

From: [Richard E.T. Sadowski](mailto:Richard.E.T.Sadowski@opc.ca.gov)
To: opc.comments@scc.ca.gov
Cc: [Dr. Amber Mace](#)
Subject: Comment on the Revised Draft OPC 2012-2017 Strategic Plan
Date: Monday, January 16, 2012 2:38:56 PM
Attachments: [Briggs Jan 6, 2011 Letter.pdf](#)
[Collections Analysis Report.doc](#)

January 16, 2012

To: Chairman Laird and fellow members of the California Ocean Protection Council;

It is stated in the Draft California Ocean Protection Council Five Year Strategic Plan “The new strategic plan for 2012 – 2017 proposes OPC action in areas of critical need where the Council’s involvement can yield tangible progress and have the greatest impact.” To implement “tangible progress” the OPC must address some of the political obstacles in the current process that contribute to waste of financial resources.

At the December 16, 2011 Governor’s Climate Conference, IPCC Chair Rajendra Pachauri. stated that building sector involvement to mitigate the reduction of carbon was by far the most attractive and has the most potential. It was also noted by Governor Brown that the policies implemented by Fannie Mae & Freddie Mac are obstructing green energy conversion for home owners. An area of concern that has yet to be addressed by state agencies is the investment practices of local agencies that support organizations like Fannie Mae and Freddie Mac with public funds. The negative impact of this irresponsible practice is compounded by the fact that the investments are made with funds that would otherwise be used for the maintenance and repair of infrastructure.

LAFCO’s and Special Districts, such as the Cayucos Sanitary District (not to be confused with a Community Service District), invest in Fannie Mae and Freddie Mac, with their obstructive and unsustainable practices, using funds collected from sewer service ratepayers. It is no more sensible to run a governmental organization in charge of protecting the water supplies and treatment of wastewater like a profit-driven business than to attempt to purchase patriotism on the Wall Street Stock Exchange.

The need for state-level oversight to hold local agencies accountable for reckless policies and priorities and resulting waste of ratepayers’ monies cannot be overstated. The status quo is simply unacceptable. However, retreating from the status quo creates a vacuum of jobs unless it is systematically replaced by an alternative. This alternative must be sustainable from a fiscal as well as environmental standpoint.

HISTORICAL BACKGROUND

In the past 5 years, initially in the capacity as a first responder to sewage spill emergencies and later as a SLO County Grand Juror, I have presented a substantial amount of evidence regarding violations of CEQA, NPDES and other violations of state and federal environmental laws. This documented evidence was presented to local and regional enforcement entities, as well as to state legislative and judicial officials, with no meaningful corrective action taken.

A clear example of this complacency can be found in San Luis Obispo County's (SLO) Estero Bay, which includes the city of Morro Bay and towns of Los Osos and Cayucos. The community of Los Osos is pursuing an exorbitantly expensive and ill-advised wastewater collection system that is susceptible to liquefaction damage. Morro Bay and the Cayucos Sanitary District have already spent nearly \$3 million taxpayer dollars trying to build a new Wastewater Treatment facility on a site that lies in a 100-year flood plain and a tsunami zone. They are no closer to building a plant to serve their communities in a manner that provides necessary environmental protections than they were 9 years ago. Local residents and CCC staff have identified numerous violations of the Coastal Act and the City of Morro Bay Local Coastal Plan (LCP), but government officials and staff refuse to change course.

Examples of the unwillingness of elected officials and their staffs to do the right thing are exemplified by the hiring of lobbyist to attempt to sway California Coastal Commissioners votes. Even CCRWQCB officials and staff have dismissed and even encouraged local governments to defy Coastal Commission recommendations.

(Ref. Briggs letter see attached file)

Meanwhile the current Morro Bay/ Cayucos Wastewater treatment plant (MB/CAY WWTP) is still operating under a 301(h) waiver to discharge less-than-secondary treated sewage into the ocean via an outfall pipe. In 2007, documented evidence was presented to the Central Coast Regional Water Quality Control Board (CCRWQCB) showing the dire state of the wastewater collections and conveyance system in Morro Bay and Cayucos. In fact in 2004, the Cayucos Sanitary District (CSD) secured FEMA funding for liquefaction damages sustained to the sewer collection system from the 2003 San Simeon earthquake. Although these reports showed clear evidence of ongoing environmental damage, another MB/CAY WWTP 301(h) waiver was issued by the CCRWQCB and sanctioned by the EPA. It must be noted that these reports were hand delivered to OPC Staff and Council Members at a public meeting.

