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Board of Directors, Carmel Area Wastewater District
3945 Rio Road
Carmel, CA 93923

Re: Item 31, January 30, 2025 Board Agenda, Connection for Keig properties

Dear Sirs and Madam,

We became aware of an agenda item for the meeting of January 30, 2025 by email sent on Monday, January 27, 2025. Given the short notice, there was no opportunity to submit written comments for inclusion in the board's materials, therefore, this information is transmitted directly to the board members. Copies will also be available before the meeting begins.

It is our goal to convince the CAWD Board of Directors to provide sewer services to the Keig properties without the imposition of unusual and punitive measures. It has become very apparent that the CAWD staff is adversarial to allowing additional connections in the Carmel Highlands area without imposing discriminatory measures.

At the December 19, 2024 board meeting, proposed connection conditions for the Keig properties was tabled. The direction from the board, from the minutes, was a Motion To Indefinitely Table the matter, and bring back a narrowly framed proposal for the Keig property. The proposal now before you is much more complex, and has greatly expanded conditions relative to what should be a routine sewer connection. Our recollection from the meeting was that the applicant and staff would work to arrive at an acceptable solution to allow the Keig properties to connect to the CAWD. Unfortunately, **this did not happen.**

Instead, staff has now put forth conditions for a "Special Sewer Connection Agreement". The entire basis for your staff's proposal is flawed. The assumption that the proposed connection is "discretionary" is based on two erroneous findings as outlined below. Ordinance 2019-02 did not anticipate connections where only a pressurized CAWD pipeline exists. Ordinance 2019-02 is completely silent about the actual conditions inherent with the proposal to connect the Keig properties to the district's force main. We should all recognize that the proposed connection cannot be a gravity line. However, the proposal is no different than the two previous connections to the force main, and to my knowledge, these are functioning as designed. Furthermore, the connection pipe intended to be shared with the Carmel Highlands Fire District, that the Keig properties will connect to, already exists.

We do not agree that the sections quoted from the CAWD Ordinance 2019-02 apply to establishment of sewer services to the Keig properties:

1. The assumption that a connecting line from a private pump station must "break to gravity" is incorrect. The wording of Section 403-B.6. assumes a connection to a Sewer Main. A Sewer

Main as used in Ordinance 2019-02 relates only to gravity mains. There is no mention of pressurized CAWD pipelines. This section does not prohibit connections to pressurized lines. The pipelines in question are already there.

2. A pressurized connection was not envisioned when Section 2.01 was created, so it is impossible to make a comparison in this case to a gravity sewer lateral. The connection does not require the CAWD to take on liability associated with the private piping within the highway. The existing pressurized lateral is in a seamless, 2-inch diameter continuous High Density Poly Ethelene (HDPE) pipe that is encased within another 4-inch HDPE sleeve. The 2-inch pipe can be cleaned (in the unlikely event that it is found to be necessary). Because it is within a sleeve the pressure line could be replaced without interfering with highway traffic. Furthermore, the maintenance responsibility of the pressurized pipe should be that of the private property owner(s), exactly as is the case for any other private gravity sewer lateral.

The “Special Conditions” as recommended are not necessary, and we do not agree to these provisions:

1. The discharge must be untreated sewage, exactly as is the case for any connections that are typically made to the CAWD systems. There is no justification for the CAWD to discriminate against the Keig properties.
2. A release of liability is not necessary. Is this also required for all CAWD customers?
3. The justification to charge “standard fees” based on the premise that “unique risks and management” exists with a non-standard connection. The connection already exists, it is made with more durable materials than any other standard sewer lateral, AND it has been functioning without problems for 15 years.
4. Material submittals are standard practice. No need to include this item.
5. The district’s right to shut off the connection is not necessary. There is already a ball valve at the connection point.
6. The recital that this connection is a special connection is not necessary. There are NO OTHER OPTIONS available in the Carmel Highlands Area. Two connections have been present since 2009. This is not unique, and stating it is not a “policy of the District” is an attempt to circumvent the fact that district staff is in fact, setting district policy.
7. A “Special Sewer Connection Agreement” is not necessary, and such agreements do not exist with the other CAWD customers.
8. Approval of plans is a standard procedure. No need to include this item.

The “Other Potential Special Conditions” as recommended are discriminatory, punitive, and not necessary.


1. “No future connections” is directed at our proposal to also include two existing residential properties that are owned by the Keigs into the proposed pumping system. This is intended to subvert plans to replace two failing septic systems. This would also deprive the opportunity for CAWD to have revenues from two additional residential connections.
2. “Conditions in case of breach of the terms of an agreement”. This is not clear.
3. Inclusion in future sewer assessment districts is not necessary if a connection already exists, and fees are paid for sewer service. As proposed, this is clearly a very punitive and discriminatory proposal.
4. After the sewer connection is established, there is no justification for the property owner to maintain the existing, and problematic septic systems and leach fields. This is also contradictory to established public policies.
5. Maintenance records are not presently required for any of the other similar CAWD customers. This is also discriminatory. This also applies to the annual reporting requirement.

In conclusion, the board should consider the following facts:

- The ONLY possible connection in the Carmel Highlands area is to an existing pressurized force main.
- This application proposes to connect to an EXISTING pressurized lateral. The connection to the district's force main already exists.
- The Keig connections were first proposed in 2009. Similar connections have been established for the Carmel Highlands Fire district, and the Currivan/O'Boyle property.
- The Keig property was annexed to the CAWD along with four (4) other properties. That process began in 2009.
- The CAWD had been collecting fees for the Keig property, as if a connection existed.
- The stated public policy regarding septic systems and water quality in the Carmel Highlands area seeks to eliminate standard septic systems.
- It should be noted that the Gas Station provides restrooms as public services.
- This proposal would eliminate four (4) existing septic systems. (Two on the commercial site, and two adjacent residences east of Fern Canyon Road).
- There is no justification for requiring the Keig properties to retain the existing septic systems if the CAWD accepts raw sewage, as is the standard.
- The material specifications, engineering design, and hydraulic principles are all standard engineering practice.
- A proposal to require treatment of raw sewage *without adjusting the standard fees* is in direct violation of Proposition 218. Proposition 218 states that fees shall be proportional to the level of service provided. It is also part of the California Constitution, Article XIII, Section D.

Further study of the existing sewer systems in the Carmel Highlands area discloses serious design flaws with the original design of the Highlands Inn pumping station and force main. A design compatible with the surrounding area would have made a gravity sewer system possible for all the Corona Road properties east of Highway One. The resulting situation is the responsibility of the CAWD, and elaborate measures should not be imposed on customers as an attempt to remedy the district's problems.

Sincerely yours,



Steve C. Wilson

Civil Engineer & Land Surveyor