

Staff Report



TO: Board of Directors

FROM: Barbara Buikema, General Manager

DATE: May 25, 2023

SUBJECT: Carmel Meadows Project

DISCUSSION

Please see the attached letter that was emailed to CAWD on May 23rd, along with some 466 pages of attached documents. The letter, from a Carmel Meadow resident, is addressed to the Monterey County Planning Commissioners, with a copy to the CAWD Board of Directors. Because this email and the considerable number of attachments was received by us so near to your meeting on Thursday, we are not printing up separate copies of all of the attachments to provide to each of you, but instead will print up one set to keep at the office that is available to each of you to review if you should wish. Many of the attached documents you have seen previously. If any of you want, we could send to you a copy of the email from Mr. Scopp with the attachments included therein.

David W. Scopp

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May 23, 2023

County of Monterey Planning Commissioners
Via Phil Angelo, Associate Planner
1441 Schilling Place, South 2nd Floor
Salinas, CA 93901-4527
AngeloP@co.monterey.ca.us

**RE: CARMEL MEADOWS LIFT STATION & SEWER
REPLACEMENT PROJECT**

Dear Planning Commissioners, Associate Planner Phil Angelo, & Members of the CAWD Board:

I live at 2955 Ribera Road, Carmel, CA with my wife, two boys (ages 2 and 5), and mother (age 74). My property is adjacent to the site of the proposed sewage lift pump in Carmel Area Wastewater District's ("CAWD") proposed Lift Station and Sewer Replacement Project (the "Project"). This Project has caused significant stress for me and my family as well as for our neighbors. It is unfair for CAWD to burden residents for its benefit, given that there is a better feasible alternative that was recommended by CAWD's own consultant engineers, Kennedy/Jenks Consultants—simply replacing the current gravity line with a new gravity sewer line (the "Replacement Option").

The Project would negatively and unfairly impact Carmel Meadows residents because it requires grinder pumps on four properties ("Grinder Pump Properties") and a sewer lift pump near two properties ("Sewer Pump Properties"). Since CAWD has not yet issued a grinder pump policy, there is no plan for the maintenance and replacement of old or defective pumps. Yet, it appears that the residents would be responsible for maintenance and replacement of the pumps after an undetermined period of time. Furthermore, residents would be forced to pay for the costs of electrical service required to run the pumps. In addition, the residents would effectively be without sewer service during the frequent and extended outages in our neighborhood. Finally, the grinder pumps may restrict the way in which the residents use their appliances, and residents would be forced to flush the pumps with water prior to extended absences. Similarly, the sewer lift pump would impose noxious odor, noise, and visual impacts on the Sewer Pump Property residents. Therefore, the Project would diminish the property value of our homes as well as our ability to enjoy them.

CAWD has asserted that the Project is the only feasible alternative. Yet, there is a better alternative—the Replacement Option—which is less expensive, more environmentally friendly, and avoids negative impacts on residents. In fact, in a 2013 study, Kennedy/Jenks Consultants, concluded that an early iteration of the Project was "*fatally flawed*" and that the Replacement

Option was the *best* alternative. (Exhibit A.) And, CAWD has invested in this plan by having Kennedy/Jenks Consultants produce a 281-page a “Bid Set, Project Manual Including Specifications” with 11 additional pages of drawings in 2016. (Exhibit B.) Finally, the Carmel Highlands Land Use Advisory Committee (“LUAC”) recommended that CAWD reconsider the Replacement Option. (Exhibit C.)

Yet, despite repeated requests from Carmel Meadows residents and LUAC, CAWD has not provided a definitive bona fide justification to the valid inquiries as to why it abandoned the Replacement Option. During a conversation with attorney Krista Ostoich, CAWD’s General Manager refused to explain its reasoning without counsel present. And, most recently, the CAWD Board declined our residents’ request for a special meeting to discuss the alternatives during the March 30, 2023 CAWD Board meeting.

It is true that CAWD has attempted to portray the Project as the more environmentally friendly alternative, going so far as to orchestrate a letter for the California Water Boards that it has deployed with the media and County of Monterey. Nevertheless, the letter—which followed CAWD’s prompting with numerous calls and emails—appears to have been written primarily by CAWD and relies on false assumptions. (Exhibit D; see also *post.*) The fact that CAWD manufactured the California Water Boards letter refutes any argument that there was an objective independent review.

Indeed, the environmental argument appears to be mere pretext.

First, in contrast to the Replacement Option, which relies on gravity, the Project would have a carbon footprint because it requires the use of electricity to run the four grinder pumps and lift sewer pump. In addition, the Project would waste water due to the flushing requirement every time a Grinder Pump Property resident leaves town.

Second, while it is true that the Project would move a significant portion of the sewer line upslope from the lagoon, other portions would remain in place. In addition, the Project relies on a lift pump, which would not be any farther from the waterways than the Replacement Option line or Carmel Meadows Pump No. 2. In fact, sea level rises would affect Carmel Meadows Pump No. 2 well before the Project or Replacement Option since it is located closer to the ocean and lagoon.

CAWD argues that the Project would reduce spills. But, in providing California Water Boards information regarding the risk of spills for its letter, CAWD implied that the only alternative to the Project would be to leave the old sewer line in place; it did not consider that the Replacement Option would also reduce the risk of spills. In fact, the Replacement Option would include new, stable sewage lines lined with epoxy (as CAWD proposes to do with the line that would be left in place under the Project). Finally, in contrast to the Replacement Option, the lift pump and grinder pumps in the Project would risk costly spills due to overflow during extended outages.

The former CAWD Principal Engineer believes that CAWD’s true motivation for the Project is to make maintenance easier for CAWD. While this is a legitimate concern, it is not insurmountable and should not be prioritized over residents.

This is an important issue for our neighborhood. Therefore, we appreciate that the County denied the request of CAWD's current Principal Engineer's for a Coastal Permit Waiver and her objections to the County's legitimate "scrutiny." (Exhibit E.) The County's professionalism has ensured that our residents could participate in this conversation.

We have submitted a petition, which was signed by 118 *Carmel Meadows residents and/or property owners* (see Exhibit F); the Carmel Meadows Association Board of Directors submitted a letter (Exhibit G); attorney Krista Ostoich, Esq. submitted a letter (Exhibit H); and several Carmel Meadows residents have submitted individual letters regarding the Project. My hope is that the wishes of 118 Carmel Meadows residents and/or property owners and the Carmel Meadows Association Board of Directors are not ignored.

In conclusion, the Project unfairly burdens residents for CAWD's benefits despite there being a better feasible alternative, and our residents have not received an adequate response to their concerns. Thank you very much for your consideration on this issue that will deeply impact the lives of my neighbors as well as my family.

Sincerely,



David W. Scopp

Cc: Barbara Buikema, General Manager
Supervisor Mary Adams, District 5
CAWD Board President White and Members of the Board