

NIPOMO COMMUNITY SERVICES DISTRICT

Monday, September 24, 2012

1:30 P.M.

SPECIAL MEETING MINUTES

SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE

APPOINTED COMMITTEE MEMBERS

MICHAEL K. NUNLEY, CHAIRMAN (NON-VOTING)
PETER V. SEVCIK, VICE CHAIRMAN (NON-VOTING)
CRAIG ARMSTRONG (VOTING)
DAN GARSON (VOTING)
DENNIS GRAUE (VOTING)
KATHIE MATSUYAMA (VOTING)
ROBERT MILLER (VOTING)
DAVE WATSON (VOTING)
DAN WOODSON (VOTING)

PRINCIPAL STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER
LISA BOGNUDA, ASST GM/FINANCE DIRECTOR

MEETING LOCATION - District Board Room
148 S. Wilson Street, Nipomo, California

1. CALL TO ORDER, FLAG SALUTE AND ROLL CALL

Chairman Nunley called the Special Meeting of September 24, 2012, to order at 1:30 p.m. and led the flag salute. At roll call, all committee members were present.

2. GENERAL MANAGER'S REPORT

Nipomo CSD General Manager Michael LeBrun provided a report to the Committee summarizing a recent action by the Board. At the September 12, 2012, Board meeting, a contract with AECOM was approved for final design of the Phased Santa Maria Intertie Project. It would take four months to complete the work, and the Board included a commitment in the approval motion to allow the Committee to finish its work prior to awarding construction bid of a Phased Santa Maria Intertie project. The General Manager provided a news article from the San Luis Obispo Tribune that accurately summarized the Board's decision.

Member Woodson asked if the original Environmental Impact Report (EIR) for the full Santa Maria Intertie Project would require revision and the General Manager responded the EIR covered a full range of phased project delivery up to and including 6200 acre-feet per year (AFY). Therefore, it would not require revision.

Later in the meeting, General Manager LeBrun responded to a question from the Committee regarding personal liability related to the Committee's work. He discussed with District counsel and since the Committee has no decision-making authority, members are not liable for District decisions. He also noted there are no federal or state filing requirements associated with membership in the Committee.

3. REVIEW DRAFT MINUTES FROM SEPTEMBER 5, 2012, COMMITTEE MEETING

Member Miller requested that the minutes identify members voting for/against motions, in the case of split votes in the future.

Member Watson requested that the 5th paragraph on Page 3 be revised as follows:

Member Watson suggested that the list of alternatives not be limited, and noted that he would like the committee to look at ~~connecting the Five Cities distribution system(s) to Nipomo as an alternative~~ the relationships within the groundwater basin among the Five Cities, Nipomo, and Santa Maria.

The Committee approved the meeting minutes as revised. There was no public comment.

4. DISCUSS PROPOSED EVALUATION PROCESS

General Manager LeBrun discussed how the Committee's work to identify a water supply that met the Bylaw requirements would tie into the District's ongoing conservation efforts; regional coordination throughout the groundwater basin; long-term water planning including their Desalination Work Plan; and other elements of the Board's Strategic Plan.

Member Watson requested direction on the long-term water supply need for the District. He noted multiple development scenarios were presented in the District's 2010 Urban Water Management Plan. General Manager LeBrun stated the Committee should consider the initial phase of 600 AFY deliveries proposed for the Phased Santa Maria Intertie Project through the ultimate need of 6200 AFY established in the EIR as a possible future phase. He also noted the District has no control over development or land use planning since those decisions are within the County's jurisdiction. Vice Chair Sevcik noted that the 2010 UWMP spent a considerable amount of effort on evaluating historical demand patterns. Member Watson asked if the Committee would need to look at reliability up to the 6200 AFY limit. Chairman Nunley noted that the Committee would establish an evaluation process within the Bylaw requirements and could define supply criteria for the project

Member Graue asked if one definitive groundwater basin study or model had been prepared that covered the entire basin, or whether the numbers and directives provided for imported supply were based on legal requirements or estimates. General Manager LeBrun responded that there were a number of competing groundwater basin models, but the work by the California Department of Water Resources (DWR) was the most authoritative source in information on safe yield and general groundwater availability. He also noted that San Luis Obispo County was coordinating a \$200,000 modeling effort in addition to a similar effort by Santa Barbara County related to salt and nutrient management.

