MONTEREY COUNTY PLANNING COMMISSION

Meeting: January 8, 2014 **Time:** 9:30 a.m.	**Agenda Item No.: 4**
Project Description: Consider denial of the Minor Subdivision Vesting Tentative Map to allow the division of an approximately 9.26 acre parcel into two parcels of 3.086 and 3.086 acres and one remainder parcel of 3.086 acres. The property is located at 34735 Metz Road, Soledad (Assessor's Parcel Number 257-121-019-000), Central Salinas Valley Area Plan.	
Project Location: 34735 Metz Road, Soledad	**APN:** 257-121-019-000
Planning File Number: PLN040529	**Owner:** Fermin Vasquez **Agent:** Joel Panzer
Planning Area: Central Salinas Valley Area Plan	**Flagged and staked:** N/A
Zoning Designation: : LDR/2.5 [Low Density Residential, 2.5 acres per unit]	
CEQA Action: Statutorily Exempt from CEQA (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)).	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit A**) to:

1) Find the project Statutorily Exempt from CEQA (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4));
2) Consider the update regarding further analysis requested by the Planning Commission on October 30, 2013; and
3) Adopt a resolution to deny the Minor Subdivision Vesting Tentative Map (PLN040529).

PROJECT OVERVIEW:

The item was continued from the October 30, 2013 Planning Commission meeting to allow the applicant to pursue the additional analysis needed to demonstrate that there is adequate water quality and quantity available to the proposed lots. The Planning Commission wanted to provide the applicant the opportunity to demonstrate that there is sufficient water quantity. The applicant had not tested for quantity because they had not been able to prove that sufficient quality can be provided. The Commission also wanted to give the applicant the opportunity to propose a treatment method to achieve adequate quality that may be acceptable by the Environmental Health Bureau.

On November 13, 2013, the Environmental Health Bureau and RMA – Planning sent a letter to the applicant requesting information required to further analyze water quality and quantity issues (**Exhibit B**). The following information was requested:

- **Water Quality**: The applicant proposed a point of source reverse osmosis water treatment unit to reduce the fluoride contaminants. The Planning Commission requested that the Environmental Health Bureau further analyze a treatment option to resolve water quality issues. The Environmental Health Bureau requested that the applicant provide a point of entry treatment system proposal. The proposal must include details of how existing/future owners would operate and maintain the treatment system to provide safe drinking water.
- **Water Quantity**: During the Planning Commission meeting, the applicant requested a waiver to conduct a 72-hour source capacity test before November 30, 2013. Richard LeWarne of the Environmental Health Bureau agreed that a waiver could be approved to allow the testing if a rain event has not occurred. As requested by the applicant and directed by the Planning Commission, the letter requests a 72-hour witnessed source capacity test to be performed on all three wells simultaneously.

The letter also addressed questions posed during the Planning Commission meeting regarding the type of environmental review required for the project if approval was an option, and if the project can be approved with a remainder parcel. The following was stated in the November 13, 2013 letter:

- **CEQA**: According to the data submitted by the applicant to the Environmental Health Bureau, the water quality and quantity of the existing wells pose health and safety risks to the property owners and future owners. The project violates Policy PS-3.9 of the 2010 Monterey County General Plan which requires evidence of long-term sustainable water supply in terms of yield and quality for all lots to be created by a subdivision. At this point, an Environmental Impact Report (EIR) would be required unless it can be determined that the water issues can be mitigated to reduce impacts to a level less-than-significant.
- **Remainder Parcel**: During the Planning Commission meeting, County Counsel stated that a remainder parcel cannot be used to create a parcel for purpose of sale, lease or financing. (Section 66424.6 of the Subdivision Map Act). The parcel map proposes a remainder lot with the intent for sale, lease or financial. RMA – Planning requires that the proposed Vesting Tentative Map be revised by renaming the remainder parcel as a legal lot being created by the parcel map.

On December 3, 2013 and December 6, 2013, staff received a response, via e-mail, from the applicant (**Exhibit C**). The following response was received:

- **Water Quality**: Advanced Water Systems in Santa Cruz provides a point of entry treatment system that is approved by the State for treating arsenic and fluoride. On December 9, 2013, Richard LeWarne of the Environmental Health Bureau requested that the applicant provide a letter from Advanced Water Systems with details and system specifications.
- **Water Quantity**: The applicant has decided not to pursue the 72-hour witnessed water capacity testing until water quality issues are addressed and resolved.

The Planning Commission continued this item to January 8, 2014 with the expectation of receiving an update regarding the review of a water treatment system option and that water quantity tests would be provided. As directed by the Commission, staff has attempted to give clear guidance to the applicant regarding the information required to further analyze water quality and quantity issues. To date, in spite of clear direction from staff and the Planning Commission, the applicant has not submitted the required information.

Since February 8, 2011, the first time the subdivision proposal was scheduled before the Planning Commission with a recommendation of denial, the project has been continued to allow the applicant time to provide sufficient information to identify adequate water quality and quantity. Since February 8, 2011, staff has not received sufficient information to make the health and safety findings required for approval a subdivision, nor has evidence of long-term sustainable water supply in terms of yield and quality been provided for all lots to be created by a subdivision. Since 2011, the only information received is a revision to the proposed parcel map adding a remainder parcel and reconfiguring the lots so that each lot has its own well in the attempt to bypass the requirements for water quantity and quality tests.

As stated by Mr. LeWarne during the October 30, 2013 Planning Commission hearing, small water systems, such as the system proposed, struggle nationwide to provide safe drinking water due to the lack of financial resources, aging infrastructure, cost of scale, management limitations, lack of long-term planning and difficulty understanding current and future regulations. Due to these issues, the Environmental Health Bureau has determined that existing/future owners of water source(s) for a proposed subdivision that needs treatment for primary contaminants and is proposed to serve 1-14

connections does not have the technical, managerial and financial resources to provide a long-term sustainable water supply. To use the treatment method by the applicant is a departure from the County's standard practice and would place necessary treatment of the water in the hands of future owners, who may not have the resources to maintain the treatment system.

Pursuant to Section 15.04020(g) of the Monterey County Code, a water system permit is not required for multiple residential units on a single parcel as long as all occupants of all units are related to each other. Under this provision, the property has been approved with four dwellings, which is the maximum number of dwellings for the property. The owners have not been denied the right to develop and enjoy the property. Under this provision, the health and safety liability is placed on the owner. A subdivision is a privilege only granted if the proposed subdivision meets all applicable policies and regulations. When a subdivision is approved, the County is liable for health and safety risks due to water issues.

At this point, the Planning Commission has two options:

1) Continue the project, to a date uncertain, to allow the applicant additional time to provide requested information; or
2) Deny the Minor Subdivision Vesting Tentative Map. Based upon actions to date, there is no reason to think that sufficient water quantity can be assured and no reason to believe quality can be achieved.

Based on the information provided thus far, the health and safety findings needed for approval of a subdivision cannot be made, thus the project is not consistent with the 2010 Monterey County General Plan. This is the same scenario as the Planning Commission action in 2011 and on October 30, 2013. It has been the same scenario since the application was submitted in 2004. The troubling fact is information has not yet to be submitted which would yield a different conclusion, or indicate that different results can be achieved. Therefore, staff does not recommend another continuance, but recommends denial of the proposed subdivision.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

√ RMA - Public Works Department
√ Environmental Health Bureau
√ Water Resources Agency
√ Mission Soledad Rural Fire Department
√ Parks Department

Note: The decision on this project is appealable to the Board of Supervisors.

Dan Lister, Assistant Planner
(831) 759-6617, listerdm@co.monterey.ca.us
December 18, 2013

cc: Front Counter Copy; Planning Commission; Mission Soledad Rural Fire Department; RMA-Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; City of Soledad; Wanda Hickman, Planning Services Manager; John Ford, Senior Planner; Dan Lister, Project Planner; Fermin Vasquez, Owner; Joel Panzer, Agent; The Open Monterey Project; LandWatch; Planning File PLN040529

Attachments: Exhibit A Draft Resolution

Exhibit B	Correspondence from the Environmental Health Bureau and RMA – Planning Department, dated November 13, 2013;
Exhibit C	Correspondence from the project representative, Joel Panzer, dated December 3, 2013 and December 6, 2013; and
Exhibit D	October 30, 2013 Planning Commission Staff Report

This report was reviewed by John Ford, Senior Planner.

EXHIBIT A
DRAFT RESOLUTION

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:
VASQUEZ (PLN040529)
RESOLUTION NO. _____
Resolution by the Monterey County Planning Commission:

1) Finding that the project is Statutorily Exempt from CEQA (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)); and
2) Denying a Minor Subdivision Vesting Tentative Map to allow the division of an approximately 9.26 acre parcel into two parcels of 3.086 and 3.086 acres and one remainder parcel of 3.086 acres.

(PLN040529, Vasquez, 34735 Metz Road, Soledad, Central Salinas Valley Are Plan (APN: 257-121-019-000)

The Vasquez application (PLN040529) came on for public hearing before the Monterey County Planning Commission on January 8, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. FINDING: **CEQA (Exempt):** - The project is statutorily exempt from environmental review because the County is denying the application.

EVIDENCE: A project that will be disapproved by the lead agency is statutorily exempt from CEQA. (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)). The project is exempt from CEQA because the County is disapproving the project.

2. FINDING: **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable general plan and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and

avoidably injure fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

3. EVIDENCE: a) Consistency. The subject application was initially filed August 24, 2004 and deemed incomplete September 22, 2004, and has remained incomplete. A revised application was filed February 14, 2012 and deemed incomplete March 13, 2012. Subdivision maps deemed complete prior to October 16, 2007 are subject to the 1982 General Plan; all others are subject to the 2010 Monterey County General Plan. The project as designed must be consistent with the 2010 Monterey County General Plan including the Central Salinas Valley Area Plan. The application as revised has not provided sufficient information to prove that there is an adequate water supply. New development shall be prohibited without proof based on specific evidence that there is a long-term sustainable water supply, both in water quality and quantity to serve the development (2010 General Plan Policy PS-3.1). General Plan Policy PS-3.2 establishes specific criteria for new development, including residential subdivision, upon advice from the Director of the Environmental Health Bureau (*see evidence below).* General Plan Policy PS-3.3 includes criteria to determine the adequacy of new domestic wells including water quality, production capability, and capability for maintaining the system (*see evidence below*).

b) Site Suitability. This 9.24-acre parcel, located just outside the Soledad City limits, is designated LDR/2.5 [Low Density Residential, 2.5 acres per unit] and currently has three residential units plus one mobile home as a caretaker unit. The site is not physically suitable for the proposed subdivision because there is not a proven long-term sustainable water source to serve a 2-lot subdivision with a remainder parcel (*see evidence below*).

c) Health and Safety. The proposed project would be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. Water data for the subject site indicates multiple water quality standards that are not met (Section 64431 of the California Code of Regulations); and therefore, would require treatment. Smaller water systems are severely challenged to maintain the necessary Technical, Managerial, and Financial (TMF) capabilities to operate and maintain a water system. Without TMF capabilities, the health and safety of any person purchasing the newly created lots could be at risk.

d) Water Supply. Section 19 .10.070 MCC requires that provisions shall be made for such domestic water supply as may be necessary to protect public health, safety, or welfare, that the source of supply is adequate and potable, and that there is proof of a long term water supply with the proposed project. Three wells have been drilled that do not meet water standards:

Well #1 (existing well): Capacity unknown. Water exceeds primary inorganic standards for arsenic and nitrates. Water also exceeds

secondary general mineral/physical standards for iron, manganese, chloride, color, TDS and conductivity.
Well #2 (drilled April 2005): Capacity (5 .1 gpm). Water exceeds primary inorganic standards for fluoride. Water also exceeds secondary general mineral/physical standards for iron, manganese, chloride, color, TDS and conductivity.
Well #3 (drilled January 2008): Capacity unknown. Water exceeds primary inorganic standards for fluoride. Water also exceeds secondary general mineral/physical standards for iron, chloride, color, TDS and conductivity.

Based on this evidence, upon recommendation of the Monterey County Environmental Health Bureau, there is not a long-term sustainable water supply for the proposed subdivision.

e) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN040529.

1. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission/Board of Supervisors.

EVIDENCE: a) Section 19.16 and 21.80, Monterey County Zoning Ordinance (Board of Supervisors).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Find that the project is Statutorily Exempt from CEQA (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)); and
2. Deny a Minor Subdivision Vesting Tentative Map to allow the division of an approximately 9.26 acre parcel into two parcels of 3.086 and 3.086 acres and one remainder parcel of 3.086 acres.

PASSED AND ADOPTED this 8th day of January, 2014 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

EXHIBIT A
DRAFT RESOLUTION

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:
VASQUEZ (PLN040529)
RESOLUTION NO. _____
Resolution by the Monterey County Planning Commission:

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FINDINGS

1. FINDING: **CEQA (Exempt): -** The project is statutorily exempt from environmental review because the County is denying the application.

EVIDENCE: A project that will be disapproved by the lead agency is statutorily exempt from CEQA. (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)). The project is exempt from CEQA because the County is disapproving the project.

2. FINDING: **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable general plan and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and

avoidably injure fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

3. EVIDENCE: a) Consistency. The subject application was initially filed August 24, 2004 and deemed incomplete September 22, 2004, and has remained incomplete. A revised application was filed February 14, 2012 and deemed incomplete March 13, 2012. Subdivision maps deemed complete prior to October 16, 2007 are subject to the 1982 General Plan; all others are subject to the 2010 Monterey County General Plan. The project as designed must be consistent with the 2010 Monterey County General Plan including the Central Salinas Valley Area Plan. The application as revised has not provided sufficient information to prove that there is an adequate water supply. New development shall be prohibited without proof based on specific evidence that there is a long-term sustainable water supply, both in water quality and quantity to serve the development (2010 General Plan Policy PS-3.1). General Plan Policy PS-3.2 establishes specific criteria for new development, including residential subdivision, upon advice from the Director of the Environmental Health Bureau (*see evidence below).* General Plan Policy PS-3.3 includes criteria to determine the adequacy of new domestic wells including water quality, production capability, and capability for maintaining the system (*see evidence below*).

b) Site Suitability. This 9.24-acre parcel, located just outside the Soledad City limits, is designated LDR/2.5 [Low Density Residential, 2.5 acres per unit] and currently has three residential units plus one mobile home as a caretaker unit. The site is not physically suitable for the proposed subdivision because there is not a proven long-term sustainable water source to serve a 2-lot subdivision with a remainder parcel (*see evidence below*).

c) Health and Safety. The proposed project would be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. Water data for the subject site indicates multiple water quality standards that are not met (Section 64431 of the California Code of Regulations); and therefore, would require treatment. Smaller water systems are severely challenged to maintain the necessary Technical, Managerial, and Financial (TMF) capabilities to operate and maintain a water system. Without TMF capabilities, the health and safety of any person purchasing the newly created lots could be at risk.

d) Water Supply. Section 19 .10.070 MCC requires that provisions shall be made for such domestic water supply as may be necessary to protect public health, safety, or welfare, that the source of supply is adequate and potable, and that there is proof of a long term water supply with the proposed project. Three wells have been drilled that do not meet water standards:

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Well #3 (drilled January 2008): Capacity unknown. Water exceeds primary inorganic standards for fluoride. Water also exceeds secondary general mineral/physical standards for iron, chloride, color, TDS and conductivity.

Based on this evidence, upon recommendation of the Monterey County Environmental Health Bureau, there is not a long-term sustainable water supply for the proposed subdivision.

e) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN040529.

1. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission/Board of Supervisors.

EVIDENCE: a) Section 19.16 and 21.80, Monterey County Zoning Ordinance (Board of Supervisors).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Find that the project is Statutorily Exempt from CEQA (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)); and
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PASSED AND ADOPTED this 8th day of January, 2014 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

MONTEREY COUNTY

DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES
EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH
PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

November 13, 2013

Joel Panzer
Maureen Wruck Planning Consultants, LLC
21 W. Alisal Street Ste. 11
Salinas, CA 93901

Re: PLN 04529

Mr. Panzer:

This letter is pursuant to the Planning Commission's decision on October 30, 2013 to continue the hearing to January 8, 2014. During this time various issues were to be further analyzed relating to the subdivision such as water supply treatment, CEQA, source capacity tests. A status of this project is to be given at the January 8, 2014 hearing.

PS-3.9 requires that a subdivision shall not be approved until evidence is provided that there is a long-term sustainable water supply in terms of water quality and quantity.

Water Quality:
The Environmental Health Bureau (EHB) continues to recommend denial based on EHB's interpretation of PS-3.9. Small water systems struggle nationwide, statewide and locally to provide safe drinking water due to the lack of financial resources, aging infrastructure, cost of scale, management limitations, lack of long-term planning, and difficulty understanding current and future regulations. These challenges require adequate Technical, Managerial, and Financial (TMF) resources to face these challenges. The Environmental Protection Agency discusses these challenges in a July 2011 publication "National Characteristics of Drinking Water Systems Serving 10,000 or Fewer People". Based on these issues detailed in this publication and similar state experience and local experience with regulated water systems in Monterey County EHB has determined that existing/future owners of water source(s) for a proposed subdivision that needs treatment for primary contaminants and is proposed to serve 1 – 14 connections does not have the technical, managerial, and financial resources to provide a long-term sustainable water supply.

However, since this parcel has 4 existing single-family dwellings (sfd), the Planning Commission requested that the treatment option be further analyzed. Please provide a Point of Entry (POE) treatment system proposal for consideration. Please provide details on how the existing/future owners would operate and maintain the proposed treatment system (e.g. alarms, deed restrictions, waste disposal etc.) to provide safe drinking water. The POE treatment system differs from a Point of Use treatment system in that the POE treatment system provides treatment prior to the water entering the house so that all interior water fixtures in the dwelling are treated.

Water Quantity:
The revised subdivision proposes that each of the proposed 3 lots be served by an individual well instead of a water system. Presently, Well #2 is the only well with a 72-hour witnessed source capacity test, which had a credited capacity of 5.1 gallons/minute (gpm). Wells #1 and #3 do not have a 72-hour witnessed source capacity test.

Since the revised proposed subdivision proposes individual wells for each proposed lot as the water sources, all 3 wells will need to have the 72-hour source capacity test performed simultaneously. The simultaneous testing is required to determine to see if there is any interference between the wells and if so how significant is that interference. There must be sufficient credited source capacity so that 3 gpm for each sfd is demonstrated. One well will need to have an accredited source capacity of 6 gpm since two of the existing sfds will remain on one lot (3gpm per sfd). The other two wells will have to have a credited source capacity of 3 gpm each. (See the enclosed 72-hour source capacity protocol.)

You had inquired about the feasibility of performing source capacity tests now at the October 30, 2013 Planning Commission hearing. Source capacity tests for fractured rock wells are performed during the driest time of the year, which is August through October 30th. I mistakenly indicated November 30th at the hearing. However, if there are no significant rains, which there has not as the date of this letter, a waiver can be granted. Your hydrogeologist would need to discuss how weather conditions are similar (i.e. dry weather) in the resultant source capacity report. If you plan on conducting 72-hour source capacity tests in the near future the enclosed application needs to be completed and submitted with the applicable fees prior to the source capacity test.

If you have any questions regarding water quality or source capacity tests please contact Cheryl Sandoval at 755-4552.

CEQA:
Planning Staff was directed by the Planning Commission on October 30, 2013 to identify the environmental process required, pursuant to the CEQA Guidelines, if the project can be approved. Pursuant to Section 15064 of the CEQA Guidelines, when determining the significance of the environmental effect as caused by a project, careful judgment on the part of the public agency involved shall be based on scientific and factual data. According to the data provided by the Environmental Health Bureau, the water quality and quantity are an adverse significant impact to the health and safety of the property owner. Therefore, the project will require an Environmental Impact Report (EIR).

RMA – Planning also believes that the project significantly impacts the Land Use/Planning section, which asks:

"Will the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?"

The project violates policy PS-3.9, Public Services Chapter of the 2010 Monterey County General Plan which requires evidence of long-term water sustainability in terms of yield and quality for all lots to be created by a subdivision. Based on the information supplied to RMA – Planning thus far, the applicant has not been able to provide such evidence.

