OUTLINE OF REMARKS
TO
SENATE SELECT COMMITTEE ON
LAND USE MANAGEMENT ORGANIZATIONS
ON
IMPLEMENTATION OF THE COASTAL ACT OF 1976

BY

W. FRED MORTENSEN, CITY MANAGER OF HALF MOON BAY AND
GENERAL MANAGER OF THE SEWER AUTHORITY MID-COASTSIDE

DECEMBER 19, 1977

SAN DIEGO, CALIFORNIA

ABBREVIATIONS USED

SAM - Sewer Authority Mid-coastside
HMB - Half Moon Bay (City of)
MSD - Montara Sanitary District
GSD - Granada Sanitary District
CCZCC - California Coastal Zone Conservation Commission (Regional commission unless State indicated)
SWRCB - State Water Resources Control Board
RWQCB - Regional Water Quality Control Board
BASSA - Bay Area Sewer Services Agency
ABAG - Association of Bay Area Governments
ARB - Air Resources Board (S.F. Bay Area)
EPA - Environmental Protection Agency

NPDES - National Pollutant Discharge Elimination System
ASBS - Area of Special Biological Significance
EIR - Environmental Impact Report
LCP - Local Coastal Plan
E-O - Code "E" fertility rate and 0 (no) in-migration
mgd - million gallons (per) day
gpd - gallons per day
(s) - secondary (level of treatment)
(p) - primary (level of treatment)

I. INTRODUCTION AND BACKGROUND
   A. City of Half Moon Bay (HMB) - population 7,000
   B. Sewer Authority Mid-coastside (SAM) - population 14,000

II. CITY EXPERIENCE UNDER PROPOSITION 20 OF 1972
   A. Permit Zone (1000 yards - 1/2 of City)
   B. Storm Drainage District
   C. Development/No Development map

III. CITY OPPOSITION TO COASTAL ACT OF 1976
   A. State legislative testimony
   B. Permit zone (5 miles - total City and country side)
   C. City zoned permanent open space equals 25%
   D. Acknowledged target but with assurances
      1. Local permit control (none in state to date)
      2. Urban exclusions ("one" in state pending)
      3. "Over 90% permit approvals" (impossible conditions)

IV. SAM SUB-REGIONAL SEWER PROJECT
   A. Step One: Planning - Approvals
      1. 1971 - Joint planning commenced and failed
      2. 1972 - City submitted Project Report & EIR - 2.4 mgd
      3. 1975 - Joint submittal of Project Report & EIR - 2.0 mgd

	1975 Flows	Existing Capacity	Replacement Requirements
HMB	.50 mgd (s)	1.0 mgd (s)	1.0 mgd (s)
MSD	.25 mgd (s)	.5 mgd (s)	.5 mgd (s)
GSD	.27 mgd (p)	.3 mgd (p)	.5 mgd (s)
	1.02 mgd (s-p)	1.8 mgd (s-p)	2.0 mgd (s)

      4. 1976 - Agencies' approvals secured
         a. SWRCB - denied appeal to waive E-0 funding requirements to grant full funding on 1.8 mgd existing capacity, and although full 87.5% funding limited to 1.3 mgd, endorsed 2.0 mgd project with incremental costs to be borne locally, resulting in a funding level of approximately 76.2%
         b. BASSA - Recommended SAM to be proper agency for implementing sub-regional project and supported 2.0 capacity
         c. RWQCB - Approved SAM as implementing agency for sub-regional project and actively supported 2.0 mgd capacity
         d. ABAG - Endorsed 2.0 mgd project subject to reservation of .3 mgd (15%) for recreational related flows
         e. ARB - Endorsed 2.0 mgd upon conditions mitigating possible air quality problems
         f. EPA - Endorsed 2.0 mgd and issued Negative Declaration on impacts after 6 month delay
   B. Step Two: Design - 1977 CCZCC problems
      1. Jan. 3 - Concept approval granted by SWRCB - final design on 2.0 mgd facilities commenced
      2. Jan. 7 - Submittal of pre-design report to CCZCC with request for guidance on filing permit application
      3. Mar. 16 - joint regulatory agencies' staff meeting finally held at insistance of RWQCB after repeated cancellations by CCZCC
      4. Apr. 6 - SAM application timely filed as directed by CCZCC
      5. May 2 - CCZCC hearing opened and continued
      6. Aug. 8 - CCZCC hearing closed after 5 postponed and continued CCZCC meetings and 2 additional joint regulatory agencies' staff meetings, with CCZCC staff directed to go back and alter their published findings and recommendations which supported a 2.0 mgd facility in order to support only a 1.3 mgd facility (35% reduction) as recommended by the Committee for Green Foothills
      7. Aug. 15 - CCZCC "approved" permit for 1.3 mgd sub-regional sewage plant and intertie transport system
      8. Aug. 16 - Appeal filed with State CCZCC by SAM
      9. Aug. 31 - HMB passed resolution of intent to withdraw from SAM project if capacity or funding cut