Member Garson stated that he had not heard the District Board was actively pursuing the Santa Maria Intertie Project as a shorter-term solution and additional supplies such as desalination as a longer-term, reliable water supply. The General Manager noted that desalination would require regional coordination, and that partnering with Santa Maria could enhance the potential for regional solutions like desalination.

Chairman Nunley noted that the Committee could send specific questions to the Board if direction was needed regarding supply goals, or other issues. He noted the committee Spokesperson (to be discussed later) could be an interface to ask those questions at Board meetings.

Member Miller stated one of the questions that arose at Woodlands meetings was why the District was using 30-year projections for the Santa Maria Intertie Project and why other long-term solutions such as desalination were not being discussed. He noted it would be important for the District to communicate their long-term vision related to the Supplemental Water Project and how it would enhance the potential for long-term, regional solutions such as desalination.

Chairman Nunley presented a draft evaluation process for consideration by the Committee. The proposed major tasks include:

- Task 1 - Identification and selection of alternatives to be evaluated (by Committee – Item 4 for today’s meeting), including additional subtask for rough screening (Item 5 for today’s meeting) if deemed necessary by the Committee – to be determined during Item 5 discussion
- Task 2 - Evaluation of each selected alternative (by Subcommittees)
- Task 3 - Ranking of alternatives (by Committee)
- Task 4 - Compilation of the report and presentation to the Board (by Committee)

Member Matsuyama asked if Committee members could bring back new alternatives later in the process if they feel they are promising. Chairman Nunley noted that nothing in the Bylaws would preclude that and the Committee members could bring any new alternatives back to the full Committee for consideration.

Public Comment:

Larry Vierheilig: Nipomo resident and CSD Director, noted the supplemental water source must deliver 1000 AFY by July 15th according to the bylaws. Board wants to look at the “upper limit” of what a project could provide and they prefer larger projects.

Bill Kengel: Nipomo resident, noted the District was working on a reduced-cost pipeline to receive water from Santa Maria.

Robert Lorance presented a letter describing legal issues related to BenIng Co., and would like the Committee to consider utilization of wells constructed as part of the Maria Vista development for a supplemental water supply. Chairman Nunley asked Mr. Lorance to discuss this in more detail as part of Item 5, which addresses supplemental water alternatives.

The Committee approved the proposed evaluation process as follows:

- Task 1 - Identification and selection of alternatives to be evaluated (by Committee – Item 4 for today’s meeting), including additional subtask for rough screening (Item 5 for today’s meeting) if deemed necessary by the Committee – to be determined during Item 5 discussion
- Task 2 - Evaluation of each selected alternative (by Subcommittees)
- Task 3 - Ranking of alternatives (by Committee)
- Task 4 - Compilation of the report and presentation to the Board (by Committee)

5. IDENTIFY SUPPLEMENTAL WATER ALTERNATIVES FOR INCLUSION IN THE EVALUATION

This item was an open discussion among the Committee members with input from the public. Chairman Nunley introduced the item and asked Committee members to begin listing alternatives. The list was compiled and projected as members and the public identified them. This list is attached (see Item 5 Notes). Pages 1 and 2 identify each alternative listed by the Committee and public.

The Committee members agreed that conservation and gray water, while not meeting the criteria specified in the Bylaws for the evaluation process, are important and should be addressed by the Committee in the evaluation. Member Matsuyama stated that not enough was being done to address conservation and the tiered rate structure was viewed as a penalty instead of a conservation tool. Member Miller noted that the NMMA Technical Group has tools to help project the potential savings from conservation.

Member Watson asked if recycled water from treatment plants could be included as supplemental water. Chairman Nunley noted that return flows from District plants are already included in the water balance considered in the Stipulation. General Manager LeBrun discussed the return flow from Southland Wastewater Treatment Facility (WWTF) and septic tank users and the use of Black Lake WWTF effluent for irrigation of the golf course. He stated that recycling from the WWTFs would not be considered a new supply per the Committee Bylaws or stipulation.