At this point, the only way an EIR can be avoided is if the Environmental Health Bureau determines that the water issues can be mitigated to a level less-than-significant, and determines that the property can supply each lot with a sustainable amount of water with adequate quality.

REMAINDER PARCEL:
During the Planning Commission hearing, County Counsel questioned the remainder parcel proposed on the project Vesting Tentative Map. Pursuant to the Subdivision Map Act, a remainder parcel is a parcel "not divided for the purpose of sale, lease, or financing" (66424.6). The owners, during the hearing, stated that the purpose for the subdivision was for refinancing, and would allow family members to eventually lease or sell their portions of the property. If the project can be approved, RMA – Planning requires that the project Vesting Tentative Map be revised by removing the remainder parcel.

If you have any planning questions, please contact Dan Lister at (831) 759-6617.

Sincerely,

Richard LeWarne
Assistant Director
Environmental health

Dan Lister
Land Use Technician
Planning Department

cc: Patrick Treffry, Senior Environmental Health Specialist

MONTEREY COUNTY

DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES
EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH
PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

Source Capacity Testing Procedures

Purpose

All wells that are proposed to supply water for domestic use or to be connected to a water distribution system shall first undergo a continuous source-capacity (pumping) test to determine the yield of the well. These testing procedures outline the requirements for conducting a source capacity test and are based on the recently revised Water Works Standards in Chapter 15 of Title 22 of the California Code of Regulations, which may be downloaded at:
http://www.cdph.ca.gov/services/DPOPP/regs/Pages/R-14-03-RevisionofWaterworksStandards.aspx

Definitions

Alluvial:	Pertaining to or composed of alluvium or deposited by a stream or running water.
Alluvium:	A general term for clay, silt, sand, gravel, or similar unconsolidated material deposited during comparatively recent geologic time by a stream or other body of running water as a sorted or semisorted sediment in the bed of the stream or on its floodplain or delta, or as a cone or fan at the base of a mountain slope.
Non-alluvial:	A general term for consolidated or bedrock material.
Source Capacity Test:	A test that is conducted to determine aquifer or well characteristics.
Static water level:	The level of water in a well that is not being affected by withdrawal of groundwater.
Steady State:	Steady-state is indicated if the last four hours of drawdown measurements and the elapsed time yield a straight line in a plot of drawdown data (vertical axis) versus the time data (horizontal axis) on semi-logarithmic graph paper.
Well yield:	The volume of water discharged from a well in gallons per minute or cubic meters per day.

Conditions

Tests for non-alluvial wells and alluvial wells in areas of known water shortage problems shall be conducted during the months of August, September, or October and shall start on a Monday or Tuesday between 9 a.m. and 2 p.m. If it is proposed to pump multiple wells at the same time, an application must be completed for each well.

Source capacity testing for wells located within the Monterey Peninsula Water Management District (MPWMD) shall also follow MPWMD's testing protocol, which may have more rigorous testing and review procedures. Some of the additional requirements include taking additional water level/flow rate reading during the test. For larger projects, such as subdivisions, a premeeting with MPWMD staff is advisable. Please refer to the MPWMD website "Wells Page" for information on well registration, metering and obtaining a Water Distribution System permit, including well testing procedures, at:
http://www.mpwmd.dst.ca.us/pae/wds/wds.htm

Source capacity testing for wells that will serve a noncommunity or community public water system must adhere to additional requirements detailed in the Application for Source Capacity Test

All tests shall be witnessed by a representative of the Monterey County Health Department, Environmental Health Bureau (EHB) and shall follow the procedures set forth herein. A qualified individual approved by the Director of Environmental Health (hydrogeologist, engineer with experience in hydrology, experienced licensed well or pump contractor (C-57 or C-61), etc.) shall complete the test(s) and documentation. The test results shall be submitted in a form for direct comparison to the criteria set forth in this procedure. Once the information is submitted, a determination shall be made as to the yield of the well in gallons-per-minute that can be credited towards the required minimum flows for the potable use requested.

Requests for variances from the following procedures shall be submitted to EHB for review in advance of the test start date. All tests shall adhere to these procedures unless the variance is approved.

Procedure

1. Test set-up
    A. Complete the application form for scheduling a source capacity test and return to EHD. The test will not be scheduled without a completed application form, supporting documents and payment of 4 hours of time at EHB's current hourly rate for test witnessing fees. Time spent in addition to 4 hours will be billed at the completion of the test.

    B. Well shall be equipped with a meter that measures instantaneous and total flow. Tests conducted on wells that produce less than 10 gpm shall be equipped with a meter with 1 gpm increments.

    C. Discharge water shall be managed to prevent recharge of the well during the testing/recovery period and shall not be allowed to pond/percolate within 200 feet of the well.

    D. If multiple proposed production wells for the same water system are located within:
        i. 500 feet of each other in a non-alluvial formation, the wells shall be pumped simultaneously in order to receive source capacity credit for all wells.
        ii. 300 feet of each other in an alluvial formation, the wells shall be pumped simultaneously in order to receive source capacity credit for all wells.

    E. If there is a nearby well within 1000 feet in on the same or neighboring parcel, the well should be monitored for drawdown as the source well is tested.

    F. Well shall be equipped with a sounding tube.

    G. The sounding line shall be clearly marked with a minimum of 10-foot intervals. The sounding line will be checked before it's lowered into the well to verify starting measurement.

    H. For the purpose of obtaining an accurate static water level value, at least twelve hours before beginning the test, pump the well at the proposed pump discharge rate for no more than two hours, then discontinue pumping:

2. Length of test
    A. Non-alluvial formations - pumping shall be a minimum of 72 hours with a recovery period equal to the length of time of pumping.

    B. Alluvial Formation – pumping shall be a minimum of 8 hours with a recovery period equal to the pumping length. Consult with EHB staff prior to initiating the test to determine if the length of

time for the test needs to be increased due to site specific factors including: distance to bedrock, known problems in the area, large fluctuating groundwater levels, drought conditions, etc.

3. Measurements Required (record each reading). Minor adjustments to flow rate may only be made during the first 24 hours of the pump test. After 24 hours, the flow rate shall remain constant.
   A. The meter's accuracy shall be verified by the bucket test within the first hour of the test. To conduct the bucket test, determine the time it takes to fill a 5 gallon bucket and convert to gallons per minute by dividing 300 by the number of seconds it takes to fill the bucket. The results shall be compared to the meter readings to determine if a correction factor is needed.
   B. If a continuous data logger that records water level is used, water depth measurements must be able to be read in the field. This can be accomplished by:
      i. Providing a computer that displays the readings from the data logger
      ii. Using a separate sounder

   C. Before pumping begins
      i. Record Static Water Level
      ii. Record totalizer on meter
      iii. Record pump size

   D. During pumping, record time, water level, gpm, and total gallons with every measurement at the intervals listed below. Plot the drawdown data versus the time data on semi-logarithmic graph paper, with the time intervals on the horizontal logarithm axis and the drawdown data on the vertical axis
      i. Alluvial test (minimum of 8 hours)
         a. 0-120 minutes – measure every 15 minutes
         b. 120 minutes until end of test– measure every hour-(well must have achieved steady-state in order to end test and receive credit. Steady state is indicated if the last four hours of drawdown measurements and the elapsed time yield a straight line in the plot. If steady state is not achieved, the test shall be continued for a longer period of time or adjusted until steady-state is achieved. If the pumping rate is adjusted, the test must be run for at least 8 hours at the new pumping rate)
      ii. Non-Alluvial - 72 hour test
         a. 0-240 minutes – measure every 30 minutes
         b. 240-480 minutes – measure every 60 minutes
         c. 480 minutes until end of test– measure every 4 hours thereafter until water drawdown level is constant for at least the last four remaining measurements
      iii. Non-Alluvial - 10 day test
         a. 0-240 minutes – measure every 30 minutes
         b. 240-480 minutes – measure every 60 minutes
         c. Every 8 hours for the remainder of the first four days
         d. Every 24 hours for the next five days
         e. Every 4 hours thereafter until the water drawdown level is constant for at least the last four remaining measurements

   E. Recovery - The well must demonstrate that, within a length of time not exceeding the duration of the pumping time of the pump test, the water level has recovered to within two feet of the static water level measured at the beginning of the well capacity test or to a minimum of ninety-five percent of the total drawdown measured during the test, whichever is more stringent. (Record time and water level with every measurement).

      i. Alluvial test

a. 0-120 minutes – measure every 15 minutes
b. After 120 minutes, measure every hour until either the water level in the well recovers to within two feet of the static water level measured at the beginning of the well capacity test or to at least ninety-five percent of the total drawdown measured during the test, which ever occurs first.

ii. 72 hour or 10 day test
a. 0-240 minutes – measure every 30 minutes
b. 240 -480 minutes – measure every 60 minutes
c. After 480 minutes, measure every 12 hours until either the water level in the well recovers to within two feet of the static water level measured at the beginning of the well capacity test or to at least ninety-five percent of the total drawdown measured during the test, which ever occurs first.

4. Reporting requirements – After the test is complete, submit a report to EHB for review and approval. At a minimum, the report shall:
   A. Include all data and observations associated with a well capacity test conducted as well as the estimated capacity determination methods and calculations. The data shall be submitted in an electronic spreadsheet format. A copy of the data logger results shall be included, if applicable.

   B. Plot the drawdown and pump discharge rate data versus time data on semi-logarithmic graph paper, with the time intervals on the horizontal logarithmic axis and the drawdown and pump discharge rate data on the vertical axis. (Graphing program should be used to plot data.)

5. After evaluation of the results, EHD may require further interpretation from a third party hydrogelogist.

Source Capacity Credit

1. The credited source capacity (approved well yield) will be based on the lowest flow measurement of the following: starting, ending, lowest recorded flow after 24 hours of pumping, and average. The credited source capacity will be based on actual flow measurements and not calculated yield.

2. 25/50% Policy - Wells produced from non-alluvial formations may be credited as follows for public water systems (a public water system has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year):

   A. 72-hours of pumping receives 25% credit of the approved well yield.

   B. 10-days of pumping receives 50% credit of the approved well yield

3. The well must demonstrate that, within a length of time not exceeding the duration of the pumping time of the pump test, the water level has recovered to within two feet of the static water level measured at the beginning of the well capacity test or to a minimum of ninety-five percent of the total drawdown measured during the test, whichever is more stringent. If the well recovery does not meet these criteria, the well capacity cannot be determined using the proposed pump rate.

The Health Officer may make changes to the above procedures in order to protect the public health due to site specific conditions.

Revised 3/96, 1/02, 5/06, 6/08, 6/09, 9/09, 8/11

Required Source Capacity for New Development

Non-Residential[1]

Provide engineered calculations using similar size/type system or water demand charts to determine maximum day demand.

Residential[2]

Type of System	Capacity Needed[1]
Private Well (unshared)	3 gpm
2 connections	6 gpm
3 connections	9 gpm
4 connections	12 gpm

	Alluvial	Non-Alluvial
5 connections	13 gpm	15 gpm
6 connections	13 gpm	18 gpm
7 connections	13 gpm	21 gpm
8 connections	13 gpm	24 gpm
9 connections	13 gpm	27 gpm
10 connections	14 gpm	30 gpm
11 connections	14 gpm	33 gpm
12 connections	14 gpm	36 gpm
13 connections	14 gpm	39 gpm
14 connections	14 gpm	42 gpm
≥15 connections (metered)	1 gpm/conn[2]	1 gpm/conn[2,3]

[1]The minimum required source capacity calculations must include the 25/50% policy for all Public Water System utilizing a well in a non-alluvial formation. For example, a business with a non-alluvial well that needs 10 gpm must have a well that is credited to produce 40 gpm.

[2]The minimum required source capacity for ≥15 connections is 1 gpm/connection unless existing usage data is available and calculations are done according to Section 64554 of Title 22 of the California Code of Regulations (see requirements on next page).

[3]The 25/50% credit policy does **not** apply to wells in non-alluvial formation that will serve 1-14 residential connections since the minimum capacity already addresses the concern that many non-alluvial wells lose production over time. The 25/50% credit policy **does** apply to wells in non-alluvial formation that will serve 15 or more residential connections. The 1 gpm/residential connection is the amount required all the approved well yield has been appropriately reduced for non-alluvial wells.

Additional Requirements (based on Chapters 15 and 19 of the Monterey County Code and Title 22 of the California Code of Regulations)

- New community water systems (serves 15 or more residences) are required to have two sources of supply.
- New community water systems are required to meet maximum day demand with the highest producing source offline
- All water systems with treatment are required to size the treatment facility to produce at least maximum day demand
- All water systems with treatment are required to increase the source capacity to meet maximum day demand after subtracting losses from the treatment facility (i.e., backwash, brine, filter-to-waste)

Section 64554 of Title 22 of the California Code of Regulations for public water systems (15 or more connections).

(a) At all times, a public water system's water source(s) shall have the capacity to meet the system's maximum day demand (MDD). MDD shall be determined pursuant to subsection (b).

(3) Both the MDD (max day demand) and PHD (peak hourly demand) requirements shall be met in the system as a whole and in each individual pressure zone.

(b) A system shall estimate MDD and PHD for the water system as a whole (total source capacity and number of service connections) and for each pressure zone within the system (total water supply available from the water sources and interzonal transfers directly supplying the zone and number of service connections within the zone), as follows:

(1) If daily water usage data are available, identify the day with the highest usage during the past ten years to obtain MDD; determine the average hourly flow during MDD and multiply by a peaking factor of at least 1.5 to obtain the PHD.

(2) If no daily water usage data are available and monthly water usage data are available:

(A) Identify the month with the highest water usage (maximum month) during at least the most recent ten years of operation or, if the system has been operating for less than ten years, during its period of operation;

(B) To calculate average daily usage during maximum month, divide the total water usage during the maximum month by the number of days in that month; and

(C) To calculate the MDD, multiply the average daily usage by a peaking factor that is a minimum of 1.5; and

(D) To calculate the PHD, determine the average hourly flow during MDD and multiply by a peaking factor that is a minimum of 1.5.

(3) If only annual water usage data are available:

(A) Identify the year with the highest water usage during at least the most recent ten years of operation or, if the system has been operating for less than ten years, during its years of operation;

(B) To calculate the average daily use, divide the total annual water usage for the year with the highest use by 365 days; and

(C) To calculate the MDD, multiply the average daily usage by a peaking factor of 2.25.

(D) To calculate the PHD, determine the average hourly flow during MDD and multiply by a peaking factor that is a minimum of 1.5.

(4) If no water usage data are available, utilize records from a system that is similar in size, elevation, climate, demography, residential property size, and metering to determine the average water usage per service connection. From the average water usage per service connection, calculate the average daily demand and follow the steps in paragraph (3) to calculate the MDD and PHD.

Revised 3/96, 1/02, 5/06, 6/08

MONTEREY COUNTY

DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES
EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH
PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

Application for Source Capacity Test

Test site address:_____

APN:_____ Related Planning Permit #:_____ Well Permit #_____

Billing Address:_____

Property Owner:_____ Phone/Address:_____

Responsible Party:_____ Phone/Address:_____

Contractor:_____ Phone/Address:_____

Contractor's qualifications:_____

Purpose of test: ( )Water System ( )Single Family Dwelling ( )Commercial ( )Subdivision ( )Irrigation
( )MPWMD distribution permit ( ) Other, explain _____

Is there another well within 1000' of well? yes no Show wells on map with distance to well

If the well is proposed to serve a water system, what is the proposed number of connections? _____
(Connections include all habitable structures, including caretaker and senior units - See page three for capacity requirements)
Proposed discharge rate (gpm):_____ Pump Specifications:_____ Pump depth:_____

Requested test start date and time: _____ (Subject to availability. Wells in non-alluvial materials shall only be tested during August, September, and October and shall start on a Monday or Tuesday between 9 a.m. and 2 p.m. If it is proposed to pump multiple wells at the same time, complete an application for each well)

Alternative requested test start dates:_____

Proposed test duration
8 hrs (alluvial only)
24 hrs (alluvial only)
72 hrs (non-alluvial formations)
10 days (non-alluvial formations)

Include the following documents with the application (see page 2 for test set-up requirements):

1. Map and directions to test site (include location of test well and all wells within 1000')
2. Well completion report/drillers log (Please note that if well does not meet current construction standards, it may not be able to be used for a water system or subdivision with individual wells. Minimum construction standards include a minimum of a 50' seal. Wells near the end of their useful life may also not be used for subdivisions or new water systems).
3. Prepayment of 4 hours of time at the Department's current hourly rate of $130/hr for test witnessing fees. Time spent in addition to 4 hours will be billed at the completion of the test.
4. Wells that will serve a public water system have additional requirements shown on page 2. These systems serve at least 25 people at least 60 days per year or 15 residential service connections.

I declare that all information in this application is correct and I hereby agree to comply with all applicable requirements in the Monterey County Health Department, Division of Environmental Health's Source Capacity Testing Procedures.

SIGNATURE OF PROPERTY OWNER
X_____**Date**_____
Print_____

SIGNATURE OF CONTRACTOR
X_____**Date**_____
Print _____

Application for source capacity test, page 2

Test Set-up Requirements for ALL Wells:

1. Well shall be equipped with a meter that measures instantaneous and total flow. Tests conducted on wells that produce less than 10 gpm shall be equipped with a meter with 1 gpm increments.

2. Discharge water shall be managed to prevent recharge of the well during the testing/recovery period and shall not be allowed to pond/percolate within 200 feet of the well. For a well to discharge into a storm drain there must be no history of contaminants in the area. The risk of erosion must be minimal and not allow sediment to be transported into the storm drain. If there is already sediment in the curb or catch basin, it should be removed prior to beginning the test. The discharge should be run through some type of filter such as a sediment sock or gravel bag berm.

3. If multiple proposed production wells for the same water system are located within:
    a. 500 feet of each other in a non-alluvial formation, the wells shall be pumped simultaneously in order to receive source capacity credit for both wells.
    b. 300 feet of each other in an alluvial formation, the wells shall be pumped simultaneously in order to receive source capacity credit for both wells.

4. If there is a nearby well within 1000 feet on the same or neighboring parcel, the well should be monitored for drawdown as the source well is tested.

5. Well shall be equipped with a sounding tube.

6. The sounding line shall be clearly marked with a minimum of 10-foot intervals. The sounding line will be checked before it's lowered into the well to verify starting measurement.

7. For the purpose of obtaining an accurate static water level value, at least twelve hours before beginning the test, pump the well at the proposed pump discharge rate for no more than two hours, then discontinue pumping.

Public Water System Additional Requirements:

Include the additional following documents for wells that will serve a noncommunity or community public water system:

1. A copy of a United States Geological Survey 7 ½-minute topographic map of the site at a scale of 1:24,000 or larger (1 inch equals 2,000 feet or 1 inch equals less than 2,000 feet) or, if necessary, a site sketch at a scale providing more detail, that clearly indicates:
    a. The well discharge location(s) during the test;
    b. The location of surface waters, water staff gauges, and other production wells within a radius of 1000 feet;
2. For wells located in or having an influence on the aquifer from which the new well will draw water, a description of the wells' operating schedules and the estimated amount of groundwater to be extracted, while the new well is tested and during normal operations prior to and after the new well is in operation;
3. A description of the surface waters, water staff gauges, and production wells-shown in 1b.
4. A description of how the well discharge will be managed to ensure the discharge doesn't interfere with the test;
5. A written description of the aquifer's annual recharge.

Required Source Capacity for New Development

Non-Residential[1]

- Provide engineered calculations using similar size/type system or water demand charts.

Application for source capacity test, page 3

Required Source Capacity for New Development, cont.

