted no time in spreading their propaganda.

Beginning in **January 2001**, the LOCSD began a campaign to create an **Assessment District**. They sent a number of mailings to residents entitled, “**Messages**” in which they continually repeated the CCRWQCB “**mandated**” centralized sewer mantra, threats of **\$10,000 per day** fines against the LOCSD and individual residents, the loss of the Low Interest SRF Loan and county take-over of the sewer project if the Assessment vote failed.

Early in the beginning of that campaign, after a number of challenges by residents of the “**mandated**” sewer, the fines and other related statements, Mr. Briggs attended an LOCSD public meeting at which he verbally reconfirmed the CCRWQCB “**mandated**” centralized sewer, the threats of \$10,000 per day fines against the LOCSD and individual residents, the permanent loss of any SRF Loan money and a more expensive take over of the project by the county if the Assessment vote failed to pass.

Over the months leading up to the June vote, Gerhardt Hubner and Sorrel Marks of the CCRWQCB came to a number of LOCSD public meetings where they continued to repeat and promote the CCRWQCB “**mandated**” centralized sewer and other threats against the community if the vote failed.

Because of the repeated propaganda from the LOCSD and the CCRWQCB regarding a “**mandated**” centralized sewer, fines against individuals and the LOCSD, permanent loss of SRF funding and a more expensive project if the vote failed, many in the community were coerced and intimidated into believing that Los Osos really “**had no choice.**”

Many in the community believed the propaganda. Many believed they were powerless and “had no choice.” These and other deliberately false, intimidating statements and threats by the LOCSD and the CCRWQCB coerced and intimidated Los Osos residents and directly influenced the outcome of the June 2001 election.

Of course the CCRWQCB never “**mandated**” a centralized sewer or any other solution. **CAWC 13360** prohibits the State and Regional Water Boards and the Courts from “**specifying the method of compliance**” or the “**particular manner in which compliance may be had.**”

Mr. Briggs was fully aware of this law. In a letter to Pandora Nash-Karner from Mr. Briggs dated **January 19, 1998**, eleven months **before** the LOCSD was created, he confirmed that fact.

These deliberate actions of Mr. Briggs, the CCRWQCB and the LOCSD that coerced and intimidated voters and kept them from “...all the information required to make an informed and intelligent decision” are violations of **CA Elections Code 18540 (a) & (b)**. Each violation is a felony. They also violated **Criminal Codes 115.1(a) (b) (c) and (f) and 115.2(a) & (b)** and must be held accountable.

Mr. Briggs, the CCRWQCB, county government and the LOCSD violated a number of additional CAW Codes that deprived the residents of Los Osos of their legal rights. Those laws included, but were not limited to:

CAWC 22170 – 22175 that clearly states before a centralized sewer can even be discussed by the LOCSD (or any governing authority), the community must be asked if it even wants a centralized sewer and must get a **51%** voter approval. **This was never done** by the LOCSD or the county.

CAWC 13416 clearly states that before a District can enter into an SRF Construction Loan with the State, they must ask the community permission and receive a **51%** or greater voter approval. **No voter approval was ever sought or granted.**

In some of the LOCSD “Messages” before the June vote, the LOCSD told the community if the vote failed they would they would not be able to apply for the loan. In other “Messages” they said if the vote failed they would lose a low interest SRF Loan. This was confusing to voters. Did the LOCSD have a loan or would they be unable to apply for a loan?

It was revealed during the Total Recall movement in **2002** that the LOCSD already had a substantial loan approval. With help from Mr. Briggs the SWRCB had allowed the LOCSD to assume a **preliminarily approved \$47 million dollar SRF Loan** granted to the county of San Luis Obispo in **1990**. The LOCSD had only to apply for the additional **\$18.4 million dollars**, thereby avoiding any public vote or interference.

The original “preliminary approval” had been granted without any voter approval to enter in to an SRF Construction Loan as prescribed by **CAWC 22170 – 22175** and **13416** and the transfer of the loan to the LOCSD was also done without any voter approval and under secrecy that deprived the community from this knowledge.

Another requirement for an SRF Loan is to get permission from voters to issue and sell **obligation bonds**. According to **CAWC’s 12944.5 (a) & (b), 12932, 12934 (d), 75150 & 75152** the LOCSD was required to hold an election and receive permission from the voters with a **2/3 majority**. **This was never done** by the county or the LOCSD at any time. This is also a requirement under the Federal Clean Water Act.

Because of all the false propaganda, deliberate mis-information including threats of enormous daily fines, the community was never sure of what they were voting for. Many just believed that the CCRWQCB had “**mandated**” a centralized system, that “Los Osos had no choice,” and that if the community failed to approve the ballot measure individual residents would be fined up to **\$10,000 per day**, the system would be built anyway because the county would take over the project and it would cost more.

Under California Elections Law, a ballot must state exactly what the voter is being asked to approve or reject. The actual **Assessment District Ballot of June 2001** simply stated the vote was, “**FOR THE PROPOSED (LOCSD) WASTEWATER ASSESSMENT DISTRICT NO.1.**”²³

The ballot said nothing about asking the community if it wanted a centralized sewer, if it would approve entering into an SRF Construction loan or give permission to issue and sell obligation bonds.