Chairman Nunley asked if the stipulation required importation of new water onto the Nipomo Mesa. General Manager LeBrun responded that it did, and the Santa Maria Intertie Project was identified in the stipulation as a method for importing water. In addition, water from an ocean outfall (such as refinery discharge) could be considered a new water supply, since it is currently 'lost' directly to the ocean. Member Matsuyama noted that agricultural runoff could also be considered a new water supply based on that description.

Member Watson asked if future discharges (in addition to those previously considered at the time of the stipulation) could be considered as "imported water" toward the 3000 AFY goal. General LeBrun stated that it would not help reduce pumping of groundwater; therefore it would not qualify. Several Committee members noted that receiving treated effluent from a plant outside of the Mesa (such as the South SLO County Sanitation District or City of Pismo Beach WWTFs) would qualify as imported water.

Member Graue discussed concerns with location of the District's primary groundwater wells and their proximity to the ocean, and the resulting potential for seawater intrusion. Chairman Nunley noted that was a groundwater management issue, not an imported supply. Member Graue stated it could affect where imported water should be applied relative to the greatest potential for seawater intrusion.

Member Graue also noted there could be an incentive to siting any facility that needs heat next to a refinery to take advantage of waste heat.

Member Matsuyama suggested the Committee look at the Orange County water management program in addition to regional coordination with neighboring water agencies.

Public Comment:

Chairman Nunley discussed emails from the public regarding this topic:

Margaret Lange suggested the Committee look at the Oxnard GREAT (Groundwater Replenishment, Enhancement, and Treatment) program in addition to conservation and reuse.

A Group Calling Itself "Mesa Community Alliance" (email from Pat Eby) suggested the Committee look at reuse of water from the ConocoPhillips refinery. A representative of their group, John Sonksen, attended the meeting and offered to share information with the Committee. He noted his group had met with ConocoPhillips and found the refinery cooperative. He suggested the Committee look at utilizing existing pipelines to convey water and also importing water from the South SLO County Sanitation District.

Samuel Saltoun recommended the Committee investigate brackish water desalination.

Robert Lorange suggested the Committee look at the "Dana" wells as a supplemental water supply and referred to a letter he provided discussing some legal issues regarding BenIng Co. He also mentioned that surface water supplies such as the Santa Maria River and its tributaries should be explored. General Manager LeBrun noted that bringing in additional groundwater solely from the Santa Maria Valley Groundwater basin would not satisfy the

requirements for an imported water supply and placing a dam on the Santa Maria River would not likely be feasible due to regulatory and legal constraints.

Bill Kengel, Nipomo resident, would like the committee to look into dual irrigation/potable water systems and also ConocoPhillips wastewater.

Erik Benham noted that the court recognized the Dana wells as supplemental water. He discussed concerns about project financing.

Margaret Lange, Nipomo resident, would like the Committee to look at gray water reuse by single residents. She noted that water from showers and kitchens could be applied for irrigation or toilet-flushing at individual homes. She noted concerns about conservation, and that conservation may not be successful if new water is available in the near-term.

The Committee voted to move onto the next item and discuss the screening process.

6. **DEVELOP ROUGH SCREENING PROCESS (IF NEEDED)**

Chairman Nunley provided a review of the Bylaw requirements for consideration of projects in this evaluation:

- *Deliver an uninterrupted supply of 3000 AFY of imported potable water to the Nipomo Mesa region, with the capability to increase the delivery to 6,200 AFY at minimum cost increase*
- *Provide initial water deliveries of +/- 1000 AFY by June 2015*
- *Lowest construction, system operation and maintenance, and delivered water cost*
- *Provide compliance with the 2008 Court Order*

Member Garson stated that Conservation should be on the list even though it does not meet the Bylaw requirements.

The Committee categorized all the alternatives identified in Item 5 into major supply categories listed below. The attached Item 6 Notes summarize the categories, as well as the abbreviations used to categorize the alternatives listed in the Item 5 Notes attachment. These abbreviations are included below.