Residential[2]

Type of System	Capacity Needed[1]
Private Well (unshared)	3 gpm
2 connections	6 gpm
3 connections	9 gpm
4 connections	12 gpm

	Alluvial	Non-Alluvial
5 connections	13 gpm	15 gpm
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≥15 connections (metered)	1 gpm/conn[2]	1 gpm/conn[2,3]

[1]The minimum required source capacity calculations must include the 25/50% policy for all Public Water System utilizing a well in a non-alluvial formation. For example, a business with a non-alluvial well that needs 10 gpm must have a well that is credited to produce 40 gpm.
[2]The minimum required source capacity for ≥15 connections is 1 gpm/connection unless existing usage data is available and calculations are done according to Section 64554 of Title 22 of the California Code of Regulations (see requirements on next page).
[3]The 25/50% credit policy does **not** apply to wells in non-alluvial formation that will serve 1-14 residential connections since the minimum capacity already addresses the concern that many non-alluvial wells lose production over time. The 25/50% credit policy **does** apply to wells in non-alluvial formation that will serve 15 or more residential connections. The 1 gpm/residential connection is the amount required all the approved well yield has been appropriately reduced for non-alluvial wells.

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- New community water systems are required to meet maximum day demand with the highest producing source offline
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- All water systems with treatment are required to increase the source capacity to meet maximum day demand after subtracting losses from the treatment facility (i.e., backwash, brine, filter-to-waste)

Section 64554 of Title 22 of the California Code of Regulations for public water systems (15 or more connections).

(a) At all times, a public water system's water source(s) shall have the capacity to meet the system's maximum day demand (MDD). MDD shall be determined pursuant to subsection (b).

(3) Both the MDD (max day demand) and PHD (peak hourly demand) requirements shall be met in the system as a whole and in each individual pressure zone.

Application for source capacity test, page 4

Section 64554 of Title 22 of the California Code of Regulations, cont.

(b) A system shall estimate MDD and PHD for the water system as a whole (total source capacity and number of service connections) and for each pressure zone within the system (total water supply available from the water sources and interzonal transfers directly supplying the zone and number of service connections within the zone), as follows:

(1) If daily water usage data are available, identify the day with the highest usage during the past ten years to obtain MDD; determine the average hourly flow during MDD and multiply by a peaking factor of at least 1.5 to obtain the PHD.

(2) If no daily water usage data are available and monthly water usage data are available:

(A) Identify the month with the highest water usage (maximum month) during at least the most recent ten years of operation or, if the system has been operating for less than ten years, during its period of operation;

(B) To calculate average daily usage during maximum month, divide the total water usage during the maximum month by the number of days in that month; and

(C) To calculate the MDD, multiply the average daily usage by a peaking factor that is a minimum of 1.5; and

(D) To calculate the PHD, determine the average hourly flow during MDD and multiply by a peaking factor that is a minimum of 1.5.

(3) If only annual water usage data are available:

(A) Identify the year with the highest water usage during at least the most recent ten years of operation or, if the system has been operating for less than ten years, during its years of operation;

(B) To calculate the average daily use, divide the total annual water usage for the year with the highest use by 365 days; and

(C) To calculate the MDD, multiply the average daily usage by a peaking factor of 2.25.

(D) To calculate the PHD, determine the average hourly flow during MDD and multiply by a peaking factor that is a minimum of 1.5.

(4) If no water usage data are available, utilize records from a system that is similar in size, elevation, climate, demography, residential property size, and metering to determine the average water usage per service connection. From the average water usage per service connection, calculate the average daily demand and follow the steps in paragraph (3) to calculate the MDD and PHD.

(6/08. 6/09 6/11)

Lister, Daniel M. x6617

From: Joel Panzer [joel@mwruck.com]
Sent: Tuesday, December 03, 2013 11:28 AM
To: LeWarne, Richard x4544
Cc: Lister, Daniel M. x6617; Treffry, Patrick, T x4556; Fowler, Nicole E. x4584; ferminhd@aol.com; Maureen Wruck; Novo, Mike x5192
Subject: RE: Vasquez - PLN040529

Richard-

As mentioned (briefly) in our meeting yesterday, I was out of state on a long-planned family visit (11/13 to 11/16). Then, of course, we had the Thanksgiving holiday time off. I am clearing up backlog from being away from the office for about 8 working days.

My client's intent is to:

1. Work with Monterey County for a resolution and identify a Point of Entry treatment option Earlier this morning, as a follow-up, I spoke with Aaron Bierman re: Point of Entry system. He recommended I speak with Advanced Water Systems in Santa Cruz (vs. Culligan). I need to follow-up with that firm next to provide them with water quality info so they know what they will be treating and what sort of system(s) are capable of treatment, cost, maintenance and etc.
2. Given the continued recommendation for denial stated in your 11/13 letter, I have advised my client NOT to pursue water pump capacity testing (Water Quantity) until the Water Quality issues, treatment and TMF are fully resolved. Mr. Vasquez does not have deep pockets and I didn't want to risk them spending $24,000+ to do three simultaneous pump tests with EHB still taking the position that the subdivision should be denied. That is why we want to fully resolve water quality issues first.

I can appreciate the time constraints on staff report timing. I will pursue my inquiry with Advanced Water systems today.

Sincerely,

Joel Panzer
Maureen Wruck Planning Consultants, LLC
LOCATED IN OLD TOWN SALINAS AT:
21 W. Alisal Street, Ste. 111
Salinas, CA 93901
(831) 771-2557
Planning and Development Consultants
Project Management-Subdivisions-Certificates of Compliance-Permit Coordination
Google us at Mwruck.com

From: LeWarne, Richard x4544 [mailto:lewarner@co.monterey.ca.us]
Sent: Tuesday, December 03, 2013 11:10 AM
To: Joel Panzer
Cc: Lister, Daniel M. x6617; Treffry, Patrick, T x4556; Fowler, Nicole E. x4584
Subject: Vasquez - PLN040529
Importance: High

Joel:
I sent a letter on November 13, 2013 requesting a proposal for a Point of Entry treatment system (treatment prior to entering the dwelling) and sent an application for source capacity testing. As of this date the Planning Dept. and Environmental Health have not received any communications regarding

your clients intent. The Planner (Dan Lister) needs to begin writing the staff report immediately for the January 2014 Planning Commission hearing. Please notify our Departments ASAP as to your clients intent.

Thank You.

Richard LeWarne

Assistant Director
Environmental Health Bureau
Environmental Health Review, Drinking Water Protection, Hazardous Materials Management
1270 Natividad Road, Salinas CA 93906
Office: (831) 755-4544
Front Desk: (831) 755-4505
FAX: (831) 755-4880

Lister, Daniel M. x6617

From: Joel Panzer [joel@mwruck.com]
Sent: Friday, December 06, 2013 4:57 PM
To: LeWarne, Richard x4544; Lister, Daniel M. x6617
Cc: ferminhd@aol.com
Subject: Vasquez Minor Subdivision (PLN040529)

Richard-

In response to your recent e-mail and November 13th letter, I was able to reach Advanced Water Systems in Santa Cruz. I spoke with Abel and he confirmed that Point of Entry (POE) treatment equipment is readily available and approved by the State for arsenic and fluoride treatment.

Abel provided general pricing for a treatment system (arsenic or fluoride) as follows:

POE Unit cost = $1,800.00. This unit includes chlorination and activated aluminum filter.
Static Mixer cost = $150.00
Installation costs to install are as follows:

- POE unit, including static filter = $1,000;
- Activated aluminum unit = $500 – $600;
- Chlorination unit = $400.00 to $500.00;

Maintenance costs for the system are:

- Annual system inspections (2 x year) = $400.00 in labor;
- Changing of arsenic/fluoride filters every 2 years = $600 parts and $200 labor.

Total costs to install would be $6,650 - $6,850 and total annual costs to operate (2 year average) would be $800/year or $66.00 month, plus electrical costs for the well pump. As a point of reference, my Cal-Water bill in Salinas runs approximately $88.00/month in the winter and up to $135.00/month in the summer...

In summary, these costs are affordable to install and reasonable to maintain. Let me know what else you or planning might need for the January report to the Planning Commission.

Joel Panzer
Maureen Wruck Planning Consultants, LLC
LOCATED IN OLD TOWN SALINAS AT:
21 W. Alisal Street, Ste. 111
Salinas, CA 93901
(831) 771-2557
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MONTEREY COUNTY PLANNING COMMISSION

Meeting: October 30, 2013 **Time:** 9:30 a.m.	**Agenda Item No.: 4**
Project Description: Consider denial of the Minor Subdivision Vesting Tentative Map to allow the division of an approximately 9.26 acre parcel into two parcels of 3.086 and 3.086 acres and one remainder parcel of 3.086 acres. The property is located at 34735 Metz Road, Soledad (Assessor's Parcel Number 257-121-019-000), Central Salinas Valley Area Plan.	
Project Location: 34735 Metz Road	**APN:** 257-121-019-000
Planning File Number: PLN040529	**Owner:** Fermin Vasquez **Agent:** Joel Panzer
Planning Area: Central Salinas Valley Area Plan	**Flagged and staked:** N/A
Zoning Designation: : LDR/2.5 [Low Density Residential, 2.5 acres per unit]	
CEQA Action: Statutorily Exempt from CEQA (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)).	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit A**) to:

1) Find the Statutorily Exempt from CEQA (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)); and
2) Deny, without prejudice, PLN040529, based on findings and evidence.

PROJECT OVERVIEW:

On February 9, 2011, at a duly noticed Planning Commission hearing, staff recommended that the Planning Commission deny a three lot subdivision on a 9.24-acre parcel due to the lack of adequate water supply. The Planning Commission tabled the item to allow the applicant a period of time to provide proof of adequate water quality and quantity. Two years later, the applicant submitted a revised tentative map (**Exhibit C**) and a hydrogeologic report (**Exhibit D**). Based on review of the submitted materials, staff recommends that the Planning Commission deny the proposal of a two lot subdivision with one remainder parcel due to the lack of adequate water supply.

The 9.24 acre parcel, located just outside of the Soledad City limits, is designated LDR/2.5 (Low Density Residential, 2.5 acres per unit). When the application was initially filed to subdivide the property, the site included one single family dwelling home plus one mobile home approved as a caretaker unit (ZA4014, April 1980). In 2004, the owner, Fermin Vasquez, filed an application to subdivide the parcel into three parcels (PLN040529). Since that time the owner has received approval for two additional units: Administrative Permit for a second residential unit (PLN040503, August 2005), and Use Permit for a third unit (PLN04027, September 2005). The units are occupied and established for use by the owner's family members. A water system permit is not required for multiple residential units on a single parcel as long as all occupants of all units are related to each other (Section 15.04.020 (g) of the Monterey County Code).

A revised tentative map was submitted on February 14, 2012 proposing a two lot subdivision with one remainder parcel (**Exhibit C**). A remainder parcel, according to the Section 66424.6 of the Subdivision Map Act is not a parcel for purpose of sale, lease or financing and is not required to be conditioned as a subdivided parcel. Also, the revised tentative map proposes to split each parcel so each will have a well, therefore attempting to avoid water review for a four connection water system.

Since September 4, 2004 the project has been deemed incomplete. The revised map submitted February 14, 2012 was deemed incomplete March 13, 2012. Projects not deemed complete before

Exhibit D
Page 1 of 43 Pages

October 16, 2007 are subject to the 2010 Monterey County General Plan. The project is located in the Salinas Valley groundwater basin (Zone 2C) which is considered a long-term sustainable water supply (PS-3.1). Projects within the area are not required to provide a hydrogeological report for proof of long-term sustainable water (PS-3.2). However, policy PS-3.9 states: "A tentative subdivision map and/or vesting tentative subdivision map application for either a standard or minor subdivision shall not be approved until the applicant provides evidence of a long-term sustainable water supply in terms of yield and quality for all lots that are to be created through subdivision." Even though the property is located within Zone 2C, subdivisions must prove that water can be yielded from the water source and the quality is adequate. The existing wells are drilled into hard rock (fractured rock) and the owner or hired consultant has not demonstrated proof of access to the Zone 2C water source. According to the Environmental Health Bureau water production from fractured rock tends to decline over time, making said source unreliable as a sustainable source of water.

Additionally, the Subdivision Ordinance (Title 19) states a map shall be denied if the proposed subdivision is inconsistent with the current General Plan and likely to cause serious health problems (19.05.055.B(1)(6) and (8). Subdivisions are required to provide proof of an adequate water supply in order to proceed (19.07.020.K, 19.10.070, and 19.03.015(L); Title 19). According to review by the Environmental Health Bureau of a groundwater quality and quantity assessment prepared by Bierman Hydrogeologic on September 18, 2012 (**Exhibit D**), the three existing wells do not meet water standards:

Well #1 (existing): Capacity unknown; exceeds drinking water MCL for arsenic and nitrate.
Well #2 (drilled April 2005): Capacity to be 5.1gpm; exceeds drinking water MCL for fluoride.
Well #3 (drilled January 2008): Capacity unknown; exceeds drinking water MCL for fluoride.

The hydrogeologic report concludes that source testing and water treatment should be deferred as conditions of project approval. The 2010 General Plan and Subdivision Ordinance do not allow proof of water quality and quantity to be conducted after approval of a subdivision.

On August 28, 2013, correspondence was received from the project representative, Joel Panzer, addressing water contamination issues through a reverse osmosis water treatment system, and requested that the Environmental Health Bureau provide the Monterey County Code citation which prohibits water treatment as a means to address water issues for a new subdivision (**Exhibit E**). On September 19, 2013, the Environmental Health Bureau responded to the applicant's correspondence (**Exhibit F**). Monterey County Code Chapter 19.03.015L requires that water quality and quantity for wells must be demonstrated. Based on information provided by the applicant thus far, the Environmental Health Bureau has determined that water source(s) for a subdivision that needs treatment for primary contaminants and is proposed to serve 1-14 connections does not have the technical, managerial, and financial capability to provide consistent and reliable treatment resulting in a reliable source of potable water. Therefore, Environmental Health cannot make the health and safety finding that the project water sources are an adequate water supply as required in the approval of a subdivision. On September 19, 2013, the Environmental Health Bureau deemed the project complete stating that no additional information is required, and that the Bureau recommends denial of the proposed subdivision.

Based on the information available, staff cannot make the required health and safety findings, and therefore, staff recommends denial of the subject proposal.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

√ RMA - Public Works Department
√ Environmental Health Bureau

√ Water Resources Agency
√ Mission Soledad Rural Fire Department
√ Parks Department

Note: The decision on this project is appealable to the Board of Supervisors.

Dan Lister, Assistant Planner
(831) 759-6617, listerdm@co.monterey.ca.us
October 22, 2013

cc: Front Counter Copy; Planning Commission; Mission Soledad Rural Fire Department; RMA-Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; City of Soledad; Wanda Hickman, Planning Services Manager; John Ford, Senior Planner; Dan Lister, Project Planner; Fermin Vasquez, Owner; Joel Panzer, Agent; The Open Monterey Project; LandWatch; Planning File PLN040529

Attachments:

Exhibit A	Draft Resolution
Exhibit B	Vicinity Map
Exhibit C	Revised Tentative Map
Exhibit D	Hydro-geotechnical Report prepared by Bierman Hydrogeologic dated September 18, 2012
Exhibit E	Correspondence from Joel Panzer dated August 28, 2013 with reverse osmosis water treatment system information
Exhibit F	Response letter from the Environmental Health Bureau dated September 19, 2013, which includes • Correspondence from Environmental Health Bureau, dated August 14, 2012, and • Correspondence from Environmental Health Bureau, dated March 25, 2013.

This report was reviewed by Wanda Hickman, Planning Services Manager. wah

EXHIBIT A
DRAFT RESOLUTION

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:
VASQUEZ (PLN040529)
RESOLUTION NO. _____
Resolution by the Monterey County Planning Commission:

1) Finding that the project is Statutorily Exempt from CEQA (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)); and
2) Denying a Minor Subdivision Vesting Tentative Map to allow the division of an approximately 9.26 acre parcel into two parcels of 3.086 and 3.086 acres and one remainder parcel of 3.086 acres.

(PLN040529, Vasquez, 34735 Metz Road, Soledad, Central Salinas Valley Are Plan (APN: 257-121-019-000)

The Vasquez application (PLN040529) came on for public hearing before the Monterey County Planning Commission on October 30, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. FINDING: **CEQA (Exempt): -** The project is statutorily exempt from environmental review because the County is denying the application.

EVIDENCE: A project that will be disapproved by the lead agency is statutorily exempt from CEQA. (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)). The project is exempt from CEQA because the County is disapproving the project.

2. FINDING: **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable general plan and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and

avoidably injure fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

3. EVIDENCE: a) Consistency. The subject application was initially filed August 24, 2004 and deemed incomplete September 22, 2004, and has remained incomplete. A revised application was filed February 14, 2012 and deemed incomplete March 13, 2012. Subdivision maps deemed complete prior to October 16, 2007 are subject to the 1982 General Plan; all others are subject to the 2010 Monterey County General Plan. The project as designed must be consistent with the 2010 Monterey County General Plan including the Central Salinas Valley Area Plan. The application as revised has not provided sufficient information to prove that there is an adequate water supply. New development shall be prohibited without proof based on specific evidence that there is a long-term sustainable water supply, both in water quality and quantity to serve the development (2010 General Plan Policy PS-3.1). General Plan Policy PS-3.2 establishes specific criteria for new development, including residential subdivision, upon advice from the Director of the Environmental Health Bureau (*see evidence below).* General Plan Policy PS-3.3 includes criteria to determine the adequacy of new domestic wells including water quality, production capability, and capability for maintaining the system (*see evidence below*).

b) Site Suitability. This 9.24-acre parcel, located just outside the Soledad City limits, is designated LDR/2.5 [Low Density Residential, 2.5 acres per unit] and currently has three residential units plus one mobile home as a caretaker unit. The site is not physically suitable for the proposed subdivision because there is not a proven long-term sustainable water source to serve a 2-lot subdivision with a remainder parcel (*see evidence below*).

c) Health and Safety. The proposed project would be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. Water data for the subject site indicates multiple water quality standards that are not met (Section 64431 of the California Code of Regulations); and therefore, would require treatment. Smaller water systems are severely challenged to maintain the necessary Technical, Managerial, and Financial (TMF) capabilities to operate and maintain a water system. Without TMF capabilities, the health and safety of any person purchasing the newly created lots could be at risk.

d) Water Supply. Section 19 .10.070 MCC requires that provisions shall be made for such domestic water supply as may be necessary to protect public health, safety, or welfare, that the source of supply is adequate and potable, and that there is proof of a long term water supply with the proposed project. Three wells have been drilled that do not meet water standards:

Well #1 (existing well): Capacity unknown. Water exceeds primary inorganic standards for arsenic and nitrates. Water also exceeds

secondary general mineral/physical standards for iron, manganese, chloride, color, TDS and conductivity.
Well #2 (drilled April 2005): Capacity (5 .1 gpm). Water exceeds primary inorganic standards for fluoride. Water also exceeds secondary general mineral/physical standards for iron, manganese, chloride, color, TDS and conductivity.
Well #3 (drilled January 2008): Capacity unknown. Water exceeds primary inorganic standards for fluoride. Water also exceeds secondary general mineral/physical standards for iron, chloride, color, TDS and conductivity.

Based on this evidence, upon recommendation of the Monterey County Environmental Health Bureau, there is not a long-term sustainable water supply for the proposed subdivision.

e) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN040529.

1. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission/Board of Supervisors.

EVIDENCE: a) Section 19.16 and 21.80, Monterey County Zoning Ordinance (Board of Supervisors).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Find that the project is Statutorily Exempt from CEQA (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)); and
2. Deny a Minor Subdivision Vesting Tentative Map to allow the division of an approximately 9.26 acre parcel into two parcels of 3.086 and 3.086 acres and one remainder parcel of 3.086 acres.

