

# NIPOMO COMMUNITY SERVICES DISTRICT AGENDA

JANUARY 3, 2001

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REGULAR MEETING 10:30 A.M.  
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

## BOARD MEMBERS

ROBERT BLAIR, PRESIDENT  
AL SIMON, VICE PRESIDENT  
RICHARD MOBRAATEN, DIRECTOR  
MICHAEL WINN, DIRECTOR  
JUDITH WIRSING, DIRECTOR

## STAFF

DOUGLAS JONES, GENERAL MANAGER  
DONNA JOHNSON, SECRETARY TO THE BOARD  
JON SEITZ, GENERAL COUNSEL

**NOTE:** All comments concerning any item on the agenda are to be directed to the Board Chairperson.

**A. CALL TO ORDER AND FLAG SALUTE**

**B. ROLL CALL**

**C. PUBLIC COMMENTS PERIOD**

**PUBLIC COMMENTS**

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

**D. ADMINISTRATIVE ITEMS** (The following may be discussed and action may be taken by the Board.)

**D-1) SUMMIT STATION BOYLE REPORT**

Review the findings and recommendations of the Boyle Report

**D-2) SUMMIT STATION REZONING**

Status of County Land Use change

**D-3) REQUEST FOR SEWER SERVICE (Outside District)**

Request for emergency sewer connection at 447/449 Amado St.

**D-4) MONTECITO VERDE II SEWER CONNECTIONS**

Review possible sewer connections of MVII to sewer system

**E. OTHER BUSINESS**

**E-1) ENVIRONMENTAL REVIEW - MESA ROYALE TRACT MAP**

Lot split of one acre to two 1/2 acre parcels

**E-2) REFUSE COLLECTION BY NCSD**

Update review of NCSD providing refuse collection

**E-3) APPOINTMENT OF SUB-COMMITTEE MEMBERS**

**F. CONSENT AGENDA** *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

**F-1) WARRANTS [RECOMMEND APPROVAL]**

**F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]**

Approval of Minutes of December 13, 2000 Special Board meeting

**F-3) ACCEPTANCE OF TRACT 2331 IMPROVEMENTS (WITTSTROM) [RECOMMENDED APPROVAL]**

Accept water system improvements for a 33 lot development

**F-4) EARLY RETURN TO WORK POLICY [RECOMMEND APPROVAL]**

Resolution adopting an Early Return to Work Policy

**G. MANAGER'S REPORT**

**G-1) GLOBAL WARMING**

**G-4) PROPOSED DISTRICT WORKSHOP**

**G-2) EPA CLEAN WATER RULES**

**G-5) POWER CELL**

**G-3) CSDA WORKSHOP**

**H. DIRECTORS COMMENTS**

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL GC§54956.9**

a. Litigation CPUC Appl. No. A 00-03-029 (Gov. Code §54956.9)

b. SMVWCD vs NCSD Santa Clara County Case No. CV 770214 and all consolidated cases.

c. NCSD vs State Dept of Health Services CV 990716, GC §54956.9

**ADJOURN**

The next regular Board meeting will be held on January 17, 2001.

AGENDA ITEM  
JAN 03 2001



TO: BOARD OF DIRECTORS - NCSD  
FROM: DOUG JONES  
DATE: JANUARY 3, 2001  
RE: SUMMIT STATION – BOYLE REPORT

**ITEM**

Consideration of Staff Recommendation for a Rebate Program Pursuant to Boyle Engineering Report on the Summit Station Evaluation.

**BACKGROUND**

The Board has previously reviewed the Boyle Engineering Report on the Summit Station Evaluation. The Board has authorized a motion and vote a rebate program to certain Summit Station residents to cover a portion of the costs relating to installation of individual booster pumps on the customer side of the meter. This recommendation by Boyle was determined by the Board to be the most cost-effective methodology for relieving low-pressure complaints. The Boyle Report determined that the cause of low-pressure complaints was based upon the failure of the plumbing systems within homes of those complaining to comply with the Uniform Plumbing Code.

**RECOMMENDATION**

Staff recommends participation in a full or partial rebate program for installation of on-site booster pumps not to exceed \$2,000.00. Installation will be based upon compliance with District specifications that are presently being developed by District Engineer, Jim Garing. Payment of the rebate be made after the installer's certification that the booster pump was installed pursuant to both manufacturer and District specifications.