(Ref. Wastewater Collection System Video Inspections, Issues and Concerns Oct.2007 & Condition of the Morro Bay Wastewater Collection System Video Inspection, Review and Analysis Oct.2007 see attached file)

The reports not only showed the deplorable condition of the sewer collection system but also how deferred maintenance practices by local staff have had detrimental effects on the environment. The response to these reports from the city of Morro Bay and CSD was an attempt to discredit and call into question the credibility and professional capacity of the authors.

In 2008 a report that I co-authored, "Morro Basin Nitrate Study: Issues and Concerns", brought to light several questionable scientific practices that were used by a paid consultant in his assessment of nitrate pollution in the Morro Basin aquifer. In contrast to the consultant's stated conclusions, my report stated that the nitrate pollution was more likely coming from the leaking sewer collection system, as opposed from local farming operations, as the city's consultant had claimed. The conclusion that sewage is the primary pollution source is strengthened by further analysis of neighboring wells. The response to this report from the CCRWQCB enforcement officer was nonsensical and scientifically illogical. The EPA responded by asserting that drinking water aquifers were out of the EPA's purview.

(Ref: http://morrobayissues.info/nitratereport_final.docx

<http://www.slocoastjournal.com/docs/archives/2011/sept/docs/news/nitrates.html>)

These reports were hand delivered to the OPC Staff, with a request for the OPC-SAT personnel to analyze and comment on the matter. To date no such action has been forthcoming.

A critical issue discussed in my report is the fact that there is compelling evidence that the nitrate pollution of the aquifer resulted from MTBE remediation work involving the drilling of numerous extraction and monitoring wells over the aquifer and a portion of its northern boundary. This work was supervised by the CCRWQCB.

Several residents filed an appeal with the CCC in an attempt to stop the closing of the monitoring wells, as they could have been used to track the plume of sewage that I believe enters the aquifer from a breach caused by the drilling work done for the MTBE remediation project. I believe that the sewage comes from nearby dilapidated sewer mains. If this is found to be the case, the CCRWQCB is at least partially liable for the deterioration of this drinking water aquifer

At the time of the hearing the CCC chairman gave a total of 3 minutes to present data and the reasoning for requesting that the monitoring wells be used to further study the source of pollution in the Morro Basin aquifer. The CCC voted in favor of Shell Oil, stating that the CCRWQCB staff need not be questioned.

(CCC Appeal # A-3-MRB-08-031, Hearing Date 7/10/08.)

<http://morrobayissues.info/packardnitrateletter.pdf>

http://morrobayissues.info/Packard_Response.docx

Recently Morro Bay City staff installed infrastructure, without a Coastal Development Permit, to treat the polluted water at the Morro Bay Desalinization Facility. This facility was built under 'Emergency' conditions and never has gone through a full EIR process. This is of particular concern, given that waste from the facility is discharged via the Morro Bay Power Plant outfall located adjacent to the Morro Rock.

Ref: [http://www.youtube.com/watch?](http://www.youtube.com/watch?v=v7I06twS1N8&list=UUtiJtJzPDnEqLjpKRPKVhQ&index=1&feature=plcp)

[v=v7I06twS1N8&list=UUtiJtJzPDnEqLjpKRPKVhQ&index=1&feature=plcp](http://www.youtube.com/watch?v=v7I06twS1N8&list=UUtiJtJzPDnEqLjpKRPKVhQ&index=1&feature=plcp)

In 2010, the Army Corps of Engineers contracted out dredging operations to be performed at the mouth of the Morro Bay Harbor and the Estuary. The Morro Bay National Estuary Program (NEP) and the Morro Bay harbor department along with the Army Corps of Engineers had come up with a plan to discharge the dredge spoils on the State Parks Beach outside the harbor.

Earlier test had shown that there was significant heavy metal pollution in the soils to be dredged; however the discharge plan was approved. Temporary infrastructure was installed on the beach and the dredge spoils were pumped and deposited on the sand then covered over. During discharge operations beach goers complained of toxic odors and physical symptoms such as eye irritation and headaches.