PASSED AND ADOPTED this 30th day of October, 2013 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

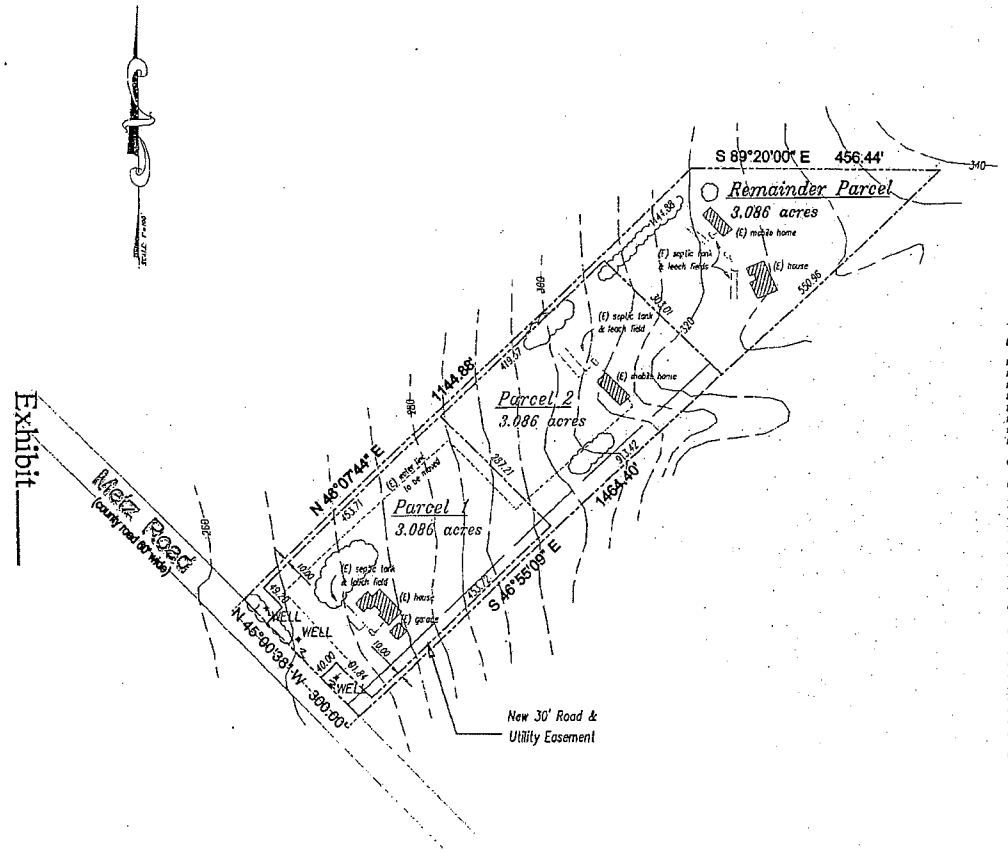
THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

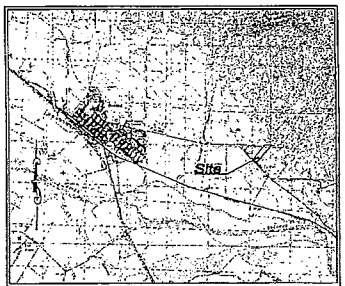
IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

Exhibit ____

Page 1 of 1 Pages





Vicinity Map n.t.s.

Parcel Boundary Courses:

PARCEL 1

1.1	North 44°59'22" East	40.00
1.2	North 45°00'38" West	49.20
1.3	North 46°07'44" East	453.71
1.4	South 44°58'44" East	287.21
1.5	South 46°55'09" West	453.72
1.6	North 45°00'38" West	91.84
1.7	South 44°59'22" West	40.00
1.8	North 45°00'38" West	139.91

Containing 3.086 acres, more or less.

PARCEL 2

2.1	North 44°59'22" East	40.00'
2.2	South 45°00'38" East	91.84'
2.3	North 46°55'09" East	453.72'
2.4	North 44°58'44" West	287.21'
2.5	North 46°07'44" East	419.37'
2.6	South 45°00'38" East	303.01'
2.7	South 46°55'09" West	913.42'
2.8	North 45°00'38" West	100.50'

Containing 3.086 acres, more or less.

REMAINDER PARCEL

R.1	North 44°59'22" East	40.00'
R.2	North 45°00'38" West	49.20'
R.3	North 46°07'44" East	873.08'
R.4	South 45°00'38" East	303.01'
R.5	North 46°55'09" East	50.96'
R.6	North 89°17'46" West	456.73'
R.7	South 46°07'44" West	1144.88'
R.8	South 71°20'42" East	67.61'

Containing 3.086 acres, more or less.

Owner & Applicant:
Vasquez et al
34735 Metz Road
Soledad, CA 93960

County File No. PLN040529

NOTES:

1. DISTANCES AND DIMENSIONS SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
2. DATA WITHIN PARENTHESES (N46°07'44"E) REFERS TO RECORD FROM MAP RECORDED IN VOLUME 2 OF PARCEL MAPS AT PAGE 76, MONTEREY COUNTY RECORDS.
3. CONTOUR INTERVAL IS FIVE FOOT.
4. DATUM IS NATIONAL GEODETIC VERTICAL DATUM OF 1929, SOURCED FROM THE USGS 7.5' QUADRANGLE SHEET 'SOLEDAD'.
5. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD NOT SHOWN UPON THIS MAP. THE OWNER SHALL BE RESPONSIBLE FOR FURNISHING A TITLE REPORT TO DISCLOSE SUCH EASEMENTS WHICH MAY OR MAY NOT EXIST, AND MONTEREY COUNTY SURVEYORS, INC. SHALL BEAR NO RESPONSIBILITY FOR NON DISCLOSURE OF SAID EASEMENT(S), THEIR EXISTENCE OR LOCATION.
6. BOUNDARY LOCATION IS BASED UPON RECORD DATA. NO BOUNDARY SURVEY HAS BEEN COMPLETED UNDER THE CONTRACTED SCOPE OF WORK.

LICENSED LAND SURVEYOR DANIEL J. WETZNER PLS 5892 Exp. 12/31/13 STATE OF CALIFORNIA

100 0 300
Scale: 1"=100'

RECEIVED FEB 14 2012 MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

PLN 040529

MCS inc MONTEREY COUNTY SURVEYORS, INC.
235 Salinas St., Salinas, CA 93901-3854 831.424.1984
831.424.4099 email:info@montereycountysurveyors.com

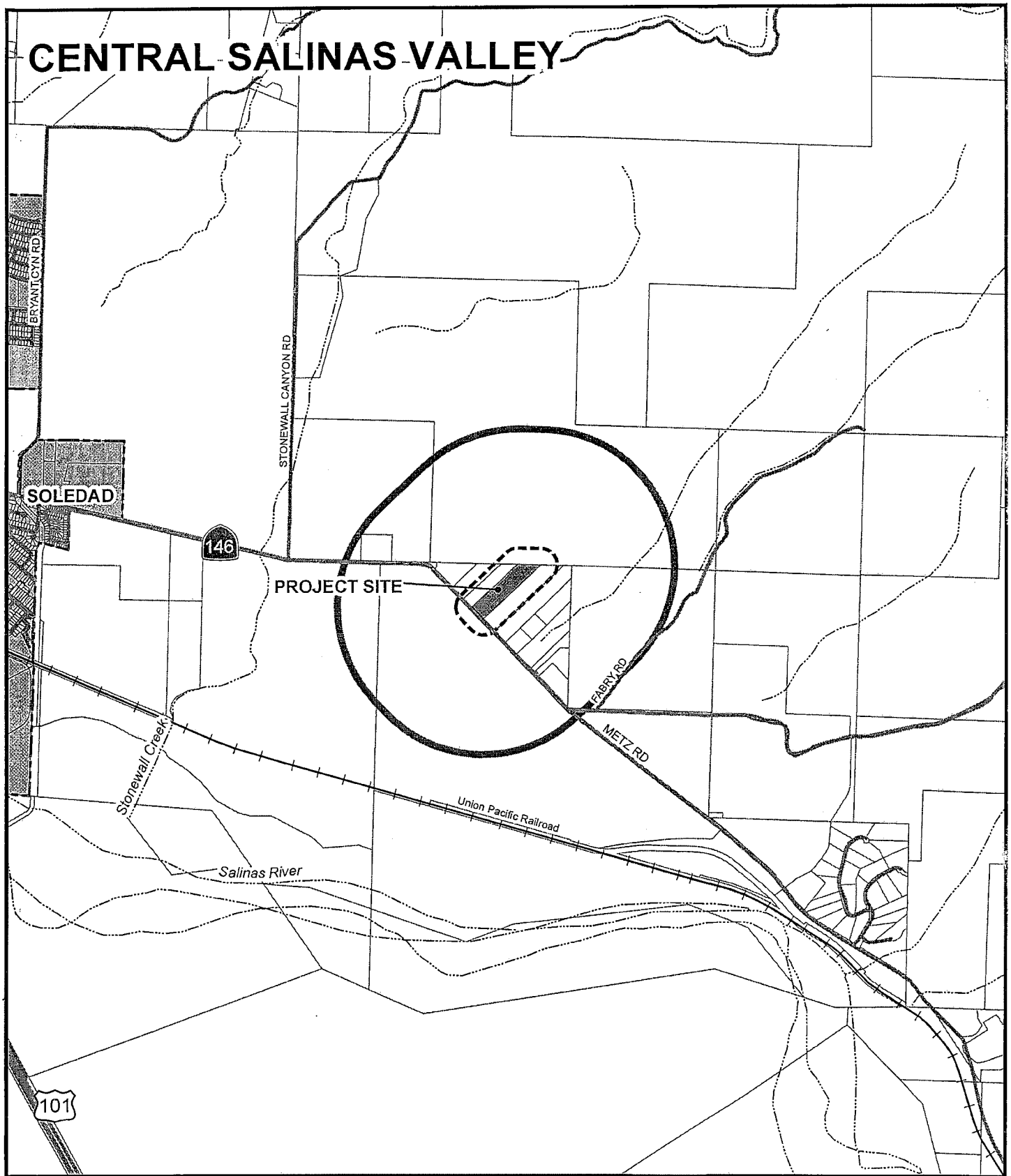
Vesting Tentative Parcel Map

A division of APN 257-121-018, shown as Parcel D on plat map filed in volume 2 of Parcel Maps at page 76, in the Rancho San Vicente, Monterey County, CA

MADE FOR: Vasquez, et al

SCALE: 1"=100' JOB NO. 2011.087 DATE: JANUARY 2012

APN 257-121-018 SHEET 1 OF 1



APPLICANT: VASQUEZ

APN: 257-121-019-000 **FILE #** PLN040529

Water | 2500' Limit | 300' Limit | City Limits

N

0 2,000
Feet

MONTEREY COUNTY CALIFORNIA · 1850 ·

PLANNER: AMADOR

Exhibit ____

BIERMAN
Hydrogeologic
A Professional Company
Hydrogeologic Consulting & Water Resource Management
Office:(831-386 9383) Cell:(831-334 2237) E-Mail:biermanh@comcast.net
3153 Redwood Drive, Aptos, CA. 95003

HEALTH DEPARTMENT
SEP 20 2012
ENVIRONMENTAL HEALTH

September 18, 2012

Monterey County Environmental Health Bureau
c/o: Patrick Treffry - REHS
1270 Natividad Road
Salinas, CA 93906

Subject: *Vasquez Property; PLN 040529 - Groundwater Quality and Quantity*

EXECUTIVE SUMMARY

Bierman Hydro-Geo-Logic (BHgl) has been contracted by the Vasquez's to; 1) review previous groundwater quality data and correspondence between MCEHB, 2) complete an up-dated round of groundwater sampling and laboratory analysis and, 3) prepare this letter with recommended Conditions Of Approval for MCEHB to consider for the Vasquez Property, PLN 040529, APN: 257-121-019. This report is not a Hydrogeological Investigation.

This letter provides additional information regarding; The wells construction, recent groundwater quality in relation to California Drinking Water Standards (DWS)[1], a summary of well##1, #2, #3 estimated source capacity, and summarized Point-of-Entry (POE) groundwater treatment system components in order to meet aforementioned State DWS.

SITE DESCRIPTION

The project, as shown on Figure 1 (attached) is located at 34735 Metz Road, outside the city of Soledad, California. The well field is located at an approximate elevation of 265-ft mean sea level (msl) just off the base of the valley floor and Salinas River. The site is located at the base of larger rolling hills backing up against Pinnacles National Monument. A Site Map is attached as Figure 2 and shows the well field, existing structures, existing septic tanks and leach-fields, proposed well easements to each parcel and proposed parcel lay-out each totaling 3.086 acres.

PROPOSED PROJECT

The Vasquez are proposing that MCEHB allow one parcel be split to form two parcels with a remainder parcel, such that, each parcel will be served by their own well based on the following primary Condition of Approvals (COAs);

1. Each parcel to have a minimum of 5,000 gallon raw water storage,
2. Each well to have Point-of-Entry (POE) groundwater treatment system,
3. Each parcel to have appropriate deed notifications notarized and submitted. Deed notifications to include (Well Easement, Fractured Hardrock Well, Groundwater Quality, POE Treatment System, reporting and maintenance),
4. Each parcel to provide quarterly reporting of pre-&-post groundwater treatment samples,
5. Each well to undergo updated source capacity testing per MCEHB guidelines and,

[1] California Administrative Code, Title 22, Chapter 15, Article 4. Primary Standards – Inorganic Chemicals, Section 64431, Maximum Contaminant Levels – Inorganic Chemicals, May, 2009.

6. Each well "well-head" and surface seal upgraded to appropriate well head standards.

As BHgl understands, no water system is being proposed. Additional supplemental COAs, as needed, are mentioned below.

DATA REVIEW AND FIELD WORK

Based on site data and previous regulatory communications provided by Maureen Wruck Planning Consultants, LLC, field work completed on August 16, 2012 BHgl (which included well purging & groundwater sampling of wells #2, #3), and review of laboratory groundwater analytical results (attached) the following information regarding the wells is summarized below.

Well #1:

Well Construction - This well is sufficiently old such that a copy of the DWR Well Completion Report could not be found and/or was not provided to BHgl. As a supplemental COA, BHgl recommends video logging Well #1 to determine its construction and integrity to serve one single family dwelling. Depending on the video logging, it may be necessary to drill a new well with a deeper sanitary seal to reduce the nitrate contamination in the well. This could be implemented as an another supplemental COA.

Groundwater Quantity and Long-Term Source Capacity - Although the source capacity of this well is unknown, based on review of the other two wells "historic" pumping tests, this well (well #1) can also likely meet post-recovery pumping rate of 3gpm/connection. As stated above, a primary COA would be to complete updated source capacity testing as per MCEHB guidelines.

Groundwater Quality - As BHgl understands, the well is out-of service due to primary constituents[2] (arsenic and nitrate) concentrations that exceed State Maximum Contaminant Level (MCL) for drinking water, among other elevated secondary constituents[3] (chloride, color, electrical conductance, iron, manganese, total dissolved solids). As a second supplemental COA, BHgl recommends an updated groundwater sample from this well to determine design parameters for a Point-of-Entry (POE) single-connection groundwater treatment system.

Well #2:

Well Construction - Based DWR Well Completion Report (attached) Well #2 was drilled in April, 2005 and is constructed with 5-inch diameter steel casing and is perforated in a granitic hardrock aquifer. The well is noted as being completed to a depth of 620 feet below ground surface and perforated from 440-620' below ground surface (bgs) with a sanitary seal to a depth of 400-ft bgs.

Groundwater Quantity and Long-Term Source Capacity - The source capacity of this well was determined to be 5.1 gallons per minute (2005 72-hour pumping test by Salinas Pump Co.) and therefore exceeds the post-recovery pumping rate of 3gpm/connection. As an aside, during the

[2] Primary constituents are contaminants that can cause significant adverse health effects for which local agencies can regulate and enforce.
[3] Secondary constituents which are contaminants that may cause cosmetic effects (such as skin or tooth discoloration) or aesthetic effects (such as taste, odor, or color) in drinking water. Secondary constituents are non-enforceable; however, Environmental Protection Agency (EPA) recommends secondary standards to water systems but does not require systems to comply. Individual States and/or local counties may choose to adopt them as enforceable standards. Although MCHD does not enforce these standards, we recommend treating the secondary constituents to the recommended standards.

recent well purging and groundwater sampling of wells #2, #3, the wells (for how close in proximity they were and similar perforated interval) the wells did not appear to be hydrogeologically connected, although future source-capacity testing would verify this. As stated above, a primary COA would be to complete updated source capacity testing as per MCEHB guidelines.

Groundwater Quality - As BHgl understands the well is currently off-line due to fluctuating primary constituents (arsenic and fluoride) among other secondary constituents (chloride, color, electrical conductance, iron, manganese, total dissolved solids).

Based on recent groundwater analytical results[4], nitrate and nitrite were not detected. Although arsenic was present at 6 parts per billion (ppb), historic and current fluctuating concentrations (2-6 ppb) remain below the States MCL of 10 ppb. On the contrary, fluoride concentrations were detected at 3.34 parts per million (ppm) exceeding the States MCL of 2 ppm. No historic concentrations for fluoride were provided. As stated above, a primary COA would be to have a satisfactory POE single-connection groundwater treatment system.

Well #3:

Well Construction - Based DWR Well Completion Report (attached) Well #3 was drilled in January, 2008 and is constructed with 5-inch diameter steel casing and is perforated in a granitic hardrock aquifer. The well is noted as being completed to a depth of 800 feet below ground surface and perforated from 360-460', 480-580' and 600-740' bgs with a sanitary seal to a depth of 340-ft bgs. As BHgl understands, the well is currently serving the structures at the site.

Groundwater Quantity and Long-Term Source Capacity - The source capacity of this well was never determined (pump test canceled because of water quality issues) although, as BHgl understands, the well is adequate to support a pumping rate of 3gpm/connection. As an aside, during the recent purging and monitoring, well #3 was being pumped at 6.5 gpm and had only 2.7 feet of drawdown after 2-hours of pumping, and although preliminary, suggests the well can support 3gpm/connection. As stated above, a primary COA would be to complete updated source capacity testing as per MCEHB guidelines.

Groundwater Quality - As BHgl understands the well is currently on-line as it appears to be the best producing well, although does have fluctuating primary constituents (arsenic and fluoride) among other secondary constituents (chloride, color, electrical conductance, iron, manganese, total dissolved solids).

Based on recent groundwater analytical results[5], nitrate and nitrite were not detected. Although arsenic was present at 5 parts per billion (ppb), historic and current fluctuating concentrations (2-6 ppb) remain below the States MCL of 10 ppb. On the contrary, as with well #2, fluoride concentrations were detected at 3.19 parts per million (ppm) exceeding the States MCL of 2 ppm. Historic and current fluoride concentrations (3.19 to 3.5 ppm) are above the States MCL.

[4] Monterey Bay Analytical Services (MBAS), Analytical Results, dated August 29, 2012, sampled August 16, 2012.
[5] Monterey Bay Analytical Services (MBAS), Analytical Results, dated August 29, 2012, sampled August 16, 2012.

Exhibit____
Page 3 of 13 Pages

As stated above, a primary COA would be to have a satisfactory POE single-connection groundwater treatment system.

POINT-OF-ENTRY GROUNDWATER TREATMENT SYSTEM

Since no water system is proposed, and based on COA that each residence will have their own POE single-connection groundwater treatment system, BHgl has provided generic treatment system components which will consist of the latest technology to reduce and/or remove the elevated constituents of concern and other trace metals and secondary constituents in the groundwater for meeting State secondary DWS.

The below generic groundwater treatment system could accommodate the needs of each single family dwelling, with no treatment for irrigation use, as it would be cost prohibitive. The groundwater treatment system components per/parcel would include;

Point-of-Entry Treatment Components:

- One, 5,000 gallon Raw Water Storage Tank
- One, 2,000 gpd Ozone System,
- One, Spin-Down Filter (1-inch inlet/outlet) with manual or automatic flush,
- One, 1hp Feed Pump -220v (1-inch inlet/outlet)
- One, 20-inch big-blue 25-micron pleated filter,
- One, 20-inch, big-blue 5-micron pleated filter,
- One, 2-cubic foot, 45 grain Water Softener -110v (1-inch inlet/outlet) with brine tank and auto refill and backwashing,
- One, 2-cubic-foot Iron/Manganese Filter -110v (1-inch inlet/outlet) with carbon/potassium-permanganate and auto backwashing,
- One, 20-inch, big-blue 5-micron pleated filter,
- One, 1,5000 gpd 4-stage Reverse Osmosis (RO) Unit -220v with automatic drain and recycle valves and 0.5hp high pressure (220 psi) booster pump,
- One, 1,000 gpd Fresh Water Storage Tank,
- One, 1hp Variable Frequency Drive (220v) Constant Pressure Pump,
- One, 20-inch, big-blue reusable calcite neutralizer cartridge,
- One, 20-inch, big-blue carbon polish filter (6-months or 25,000 gallons)

All waste-brine from the treatment system unit (roughly 1.2 gpm during operation) will be discarded to the sanitary system/leach-field. The waste stream generated from the treatment system is considered negligible and will not have any significant impact to the leach-field or sanitary sewer system.