California and Federal Election Laws clearly state that voters must be given all information necessary to make an informed and intelligent decision. Los Osos voters were **NEVER** given any of the correct and appropriate information necessary to make an informed and intelligent decision by the LOCSD or the CCRWQCB

Mr. Briggs and the LOCSD also violated **CAWC 13307** that states whatever the solution selected it must be “**cost effective.**”

State Water Resolution 92-49, Section 9 B III states that the “**RWQCB shall ... ensure that dischargers shall have the opportunity to select cost-effective methods for... clean up or abating.**”

The USEPA also requires any person or entity, public or private, applying for a loan or grant to select the most **cost-effective method(s) for... clean up or abating.**” The SRF Loan Fund is **80%** federal tax dollars. By depriving Los Osos of this right, Mr. Briggs, the LOCSD and the SWRCB violated federal law.

Whenever questions about cost-effective alternatives were raised the LOCSD and the CCRWQCB repeatedly stated that all alternative options had been rejected because they did not meet State Water Quality requirements. They said that whatever the solution, it had to be a “**traditional system**” with a “**proven track record**” and that all alternatives failed to meet these requirements, therefore, the only acceptable solution to the CCRWQCB was a centralized sewer.

Further participation by Mr. Briggs to influence the sewer project and prevent any perceived interference with its construction was again clearly evidenced in **2002**.

On **April 28, 2002**, **Mr. Graham Knowles**, a highly respected USEPA consultant and expert on waste water issues and solutions and a **Program Coordinator of the National Environmental Services Center (NESC)** located at West Virginia University, came to Los Osos and spoke at a public town meeting sponsored by a local grass roots organization and attended by approximately **350** residents including Hubner and Marks of the CCRWQCB.

²³ June 2001 Assessment District Ballot

Mr. Knowles gave a thorough, knowledgeable and objective presentation that included sound reasons why Los Osos did not need a centralized sewer with specific technology.

He explained why and how Los Osos should keep and maintain most of their onsite septic systems and outlined a sensible program for proper evaluation and solutions that included a number of cost-effective alternatives including cluster plants and pumping down the ground water where applicable.

On **April 29, 2002**, Roger Briggs sent a scathing correspondence to the USEPA²⁴ and the University of West Virginia in which he made a number of deliberately false and misleading statements regarding the centralized sewer project, research and alternatives allegedly studied and rejected by the LOCSD and scathing accusations in an attempt to denigrate, embarrass and disgrace Mr. Knowles.

The letter also provided the LOCSD with false ammunition to discredit the information Mr. Knowles imparted. The Briggs correspondence was flaunted by the LOCSD at their next public meeting and in their news letter to promote their false accusation that Mr. Knowles was not qualified to address the Los Osos centralized sewer project.

After all, if Mr. Briggs, Executive Director of the CCRWQCB took the time to send letters to the USEPA and the University denouncing the presentation and Mr. Knowles, then Mr. Knowles must be wrong and out of line. That was the tact taken by both agencies.

Another contemptuous effort by Mr. Briggs and his staff to deceive, intimidate and coerce the residents of Los Osos was the **four page, double sided, four colored** mailer sent approximately three days before a **May 07, 2001** LOCSD “emergency meeting.”

This was part of a carefully planned and coordinated effort between the CCRWQCB and the LOCSD with the intent to discredit the “Total Recall” effort to remove the five LOCSD Directors that had just been announced.

In the mailer, the first paragraph stated, “... **the Regional Board does not specify what type of collection, treatment or disposal is included in the project.**” Why bother to make this statement?

Why didn’t Mr. Briggs simply state that the CCRWQCB has no legal authority to “**mandate**” a centralized sewer with specific technology? Why did Mr. Briggs continue to allow the LOCSD to state that the CCRWQCB did “**mandate**” a centralized sewer with specific technology? Because to do so would be to admit conspiracy to defraud.

In the same mailer under the heading, “**Does the EPA support or oppose this project?**” Mr. Briggs deliberately misquoted **Mr. James Kreisel** of **USEPA**, a leading expert, who came to Los Osos with two other EPA scientists in **1993** or **1994** to conduct tests and evaluate the Los Osos ground water conditions.

²⁴ Briggs Complaint Letter: Graham Knowles

According to Mr. Briggs, **Mr. Kreisel** was in favor of the centralized sewer. Briggs quoted Mr. Kreisel: **“The non-sewer option is not physically feasible due to the lot size limitations in most of the presently developed lots of Los Osos and due to nitrogen removal limitations which fall short of the present RWQCB requirements.”** Gerhardt Hubner and Cheryl Mc Govern repeated this and other false statements at the LOCSO “emergency meeting.”

In fact, Mr. Kreisel **NEVER** made that statement and he verified it in an e-mail he sent on **May 07, 2002 at 3:08 PM (PST)**²⁵ in which he said, **“I was distressed to see the misrepresentation of my 1994 report on possible solutions for the Los Osos wastewater problems provided by Mr. Gerhardt Hubner and signed by Ms. McGovern of the USEPA.**

“By taking the statement about the difficulty in employing onsite solutions in certain portions of Los Osos ... **out of context** ... the statement **appears to support** an area wide (centralized) sewer system for the entire community.