B. Step Two continued.....

10. Sept. 6 - Rejecting letters from County Board of Supervisors, ABAG and RWQCB urging the appeal be heard and the decision reversed, the State CCZCC found "no substantial issue" and refused to hear the appeal after limiting SAM's appeal presentation to 5 minutes
11. Sept. 19 - Final design completed on 2.0 mgd ocean outfall
12. Sept. 20 - Final design completed on 2.0 mgd plant and intertie
13. Oct. 5 - Final design completed on 2.0 mgd reclamation line
14. Oct. 24 - At urging of RWQCB SAM proposed to CCZCC a method of restricting usable capacity of basic 2.0 mgd plant to 1.3 mgd, with CCZCC staff generally supporting concept, but CCZCC rejected both their staff's and SAM's proposals insisting all components of the plant to be constructed to strict 1.3 mgd capacity standards
15. Nov. 4 - Appeal filed with State CCZCC by SAM
16. Nov. 21 - State CCZCC determined SAM appeal invalid
17. Dec. 2 - SWRCB threat of enforcement actions against HMB for apparent abandonment of SAM project
18. Dec. 9 - RWQCB enforcement hearing on SAM member agencies for violating or threatening to violate discharge requirements and time schedules for construction of sub-regional consolidated facilities, with ban on further connections to the 3 individual systems to be imposed on Dec. 20, but with provision for lifting bans upon award of construction contracts on the SAM project
19. Dec. 12 - CCZCC finally approved their staff recommendation and issued permit for constructing both the ocean outfall and the reclamation lines as previously designed to eventually accomodate the full 2.0 mgd treatment facilities

C. <u>Major Issues With CCZCC</u>

1. First attempt/to secure a permit for 2.0 mgd facilities
   a. Major CCZCC staff findings and recommendations
      (1) Finding - to serve both the present population and the already existing 5,425 legally subdivided buildable lots in just the "in-fill" areas alone, would require more than what a 2.0 mgd capacity plant could accomodate
      (2) Recommendation - to build 2.0 mgd capacity, but reserve committment and use of .7 mgd until after LCP established
      (3) Recommendation - restrict to "in-fill" areas alone, as depicted on"Development/No Development" map, any committment or use of the new facilities
   b. Position of SAM on staff findings and recommendations
      (1) Full agreement
      (2) Agreement
      (3) Disagreement - reasons
         (a) Would require illegally violating 1969 reimbursement agreement on major sewer trunk line extention
         (b) "In-fill" map excludes zoned, taxed and obviously developable lands
            - Andriotti C-2 & R-3 zoned 23.6 acres fronting on downtown main street
            - Magri R-1 zoned 19.5 acres decreasing in value and almost lost to taxes
              1972 conditional sale @ $14,000 ac. = $273.000
              1975 conditional sale @ $10,000 ac. = $195,000
              1977 final sale @ $5,128 ac. = $100,000
              plus payment of back taxes of $28,000
   c. Final action of the coastal commission itself was to "approve" only a 1.3 mgd capacity plant and in addition to adopt the restrictive "in-fill" map

2. Second attempt/to secure a permit for the basic 2.0 mgd facility with physical restrictions for 1.3 mgd flow
   a. SAM proposal
      (1) Hydraulically by installation of only 2 instead of 3 treatment plant influent pumps, or
      (2) Biologically by installation of only 2/3 of the aeration equipment in the aeration basins
   b. CCZCC staff recommendations
      (1) Hydraulically by installation of only 2 instead of 3 treatment plant influent pumps, and
      (2) Biologically by constructing the aeration basins and secondary clarifiers to a design capacity of 1.3 mgd, and
      (3) Regulatorily by NPDES permit restriction to 1.3 mgd
   c. Final action of the coastal commission itself was to reject both the SAM proposal and their staff's recommendations, or any attempt to build the basic 2.0 mgd plant regardless of the effective hydraulic, biologic, or regulatory restrictions on its use beyond 1.3 mgd, and require that the entire 2.0 mgd designed sewage facilities be redesigned in every detail to 1.3 mgd standards, irrespective of delays, costs, and loss of approved funding levels