We recommend that pre-post treatment samples (for the main constituents of concern) be obtained monthly for the first 3 months to verify the treatment system is working appropriately. Based on the groundwater analytical results, additional filtration may be necessary to help extend the life of the RO unit. Following 3 consecutive rounds of groundwater analysis, the post treatment sampling frequency should be quarterly for two-years, and thereafter, determine effectiveness and frequency and either bi-annual or annual sampling.

Associated costs for the treatment system components are estimated at $12,000. Installation costs are estimated at $6,000. Quarterly sampling and reporting and annual maintenance is estimated at $1,800-$2,200.

SUMMARY AND CONCLUSIONS

Based on the information reviewed, it is likely that each well can each achieve a post-recovery pumping rate of 3 gpm/connection and be maintained as a long-term water supply. Due to the costs to implement source capacity testing, the Vasquez are requesting source capacity testing be demonstrated after MCEHB approves the split of one parcel to two parcels with a remainder parcel, such that, each parcel will have an individual well with point-of-entry single-connection groundwater treatment system and appropriate deed notifications.

This concludes our brief letter report on the Vasquez Property and its well field.

LIMITATIONS

Our service consists of professional opinions and recommendations based on the data compiled. *Bierman Hydrogeologic P.C.* bases the conclusions provided upon the tests and measurements, using accepted hydrogeologic principles and practices of the groundwater industry.

Additionally, conditions in water wells are subject to dramatic changes, even in short periods of time. The techniques employed in conducting pump testing may be subject to considerable error due to factors within the well and/or aquifer, which are beyond our immediate control or observation.

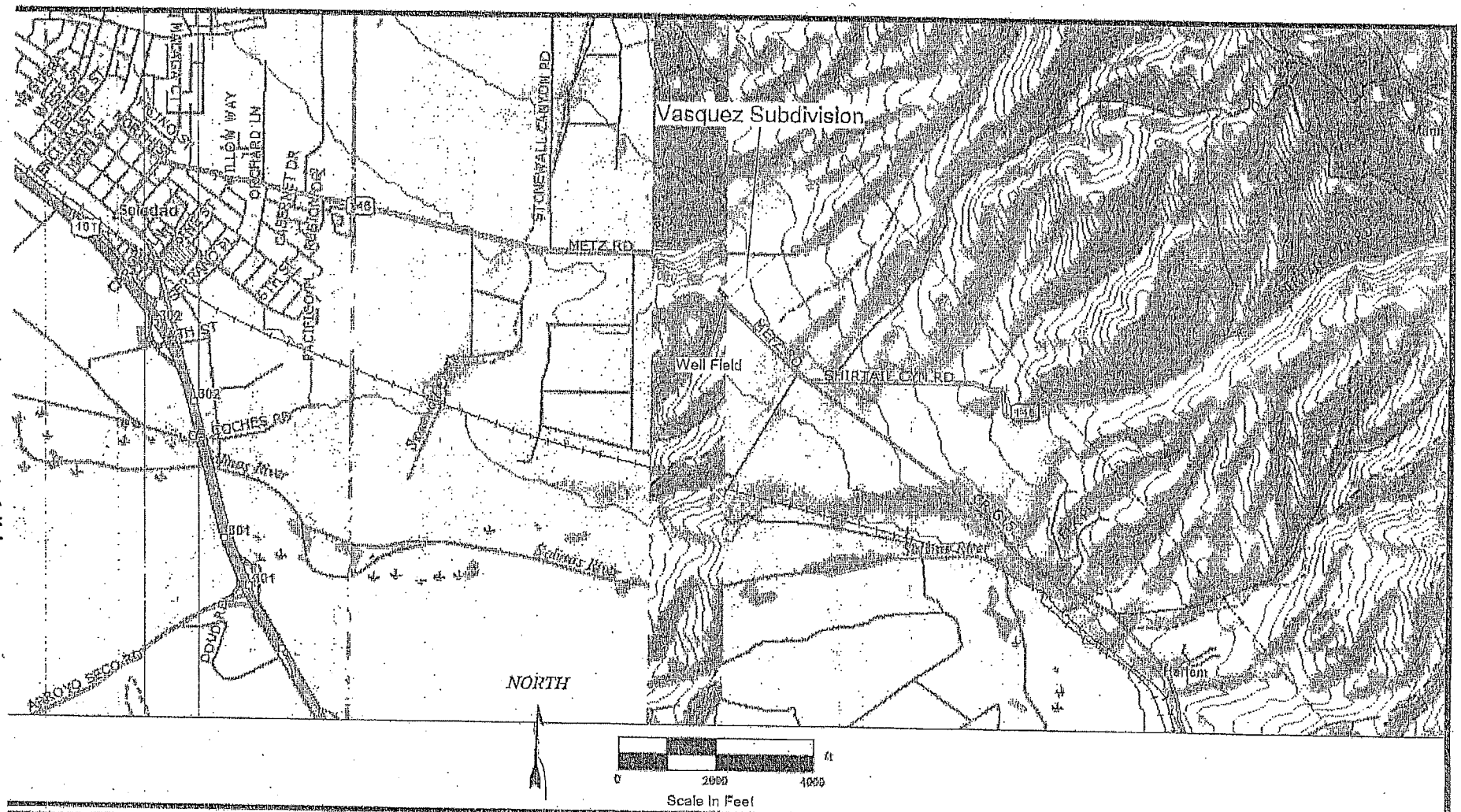
Therefore, the data included within this report are valid only as of the date and within the observational limitations of the test or installation conducted. The test conclusions are intended for general comparison of the well and/or aquifer in its present condition against known water well standards and/or guidelines. The analysis and conclusions in this report are based on information reviewed, and field-testing which are necessarily limited. Additional data from future work may lead to modification of the opinions expressed herein.

In accepting this report, the client releases and holds *Bierman Hydrogeologic, P.C.* harmless from liability for consequential or incidental damages arising from any different future pumping rate, calculated well yield or water quality that was expressed herein. Our report is not a guarantee of any water production rate, yield or water quality.

Respectfully submitted,

Aaron Bierman
Certified Hydrogeologist #819

PROFESSIONAL GEOLOGIST
AARON L. BIERMAN
No. 819
CERTIFIED HYDROGEOLOGIST
STATE OF CALIFORNIA



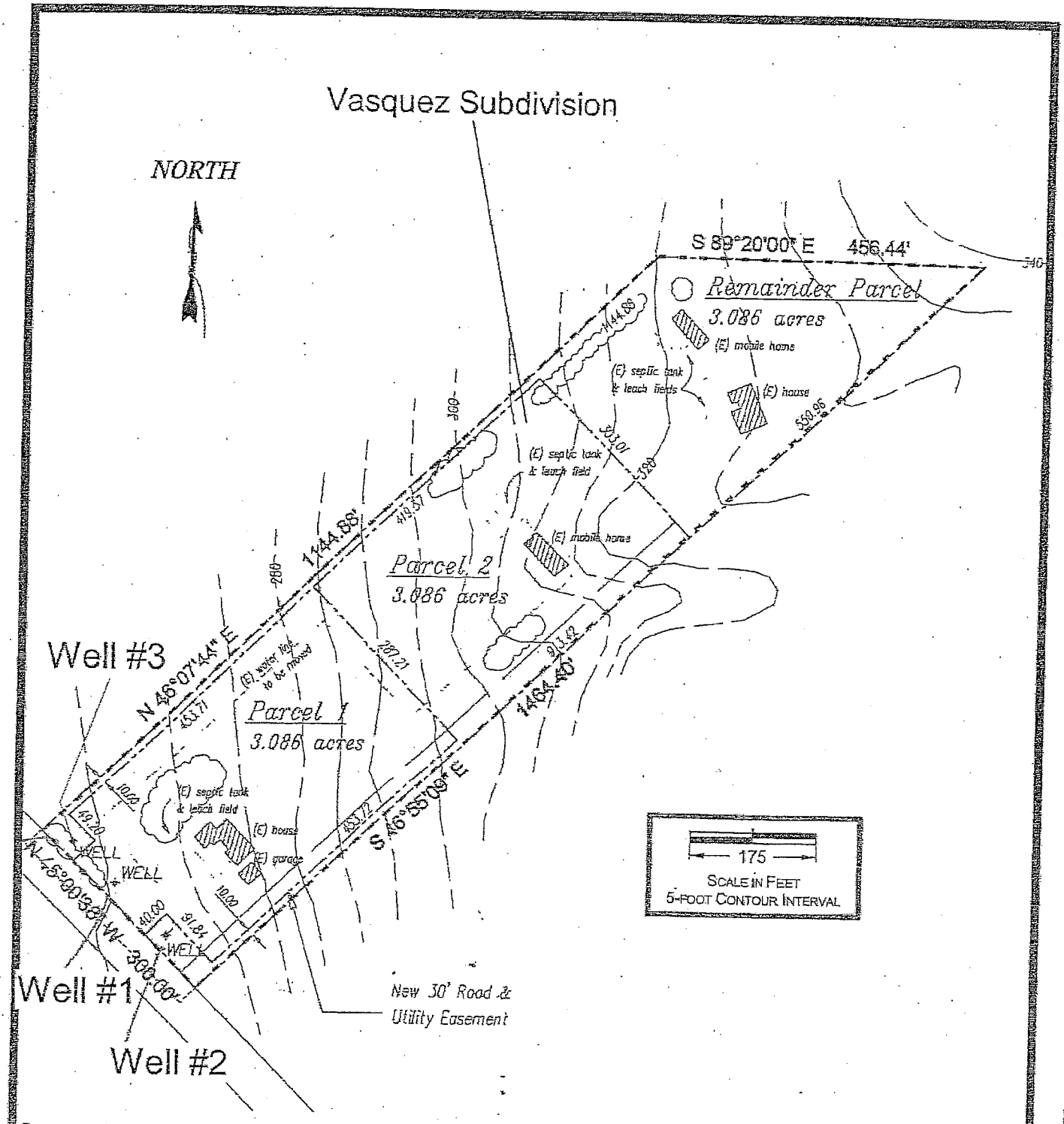
BIERMAN
Hydrogeologic
A Professional Company
Hydrogeologic Consulting & Water Resource Management

LOCATION MAP
APN: 001-761-037
Monterey County, California

FIGURE 1

By: A. Bierman, March 16, 2012
J:\Cyn\Figures\GeologicMap

Exhibit ____
Page 6 of 13 Pages



Basemap from Maureen Wruck Planning Consultants, 21 West Alisal Street, Suite 11, Salinas, CA 93901.
Basemap scanned and re-scaled to fit this figure. Overlay by Bierman Hydrogeologic

BIERMAN Hydrogeologic
A Professional Company
Hydrogeologic Consulting & Water Resource Management

SITE MAP
APN: 257-121-019
Monterey County, California

FIGURE 2

By: A. Bierman, September 12, 2012
Vasquez/Figures/Site Map_Portrait

DUPLICATE
Driller's Copy
Page 1 of 1

STATE OF CALIFORNIA
WELL COMPLETION REPORT
Refer to Instruction Pamphlet
No. e020569

Owner's Well No. VASQUEZ #2
Date Work Began 4/13/2005, Ended 5/9/2005
Local Permit Agency MTRY CTY HEALTH DEPT
Permit No. 05-10437 Permit Date 5/16/2005

DWR USE ONLY — DO NOT FILL IN
STATE WELL NO./STATION NO.
LATITUDE LONGITUDE
APN/TRS/OTHER

GEOLOGIC LOG

ORIENTATION (✓) ✓ VERTICAL — HORIZONTAL — ANGLE — (SPECIFY)
DRILLING METHOD ROTARY FLUID BENTONITE

DEPTH FROM SURFACE Ft. to Ft.	DESCRIPTION Describe material, grain, size, color, etc.
0 to 1	TOP SOIL
1 to 6	SAND
6 to 105	BROWN SANDY CLAY
105 to 152	BLUE CLAY
152 to 385	D.G.
385 to 573	GRANITE
573 to 620	BROKEN GRANITE

TOTAL DEPTH OF BORING 620 (Feet)
TOTAL DEPTH OF COMPLETED WELL 620 (Feet)

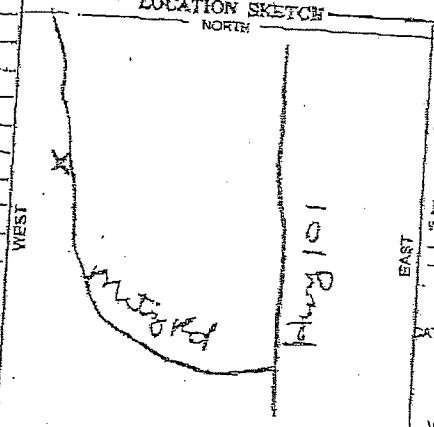
WELL OWNER

Name FERMIN VASQUEZ
Mailing Address 34735 METZ RD
SOLEDAD CA 93960
CITY STATE ZIP

WELL LOCATION

Address 34735 METZ RD.
City SOLEDAD CA 93960
County MONTEREY
APN Book 257 Page 121 Parcel 019
Township 12 S Range 5 E Section 7
Latitude 36 DEG. 89 MIN. 92 SEC. 121 DEG. 47 MIN. 73 SEC.

LOCATION SKETCH



Illustrate or Describe Distance of Well from Roads, Buildings, Fences, Rivers, etc., and attach a map. Use additional page if necessary. PLEASE BE ACCURATE & COMPLETE.

ACTIVITY (✓)
✓ NEW WELL
MODIFICATION/REPAIR
— Deepen
— Other (Specify)
— DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")

PLANNED USES (✓)
WATER SUPPLY
✓ Domestic — Public
— Irrigation — Industrial
— MONITORING
— TEST WELL
— CATHODIC PROTECTION
— HEAT EXCHANGE
— DIRECT PUSH
— INJECTION
— VAPOR EXTRACTION
— SPARGING
— REMEDIATION
— OTHER (SPECIFY)

WATER LEVEL & YIELD OF COMPLETED WELL

DEPTH TO FIRST WATER — (Ft.) BELOW SURFACE 1
DEPTH OF STATIC WATER LEVEL — (Ft.) & DATE MEASURED
ESTIMATED YIELD — (GPM) & TEST TYPE
TEST LENGTH — (Hrs.) TOTAL DRAWDOWN — (Ft.)
May not be representative of a well's long-term yield.

CASING (S)

DEPTH FROM SURFACE Ft. to Ft.	BORE-HOLE DIA. (Inches)	TYPE (✓) BLANK	SCREEN	CONDUCTOR	FILL PIPE	MATERIAL / GRADE	INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)
0 to 440	11	✓				STEEL	5		
440 to 620	11		✓			STEEL	5		

ANNULAR MATERIAL

DEPTH FROM SURFACE Ft. to Ft.	TYPE: CEMENT (✓)	BENTONITE (✓)	FILL (✓)	FILTER PACK (TYPE/SIZE)
0 to 400	✓			
400 to 620			✓	6 X 12

ATTACHMENTS (✓)

— Geologic Log
— Well Construction Diagram
— Geophysical Log(s)
— Soil/Water Chemical Analysis
— Other
ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.
NAME SALINAS PUMP COMPANY (PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)
ADDRESS 21935 ROSEHART WAY SALINAS CA 93908
CITY STATE ZIP
Signed [signature] 05/23/05
WELL DRILLER/AUTHORIZED REPRESENTATIVE DATE SIGNED
515945
C-57 LICENSE NUMBER

DWR 188 REV. 11-97

IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

Well #2

Exhibit ____
Page 8 of 13 Pages

DUPLICATE
Driller's Copy
Page 1 of 2

STATE OF CALIFORNIA
WELL COMPLETION REPORT
Refer to Instruction Pamphlet
No. e057414

Owner's Well No. WELL #3
Date Work Began 12/19/2007 Ended 1/15/2008
Local Permit Agency MONTEREY COUNTY HEALTH DEPT.
Permit No. 07-11229 Permit Date 11/20/2007

DWR USE ONLY — DO NOT FILL IN
STATE WELL NO./STATION NO.
LATITUDE LONGITUDE
APN/TRS/OTHER

GEOLOGIC LOG

ORIENTATION (✓) ✓ VERTICAL HORIZONTAL ANGLE (SPECIFY)
DRILLING METHOD ROTARY FLUID MUD

DEPTH FROM SURFACE Ft.	to Ft.	DESCRIPTION Describe material, grain, size, color, etc.
0	3	TOP SOIL
3	122	BROWN SANDY CLAY
122	174	BLUE CLAY
174	291	BLUE SANDY CLAY
291	442	D.G.
442	506	GRANITE
506	551	BROKEN GRANITE
551	706	GRANITE
706	710	BROKEN GRANITE
710	775	GRANITE
775	800	GRANITE

TOTAL DEPTH OF BORING 800 (Feet)
TOTAL DEPTH OF COMPLETED WELL 800 (Feet)

WELL OWNER
Name FERMIN VASQUEZ
Mailing Address 34735 METZ RD
SOLEDAD CA 93960
CITY STATE ZIP

WELL LOCATION
Address 34735 METZ ROAD
City SOLEDAD CA 93960
County MONTEREY
APN Book 257 Page 121 Parcel 019
Township Range Section
Latitude DEG. MIN. SEC.

LOCATION SKETCH
NORTH
Stonewall Cyn Rd
Metz Rd/Hwy 146
X
Shirtail Cyn Rd
WEST
SOUTH
Measure or Describe Distance of Well from Roads, Buildings, Fences, Rivers, etc., and attach a map. Use additional paper if necessary. PLEASE BE ACCURATE & COMPLETE.

ACTIVITY (✓)
✓ NEW WELL
MODIFICATION/REPAIR
Deepen
Other (Specify)
DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")
PLANNED USES (✓)
WATER SUPPLY
✓ Domestic Public
Irrigation Industrial
MONITORING
TEST WELL
CATHODIC PROTECTION
HEAT EXCHANGE
DIRECT PUSH
INJECTION
VAPOR EXTRACTION
SPARGING
REMEDIATION
OTHER (SPECIFY)

WATER LEVEL & YIELD OF COMPLETED WELL
DEPTH TO FIRST WATER (Ft.) BELOW SURFACE 1
DEPTH OF STATIC WATER LEVEL 145.5 (Ft.) & DATE MEASURED 1/21/2008
ESTIMATED YIELD 25 (GPM) & TEST TYPE PUMP
TEST LENGTH 6 (Hrs.) TOTAL DRAWDOWN 1 (Ft.)
May not be representative of a well's long-term yield.