“In fact, it was clearly intended within the context of the report to justify that **these areas needed to be served by cluster systems**, and those cluster systems would be part of a **decentralized** mixture of on-site and cluster systems...**To claim that my report supported an area wide conventional sewer system is a gross misrepresentation of my report.”**

This was not the first time Mr. Kreisel was deliberately misquoted in order to promote the centralized sewer project. In a **February 08, 2002** public meeting LOCSO G. M. Bruce Buel responded to public challenges regarding high ground water and the pumping down of the ground water as part of an affordable and sound maintenance solution by quoting Mr. Kreisel as saying **“A septic tank maintenance program will not work in Los Osos due to high groundwater.**

Mr. Kreisel was asked if he had made this statement and responded in a **February 08, 2002** e-mail:²⁶ **“High groundwater would have nothing to do with the viability of a decentralized management program. ... Decentralized systems include both onsite and cluster systems.”**

In a **June 24, 2001** e-mail from Mr. Kreisel²⁷ he stated, **“The USEPA’s Office of Water, Office of Wastewater Management** has finally recognized the **folly of regional sewers** (centralized sewer systems) and has indicated that **decentralized wastewater systems** are a viable and sometimes **preferable solution**.” He referenced **“EPA 832-R-97-007b,”** issued in **April 1997.**

This was not the first time Mr. Kreisel had been quoted. In a **March 18, 1994** letter from the USEPA to Clint Milne, (SLO) County Engineer.²⁸ Mr. Kreisel was referenced regarding his statements about the hydrogeology, sources of nitrogen and de-nitrification studies for Los Osos as being **“inconclusive,”** and recommended **“further research.”**

²⁵ May 07, 2002 Kreisel e-mail

²⁶ February 08, 2002 Kreisel e-mail

²⁷ June 24, 2001 Kreisel e-mail

²⁸ 1994 USEPA Letter to Clint Milne

As all communications between the county, the LOCSD and the CCRWQCB relating to the Los Osos sewer project are “CC’d” amongst each other, Mr. Briggs was aware of these and other statements and reports.

Further in the **May 2002** CCRWQCB 4-page mailer under the heading, “**There are suggestions by some that monitoring wells are the culprit.**” Mr. Briggs attempted to denigrate the public exposure of the continued use of the eleven illegal monitoring wells since **1982** to collect specious data without addressing the facts and the law.

He said the *integrity* of these monitoring wells “....**most recently used for nitrate monitoring**” had been *evaluated* by the LOCSD and that the *evaluation* had “.... **identified and recommended improvements to some of the wells... and determined that none of the wells evaluated had significant potential for impacting ground water.**”

These were the same illegal wells Mr. Briggs identified in his 1984 memo, the same illegal wells that were identified as being the only sources of contamination to the Los Osos water, the same illegal wells that should have been ordered closed or upgraded by the CCRWQCB in 1984 and the same illegal wells continuously used through 2002 by SLO County and the LOCSD to collect specious data used to fraudulently promote the need for a centralized sewer with specific technology.

On **October 04, 2001** the LOCSD told the community that the **11** (illegal) monitoring wells had been “**upgraded with proper sanitary seals,**” had been “**sealed against surface water infiltration**” and that they now “**complied with State Water Well Standards.**”

They also confirmed that these illegal wells had been used by the County as recently as the “**last quarter of 1998**” (15 years after they were to have been sealed or brought up to standards) to collect ground water data.

On **October 05, 2001**, Mr. Wade Brimm sent an e-mail reply to a Los Osos resident.²⁹ Mr. Brimm stated that he had examined the following Los Osos monitoring wells: **7L3, 13L5, 13Q1, 13H1 and 18R1** and that, “There has been no change in either construction or maintenance of those wells or their basic security to provide valid data, since my report of **1997** or my more recent evaluation for the Plaintiffs (**C.A.S.E.**) of the environmental justice claim in federal court (June/ July 2001).

“Therefore, of the representations made by the LOCSD, the first is **untrue** (had not been upgraded) and the second (regarding alleged Nitrate increases) is **irrelevant.**”

On **October 16, 2001**, Mr. Brimm submitted a complete evaluation report³⁰ on all **11** wells to Rosemary Bowker, President of the LOCSD. Copies of this report were sent to the **USEPA, CCRWQCB, CA.Coastal Commission, CA Department of Water Resources, SLO County Board of Supervisors, SLO County Engineering, and the New Times, Sun Bulletin, Tribune and Bay Clipper** newspapers.

²⁹ Wade Brimm October 05, 2001 e-mail

³⁰ October 16, 2001 Wade Brimm Report

This report confirmed that all **11** illegal monitoring wells had not been upgraded and that they continued to be a threat to the public water. Mr. Briggs was aware of this yet continued to take no action to protect the public water.

Mr. Briggs told Los Osos in the **May, 2002** mailer that the LOCSD had **recently** “evaluated the integrity of several wells, including the **eleven most recently used for nitrate monitoring.**” Mr. Briggs admitted the illegal wells were still being used and that they had not been upgraded as of May 2002.