Boyle Engineering has indicated that there are approximately 21 homes at or above the meter elevation of over 449 feet, which could participate in the installation of on-site booster pumps. Of these locations, seven (7) are newly constructed homes where the property owners have signed the application for water service which acknowledges that customers in areas of low pressure may need booster pressure devices and that the customer is to install and maintain the device. Since these customers were notified before receiving water service, the Board may wish to exclude them from the rebate program.

Board 2001/Summit Station BOYLE REPORT

UNIFORM PLUMBING CODE

**608.0 Water Pressure, Pressure Regulators, Pressure Relief Valves, and Vacuum Relief Valves**

**608.1 Inadequate Water Pressure.** Whenever the water pressure in the main or other source of supply will not provide a residual water pressure of at least fifteen (15) pounds per square inch (103.4 kPa), after allowing for friction and other pressure losses, a tank and a pump or other means which will provide said fifteen (15) pound (103.4 kPa) pressure shall be installed. Whenever fixtures and/or fixture fittings are installed, which require residual pressure higher than fifteen (15) pounds per square inch (103.4 kPa), that minimum residual pressure shall be provided.

**608.2 Excessive Water Pressure.** Where local static water pressure is in excess of eighty (80) pounds per square inch (552 kPa), an approved type pressure regulator preceded by an adequate strainer shall be installed and the static pressure reduced to eighty (80) pounds per square inch (552 kPa) or less. For potable water services up to and including one and one-half (1-1/2) inch (40 mm) regulators, provision shall be made to prevent pressure on the building side of the regulator from exceeding main supply pressure. Approved regulators with integral bypasses shall be acceptable. Each such regulator and strainer shall be accessibly located and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on eighty (80) percent of the reduced pressure when using Table 6-5.

ACCOUNT NUMBER \_\_\_\_\_ APN \_\_\_\_\_ DATE \_\_\_\_\_

**NIPOMO COMMUNITY SERVICES DISTRICT  
APPLICATION FOR WATER/SEWER SERVICES**

I am responsible for submitting payment upon presentation of bill. I agree to abide by all rules, regulations, ordinances, and resolutions of the Nipomo Community Services District regarding water and/or sewer services to the above referenced service address. Due to the variable terrain and elevation differences within the service area of the District, water pressures vary depending on location. Customers in areas of higher pressures may wish to install a pressure reducing device. Customers in areas of lower pressure may wish to install a pressure booster device. Either device is to be installed and maintained by the customer.

**SEWER \*\*** Structures with finished floor elevation less than one (1) foot above upstream manhole cover shall install a sewer backwater valve. Once an owner (residence or business) is connected to the District sewer collector system, it is the responsibility of the owner to maintain the sewer lateral from the owner's residence to the main sewer line. If sewer service is available to a new home, the sewer charge begins when the water meter is set.

Applicant acknowledges with his/her signature that he/she has read and understands the above.

Signature \_\_\_\_\_

# NIPOMO COMMUNITY

## BOARD MEMBERS

ROBERT BLAIR, PRESIDENT  
AL SIMON, VICE PRESIDENT  
RICHARD MOBRAATEN, DIRECTOR  
MICHAEL WINN, DIRECTOR  
JUDITH WIRSING, DIRECTOR



# SERVICES DISTRICT

## STAFF

DOUGLAS JONES, GENERAL MANAGER  
JON SEITZ, GENERAL COUNSEL  
LEE DOUGLAS, MAINTENANCE SUPERVISOR

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148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Email address - NCSO@ix.netcom.com

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December 22, 2000

«Name»

«MailingAddress»

SUBJECT: BOYLE REPORT ON AGENDA - SUMMIT STATION RESIDENTS

Dear Customer,

The Nipomo Community Services District retained the services of Boyle Engineering to evaluate the District's water system in the Summit Station area with respect to compliance with the California State Drinking Water Act and Regulations, commonly known as Title 22 Water Works Standards. The Boyle Engineering report states that the District is meeting Title 22. This evaluation was a result of a citation issued by the California Department of Health Services for not complying with Title 22. Title 22 requires the District to maintain a minimum water pressure of 20 psi at the customer's meter.

**There will be a meeting of the Board of Directors of the Nipomo Community Services District on January 3, 2001 at 10:30 a.m. in the Board room at 148 S. Wilson St. in Nipomo.** The Board will review staff's recommendation of a rebate program for those customers whose meter elevation is equal to or higher than 449 feet.