CASING (S)

DEPTH FROM SURFACE Ft.	to Ft.	BORE-HOLE DIA. (Inches)	TYPE (✓) BLANK	SCREEN	CONDUCTOR	FILL PIPE	MATERIAL GRADE	INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)
0	360	10	✓				STEEL	5		
360	460	10		✓			STEEL	5		.188
460	480	10	✓				STEEL	5		
480	580	10		✓			STEEL	5	.219	.188
580	600	10	✓				STEEL	5	.219	
600	740	10		✓			STEEL	5	.219	.188

ANNULAR MATERIAL

DEPTH FROM SURFACE Ft.	to Ft.	TYPE (✓) CEMENT	BENTONITE	FILL	FILTER PACK (TYPE/SIZE)
0	340	✓			
340	800			✓	6 x 12

ATTACHMENTS (✓)
Geologic Log
Well Construction Diagram
Geophysical Log(s)
Soil/Water Chemical Analyses
Other
ATTACH ADDITIONAL INFORMATION, IF IT EXISTS

CERTIFICATION STATEMENT
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.
NAME SALINAS PUMP COMPANY
(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)
ADDRESS 21935 ROSEHART WAY
SALINAS CA 93908
CITY STATE ZIP
Signed WELL DRILLER/AUTHORIZED REPRESENTATIVE 09/03/08 DATE SIGNED
C-57 LICENSE NUMBER 515945

DWR 188 REV. 11-97
IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

Exhibit ____
Page 9 of 13 Pages

MBAS
MONTEREY BAY ANALYTICAL SERVICES
4 Justin Court Suite D, Monterey, CA 93940
831.375.MBAS
montereybayanalytical@usa.net
ELAP Certification Number: 2385

Wednesday, August 29, 2012

Hydrogeologic Consult & Water Resource
Aaron Bierman
3153 Redwood Dr
Aptos, CA 95003

Lab Number: AA91003

Collection Date/Time: 8/16/2012 12:00 Sample Collector: BIERMAN, A.
Submittal Date/Time: 8/16/2012 12:20 Sample ID

Sample Description: 34735 Metz Rd. Well #2

Analyte	Method	Unit	Result	Qual	PQL	MCL	Date Analyzed
Alkalinity, Total (as CaCO3)	2320B	mg/L	230		2		8/16/2012
Aluminum, Total	EPA200.8	ug/L	21		10	1000	8/17/2012
Antimony, Total	EPA200.8	ug/L	Not Detected		1	6	8/17/2012
Arsenic, Total	EPA200.8	ug/L	6		1	10	8/17/2012
Barium, Total	EPA200.8	ug/L	459		10	1000	8/17/2012
Beryllium, Total	EPA200.8	ug/L	Not Detected		1	4	8/17/2012
Bicarbonate (as HCO3-)	2320B	mg/L	281		10		8/16/2012
Bromide	EPA300.0	mg/L	3.46		0.10		8/16/2012
Cadmium, Total	EPA200.8	ug/L	Not Detected		0.5	5	8/17/2012
Calcium	EPA200.7	mg/L	59		0.5		8/23/2012
Carbonate as CaCO3	2320B	mg/L	Not Detected		10		8/16/2012
Chloride	EPA300.0	mg/L	1123		1	250	8/16/2012
Chromium, Total	EPA200.8	ug/L	7		2	50	8/17/2012
Color, Apparent (Unfiltered)	2120B	Color Units	30		3	15	8/16/2012
Copper, Total	EPA200.8	ug/L	Not Detected		4	1300	8/17/2012
Cyanide	QuikChem 10-204	ug/L	7		5	200	8/20/2012
Fluoride	EPA300.0	mg/L	3.34		0.10	2.0	8/16/2012
Hardness (as CaCO3)	2340B	mg/L	267		10		8/27/2012
Hydroxide	2320B	mg/L	Not Detected		5		8/16/2012
Iron	EPA200.7	ug/L	834		10	300	8/23/2012
Langlier Index (15 deg. C)	2330B		0.34				8/27/2012
Langlier Index (60 deg. C)	2330B		0.91				8/27/2012
Lead, Total	EPA200.8	ug/L	Not Detected		5	15	8/17/2012
Magnesium	EPA200.7	mg/L	29		0.5		8/23/2012
Manganese, Total	EPA 200.7	ug/L	153		10	50	8/23/2012
MBAS (Surfactants)	5540C	mg/L	Not Detected		0.05	0.50	8/16/2012
Mercury, Total	EPA200.8	ug/L	Not Detected		0.5	2	8/17/2012
Nickel, Total	EPA200.8	ug/L	Not Detected		10	100	8/17/2012

mg/L: Milligrams per liter (=ppm) ug/L : Micrograms per liter (=ppb) PQL : Practical Quantitation Limit
H = Analyzed ouside of hold time E = Analysis performed by External Laboratory; See External Laboratory Report attachments.
D = Method deviates from standard method due to insufficient sample for MS/MSD

MBAS
MONTEREY BAY ANALYTICAL SERVICES
4 Justin Court Suite D, Monterey, CA 93940
831.375.MBAS
montereybayanalytical@usa.net
ELAP Certification Number: 2385

Wednesday, August 29, 2012

Hydrogeologic Consult & Water Resource
Aaron Bierman
3153 Redwood Dr
Aptos, CA 95003

Lab Number: AA91003

Collection Date/Time: 8/16/2012 12:00 Sample Collector: BIERMAN, A.
Submittal Date/Time: 8/16/2012 12:20 Sample ID

Sample Description: 34735 Metz Rd. Well #2

Analyte	Method	Unit	Result	Qual	PQL	MCL	Date Analyzed
Nitrate as NO3	EPA300.0	mg/L	Not Detected		1	45	8/16/2012
Nitrite as NO2-N	EPA300.0	mg/L	Not Detected		0.10	1.00	8/16/2012
Odor Threshold at 60 C	2150B	TON	2		1	3	8/16/2012
o-Phosphate-P	EPA300.0	mg/L	Not Detected		0.10		8/16/2012
pH (Laboratory)	4500-H+B	pH (H)	7.9				8/16/2012
Potassium	EPA200.7	mg/L	5.5		0.1		8/23/2012
QC Anion Sum x 100	Calculation	%	90%				8/29/2012
QC Anion-Cation Balance	Calculation	%	2				8/29/2012
QC Cation Sum x 100	Calculation	%	93%				8/29/2012
QC Ratio TDS/SEC	Calculation		0.53				8/29/2012
Selenium, Total	EPA200.8	ug/L	18		2	50	8/17/2012
Silver, Total	EPA200.8	ug/L	Not Detected		10	100	8/17/2012
Sodium	EPA200.7	mg/L	738		0.5		8/23/2012
Specific Conductance (E.C)	2510B	umhos/cm	4050		1	900	8/16/2012
Sulfate	EPA300.0	mg/L	1		1	250	8/16/2012
Thallium, Total	EPA200.8	ug/L	Not Detected		1	2	8/17/2012
Total Diss. Solids	2540C	mg/L	2150		10	500	8/16/2012
Turbidity	180.1	NTU	3.6		0.05	5.0	8/16/2012
Zinc, Total	EPA200.8	ug/L	122		10	5000	8/17/2012

Sample Comments:

Report Approved by:

David Holland, Laboratory Director

mg/L: Milligrams per liter (=ppm) ug/L : Micrograms per liter (=ppb) PQL : Practical Quantitation Limit
H = Analyzed ouside of hold time E = Analysis performed by External Laboratory; See External Laboratory Report attachments.
D = Method deviates from standard method due to insufficient sample for MS/MSD

Exhibit____
Page 11 of 13 Pages

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montereybayanalytical@usa.net
ELAP Certification Number: 2385

Hydrogeologic Consult & Water Resource
Aaron Bierman
3153 Redwood Dr
Aptos, CA 95003

Wednesday, August 29, 2012

Lab Number: AA91004

Collection Date/Time: 8/16/2012 12:00 Sample Collector: BIERMAN, A.
Submittal Date/Time: 8/16/2012 12:20 Sample ID

Sample Description: 34735 Metz Rd. Well #3

Analyte	Method	Unit	Result	Qual	PQL	MCL	Date Analyzed
Alkalinity, Total (as CaCO3)	2320B	mg/L	274		2		8/16/2012
Aluminum, Total	EPA200.8	ug/L	Not Detected		10	1000	8/17/2012
Antimony, Total	EPA200.8	ug/L	Not Detected		1	6	8/17/2012
Arsenic, Total	EPA200.8	ug/L	5		1	10	8/17/2012
Barium, Total	EPA200.8	ug/L	189		10	1000	8/17/2012
Beryllium, Total	EPA200.8	ug/L	Not Detected		1	4	8/17/2012
Bicarbonate (as HCO3-)	2320B	mg/L	334		10		8/16/2012
Bromide	EPA300.0	mg/L	1.67		0.10		8/16/2012
Cadmium, Total	EPA200.8	ug/L	Not Detected		0.5	5	8/17/2012
Calcium	EPA200.7	mg/L	24		0.5		8/23/2012
Carbonate as CaCO3	2320B	mg/L	Not Detected		10		8/16/2012
Chloride	EPA300.0	mg/L	696		1	250	8/16/2012
Chromium, Total	EPA200.8	ug/L	9		2	50	8/17/2012
Color, Apparent (Unfiltered)	2120B	Color Units	25		3	15	8/16/2012
Copper, Total	EPA200.8	ug/L	Not Detected		4	1300	8/17/2012
Cyanide	QuikChem 10-204	ug/L	Not Detected		5	200	8/20/2012
Fluoride	EPA300.0	mg/L	3.19		0.10	2.0	8/16/2012
Hardness (as CaCO3)	2340B	mg/L	101		10		8/27/2012
Hydroxide	2320B	mg/L	Not Detected		5		8/16/2012
Iron	EPA200.7	ug/L	330		10	300	8/23/2012
Langlier Index (15 deg. C)	2330B		0.07				8/27/2012
Langlier Index (60 deg. C)	2330B		0.65				8/27/2012
Lead, Total	EPA200.8	ug/L	Not Detected		5	15	8/17/2012
Magnesium	EPA200.7	mg/L	10		0.5		8/23/2012
Manganese, Total	EPA 200.7	ug/L	22		10	50	8/23/2012
MBAS (Surfactants)	5540C	mg/L	Not Detected		0.05	0.50	8/16/2012
Mercury, Total	EPA200.8	ug/L	Not Detected		0.5	2	8/17/2012
Nickel, Total	EPA200.8	ug/L	Not Detected		10	100	8/17/2012
Nitrate as NO3	EPA300.0	mg/L	Not Detected		1	45	8/16/2012
Nitrite as NO2-N	EPA300.0	mg/L	Not Detected		0.10	1.00	8/16/2012
Odor Threshold at 60 C	2150B	TON	1		1	3	8/16/2012
o-Phosphate-P	EPA300.0	mg/L	Not Detected		0.10		8/16/2012

mg/L: Milligrams per liter (=ppm) ug/L : Micrograms per liter (=ppb) PQL : Practical Quantitation Limit
H = Analyzed ouside of hold time E = Analysis performed by External Laboratory; See External Laboratory Report attachments.
D = Method deviates from standard method due to insufficient sample for MS/MSD

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ELAP Certification Number: 2385

Hydrogeologic Consult & Water Resource
Aaron Bierman
3153 Redwood Dr
Aptos, CA 95003

Wednesday, August 29, 2012

Lab Number: AA91004

Collection Date/Time: 8/16/2012 12:00 Sample Collector: BIERMAN, A.
Submittal Date/Time: 8/16/2012 12:20 Sample ID

Sample Description: 34735 Metz Rd. Well #3

Analyte	Method	Unit	Result	Qual	PQL	MCL	Date Analyzed
pH (Laboratory)	4500-H+B	pH (H)	7.9				8/16/2012
Potassium	EPA200.7	mg/L	2.9		0.1		8/23/2012
QC Anion Sum x 100	Calculation	%	91%				8/29/2012
QC Anion-Cation Balance	Calculation	%	2				8/29/2012
QC Cation Sum x 100	Calculation	%	94%				8/29/2012
QC Ratio TDS/SEC	Calculation		0.54				8/29/2012
Selenium, Total	EPA200.8	ug/L	10		2	50	8/17/2012
Silver, Total	EPA200.8	ug/L	Not Detected		10	100	8/17/2012
Sodium	EPA200.7	mg/L	549		0.5		8/23/2012
Specific Conductance (E.C)	2510B	umhos/cm	2750		1	900	8/16/2012
Sulfate	EPA300.0	mg/L	1		1	250	8/16/2012
Thallium, Total	EPA200.8	ug/L	Not Detected		1	2	8/17/2012
Total Diss. Solids	2540C	mg/L	1485		10	500	8/16/2012
Turbidity	180.1	NTU	1.4		0.05	5.0	8/16/2012
Zinc, Total	EPA200.8	ug/L	14		10	5000	8/17/2012

Sample Comments:

Report Approved by:

David Holland, Laboratory Director

mg/L: Milligrams per liter (=ppm) ug/L : Micrograms per liter (=ppb) PQL : Practical Quantitation Limit
H = Analyzed ouside of hold time E = Analysis performed by External Laboratory; See External Laboratory Report attachments.
D = Method deviates from standard method due to insufficient sample for MS/MSD

Exhibit____

MAUREEN WRUCK
PLANNING CONSULTANTS, L.L.C.
Development Consultants

Planning ~ Land Use & Permitting ~ Subdivisions ~ Mitigation Monitoring ~ Permit Compliance ~ Certificates of Compliance

August 28, 2013

Pat Treffrey, R.E.H.S.
Monterey County Health Department
Environmental Health Bureau
1270 Natividad Road
Salinas, CA 93906-3198

Re: Vasquez Minor Subdivision Water Treatment (PLN040529)

Dear Pat:

This is a follow-up to the Environmental Health Bureau's (EHB) on-going review of the Vasquez minor subdivision application. I have been working on the water quality matter for the past few months and believe I have a solution that should adequately address EHB concerns expressed about fluoride treatment.

We initially proposed a water treatment option (Bierman Hydrogeologic, September 2012). By way of this letter, I am providing a second/preferred/affordable water treatment option to reduce fluoride levels to meet California water quality standards.

Culligan International Company manufactures a treatment system that is listed on the California Department of Public Health Drinking Water Program's *List of Water Treatment Devices Certified for Fluoride Reduction* (Exhibit A – see Culligan International Company Aqua Cleer). Water system treatment technology has advanced to the point that water treatment options are becoming more commonplace and affordable, including residential reverse-osmosis technology.

Culligan conducted water quality sampling at the Vasquez site on June 12th (Exhibit B). Based on their review of testing results, Culligan has confirmed that their *Aqua Cleer* reverse osmosis water treatment unit (AC40) can reduce fluoride by an average of 96.4% (Exhibit C). This technology would bring the water quality well below California state standards of 2.0 mg/L. Installation of this type of residential system is becoming commonplace.

The unit is affordable to the average homeowner to install and maintain. The cost for this unit is $1,100 installed. Filters need to be replaced annually at a cost of $51.00 (sediment filter - $13.00; carbon filter - $18.00 and 2nd carbon filter – $20.00). The reverse osmosis

Tel: 831.771.2557 21 West Alisal Street, Suite 111 • Salinas, CA 93901 Fax: 831.771.2714

membrane needs to be replaced every 8 – 10 years (cost of $140.00). Under contract, Culligan can do the system maintenance/filter replacement.

I have previously sent e-mails to Ray Bullick, John Ramirez and Cheryl Sandoval requesting a Monterey County Code citation verifying water treatment for primary constituents for new subdivisions is prohibited (Exhibit D). To date, there has been no written response to this request for information. Richard LeWarne/EHB indicated in a meeting on March 18th that the water treatment concern for fluoride was a matter of the Technical, Managerial and Financial (TMF) requirements. As noted above, TMF would not be an issue with the Culligan Aqua Cleer unit; the initial set-up cost is $1,100 for each residential unit and maintenance costs are minimal. Finally, the 2010 General Plan Policy PS-2.5 (domestic wells) clearly states that: "*(r)eguations pursuant to this policy shall not establish criteria that will prevent the use of the well in the development of the property*" and it would seem that use of this well for water supply is be consistent with Monterey County General Plan policy.

I believe that this information and documentation confirms that the minor subdivision can meet water quality standards and that the application can be deemed complete by EHB staff with a recommendation for approval.

Sincerely,

Joel Panzer

Cc: Tony Vasquez, Applicant;
Dan Lister, Project Planner

Attachments:

ExhibitA: California Department of Public Health Drinking Water Program's *List of Water Treatment Devices Certified for Fluoride Reduction;*

Exhibit B: Well Water Sampling Report;

Exhibit C: Culligan Product & Certified Performance Data;

Exhibit D: January 31, 2013 E-mail to EHB

Exhibit A

List of Water Treatment Devices Certified for Fluoride Reduction

California Department of Public Health
Drinking Water Program
Water Treatment Device Directory
January 2013

		System Type	Technology
3M Brand from 3M			
09 -2015	3MRO401	under counter	reverse osmosis/carbon
3M Purification Inc.			
06 -1815	Aqua-Pure APRO5500	under counter	reverse osmosis
3M Purification Inc. (formerly Cuno Inc)			
10 -2034	SQC-VIRO-4	under counter	reverse osmosis
Culligan			
10 -1928	Culligan International CompanyAqua-Cleer	under counter	reverse osmosis
10 -1944	Culligan International Company Aqua-Cleer	under counter	RO w/ carbon
Culligan International Company			
10 -1948	Culligan International Company Aqua Cleer	under counter	RO/Ion Exchange
10 -1949	Culligan International Company Aqua Cleer	under counter	RO/Ion/Carbon
10 -1954	Culligan International Company Aqua-Cleer	under counter	reverse osmosis
10 -1955	Culligan International Company Aqua-Cleer	under counter	reverse osmosis
10 -1958	Culligan International Company Aqua-Cleer	under counter	RO w/ carbon
10 -1959	Culligan International Company Aqua-Cleer	under counter	RO w/ carbon
10 -1960	Culligan International Company Aqua-Cleer	under counter	RO/Ion Exchange
10 -1961	Culligan International Company Aqua-Cleer	under counter	RO/Ion Exchange
10 -1962	Culligan International Company Aqua-Cleer	under counter	RO/Ion/Carbon
10 -1963	Culligan International Company Aqua-Cleer	under counter	RO/Ion/Carbon
CUNO Inc., a 3M Company			
08 -1902	SQC3	under counter	reverse osmosis
08 -1902	SQC4	under counter	reverse osmosis
08 -1914	SQC-VIRO-4	under counter	reverse osmosis
Ecodyne Water Systems LLC			
06 -1780	Whirlpool WHER 25	under counter	reverse osmosis
EcoWater Systems			
06 -1783	EcoWater ERO-375E	under counter	reverse osmosis
06 -1783	EcoWater ERO-375	under counter	reverse osmosis
06 -1783	EcoWater ERO375 HERO	under counter	reverse osmosis
11 -1978	EcoWater ERO-175	under counter	Mechanical/ROMembran
General Electric Company			
04 -1647	GE RO Filtration System GXRM10RBL	under counter	reverse osmosis

Exhibit B

Facsimile Transmission

From:
Name: Water Lab
Company: Culligan International
Fax Number:
Voice Phone: 847-430-2284

To:
Name: TONY VASQUES
Company:
Fax Number: 831-755-0510
Voice Phone:

Fax Notes:

Our analysis of your water sample 1312787 for TONY VASQUES is attached.

Please take the survey at https://www.surveymonkey.com/s.aspx?sm=yTuodHczWnbZ5cmHArJCZQ_3d_3d.
Check out the latest Topic of the month about UV transmittance on myculligan

This facsimile has been sent by an automated system.
If you received this transmission in error, or would prefer it to be delivered to a different number, contact Rick Cook at 847-430-1284.