If the LOCSD had done any work on the eleven illegal wells, they were obligated to file specific forms and related paper work with the CCRWQCB and the SWRCB which Mr. Briggs would have been aware of.

On **November 12, 2003**, a Public Records Request was sent to Mr. Briggs³¹ asking for copies of any reports submitted by him or the CCRWQCB in **1984** or at **any other time** regarding the condition, closure or any other action relating to the monitoring wells referenced in his **1984** memo.

Mr. Briggs was also asked if the CCRWQCB had notified the County regarding the illegal status of the **11** wells and if the CCRWQCB had taken **ANY** action as prescribed by law in regards to the wells. Mr. Briggs refused to respond to this request.

Mr. Briggs never responded or produced any paperwork to substantiate his claim regarding the eleven illegal wells being upgraded, closed or brought up to code.

On **September 06, 1997**, Mr. Brimm released a report entitled, “**A Detailed Examination of the SLO County Nitrate Sampling Program (1982 – 1997).**”³² This report was sent to the appropriate officials of SLO County and to Mr. Briggs and focused on the conditions and data collected from the 11 illegal monitoring wells.

In this report, Mr. Brimm made certain “**Conclusions**” and “**Recommendations.**” Amongst his conclusions was this statement: “Whether **deliberately** or through ignorance **every data point showing nitrates in excess of the MCL from 14 years of this program is INVALID.**”

He concluded with this statement: “Once the invalid sampling data has been eliminated, **the remaining data does not support a conclusion of general high nitrate concentrations in the ground water basin.** It appears to be an artifact of improperly collected data.”

He stated “Since there are **no valid nitrate records** from the wells cited in this report..... “ He then stated, “**All records from 1983 through 1997 should be expunged from the record... No use of this data should ever be made statistical or otherwise.**”

³¹ November 12, 2003 PRR to Briggs

³² September 06, 1997 Brimm “Detailed Exam of SLO County Nitrate Sampling Program (1982-1997)”

Since 1984, Mr. Briggs has been aware of these wells, aware they had continuously been used by SLO County and the LOCSD to collect specious data that he and other CCRWQCB officials and employees represented as factual nitrate readings of the Los Osos ground water basin.

Mr. Briggs was aware that these “**poorly constructed monitoring wells**” (as stated in the 1984 memo) were a serious threat to the public water, that data was being collected from them after rains and other convenient times, that readings from these wells were not representative of the actual levels of nitrates in the Los Osos ground water and that it was his duty and responsibility to order them sealed or brought up to State Well Standards which he **NEVER** did.

According to the law, Mr. Briggs has committed felonies by knowingly allowing contaminants to enter the public water and not doing what was prescribed by law to stop it. Because of his deliberate and criminal dereliction of duty for 18 years he endangered the community water supply and the health of every Los Osos resident.

A **June 25, 2003** PRR³³ to Mr. Briggs included **21** items of concern. A number of which questioned how Mr. Briggs enforced or complied with specific CA Water Codes. Mr. Briggs refused to respond to all questions regarding CAWC violations (numbers **5 – 8 & 15 – 21**).³⁴

Since 1999, the CCRWQCB, LOCSD Directors and their G. M. Bruce Buel repeatedly told Los Osos there would be **NO SRF money** unless Los Osos used a “**traditional system.**”

One original LOCSD Director, Pandora Nash-Karner, repeatedly told the community that she had been told by Mr. Briggs and the SWRCB that there would be no SRF money for any system other than a “**traditional system.**”

Whenever the definition of a “**traditional system**” was demanded, no matter who was asked, Karner, the LOCSD and the CCRWQCB all repeatedly said, “A centralized sewer with specific technology just like the one the CCRWQCB has **mandated** for Los Osos”

On **July 31, 2003**, a PRR was sent to **Celeste Cantu**³⁵ of the SWRCB in which she was asked if the statement regarding having to use a “**traditional system**” or be refused SRF money were true.

In an **August 15, 2003** response,³⁶ the SWRCB stated that “SWRCB’s SRF Loan Program does **not require the implementation of any specific treatment technology for a project to be funded.**”

³³ June 24, 2003 PRR to Briggs

³⁴ July 15, 2003 Briggs response to June 24, 2003 PRR

³⁵ July 31, 2003 Celeste Cantu PRR

³⁶ August 15, 2003 SWRCB response to July 31 PRR

In **August 27, 2003**, Celeste Cantu,³⁷ was asked if the State or RWQCB had ever told Pandora Nash-Karner or any other LOCSD Director or employee if the June 2001 Assessment District vote had failed and the LOCSD failed to build a “**traditional**” centralized sewer system there would be no SRF money or any other State or Federal money for Los Osos.

The SWRCB **October 15, 2003** response³⁸ said that there were “...no letters or documents that have communicated the above statement or any other statement implying such a message.”

A PRR was also sent to Roger Briggs regarding the same question. In his September 22, 2003 response,³⁹ he also stated, “I am not aware of any such correspondence or conversation.” Yet he **NEVER** denied the threat during the campaign or instructed the LOCSD to cease making such statement.