- State Water (SW)
- Conservation/ Domestic Graywater (C)
- Seawater (SEA)
- Agricultural and Irrigation Reuse (AIR)
- Recycled Wastewater From Municipal Facilities (RWW)
- Santa Maria Intertie Project (SM)
- Local Groundwater (LG)
- Surface Water (SFW)

Chairman Nunley offered to provide an overview of the Orange County and Oxnard GREAT program elements, in addition to websites or other sources of information on both programs that could relate to the Committee's work.

Chairman Nunley and Member Miller discussed the concept of establishing each supply as an alternative for the evaluation, and considering all the different delivery & treatment options identified in Item 5 during optimization of those alternatives.

Member Armstrong asked if subcommittees could be assigned at the end of the meeting to begin the evaluation process. Chairman Nunley suggested the Committee reconvene at the

next meeting with a draft list of criteria for consideration in order to make sure all the subcommittees follow the same general approach.

Public Comment:

Bill Kengel, Nipomo resident, said there may be groundwater supplies below the Mesa that could be used as a water supply.

John Sonksen, Nipomo resident, asked if all the alternatives discussed in Item 5 would be addressed by the Committee. Chairman Nunley responded that they would be included in the meeting notes.

The Committee voted to establish these eight alternatives and discuss the evaluation approach and subcommittee assignments at the next meeting:

- State Water
- Conservation/ Domestic Graywater
- Seawater
- Agricultural and Irrigation Reuse
- Recycled Wastewater From Municipal Facilities
- Santa Maria Intertie Project
- Local Groundwater
- Surface Water

7. NOMINATE SPOKESPERSON FOR THE COMMITTEE

Chairman Nunley stated the Committee could appoint a spokesperson to report progress at meetings and to lead presentation of the Committee's deliverables as required in the Bylaws.

Member Miller asked if other members are regularly attending the Board meetings. Member Armstrong noted that he did attend since he was running for the Board.

Member Matsuyama asked if being a Board member would prevent involvement as a voting member of the Committee. General Manager LeBrun noted that it would.

The Committee voted to reconsider this item in the future and assign a spokesperson as needed for specific Board reports or presentations.

Public Comment:

Margaret Lange, Nipomo resident, asked how replacement Committee members would be appointed if a member must step down. General Manager LeBrun noted the voting members of the Committee could nominate a replacement for Board ratification. Mr. LeBrun further noted that the Bylaws require the Committee to proceed with their efforts while a replacement is sought.

8. PRESENT REFERENCE DOCUMENTS FOR REVIEW AND ACCEPTANCE

The Committee discussed reference documents to be included as acceptable resources for use by the Committee.

Member Miller stated he was working on acquiring the latest recycled water studies from South SLO County Sanitation District.

Member Watson asked to include the 2011 Technical Reports from the Santa Maria Valley Groundwater Basin and the Northern Cities Management Area.

The Committee voted to include the documents.

9. SET NEXT COMMITTEE MEETING DATE AND TIME

The Committee scheduled the next meeting for October 2 at 1:30 PM.

10. ADJOURN

Chairman Nunley adjourned the meeting at 5:01 PM.

Attachments:

Final September 5, 2012, Meeting Notes

Item 5 Notes

Item 6 Notes

NIPOMO COMMUNITY SERVICES DISTRICT

Wednesday, September 5, 2012

1:30 P.M.

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SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE

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PRINCIPAL STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER
LISA BOGNUDA, ASST GM/FINANCE DIRECTOR

MEETING LOCATION - District Board Room
148 S. Wilson Street, Nipomo, California

1. CALL TO ORDER, FLAG SALUTE AND ROLL CALL

Chairman Nunley called the Special Meeting of September 5, 2012, to order at 1:30 p.m. and led the flag salute. At roll call, all committee members were present except member Matsuyama who joined the meeting during the discussion of Item 2.

2. REVIEW COMMITTEE PURPOSE, GOALS, AND PROCESS

Chairman Nunley introduced the item and gave an overview of the purpose, goals, and process as described in the Bylaws. There was no public comment.

Member Watson asked Vice Chair Sevcik to describe the "TBD AFY Phased Pipeline" identified in the Committee Bylaws as one of the projects to be evaluated. Mr. Sevcik stated that it was a modification of the Supplemental Water Project that would deliver a lower initial flow during the first project phase and allow less initial investment.

