

# Midcoast Community Council

*An elected Advisory Council to the San Mateo County Board of Supervisors*

*representing Montara, Moss Beach, El Granada, Princeton, and Miramar*

PO Box 248, Moss Beach, CA 94038-0248 | [midcoastcommunitycouncil.org](http://midcoastcommunitycouncil.org)

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Date:            May 26, 2021  
To:              Sewer Authority Mid-Coastside  
                    Montara Water and Sanitary District  
                    Granada Community Services District  
                    City of Half Moon Bay  
Cc:              Don Horsley, San Mateo County Supervisor, District 3  
From:            Midcoast Community Council  
Subject:        **Comments on Sewer Authority Mid-Coastside Lawsuit**

The MCC is aware that the operations of sewer services for the Coastside are currently an area of controversy. The background is complex and extensive. The following summary reflects our best understanding of the history.

Originally, three separate sewer departments served the Coastside, one each in Montara/Moss Beach (MWSD), Half Moon Bay (HMB), and El Granada (GCSD), which also serves part of Half Moon Bay. In 1976, a decision was made to establish a joint powers entity, Sewer Authority Mid-Coastside (SAM), to provide a shared sewer system. At that time, the MWSD processing facility was functioning well, but the others needed replacement and the decision was made to build a plant in the northern part of Half Moon Bay serving the entire jurisdiction.

While each agency kept its own local sewer collection system, agreements were made to jointly create and maintain a system (SAM) to tie together and service the infrastructure needed to process sewage for the entire Coastside. Governance of SAM is based on population, with GCSD and MWSD having one vote each and HMB having two votes. Originally, this also reflected the proportion of sewage each member of SAM produced. As time has gone on, the proportion of sewage produced by HMB has increased and that produced by MWSD and GCSD have decreased. Costs are borne by each agency roughly in proportion to its representation in government and sewage flow.

In 1996, when funding was needed for expansion of the plant capacity, MWSD was unable to pay its full share due to litigation on another matter. HMB and GCSD paid additional money. In return, MWSD's right to additional sewage capacity was limited, with additional usage subject to surcharges.

Around 2005, HMB raised objections to paying for upgrades to shared infrastructure. Sewer spills caused major fines to SAM and the SAM plant also required major upgrades. Disputes arose among the members of SAM about how costs should be allocated and about other management and planning issues. HMB maintained that it should no longer be liable for maintaining the Intertie Pipeline System (IPS), which transports sewage to the treatment plant and is vital to the joint operation of the SAM sewer service to the entire Coastside. HMB's position was that the portions of the system that were located outside city limits did not benefit the city and provided them no additional capacity. This disagreement applies not only to the IPS, but also the system of underground sewage storage tanks and pump stations. The storage tanks reduce the risk of the system being overwhelmed during the rainy season. They are designed to prevent spills and to allow smooth operation of the sewage plant. HMB has objected to paying for both the full development of wet weather storage facilities and for the IPS. Meanwhile, the existing SAM plan is in need of major upgrades and sea-level-rise adaptation.

In July 2017, Half Moon Bay filed suit against MWSD, GCSD and SAM to exempt itself from these previously-shared costs. Costs of pursuing and defending against the suit have been high, and the financial implications of HMB's demands are even higher. Attempts at settlement have been unsuccessful and only HMB has the power to withdraw the suit. It is now in a discovery phase, where attorneys of all sides are investigating related data. A trial date has not been set.

This lawsuit and its underlying disputes have been very damaging to the community and to the safe and efficient operation of SAM. It casts uncertainty on our future ability to manage our basic services. It is very costly to an area with limited financial resources and many other hazards and needs. And it inserts a painful wedge between Half Moon Bay and the Midcoast at a time when we have been trying to live as cooperative neighbors.

The MCC advocates a renewed effort to find creative solutions to the challenges of providing sewage services to the Coastside. Location and number of processing plants, governance of SAM, financing structures, the use of recycled wastewater, preparation for drought, invigoration of ocean water, role of storage tanks for recreation and fire-fighting purposes and many more aspects of the situation could be addressed in exciting ways by community-members committed to finding solutions rather than continuing rancor.

The MCC calls for an end to wasteful spending in continuing a lawsuit that divides the community, and for a new commitment to expend our energies and money to explore ways for the Coastside to cooperate in designing infrastructure that will serve the future while honoring the agreements of the past.

MIDCOAST COMMUNITY COUNCIL

s/Michelle Weil, Chair