Another phrase constantly cited by Mr. Briggs and his associates when explaining why they supposedly rejected all the alternatives to the centralized sewer was that the solution had to have a “**proven track record**.” This was echoed in a response to a PRR by SWRCB representative Barbara Evoy.

A follow up PRR was sent to Evoy on **August 27, 2003** questioning her statement that “...the proposed project (must) include technology with a **proven track record**.”

In her **September 15, 2003** response, Barbara Evoy stated, “The phrase, “**proven track record**” was taken from the common speech and was **not** intended to carry any legislatively defined meaning.”

Mr. Briggs, Gerhardt Hubner, Sorrel Marks and the LOCSD repeatedly told Los Osos that “alternatives including allowing the majority of septic tanks to be retained, cluster plants installed where needed and ground water pumped down did **NOT** qualify for an SRF loan because those solutions did not have a “**proven track record**” and would not solve the alleged problem.

Since **1984**, Los Osos residents have been told by the CCRWQCB and later by the LOCSD that the onsite septic systems are polluting the Morro Bay Estuary and that only a centralized sewer with specific technology would be allowed because it was the only technology that would significantly reduce (alleged) nitrate levels, save and protect the water and prevent any further polluting of Morro Bay Estuary.

These and other similar statements regarding the pollution by onsite septic systems have been repeatedly told to Los Osos by Mr. Briggs and other CCRWQCB representatives for years. This despite a number of contrary facts not the least of which was stated by Gerhardt Hubner and a gentleman named Kolb at the **April 18, 2002** public LOCSD meeting. They confirmed that **no nitrate study had ever been taken below Los Osos septic systems**.

³⁷ August 27, 2003 PRR to Celeste Cantu

³⁸ Briggs September 22, 2003 PRR Response

Without a study under the septic systems, the leach fields and leach pits, how did Mr. Briggs and other CCRWQCB executives determine that Los Osos septic systems were polluting the water and Morro Bay Estuary?

By what authority did Mr. Briggs threaten to fine individual residents? By what authority did Mr. Briggs continue to force a centralized sewer with specific technology on Los Osos without the appropriate scientific data?

Since **1992**, a number of national and international waste water and water conservation experts, including Kreissel from the USEPA, have come to Los Osos and taken appropriate scientific studies of the upper and lower aquifers. All have concluded there is no evidence to support septic tank pollution of the water or a need for a centralized sewer. Furthermore, they found no reason for the Prohibition Zone.

In fact, their evidence overwhelmingly supported the increased nitrate spikes alleged by Mr. Briggs, SLO County and the LOCSD are caused by agriculture runoff, old vegetation and samplings from the 11 illegal monitoring wells.

Dr. John Alexander, a world-class expert, submitted an Affidavit⁴⁰ for the 2001 federal legal action against the LOCSD. Dr. Alexander has had many meetings with SLO County, the LOCSD and Mr. Briggs and his staff since the early 1990's to discuss real alternative opportunities, current technologies and proper ground water studies, all to no avail. Mr. Briggs was not interested.

In addition to his many areas of expertise, Dr. Alexander has been working with the CDC in Atlanta and other sources on the consequences from the types of bacteria used in centralized sewer plants to reduce solids. The startling and deadly conclusion is that these bacteria have "become a dangerous threat to the whole world."⁴¹

The overwhelming evidence shows a **"misuse of our wonder drugs" and the "conventional sewage systems" as the major contributors to a pandemic situation of catastrophic proportions with a 60% mortality rate and no known cures."**

It is reasonable to presume that the USEPA, the CAEPA, the SWRCB and the CCRWQCB are all aware of these studies and the extreme danger centralized sewer systems present.

To deliberately conceal this information and not take appropriate steps to inform communities is irresponsible at the least, possibly criminal. There is no reason to believe that Mr. Briggs and the SWRCB are not aware of ongoing scientific studies regarding these deadly strains of bacteria found in sewage waste. There is no reason to believe that Mr. Briggs and the SWRCB are not aware of the current technologies available and the better than required results in protecting and preserving public water.

The USEPA has been promoting the retention of cost effective, on-site and decentralized remedies for some time. This is evident in a number of areas of the Clean Water Act including requirements for funding. Millions of dollars, including millions in grant funding, are available for on-site and decentralized systems.

⁴⁰ Dr. Alexander Affidavit

⁴¹ Dr. Alexander Paper on Pandemic

It is therefore even more unconscionable and criminal for Mr. Briggs and the SWRCB to continue to pursue forcing a centralized sewer with specific technology on a selected area of Los Osos for any reason. The technologies available today for retention of on-site, cluster plants and other decentralized systems are so far superior to any centralized sewer. On-site and decentralized systems protect the health and safety of a community better than any centralized sewer and are very affordable.

“Affordable” is a criteria of both State and Federal codes. The centralized sewer with specific technology that Mr. Briggs, the SWRCB and the old LOCSD attempted to force on Los Osos would have cost **\$350 to \$500 million dollars**. A select group of middle to low income residents would have been forced to pay these costs. It was **NOT** affordable.

The centralized sewer system with specific technology was a toxic waste, sludge producing vehicle requiring tons of dangerous, deadly materials to be trucked through the center of Los Osos on a daily basis. This would endanger the health and safety of the entire community.