Member Graue asked the District to review Committee members' protection against liability. General Manager LeBrun said he would talk to District Counsel and respond to the Committee.

3. INTRODUCTIONS BY COMMITTEE MEMBERS

All committee members gave a brief introduction of themselves and described their backgrounds. There was no public comment.

4. PRESENTATION OF COMMITTEE BYLAWS

Chairman Nunley provided an overview of the Committee Bylaws, and particularly those sections not addressed in Item 2 above.

Member Miller asked if ranking and discussion of all alternatives by subcommittees or working groups would be brought back to the full Committee. Chairman Nunley said it would.

5. PRESENTATION OF BROWN ACT AND DISCUSSION OF COMMUNICATION PROTOCOL FOR COMMITTEE MEMBERS

General Manager LeBrun provided an overview of the Brown Act and discussed the communication protocol to be followed by Committee members. Working subcommittees will be established with no more than 3 members so that a majority (4 of 7) Committee members is not meeting without public notification and involvement. No emails or written correspondence should be directed from Committee members to all the other Committee members. However, emails or written correspondence can be directed to the non-voting Committee members. Mr. LeBrun advised Committee members to include SWAEC in the subject line of their emails to protect their other personal emails against possible public records requests in the future.

Member Watson asked if any special disclosures or filings would be required by Committee members. Mr. LeBrun stated he would ask District Counsel.

Public Comment:

Ed Eby, Nipomo CSD Board of Directors, asked the General Manager to look into any punitive issues if Committee members inadvertently violate the Brown Act.

Bill Kengel, Nipomo resident, said he had applied to the Committee and asked to stay in touch with the Committee. He asked if talking to each Committee member would violate the Brown Act. Mr. LeBrun responded that it would not violate the Brown Act.

6. PRESENTATION OF THE HISTORY OF NIPOMO CSD SUPPLEMENTAL WATER PROJECTS

Chairman Nunley presented a brief overview of prior Nipomo CSD supplemental water studies and major project milestones. Members discussed the range and type of alternatives that could be brought back to the Committee for consideration. Member Garson asked if the committee will select the alternatives to be evaluated, and whether projects such as reuse of petroleum refinery water could be reconsidered even though they had been previously evaluated. Chairman Nunley noted they could all be reconsidered. Member Matsuyama asked if new alternatives, beyond those previously reviewed, could be evaluated and Chairman Nunley answered they could. Member Matsuyama also requested clarification as to whether the Committee will be bringing back alternatives in addition to those in the Bylaws and the Chairman responded that they would.

Public Comment:

Bill Kengel, Nipomo resident, said he had an alternative that had not been considered previously. He asked how to incorporate them. Chairman Nunley asked Mr. Kengel to provide his information and the Chairman would determine how to get it to the Committee. (Following the meeting, the General Manager directed Mr. Kengel to bring the information to the next Committee meeting.)

Margaret Lange, Nipomo resident, asked if all previously-reviewed alternatives (including those that had not been considered preferred alternatives) are on the table. Chairman Nunley responded that they were.

7. DISCUSSION OF ASSIGNMENTS FOR NEXT MEETING

The Committee discussed the assignment for next meeting: Each member would develop a list of alternatives to be evaluated by the Committee. An initial limit of 4 alternatives was presented in the Staff Report for this Item.

Various members discussed a preference to expand the list of alternatives beyond 4 per member. Member Miller asked how alternatives would be analyzed if they had not been

considered before and original analytical work would be required. Chairman Nunley responded that it would depend on the alternative and what original work would be required to properly analyze it. General Manager LeBrun referred the Committee back to the Bylaws for guiding the analytical approach, and stated that many alternatives had been reviewed in the past and significant information is available for many alternatives.

Member Graue asked how to bring back reference documents to the Committee for use in the evaluation, other than those listed in the Bylaws. Chairman Nunley suggested the members bring the documents to the meetings for review and discussion by the Committee prior to incorporating them as approved reference materials. Chairman Nunley noted that any documents could be used for identifying alternatives – not just the documents identified in the Bylaws. The documents referenced in the Bylaws can be considered reliable information sources for performing the actual evaluation.