(Ref: <http://www.slocoastjournal.com/docs/archives/2011/april/pages/news5.html>)

The CCC and the CCRWQCB staff were contacted during this operation and advised that the dredged spoils were not being tested at the discharge point. Both agencies cited budgetary issues as a reason why enforcement officers could not be sent to investigate. In addition to this environmental hazard, during dredging operations, an area inside the estuary, known as Coleman beach, was accidentally dredged by the Army Corp of Engineers. In March 2011,

the Japanese earthquake caused a Tsunami-like occurrence to reach the California coastline. This event had caused the toxic dredge spoils to be dispersed over a wide area along the beach coastline.

TANGIBLE METHODOLOGY, a case for a pilot in Estero Bay

Given the long history of government failures to protect the environment in our Estero Bay communities, I believe that this region is the perfect place for an OPC pilot project focused on halting and reversing the damage that has been done.

In one of the inaugural California OPC meetings, Leon Penetta who was the Chair, Pew Oceans Commission at that time, declared the need for interagency collaboration and establishing clear, definitive and limited goals for a successful model for other states to follow. The political will by Governor Schwarzenegger to set the ground work for bipartisan collaboration in policy development must now be translated into tangible progress in the form of application of innovative solutions. By implementing projects that directly address the current issues of water quality, water quantity, drought, human health and ocean protection, the skepticism that surrounds Climate Change that Governor Brown mentioned in the recent Climate Conference can be targeted.

At President Obama's 2009 Ocean Policy Task Force Public Meeting in San Francisco, I submitted into the record a proposal for development of a new approach to water cleanup and management. The proposal outlined a pilot project for the Estero Bay communities that would showcase the California OPC's leadership in interagency coordination and collaboration in a tangible and concrete manner. The OPC has an opportunity to showcase its collaborative abilities with other governmental agencies and implement the latest technologies in this relatively small but diverse pilot.

The core of the proposal is the recognition of the economic value of carbon sequestration of our ocean and coastal wetlands, particularly the area of ocean defined by the Law of the Sea treaty as the Exclusive Economic Zone and areas of special biological significance (ASBS) such as the MPA's State Marine Reserves (SMR). Allowing local governments to invest in the carbon market via cap and trade, and a carbon neutral tax for local workers involved in these types of projects, is the paradigm shift that is needed toward sustainability. Although the proposal references certain technologies that could be used, it is understood that the OPC-SAT team would have to examine and recommend technologies to the OPC council based on the current best available science.

(Ref. Blue Carpet Treatment Program; A proposal for Development of a New Approach to Water Cleanup and Management, http://morrobayissues.info/blue_carpet.docx)

Such a project could be partially funded by ARRA grants for infrastructure repair and rebuilding. Further funding could come from State Water Board's Prop 84 funds and private financial institutions that work with NGO's on clean water and sanitation issues.

A working example of a well-managed NGO collaborating with receptive financial institutions addressing sanitation and clean drinking water can be found in the work that is currently being done by H2OAfrica and WaterPartners in Africa.

(Ref. July/August 2011 Fast Company Magazine article
<http://www.fastcompany.com/magazine/157/can-this-man-save-this-girl>)

REQUEST FOR ACTION

Tangible progress in ocean protection requires that government agencies stop soft-peddling the growing evidence of how severe a threat climate change actually is. I believe that the actions of the OPC must be more effective in addressing this issue. An area where a significant impact could be made is investment in infrastructure that protects our coastal watersheds, drinking water aquifers and oceans. For the past five years, the OPC has invested a significant amount of time and money in programs to monitor the status of our oceans health and in mitigation practices; however, the time for more proactive and decisive action has never been more critical.

The stakes for success are unprecedented. California has an opportunity to show Washington how to prosper in a sustainable environmental economy in the 21st Century, The California Ocean Protection Council must take the leadership role in collaborating and overseeing that environmental laws and policies are adhered to. Otherwise the Ocean Protection Council will be nothing more than an Ocean Observation Council monitoring the rapid decay of our oceans.

I ask that the OPC expand the organization's horizons and begin working in new directions to include a meaningful pilot project in the Estero Bay region to demonstrate that we can, and will halt and reverse the damage to our oceans.

Respectfully awaiting your reply,

Richard E.T.Sadowski (retsadowski@gmail.com)

490 Java Street
Morro Bay, California 93442
805-772-2610 landline