The additional costs of trucking this toxic sludge would have been substantial and would have only increased as the distance from the plant to the dump areas increased. Cost effective? No. Safe? No. A danger to public health? Yes.

There is pollution of the Morro Bay Estuary by Los Osos ground water. It is pollution sanctioned by Mr. Briggs and the LOCSD. The identified and confirmed source of that pollution was discovered in **2004**. Apparently Mr. Briggs has been allowing the LOCSD to dump untreated ground water in to the Morro Bay Estuary without a permit for two years or more. As of this writing, it is uncertain if the LOCSD has been compelled to take out the appropriate permits or if it has stopped.

The alleged need for the forced construction of the **most expensive centralized sewer project (per capita) in the history of the world** was created with deliberately false and improper data collected through the use of illegal monitoring wells and other improper methods.

Factual scientific data from world class sources has been systematically ignored and denied by Mr. Briggs and others. Non-scientific data based on “assumptions” rather than on proper science was deliberately accepted as accurate and conclusive by Mr. Briggs and others.

Since 1976, officials and employees of SLO County and the CCRWQCB have repeatedly told Los Osos that onsite septic systems were polluting the ground water and the Morro Bay Estuary yet no actions were ever taken for more than 25 years.

In the mid-1980’s, the Prohibition Zone was created by a CCRWQCB official who lived in the Cabrillo Heights Estates area of Los Osos. Cabrillo Heights was conveniently exempted from the Zone along with Bay View Heights, another expensive area of Los Osos,.

The Zone was created without actual scientific data to support it and the financial burden was deliberately placed on the backs of low income, disabled, young families and others on fixed incomes.

These deliberate unethical and criminal actions by Mr. Briggs and other CCRWQCB officials and employees, SLO County Officials and the original LOCSD has created a form of social genocide that has swept across the community of Los Osos like a plague.

Between **June 2001** and **2005**, hundreds of Los Osos residents have sold their homes and more are for sale than at any other time in Los Osos history. Most were unable to afford the **\$300 to \$500 dollars a month** the centralized sewer would have cost.

In **March 2005**, the costs for the project had allegedly increased from \$65.4 million dollars in 2002 to \$97 million dollars. Those costs rose dramatically when the engineering firm working with the LOCSD who officially estimated the total costs of the project increased those costs by almost **50%** to minimum of **\$150 million** dollars with an open end for additional increases.

Based on the history of costs experienced by virtually every community when constructing a centralized sewer system, the actual costs for construction could easily have increased to as much as a **half billion dollars** before the project was completed.

On **May 27, 2005**, after the **Recall** and **Measure B** petitions had been certified, Mr. Briggs sent a letter to LOCSD G. M. Bruce Buel in which he stated that the CCRWQCB will enforce the Time Order in CCRWQCB Resolution 00-131 (fine the LOCSD and individual residents) if the project failed to stay on time.

This, despite the fact that CCRWQCB Resolution 00-131 states that the **\$10,000 per day fines** were not fines but "**incentives.**" It also states that no "incentives" would be sought if delays were not the fault of the LOCSD.

This letter, like past Briggs letters of threats, was used by the LOCSD at public meetings and by the Pandora Karner group, "Save the Dream" in their ongoing, repeated acts of intimidation and deceit designed to negatively influence the election by coercing the community into defeating the Recall and Measure B.

In the letter, Mr. Briggs omits that the Time Schedule (00-131) was set by the LOCSD and had been revised a number of times since its creation without any "**penalties**" or "**fines**. Mr. Briggs also failed to state that the Time Order specifically says that there are no "penalties" or "fines," only "**incentives.**"

Mr. Briggs was aware of the **Measure B** text that forbids the construction of any centralized sewer in the main proper of Los Osos and that a **Proposition 218** vote would be required to levy any fees or taxes. Despite this, Mr. Briggs began trumpeting the usual "**fines against individuals**" and the LOCSD months before the September 2005 election.

In his **May 27** letter, Mr. Briggs stated, "..... Time Schedule Order No. 00-131 (was) ... **not issued to specific members of the (LOCSD)**" and that "**.... the pending Recall election this fall does not change those requirements...**"

What was the purpose for such a ridiculous statement regarding the Time Order not being issued to individual Directors? It is believed that since only 3 of the 5 Directors were being recalled, this was an attempt to deceive the community into believing that it wouldn't matter who was in charge, the election would not prevent the fines from going forward.

Mr. Briggs also commended the LOCSD for “...**considering awarding construction contracts at its June 02, 2005 meeting,**” and concluded by saying, “... **you need to take action at your June 02, 2005 meeting so that the project will ... break ground in July 2005.**”

With the upcoming recall and **Measure B** election, why would Mr. Briggs so irresponsibly insist the LOCSD award contracts and begin construction. It is believed that this was deliberately done so that Mr. Briggs could proceed with requests for fines against the LOCSD if the recall and Measure B elections were successful and the new Board stopped the project.

In an effort to prevent the LOCSD and the CCRWQCB from beginning any construction before the September 27, 2005 recall vote, I sent faxes to all 42 contractors that were scheduled to place bids warning them of the elections and asking them to not take any action until after September 27, 2005. Thirty-nine (39) contractors withdrew their participation.