Date and time of transmission: Wednesday, June 12, 2013 2:13:32 PM
Number of pages including this cover sheet: 05

A RightFAX® Communicated Document

Culligan

9399 W. Higgins Road Suite 1100
Rosemont, IL60018

TELEPHONE 847/430-2800
FACSIMILE 847/430-2884

Report Date: 6/12/2013

CERTIFICATE OF ANALYSIS

ANALYSIS NUMBER: 1312787

Control Number: 58489

Quality Water Ent. Inc.
625 W. Market Street
Salinas, CA 93901

Customer: TONY VASQUES
35905 METZ
SOLEDAD CA

Zip Code:

Account Number: 04252

Customer Account #:

Salesperson BOB BARTON

cc: 831-755-0510

SAMPLE INFORMATION:

Analysis Type Requested Standard A Analysis

Sampled:	6/4/2013	Supply/Source:	PRIVATE WELL	Condition:	UNTREATED WATER
Received:	6/10/2013	Sampling Point:	WELL HEAD	Application:	Household

ANALYSIS INFORMATION:

Turbidity(Method 180.1 R 2.	1.3 NTU	Turbidity after filtration	0.7
Conductivity(Method 120.1	2510.0 MMHOS/CM	Est. TDS by Conductivity	1529.3
Color(Method 2120C)	8.6	Color after Acidification	3.5
pH(Method 150.1 R 1982)	7.8	Tannins	<2

Concentrations reported as mg/L (PPM) unless otherwise indicated

CATIONS (Method 200.7)

	As Element	As CaCo3
Calcium (Ca)	22.5	56.3
Magnesium (Mg)	9.3	38.3
Sodium (Na)	508	1107.4
Potassium (K)	2.7	3.5
Strontium (Sr)	0.23	0.3
Barium (Ba)	0.2107	
Iron (Fe)	0.29	
Manganese (Mn)	<0.02	
Copper (Cu)	<0.003	
Zinc (Zn)	<0.05	

ANIONS (Method 300.0)

	As Element	As CaCo3
Chloride (Cl)	727	1025.1
Nitrate As N (NO3)	0.8	2.9
Nitrite As N (NO2)	<0.1	<0.4
Sulfate (SO4)	<3	<3.1
Bicarbonate	329.6	270.2
Carbonate	N.M.	N.M.
Fluoride (F)	2.5	6.25
Silica (SiO2)	23.2	

	Mg/L	GPG		Mg/L	GPG		Mg/L	GPG
Cations (CaCO3)	1205.5	70.49	Anions (CaCO3)	1304.5	76.28	Hardness (CaCO3)	95	5.5

Additional Tests

PB by ICP	N.D.ug/L	As by ICP	N.D.ug/L
Aluminum by ICP	<50ug/L		

*NA = Not Analyzed NM = Not Measured ND = Not Detected

This report can only be reproduced in its entirety. The results reported here are representative of the sample as received in the laboratory. Unless noted holding times for method 300 may not be followed.

Certifications: CA-01133A; IL-000213; NY-11756;MT-CERT0091; TX-TX269-2003A
IA-369: VT-VT02199; NELAP Accredited

Richard Cook
Manager Analytical Laborator

Exhibit____
Page 5 of 14 Pages

Analysis Number: 1312787
Consumer: TONY VASQUES

FEDERAL SAFE DRINKING WATER ACT

All tested parameters exceeding the maximum concentration levels (MCL) established under the "Federal Safe Drinking Water Act"

	Parameter	Found	MCL
PRIMARY:			
	Turbidity	1.30 ntu	0.50 ntu
SECONDARY:	Est TDS by Cond.	1529.25 mg/l	500.00 mg/l
	Chloride (Cl)	727.05 mg/l	250.00 mg/l

* MCL for Turbidity varies as follows:

1. Municipal Direct Filtration 0.5 NTU
2. Municipal Sand Filtration 1.0 NTU
3. Unfiltered Water Supply 5.0 NTU

TYPICAL POST RO DRINKING WATER UNITS

(Concentrations reported as mg/L (PPM) as the element)

Iron (Fe)	0.0	Magnesium (Mg)	0.2
Manganese (Mn)	0.0	Sodium (Na)	15.2
Zinc (Zn)	0.0	Potassium (K)	0.1
Copper (Cu)	0.0	Chloride (Cl)	29.1
Nitrate As N (NO3)	0.2	Nitrite As N (NO2)	0.0
Sulfate (SO4)	0.0	Fluoride (F)	0.0

These values are typical of new modules on water with a pH of 7-9 at 70-74 F with 500-3000 mg/L total salts operating with 40-70 PSI pressure across the module. Local conditions may yield different results.

DI CALCULATION FACTORS

			GPG	mg/L
Sodium	91.9%	Weak Base Fact X	60.1	1028.0
Alkalinity	20.7%	Carbonic Acid	16.9	288.5
Chloride	99.7%	Cation Fact Y	70.5	1205.7
Carbonic Acid	21.0%	Silica	1.1	19.30
Monovalent Ions	77.3%	Carbon Dioxide	0.5	9.1
Silica	1.7%	Strong Base Fact Z	77.8	1330.5

Analysis Date:

Method	Date	Method	Date
120.1 R 1982	06/11/13	150.1 R 1982	06/11/13
180.1 R 2.0	06/11/13	200.7 R 4.4	06/11/13
2120C	06/11/13	300.0 R 2.1	06/11/13

pH – the acid strength of water on a scale of 0 to 14 (neutral = pH 7.0). Values from 7 → 0 are increasingly more acidic; values from 7→14 are increasingly more alkaline. The recommended range for drinking water under the U.S. regulations is 6.5 to 8.5.

Conductivity – the relative ability of water to carry an electrical current, used to estimate the total concentration of dissolved ions.

Turbidity – cloudiness in water caused by the dispersion of light by extremely tiny particles. Measured on an arbitrary scale of Nephelometric Turbidity Units (NTUs). The mandatory maximum under U.S. regulations is 0.5 NTU.

Color – the amount of brownish-yellow color from dissolved tannins from vegetation (like tea) and metals (like rust) and their combinations, measured on an arbitrary scale. The recommended maximum under U.S. regulations is 15 CU.

Silica, SiO_2 – a naturally occurring dissolved mineral, which produces a glassy scale in high temperature equipment but is more important in predicting the life of certain water treatment media.

Hydrogen Sulfide, H_2S – a toxic, noxious, corrosive gas that smells like rotten eggs. Bacteria acting on sulfate or organic sulfur-containing materials in the absence of oxygen produce it. Only "special" water analyses can determine hydrogen sulfide levels.

Total Hardness – the sum of all metal ions which react with soap to inhibit sudsing and form "scum" or "bathtub ring" – mostly Calcium and Magnesium. When heated or evaporated, hard water can cause lime scale that can deposit on sink and shower fixtures and walls and result in loss in efficiency or fuel waste in water heaters, boilers, and cooling systems.

Total Alkalinity – the sum of hydroxide (OH^-), carbonate (CO_3^{-2}), and bicarbonate (HCO_3^-) ions, which can combine with both acids and bases, which act to buffer water and prevent sudden uncontrolled changes in pH.

Cations – ions (atoms or molecules with an electrical charge) with a positive (+) electrical charge, so named because they go toward the cathode in an electric field. Besides the hardness ions, the main cations in water are sodium, Na^+, and potassium, K^+.

Anions – ions (atoms or molecules with an electrical charge) with a negative (-) electrical charge, so named because they go toward the anode in an electric field. The main anions in water are hydroxide (OH^-), carbonate (CO_3^{-2}), bicarbonate (HCO_3^-) (which together comprise "alkalinity"), sulfate (SO_4^{-2}), nitrate (NO_3^-) and chloride (Cl^-).

Nitrate/Nitrite, NO_3^-/NO_2^- – important because of toxicity to infants, nitrate comes from fertilizers and animal wastes. Water supplies with high nitrate levels should also be screened for agricultural pesticides and bacterial contamination. The mandatory limit under U.S. regulations is 10 mg/L.

Sulfate, SO_4^{-2} – a common mineral component, only rarely occurring at excessive levels, which can cause a temporary diarrhea in visitors who have not become acclimated to it. Recommended U.S. limit, 250 mg/L.

Flouride, F^- – often added to water to inhibit tooth decay. Mandatory U.S. limits range from 4.0 mg/L in northern regions to 1.4 mg/L in southern regions (where more water in consumed).

Chloride, Cl^- – a common mineral component, can be found in elevated levels near seawater and other salt supplies, which can cause taste problems and can contribute to corrosion. Recommended U.S. limit, 250 mg/L.

Iron, Fe – cause of metallic taste, rust stains on laundry and porcelain fixtures, and clogging/fouling of equipment. The recommended U.S. limit is 0.3 mg/L.

Manganese, Mn – cause of metallic taste and black stains on laundry and porcelain. Often occurs in combination with iron. The recommended U.S. limit is 0.05 mg/L Mn or a total of 0.3 mg/L of Fe + Mn.

Copper, Cu – cause of green stains on porcelain and fittings, seldom naturally-occurring, usually due to corrosion. The mandatory U.S. "actions level" of 1.3 mg/L is tied to the regulation for lead contamination due to corrosion of plumbing materials.

Zinc, Zn – cause of metallic taste and upset stomach. Due to corrosion of galvanized plumbin g materials. Recommended U.S. limit, 5.0 mg/L.

Units of Concentration used in this Report

gpg-abbreviation for "grains per gallon" calculated in terms of calcium carbonate equivalents. Multiply by 17.12 to convert gpg into either ppm or mg/L.

ppm-abbreviation for "parts per million." Interchangeable with mg/L.

mg/L-abbreviation for "milligrams per liter." Interchangeable with ppm. (There are one million milligrams in a liter of pure water).

ppb-abbreviation for "parts per billion." Interchangeable with µg/L or micrograms per liter.

µg/L-abbreviation for "micrograms per liter." Interchangeable with ppb. (There are a billion micrograms in a liter).

1000 ppb = 1 ppm; 1000 µg/L = 1 mg/L

THIS ANALYSIS WILL NOT DETERMINE WHETHER A WATER IS SAFE FOR HUMAN CONSUMPTION

A

Sample Ana
Culligan International Cor
9399 West
Rosemo

Control 58489

1312787

58489

SAMPLE SUBMITTED BY:

Account Number: 04252
Account Name: Quality Water Em
Phone Number: 531 255 0500
FAX Number: 831 755 0510
E-Mail: Shawn@culligansw.com
Person Taking Sample: Bob Barton
Date Sample Taken: 6/4/13 Time Sample Taken: 1030

CUSTOMER INFORMATION:

Customer Name: Tony Marques
Store Name:
Customer Account Number:
Address: 35905 Mertz
City: Soledad State: CA Zip:
Customer reported concern: Fluoride

SAMPLE INFORMATION:

Water Supply:	Private	X	Municipal			
Source:	Surface		Well	X	Unknown	
Condition	Treated		Untreated	X	Cloudy	Colored Odor
Sample Point:	Faucet		Equipment		Other	Well Head
Application:	Household	X	Commercial		National Account	

Comments:

ANALYSIS REQUESTED:

Standard Analysis:	X	Standard w/TOC: Scale Analysis:
Hemodialysis Basic:		Brine Analysis:
Hemodialysis Complete:		Depth Filter Analysis:
Resin Analysis:		Performed at Rockford Laboratories

Special Analysis: (List Analysis Requested):

For Questions or Special Analysis contact Rick Cook at (847) 430-1284

EQUIPMENT INVOLVED (IF ANY):

LAB USE ONLY:
Sample received in acceptable condition: Yes No
Received by: Date: Time:
If not reason:
Disposition of sample

Litigation samples are not accepted by the laboratory

Customer:
Please sign:
Please print your name:

Culligan International Company
By:

Exhibit____

Exhibit c

CERTIFIED PERFORMANCE

The Culligan® Good Water Machine Model AC-30, AC-30M, AC-30L, AC-30 Premier, AC-30M Premier and AC-30L Premier Drinking Water Systems have been tested and certified to ANSI/NSF International Standard 58 for effective reduction of TDS, Asbestos, Barium, Cadmium, Hexavalent and Trivalent Chromium, Cysts, Fluoride, Lead, Mercury, Radium 226/228, and Selenium. The Model AC-30 Nitrate, AC-30M Nitrate and AC-30L Nitrate have been tested and certified to ANSI/NSF International Standard 58 for effective reduction of the above substances and Nitrate/Nitrite. Nitrate models are acceptable for treatment of influent concentrations of no more than 27 mg/L Nitrate and 3 mg/L Nitrite in combination measured as N and are certified for Nitrate/Nitrite reduction only for water supplies with a pressure of 40 psig (280 kPa) or greater.

Average removal percentages are as follows:

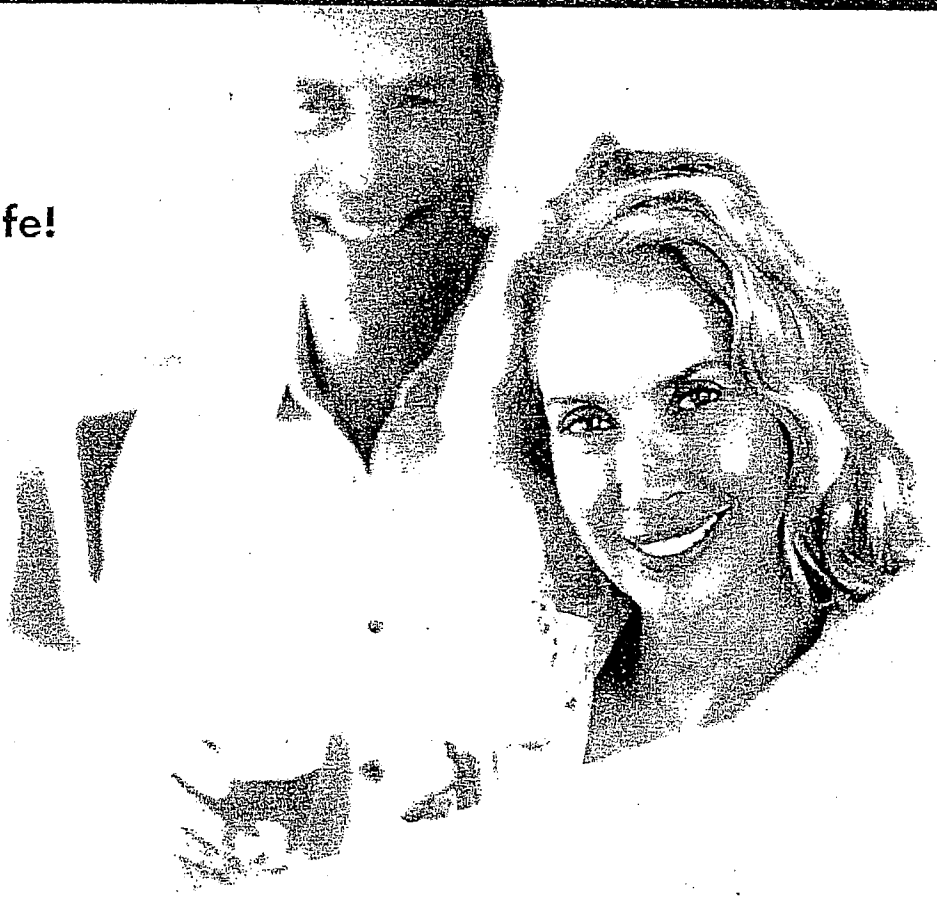
Asbestos	99.6%	Fluoride	96.4%
Barium	90.1%	Lead	98.6%
Cadmium	98.9%	Mercury	83.1%
Chromium III	97.9%	Nitrate	95.0%
Chromium VI	82.6%	Nitrite	89.6%
Copper	98.9%	Radium 226/228*	80.0%
Cysts (including Cryptosporidium, Giardia Lamblia and Entamoeba Histolytica)	99.99%	Selenium	94.5%
		TDS/Sodium Chloride	91.3%

*Minimum removal based on approved testing methods with Barium as surrogate.

The substances removed by this system are not necessarily in your untreated water. See Performance Data Sheet for exact percentages of contaminant removal.

625 West Market St.
Salinas, CA 93901-1424
1-800-252-1001
www.culliganqwe.com
Cell (831) 320-9523
(831) 755-0500
Fax (831) 755-0510

Culligan® Good Water Machine® Drinking Water Appliance



Your System for Life!

Locol Water Expertise

Trusted Leader for Over 75 Years

Certified Sales, Installation and Service Professionals

100% Satisfaction Guarantee*

Full Service (salt delivery, filter changes and more)

Affordable Water Solutions for Home and Business

Complimentary In-Home Water Analysis

Culligan®

better water. pure and simple.®

Tasting, Quality Drinking Water You Deserve.

Leading a healthy life is a conscious decision—one that you need to work at on a daily basis. To help you feel and perform at your best, various health experts recommend drinking at least eight glasses of water every day. And now staying healthy and hydrated are easier than ever with the Culligan® Good Water Machine® appliance—offered exclusively through your local Culligan dealer.

The Finest in Water Filtration

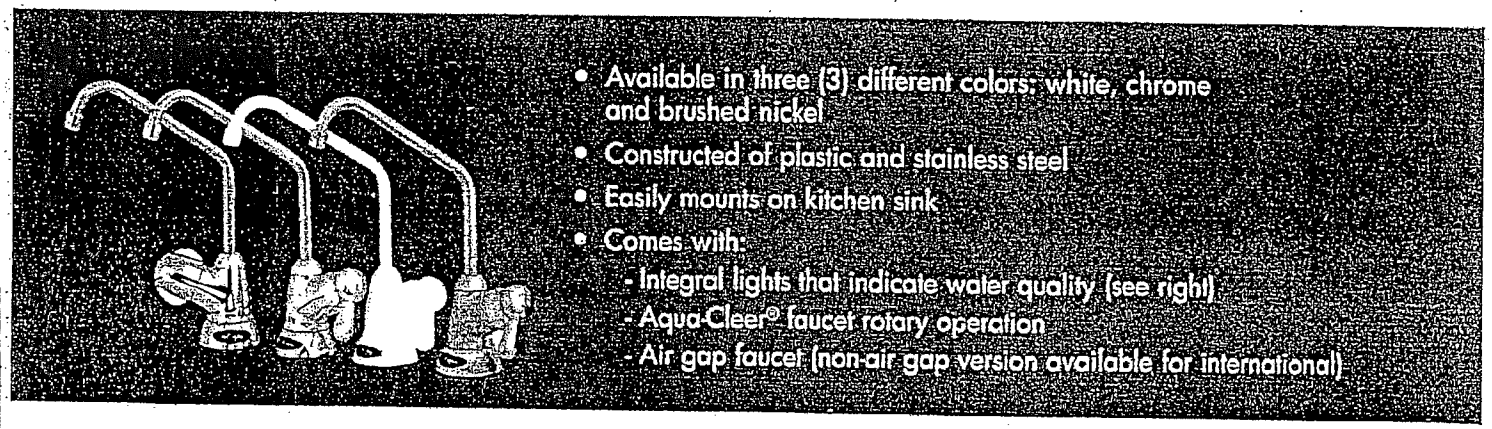
The Culligan® Good Water Machine® appliance's reverse osmosis (RO) filtration method improves the taste and odor of your drinking water and reduces microscopic impurities.[1] With reverse osmosis, water passes through an ultra-thin, semi-permeable membrane, which filters unwanted particles, such as sodium and lead. The result is the deliciously clear water you'd expect from the water experts at Culligon—available in the convenience of your own home, right at your fingertips.

With Culligan®, Getting Clear, Great-Tasting Water Is Easy.

To enjoy the clean, invigorating water provided by the Culligan® Good Water Machine® appliance, just call your local Culligan expert who will professionally install the unit. Ideal for even the largest family, the Culligan® Good Water Machine® appliance is a cost-effective solution that will give you and your family great tasting Culligan water for years to come. Even your kids will prefer the refreshing taste of your new, crystal-clear Culligan water—a great alternative to sugary drinks.

And don't limit yourself to just drinking the water. Use it for cooking and in a variety of other culinary ways to give you and your family:

- better-tasting coffee, tea and juices
- more flavorful soups, sauces and pasta
- richer baby formula
- clearer ice cubes
- crisper fruits and vegetables



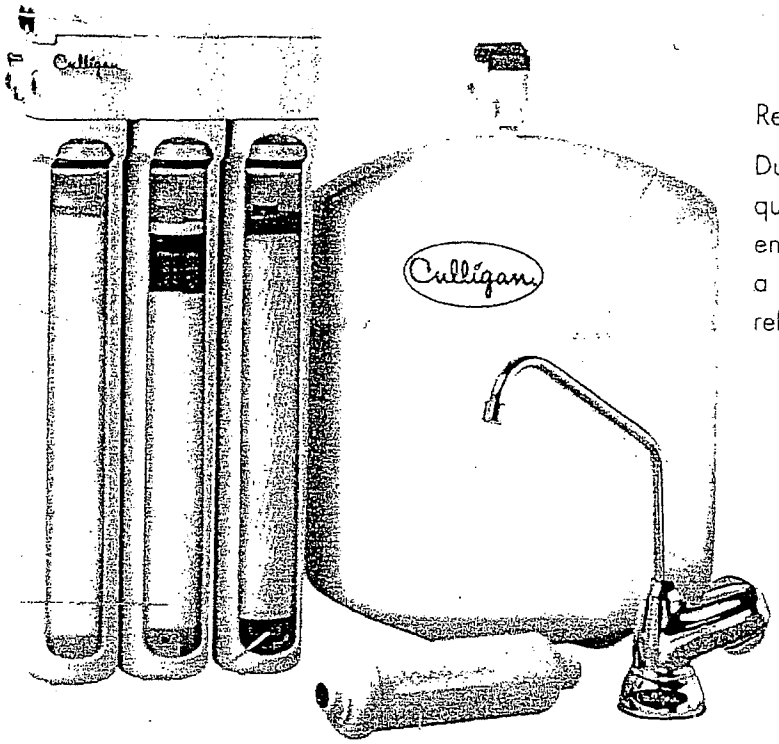
Four-Stage Filtration. Ensures Clear Great Tasting Water.