3. Practical results of building only 1.3 mgd capacity
   a. Estimated existing "non-drought" flows

	Pre-drought 1975 flows	New connections 1975 to date	Post 1975 flows	Non-drought Existing flows
HMB	.50 mgd	388 @ 200 gpd =	.08 mgd	.58 mgd
MSD	.25 mgd	181 @ 200 gpd =	.04 mgd	.29 mgd
GSD	.27 mgd	77 @ 200 gpd =	.02 mgd	.29 mgd
SAM	1.02 mgd	+	.14 mgd	= 1.16 mgd

   b. Existing normal flows almost 90% of 1.3 mgd
   c. RWQCB regulations prohibit new connections when plant capacity reaches 80% with connection ban lifted only when new expansion plans are well under way again
   d. None of even the existing 5,425 legally subdivided properly zoned and taxed undeveloped lots located within the "previuosly subdivided, partially developed (in-fill) areas with urban services" could be served, until the balance of the 2.0 mgd facility could be commenced and built

4. Local costs 3 times greater to build 1.3 mgd plant and delay .7 mgd
   a. Engineers report to SAM Chairman - amplified

	2.0 mgd Plant Sept. 1978	1.3 mgd Plant March 1979	.7 mgd Addition March 1981
Construction	$3,741,000	$3,020,000	$1,560,000
8% escal. yr.	+0	+ 125,000	+ 350,000
	3,741,000	3,145,000	1,910,000
Local share	X23.8%	X12.5%	X100%
	890,358	393,125	1,910,000
Extra design	+0	+ 75,000	+ 100,000
		468,125	2,010,000
	$890,358	$2,478,125	

   b. Costs to redesign facilities not grant fundable
   c. "If SAM accepts a Step III grant to construct facilities to handle 1.3 mgd at this time they would not be, according to the existing regulations, eligible for grant funding to expand their facility beyond 1.3 mgd at some future dates."
   d. To build only 1.3 mgd would not be cost effective

V. CONCLUSIONS

A. Hardships imposed on SAM project

1. Delays costing $60,000 + month - now $750,000 year
2. State funding lost - doubling local costs unless new state bond issue passes
3. Unnecessary investments in existing facilities required to meet discharge requirements pending replacement by sub-regional facilities
4. Continuation of discharges of primary and secondary effluent into ASBS
5. Property owners suffer from tax burden on unserviceable properties - Urban committments here are well established and cannot be "undone" without just compensation which is totally impractical

B. Critique of CCZCC

1. Originally balanced,but degenerated to be totally one sided as more rational resigned under the grind and were replaced with irrational conservationists who enjoy this role (Difficulty in getting replacement for County Supervisor representative)
2. Staff highly dedicated and grossly overburdened, with no time to verify the undocumented material furnished by Committee for Green Foothills, thus erroneous assumptions incorporated into reports barely in time for meetings
3. Expert witness not required to testify on technical data, and no witness required to be under oath, thus misstatements of fact flow freely from Committee for Green Foothills which are readily accepted by many commissioners of similar persuasion
4. Scope of Coastal Act of 1976 far too broad, as applied in HMB area, resulting in communities becoming bogged down as every conceivable project must be reviewed and approved by CCZCC in minutist detail

C. Remedies for improvement

1. Reduce scope of Coastal Act of 1976, rather than increase funding, to allow local governments to regain some degree of self control, especially over strictly non coastal preservation related functions
2. Re-draw the boundary map to generally exclude incorporated cities, except for a zone of 1000 feet or the nearest public road shoreward of the beach
3. Change voting structure to require only majority of members present to gain approvals
4. Conduct hearings as legal court of law upon request of either party
5. Require completed staff reports to be furnished applicant 5 working days prior to meeting dates
6. Under no circumstances should the date of January 1981 for phasing out of the CCZCC be extended