Mr. Briggs knew about the withdraw of the contractors and was aware that only three had placed bids. Despite this, Mr. Briggs and the LOCSD deliberately ignored the upcoming election and did all they could to move the construction forward regardless of the consequences to the community of Los Osos.

Why did the SWRCB and the CCRWQCB allow the first SRF Loan installment of **six-million dollars** to be paid to the LOCSD approximately **30-days** prior to the **September 27, 2005** recall election?

Why was the LOCSD allowed to begin construction despite the fact they had not satisfied a number of CA Coastal Commission requirements? Why did the SWRCB demand the CA Coastal Commission deny the **August 2004** appeal of the permit for the Tri-W site despite the overwhelming evidence presented to validate the denial? (evidence available upon request).

The consequences suffered by the community caused by these deliberate and irresponsible actions are the destruction of 50 old trees at the Tri-W site, the tearing up of a large section of land in the middle of town situated along the main road and right next to the public library, the tearing up of streets and installation of sewer connection pipes and a strong divide between community residents.

On **September 27, 2005**, Los Osos voters ended the six-year centralized sewer nightmare by recalling the remaining three LOCSD Directors(the CSD-3) and passing **Measure B** that became law ten-days later.

In keeping with his usual tactics of threats and intimidation, after the election and before it had been certified, Mr. Briggs issued public statements that he was moving to fine the LOCSD more than **\$11 million dollars** unless they continued construction on the centralized sewer project in the center of town.

He and the SWRCB demanded the new LOCSD Board ignore the vote of the people and denounce Measure B and continue to seek its repeal in the courts that was begun by the CSD-3 before they were officially removed from office.

Just before and immediately after the **September 27, 2005** election Mr. Briggs was again communicating with ex-LOCSD Director Pandora Nash-Karner and others regarding the possibility of **“... transferring the centralized sewer project to the county BEFORE the (deposed) CSD-3 leave office.”**

In a **September 28, 2005** e-mail Karner asks Mr. Briggs, **“Can an emergency agency be prepared to include transferring the project (sewer)? Please.... is there any way to salvage the project?????????????”**

She asked Mr. Briggs in another **September 28, 2005** e-mail, **“....can the enforcement issue be placed on the October CCRWQCB agenda?”**

Mr. Briggs responded, **“Pandora I've already received and reviewed a draft ACL complaint, so we're rolling. I'm shooting for getting an ACL to the District next week, even before the new board can meet.”**

On **September 28** Pandora replied, **“Thank you, Roger! I'd like to talk to you about potential strategy from the property owners to stop a new board from stopping the project. I'll call you on Thursday morning.”**

She also states in another e-mail, **“I hope the CSD is fined out of existence.”**

On **September 30, 2005**, Mr. Briggs sent an e-mail to Bruce Buel. **“Bruce, as I said on the phone, we request the names and addresses of each water customer of the District.”**

Bruce replied, **“I will check now and get back to you as soon as possible.”**

Mr. Briggs contacted Buel and said, **“I understand Jon (Seitz) is in Monterey(?), but checking phone messages. You might need to call him.”** Mr. Briggs is obviously quite anxious to get this list. Why?

Buel contacted LOCSD attorney Jon Seitz. **“Please review this request and advise as soon as possible regarding any legal issues.”** It is apparent that Buel was asking Seitz to tell him if he would be liable if he gave Mr. Briggs the list.

All of this activity took place before the new LOCSD Directors were sworn in. It is believed that Mr. Briggs requested the list of LOCSD water customers with the intent to send them letters telling them they will be fined thousands of dollars a day if the LOCSD delayed or stopped the project.

It is believed that the intent of Mr. Briggs was to coerce and intimidate residents into demanding the LOCSD continue to build the centralized sewer in the middle of town and to rally a significant number of residents to support whatever action is taken to either force the LOCSD into compliance or to destroy the LOCSD.

Currently, Pandora Nash-Karner, Stan Gustafson, Gordon Hensley, Richard Legros and others are working to dissolve the LOCSD and turn the sewer project over to the county of San Luis Obispo or create a new CSD then reinstate the centralized sewer.

Mr. Briggs sought \$11 million dollar fines against the LCOSD and received approval for \$6 million.

At least since **1999**, Mr. Briggs has colluded with certain public officials and agencies as well as private sector individuals to subvert the law, to coerce and intimidate residents of Los Osos with the intent to force this centralized sewer project on Los Osos.

The consequences of these and other irresponsible and deliberate illegal actions of Mr. Briggs, the CCRWQCB, the county and the LOCSD have been socially and financially catastrophic to the residents of Los Osos and have threatened the financial and physical health and welfare of the entire community.

These deliberate and irresponsible actions have caused, and are continuing to cause, serious and devastating financial, social and emotional consequences to thousands of residents of Los Osos.

Since 2001, many hundreds of people have moved away to avoid the unaffordable costs that would accompany the most expensive (per capita) sewer project in the history of the world. As of 2001, the community average for available houses for sale per year was approximately twenty-five. After 2001, that rose to more than one-hundred and has continued to rise since then.