Manifold Assembly

Houses three separate filter technologies in a unique space saving design.

Automatic Shutoff Valve

Shuts off the system when the reservoir tank is full.



Reservoir Tank

Durable, high-quality steel tank ensures you'll have a plentiful supply of refreshing water.

Sediment Filter

Screens out sediments and particles down to 5 microns that cause cloudy water.

Reverse Osmosis Membrane

Reduces dissolved substances such as radium, lead and many others.†

Carbon Filter

A carbon filter reduces elements that cause water to taste and smell unpleasant, including the taste and odor of chlorine.

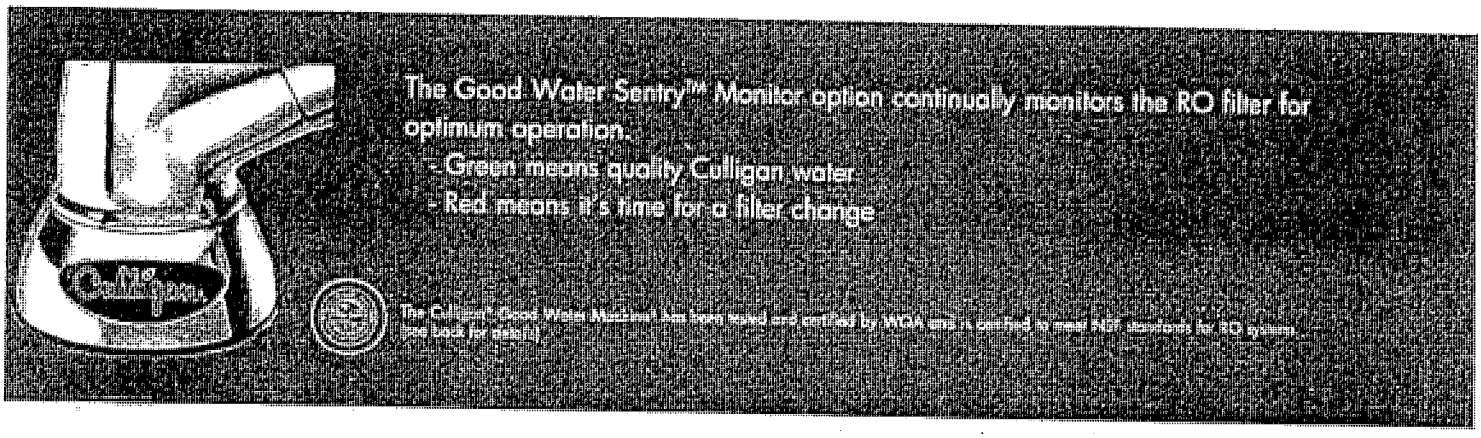
Second Carbon Filter

Ensures your drinking water is clear and fresh.

Designer Faucet

Delivers delicious water at the touch of a finger. Available in white, chrome and brushed nickel.

† Consult the Performance Data Sheet for the specific contaminant reduction capabilities of this device
Limited Lifetime Warranty on Good Water Machines® (excluding expendable filter cartridge & RO membrane)



Exhibit____

For over 75 years, Culligan has led the water treatment industry in innovation and service. Culligan products are produced with world-class quality backed by solid warranties** and the most experienced installation and service technicians in the industry.

Your local, reliable Culligan dealer will perform a complimentary, no obligation water analysis and help you chose the system that is just right for your home and family.

Now that's service!

Why Millions Trust Culligan to Deliver the Best Water

- All Culligan products are backed with a 100% Satisfaction Guarantee*. If you're not completely satisfied within 30 days from the date of purchase, simply notify your dealer for a full refund.
- Your local Culligan Man® has a full-line of quality water softeners, filters, drinking water systems and bottled water to fit any need.
- Manufacturing takes place under exacting world-class quality control.
- Culligan products have the industry's most state-of-the-art features because we maintain our own extensive research and development facility. No other water treatment company holds as many patents.
- With over 800 dealers worldwide in more than 90 countries globally, a Culligan Man® is just around the corner to make sure you receive the Culligan water you've come to enjoy.
- Your local Culligan Man® offers salt delivery, filter changes, rentals, financing and more, making Culligan a full-service water treatment company.

The Culligan® Good Water Machine® is tested and certified by WQA to NSF/ANSI Standard 58 for the reduction of:

Barium	Radium 226/228	Trivalent Chromium
Cadmium	Hexavalent Chromium	Copper
Selenium	Total Dissolved Solids	Lead

CAUTION: Do not use with water that is microbiologically unsafe or of unknown quality without adequate disinfection before or after the system.

The contaminants or other substances removed or reduced by this water treatment device are not necessarily in your water. Source water exceeding chemical parameters requires pre-treatment.

Culligan

better water. pure and simple.®

www.culligan.com
1-800-CULLIGAN

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Part No 34907
Printed 3/13

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* All Culligan products are backed with a 100% Satisfaction Guarantee. If you're not completely satisfied with your Culligan Product within 30-days from the date of purchase, we'll refund the purchase price. Dealer participation may vary.

** Warranty available separately.

Exhibit D

Joel Panzer

From: Joel Panzer
Sent: Thursday, January 31, 2013 3:39 PM
To: bullickr@co.monterey.ca.us; 'ramirezj1@co.monterey.ca.us'
Subject: FW: Vasquez Subdivision (PLN040518) (e-mail 3 of 3)

Mr. Bullick and Mr. Ramirez-

I still have not had a response to this e-mail (if Ms. Sandoval did, I don't recall it now). This gets to the heart of the matter: Why can't Mr. Vasquez be permitted to treat for fluoride using devices approved by the California Department of Public Health, Drinking Water Program (see Certified Water Treatment Device Directory)?

It would improve the current conditions and, similar to other subdivision conditions of approval(s), the treatment system must be maintained.

Joel Panzer
Maureen Wruck Planning Consultants, LLC
LOCATED IN OLD TOWN SALINAS AT:
21 W. Alisal Street, Ste. 111
Salinas, CA 93901
(831) 771-2557
Planning and Development Consultants
Project Management-Subdivisions-Certificates of Compliance-Permit Coordination
Google us at Mwruck.com

From: Joel Panzer
Sent: Friday, November 09, 2012 3:25 PM
To: 'Sandoval, Cheryl L. x4552'
Cc: ferminhd@aol.com; Treffry, Patrick, T x4556 (TreffryPT@co.monterey.ca.us)
Subject: Vasquez Subdivision (PLN040518)

Hi Cheryl-

When we spoke last week, you said you would follow-up and cite the specific County code section that prohibits water treatment for primary constituents. You also were going to send along samples of staff analysis (reports or letters – I forget which) that clarify the Department's approach/rationale on treatment.

As you know, the Vasquez property is fully developed and they are already using this water source and will continue to use it. Tony Vasquez has been drinking water from Well # 1 for the 25 years he has lived there. It would seem to me that, given these specific circumstances, the project could be approved with a deed notification recorded to address existing water quality conditions and treatment.

I want to be able to better understand this specific treatment issue. Please forward what you have at your earliest convenience.

Sincerely,

Joel Panzer
Maureen Wruck Planning Consultants, LLC
LOCATED IN OLD TOWN SALINAS AT:
21 W. Alisal Street, Ste. 111
Salinas, CA 93901

Exhibit____
Page 14 of 14 Pages

MONTEREY COUNTY

DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES
EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH
PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

September 19, 2013

Joel Panzer
Maureen Wruck Planning Consultant, LLC
21 West Alisal Street
Suite 111
Salinas, CA93901

Mr. Panzer:

This letter addresses those issues that you brought forward in your letter of August 28, 2013, summarized as follows:

1. Information was presented regarding treatment systems for fluoride.
2. You request a code citation regarding not allowing treatment for water sources for new subdivisions and referenced a January 31, 2013 email referred to as attachment D in your letter.
3. General Plan 2010 Policy PS 2.5 is referenced as a reason for allowing treatment for water sources for this subdivision.
4. You point out that the property is already built out.

EHB has received information on water quality and quantity for some of the wells proposed as water sources but not for all. Monterey County Code Chapter 19.03.015L requires this information prior to finding an application complete. The lack of information has been a long standing completeness issue and cannot be deferred as a condition of approval.

Thank you for the information that you provided regarding under counter treatment systems for fluoride also referred to as point of use treatment systems.

In an August 14, 2012 letter (enclosed), Patrick Treffry explained that the Environmental Health Bureau (EHB) is the lead agency in determining the adequacy of a water supply for a proposed subdivision. Because of statewide and local experience with small water systems, namely the lack of capability to obtain and/or maintain treatment systems that will provide consistent and reliable treatment in a manner to protect public health, EHB determined that water source(s) for a subdivision that needs treatment for primary contaminants and is proposed to serve 1 – 14 connections does not have the technical, managerial, and financial capability to provide consistent and reliable treatment resulting in a reliable source of potable water. Therefore, EHB cannot make a health and safety finding that these water sources are an adequate water supply as required in the approval of a subdivision. Patrick also referred to County Code and General Plan policies in regard to adequate water supplies in the August 14, 2012 letter.

In your August 28, 2013 letter as well as a prior letter, you referenced General Plan Policy PS 2.5 in support of your argument for treatment of the water in a subdivision process. As was explained before in Mr. Bullick's letter dated March 25, 2013 (enclosed), this policy does not address a proposed subdivision but a new domestic well for a single lot of record.

In reference to the existing dwellings, EHB approved the construction permits for the existing dwellings based on Monterey County Code Section 15.04.020, which exempts two or more connections occupied by members of the same family on a single lot of record from water system requirements. The existing lot of record has certain development entitlements and has received those entitlements, which allowed the construction of the four existing dwellings.

The proposed subdivision would constitute new entitlements that must be considered in light of public health as well as other considerations. As you are aware the process to consider approval of a subdivision is quite different; requires more detailed information; and may have different and/or additional policies and regulations that must be met than a construction permit for a dwelling.

I believe this has addresses the issues that you raised. If you have any further questions you may contact Cheryl Sandoval at (831) 755-4552.

Sincerely,

Richard LeWarne

Richard LeWarne
Assistant Director
Environmental Health Bureau

cc: Dan Lister, Planning Department
Cheryl Sandoval, Drinking Water Protection Services' Supervisor, EHB
Nicole Fowler, Environmental Health Review Services' Supervisor, EHB

Attachments: August 14, 2012 Letter (Patrick Treffry)
March 25, 2013 Letter (Ray Bullick)

MONTEREY COUNTY

DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES
EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH
PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

August 14, 2012

Mr. Joel Panzer
Maureen Wruck Planning Consultants, LLC
21 West Alisal Street Suite 111
Salinas CA 93901

Via e-mail: joel@mwruck.com

Re: PLN040529 - Vasquez Subdivision
Water Quality / Water Quantity / Long-Term Water Matters
APN 257-121-019-000

Dear Mr. Panzer:

Thank you for your request for additional information regarding the Vasquez Subdivision and matters related to a Hydrogeological Investigation for the proposed source wells on the property. As discussed, each parcel for the subdivision will need to demonstrate it has acceptable, potable water meeting state and county standards for water quality and water quantity. Please reference the Environmental Health Bureau letter to you dated March 13, 2012 that discusses the current status of the three existing wells on the property.

This application has remained incomplete for many years because the applicant has not been able to demonstrate there is an adequate water supply for the project. This project was heard before the Monterey County Planning Commission on February 9, 2011. The hearing was continued upon the applicant's request to conduct additional water quality and quantity tests. As of this date no water quality test results have been submitted and no source capacity tests have been performed to our knowledge.

This project is subject to a consistency analysis with the 2010 General Plan. Staff's focus of review has been limited to matters related to the source of water supply. The Monterey County Water Resources Agency (WRA) has reviewed the two available Well Completion Reports for the two wells drilled in 2005 and 2008 and reports that the two wells are drilled into hard rock (ie. Fractured rock). Hard rock wells tend to decline in water production as demonstrated in areas of Monterey County and in others areas of California.

General Plan Policy PS-3.1 requires that new development shall be prohibited without proof based on specific evidence that there is a long-term sustainable water supply, both in water quality and quantity to serve the development. Please note that Monterey County Code, Title 19,

Section 19.10.070 requires that provisions shall be made for such domestic water supply as may be necessary to protect public health, safety, or welfare, that the source of supply is adequate and potable, and that there is proof of a long term water supply for the proposed project.

Three wells have been drilled that do not meet water standards either due to lack of water quantity or lack of compliance with water quality standards. Please note:

MCC Section 19.03.015 (L) 2 states: *Evaluation of Public Health and Safety Impacts. The source of water within the project boundaries which are to provide groundwater or surface water for the lots shall be evaluated for potential public health and safety impacts. The Monterey County Health Department shall be the lead agency in determining the adequacy of the proposed project's water supply, and in evaluating the health and safety threats to the supply.*

Staff's recommendation was to deny the project at the February 9, 2011 Planning Commission hearing based upon water related matters. To date, no new information has been submitted that would change EHB's position regarding the requirements for long-term water and meeting water quality and quantity per county and state standards. You had mentioned at the hearing you would be conducting source capacity testing perhaps in August 2011. EHB's file does not indicate any testing data since August 2011.

Without demonstrating that a long-term sustainable water supply exists in addition to demonstrating a suitable water source meeting quality and quantity standards the county would not be able to make a Health and Safety finding that supports the project. It is Environmental Health's position that this project is not consistent with policies PS – 3.1 (Proof of Long Term Sustainable Water Supply) and PS – 3.13 (Proof of Adequate Water Supply) and therefore, will not be able to conform to PS – 3.9 (Proof of Long Term Sustainable Water Supply prior to Approval of Subdivision Map).

However, notwithstanding the above deficiencies, if your client chooses to move forward with a Hydrogeological Investigation, you would need to inform EHB and also contact Mr. Tom Moss of the Monterey County Water Resources Agency (WRA) so that a scope of work can be developed for your consultant. Your consultant will have to coordinate with EHB and WRA as the Hydrogeological Investigation is being conducted and the resultant report would be peer reviewed by WRA.

Please feel free to contact me at (831) 755-4556 if additional information is required.

Sincerely,

Patrick Treffry

Patrick Treffry, REHS
Environmental Health Review Services

cc: Richard LeWarne, REHS
Nicole Fowler, REHS
Tom Moss, P.G., WRA

MONTEREY COUNTY

DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
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ENVIRONMENTAL HEALTH
PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

March 25, 2013

Joel Panzer
C/o Maureen Wruck
Planning Consultants, L.L.C.
21 W. Alisal, Suite 111
Salinas, CA 93901

Re: PLN040529; APN 257-121-019

Dear Mr. Panzer:

Thank you for your letter of March 2, 2013 following our January 31, 2013 onsite meeting with Mr. Tony Vasquez along with John Ramirez, Director of the Environmental Health Bureau (EHB). During our meeting, you discussed the possibility of conducting water quality tests, which would then be reviewed by EHB to see if the test results met Maximum Contaminant Levels (MCL) set by the California Department of Public Health. Once EHB notified you of the findings your client could then decide whether to proceed with a 72-hour source capacity test. This path is an option for your client.

A February 9, 2011 hearing was finally set before the Monterey County Planning Commission. As you may remember you requested a year continuance during this hearing to perform monthly water sampling similar to a request you had made on behalf of the Weyland/Merril Subdivision. EHB agreed to this proposal and the Planning Commission granted the continuance.

However, no monthly water quality testing was performed. On August 29, 2012, almost 17 months after the continued public hearing, a water quality test was conducted on water samples from Wells #2 and #3. The test results from Well #2 indicates that the concentration for Fluoride is 3.34 ppm which exceeds the MCL of 2 ppm. The test result for Well #3 is 3.19 ppm, which also exceeds the MCL for Fluoride. The MCL is based on adverse health affects to the public.

You cite in your letter that 2010 General Plan Policy PS-2.5 indicates water quality shall not be a basis for preventing development. However, you did not cite the entire policy. The first sentence of the policy, which is pertinent to what land use actions that this policy applies to, and it states:

*"Regulations shall be developed for water quality testing for **new individual domestic wells on a single lot of record** to identify: ....."*

The portion cited: *"...Regulations pursuant to this policy shall not establish criteria that will prevent the use of the well in the development of the property. ... "* is at the end of the policy and clearly operates within the parameters of "new individual domestic wells on a single lot of record" and not in a subdivision process.

I understand there was a meeting on March 18, 2013 at the Resource Management Agency between you, Tony Vasquez and family members, Planning Department (Dan Lister, John Ford) and Environmental Health (Richard LeWarne). At the meeting the need for a finding of Technical, Managerial, and Financial (TMF) capability as part of Long Term Sustainable Water Supply (LTSWS) and Monterey County Code Chapter 19 (Subdivision Ordinance) was discussed. Mr. LeWarne explained that EHB has been recommending denial for subdivisions with a water supply that serves 1 – 14 connections if treatment for a primary contaminate is needed based on lack of TMF. EHB has determined that operators of water supplies that need treatment for the creation of new lots of 1- 14 connections do not have adequate TMF based upon statewide and local experience. Currently, there is legislation pending that is trying to provide funds for existing small water systems including single connections to address water quality problems because these water supply operators do not have the TMF to resolve their problems.

Three possible options were discussed:

1. Try to determine at what depths the Fluoride deposits are in the well by taking multiple water quality samples at various depths. If this can be determined, then seal off that portion of the well where the Fluoride deposits are. Sealing off a portion of the well would likely reduce the source capacity, which cannot be determined until after a 72-pumping test is done. Well #3 was identified by Mr. Tony Vasquez as probably the best producer. Therefore, if the Fluoride concentration can be reduced to 2 ppm or lower and the well can produce 3 gpm for each single-family dwelling (sfd) or 12 gpm total adjusted post recovery from the source capacity test then this well would meet the requirements for a 4-connection water system.

2. Perform quarterly testing to determine if the annual quarterly average of Fluoride is 2 ppm or lower for a year.

3. Mr. Vasquez and family members raised the point on several occasions that the property in question has been built out for a number of years and the water supply already exists and presently serves the 4 sfds. The question was also brought up that if it is already built out or limitations placed on the resultant lots to the effect that there be no further development requiring water use why couldn't a recommendation for approval be made.

   Mr. LeWarne explained that the present water system is under a "family exemption" from a health permit because the system serves family members on the same parcel. However, if one or more of the sfds is occupied by someone other than a family member then a health permit would be required for the present system. Mr. Ford and Mr. LeWarne also discussed our agencies struggle of being able to make a finding of adequate TMF for the operator of the water supplies.

If your proposed subdivision is able to go forward in some manner, the presumption of a LTSWS would be applicable to your project. One of the conditions of approval would be that the applicant would be required to sign a hold harmless agreement. This agreement would require the applicant to reimburse the County for any legal costs that the County may encounter in defending itself if legal action is taken due to this project's approval.

In your letter of March 2, 2013 you indicate that the primary basis of the request is to obtain funding for "handicapped upgrades". I have checked with the Veterans Services Office for Monterey County and find that there is a program for Veterans to do "resident modification" to comply with handicap needs. I urge you to contact

Fernando Rome Marquez at (831) 647-7613 to gain more information on this program. Should you have further questions regarding this matter please contact John Ramirez or myself at (831) 755-4526.

Sincerely,

Ray Bullick
Director of Health

Cc: Tony Vasquez
Supervisor Simon Salinas
Wes Morrill
John Ramirez