Member Woodson asked about grant issues associated with the current project. General Manager LeBrun noted the District had received a \$2.3M grant from the Proposition 84 Integrated Regional Water Management Plan program for the Supplemental Water Project, and the District was working with the County to determine impact of project changes on the ability of the District to use that grant. The Committee will not be responsible for considering the grant funding or timeline in their analysis.

Member Watson asked if resource documents for the phased Supplemental Water Project and the technical reports for the Nipomo Mesa Management Area, Santa Maria Valley technical group, and Northern Cities Management Area could be provided. General Manager LeBrun stated that access would be provided through the District's website.

Member Watson suggested that the list of alternatives not be limited, and noted that he would like the Committee to look at relationships in the groundwater basin among the Five Cities, Nipomo, and Santa Maria. The Committee discussed expanding the list of alternatives beyond 4 per member and inviting the public to bring alternatives as well.

Public Comment:

Tom Rinn, Arroyo Grande area resident, asked if target dates had been established for completing the analysis. Chairman Nunley said they had not, and timing would depend on the number of alternatives and type of alternatives, but the Committee would move as quickly as possible.

Bill Kengel, Nipomo resident, asked how the working subcommittees would be formed to perform the analysis so the different disciplines would work together (financial, engineering, environmental, etc.) Chairman Nunley stated that it was the intention of the Board of Directors that the Committee would have balanced teams reviewing each alternative – all disciplines should be represented in these working groups to the extent possible.

Greg Nester, Nipomo resident, suggested the Committee and Board of Directors look at different methods to finance the project. He noted that he serves on the San Luis Obispo County Water Resources Advisory Committee and that many agencies are competing for the County's share of the Proposition 84 grant money, including Nipomo's grant for the Supplemental Water Project. In his opinion, the grant money could be unavailable by next month.

Margaret Lange, Nipomo resident, asked if it would be possible to combine alternatives to create projects. Chairman Nunley replied that any projects that meet the goals and constraints could qualify even if there are multiple components.

The Committee voted to direct the Committee members to review prior supplemental water studies, the Northern Cities Management Area technical reports, Santa Maria Valley technical reports, and phased Supplemental Water Project report; and develop a list of supplemental water alternatives for discussion at the next Committee meeting, prior to establishing the list of alternatives to be evaluated by the Committee.

8. SET NEXT COMMITTEE MEETING

The Committee tentatively set Monday September 24, 1:30 PM, as next meeting.

9. ADJOURN

Chairman Nunley adjourned the meeting at 3:13 PM.

Item 5 Notes (Alternatives)– P. 1 of 2

Name
Santa Barbara desal – exchange for state water (SW)
Conservation/local graywater (quantity achievable) (C)
Reuse of agric irrigation tailwater (Incl Santa Maria Valley) (AIR)
Reuse of petroleum refinery discharge (AIR)
Offset petroleum refinery pumping with recycled wastewater (RWW)
Five Cities (South SLO County San District)– reuse of wastewater plant effluent (RWW)
State Water (SW)
Increase capacity of pipeline (ex. polymers, pumping) (SW)
Reuse of industrial gray water – Cat Cyn oilfield, Orcutt oilfield, greenhouses (AIR)
Seawater desalination – VSEP, solar distillation (SEA)

Item 5 Notes (Alternatives) – P 2 of 2

Name
Orange County, Oxnard GREAT program elements
Phased Santa Maria Intertie Project – delivery schedules (SM)
Shallow aquifer supply – intercepting flow to ocean (LG)
Regional groundwater recharge (Northern Cities, Santa Maria) (RWW)
Riverside wells to intercept flow to SM River (LG/SFW)
Brackish water desalination (treatment technology)
Dana wells (LG)
Santa Maria River water (SFW)
Dual plumbing / irrigation supply
Oso Flaco and dune lakes (SFW)

Item 6 Notes - Final List of Alternatives

Name
State Water (SW)
Conservation/domestic graywater (C)
Seawater (SEA)
Ag/Industrial reuse (AIR)
Santa Maria Intertie Project– Phased/full project (SM)
Recycled Wastewater from Municipal Facilities (RWW)
Local Groundwater (LG)
Surface Water (SFW)