These deliberate, irresponsible and criminal actions by Mr. Briggs and the CCRWQCB have threatened the health and safety of all Los Osos residents. It has been proven that centralized sewers are a breeding ground for a number of deadly bacteria that have a **60% average kill success rate against humans**.

The CDC in Atlanta and many other organizations, universities and private laboratories have been researching these killer pathogens and bacteria for years and all conclude that it is just a matter of time before a deadly pandemic will break out if drastic measures are not taken that include decentralizing wastewater management.

These measures include not building anymore centralized sewer plants and the conversion to individual and smaller systems as soon as time and money allow.

The centralized sewer project Mr. Briggs is still attempting to force on the residents of Los Osos is an outdated, primitive and inadequate system for protecting and preserving the public water. The costs are prohibitive, the technology outdated and inadequate and the danger to public health and safety inevitable and frightening.

The location of the centralized sewer before **Measure B** was approved by voters was immediately next to a public library, across the street from the Community Center, directly above **Morro Shores**, a senior citizens mobile home park and the **Sweet Springs Nature Preserve**, seventeen (17) acres located along the **Morro Bay Estuary**. Both Sweet Springs and the Estuary are state and federal protected bird sanctuaries.

If SRF funds had not been disbursed before the election results were known, the LOCSD would not be in any threatened position and would not have been forced to fight off the relenting attacks by the CCRWQCB, the SWRCB and certain ex-LOCSD Directors and their supporters.

It is obvious that the reason for not waiting for the election results to begin construction was to insure the CCRWQCB would be in a position to fine the LOCSD if the results of the election were favorable to the recall of the CSD-3 and the passage of Measure B.

Deliberate misinformation, threats, acts of coercion and intimidation by Mr. Briggs and his staff since 1999 have terrorized the community of Los Osos and caused irreparable physical, financial, social and emotional harm to thousands of Los Osos residents.

The continued, ongoing determination of Mr. Briggs to force the centralized sewer on Los Osos, his deliberate refusal to work with the community for affordable solutions and his deliberate refusal to abide by the law is criminal.

Anyone who holds any public office or is employed in any position of public authority and trust who is alleged to have committed or participate in any act(s) that violate the law, the public trust and abuse the authority of their office must be removed while a thorough, objective investigation is conducted. Further, if any or all of the allegations be proven true, that person or persons must be permanently removed and punished to the fullest extent of the law.

Over the years, Mr. Briggs has demonstrated a complete disregard for the law and for the damaging effects and consequences of his actions on the health, safety and financial future of the residents of Los Osos.

Mr. Briggs has authorized a number of mailings sent to Los Osos residents that contained deliberate misinformation and false statements designed to continue an on going campaign of fear, coercion and intimidation by the CCRWQCB and the LOCSD in order to force the unneeded, unaffordable centralized sewer with specific technology on the community of Los Osos.

He has participated in efforts to detrimentally influence two local elections, one of which resulted in the creation of the Assessment District in June 2001.

The eight-page mailer sent by the CCRWQCB to Los Osos residents in May 2002 and other mailers sent by Mr. Briggs and the LOCSD violated Federal R.I.C.O. and Postal statutes for Mail Fraud and Conspiracy to Commit Mail Fraud.

Because deliberately misleading and false statements by the CCRWQCB were made at public meetings that were televised repeated in newspaper articles and editorials that deprived residents of their legal rights and influenced two elections, further probable R.I.C.O. violations include Wire Fraud, Conspiracy to Commit Wire Fraud, Election Fraud and Conspiracy to Commit Election Fraud.

Mr. Briggs has a history of arrogance and demagoguery regarding the Los Osos waste water and water preservation issues. Since 1984, he and other CCRWQCB officials have participated in a scheme to defraud the community of Los Osos and cooperated with SLO county and local elected officials to influence elections through tactics of coercion and intimidation with the single intent to force the community of Los Osos to construct an unneeded, unaffordable centralized sewer with specific technology on selected low and medium income residents of Los Osos.

On behalf of the community of Los Osos, for the sake of decency and justice and based on cannons of law, we are demanding an objective, thorough and impartial investigation of Mr. Roger Briggs, the CCRWQCB and the SWRCB by the Attorney General of California and all other appropriate legal state and federal agencies and authorities.

In addition to the Exhibits attached to this complaint, there is a preponderance of additional hard copy Exhibits and support documents available comprised of approximately 2,000+ pages of text, photos and diagrams and a number of videos and CD's.

Additional evidence will be found in video tape recordings of certain LOCSD meetings and an audio tape of a meeting at the CCRWQCB with LOCSD Directors, General Manager and the 42 original contractors who were scheduled to bid the project.

On the audio tape of that contractor LOCSD/ CCRWQCB meeting, Bruce Buel makes damaging statements telling contractors that certain laws and regulations would be easily ignored or bypassed without fear of penalties or prosecutions.

Mr. Briggs has shown himself to be a tyrant and demigod. He has repeatedly violated and abused the authority of his office and has repeatedly violated the spirit and letter of the law to the detriment of the community of Los Osos. In consort with other officials and agencies, Mr. Briggs has inflicted irreparable emotional, social and financial harm on the entire community of Los Osos.

Date: January 17, 2006

Budd Sanford, Los Osos Resident