The District's administrative office will be closed during the week of December 25<sup>th</sup>, therefore, 2 copies of the report have been placed in the Nipomo library at 918 W. Tefft Street for your review. One copy may be checked out. The report will be available for purchase on January 2, 2001 for \$16.50 at the District office.

If you have any questions, please contact me.

Very truly yours,

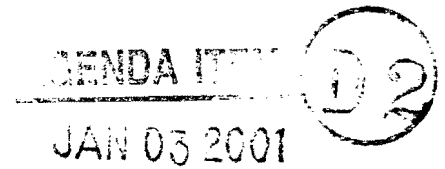
NIPOMO COMMUNITY SERVICES DISTRICT



Doug Jones  
General Manager

SUMMIT/BOYLE REPORT ON AGENDA

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *DJ*  
DATE: JANUARY 3, 2001



SUMMIT STATION REZONING

**ITEM**

Status of County Land Use change in the Summit Station area

**BACKGROUND**

When the Summit Station area was annexed into the District in 1993, San Luis Obispo County established a number of restrictions to the property which are outlined in the LAFCO report dated May 20, 1993. (See attached)

Item #3 on the list indicated that no land divisions creating new parcels are to be allowed. The Fifth District Supervisor, Ruth Brackett, before leaving office, directed the Planning Department to review the possibility of lifting the land division limitations for the Summit Station area. The County is presently reviewing this matter of lifting land division restriction but maintain that no secondary dwelling will be allowed.

Attached is the Land Use portion of the 1993 LAFCO Annexation Report for review.

**RECOMMENDATION**

The County has yet to schedule this item for a hearing.

Board 2001\SS rezoning.DOC

**LAFCO FILE NO. 1-R-92: ANNEXATION NO. 6 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (SUMMIT STATION AREA)**

**Chief Proponents:** Nipomo Community Services District, by Resolution of Application.

**Property Ownership:** The territory proposed for annexation has 143 existing lots and is in multiple ownership.

**Certificate of Filing:** Issued April 27, 1993.

**Purpose:** To provide residential water services to an area where the domestic wells are failing. The NCSD is applying for the annexation at the request of the property owners within the area.

**Acreage and Location:** The original contiguous annexation included approximately 2200 acres located in South County, generally one mile north of Nipomo and 500 feet southeast. **(Exhibit A)**. The revised non-contiguous annexation, as requested by the NCSD, includes approximately 870 acres **(Exhibit B)**.

**Sphere of Influence and Service:** In March 1983, LAFCO adopted a sphere of influence and service for the Nipomo Community Services District. The area proposed for annexation is outside of the adopted sphere of influence and service. LAFCO policy states that:

"No proposal which is inconsistent with an agency's adopted sphere of influence and/or service shall be approved until the Commission, at a noticed public hearing, has considered an amendment or revision to that agency's sphere of influence and/or service."

Pursuant to this policy, territory is eligible for annexation only after a determination that revision of the sphere of influence and service is appropriate given a demonstration of the need for services.

**Environmental Determination:** On August 20, 1993, the Commission required an Environmental Impact Report on the annexation. However, based on the recent action by the Board of Supervisors to amend the General Plan, staff is now recommending the adoption of a Negative Declaration.

**Environmental Determination for Sphere of Influence and Service Revision:** Rescind the determination that an Environmental Impact Report is required and issue a Negative Declaration **(Exhibit C)**.

**Recommended Action on the Sphere of Influence and Service Amendment:** Approval, with revised boundaries.

**Environmental Determination for the Annexation:** Rescind the determination that an Environmental Impact Report is required and issue a Negative Declaration **(Exhibit D)**.

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- 2) The County amends its general plan policies discouraging extension of urban-level services into rural areas to make an exception for allowing community water service in the Summit Station area.

The Nipomo Community Services District subsequently requested that the annexation boundaries be reduced in size to an 870 acre area know to be experiencing a groundwater shortage (this reduction resulted in the removal of Agriculture-zoned land from the annexation area). On April 27, 1993, the Board of Supervisors also adopted an amendment to the County General Plan which revised policies on public services to allow community water service in rural areas experiencing long term physical hardship due to local groundwater shortages – subject to amendment of the affected area plan of the Land Use Element to:

- 1) Identify the specific hardship area,
- 2) Provide policies explaining the justification and objectives for allowing community water service in the area and,
- 3) Establish standards for implementing those policies. The adopted general plan amendment included revisions to the South County area plan to identify Summit Station as such a hardship area and to establish the policies and standards for guiding the provision of community water service to that area.

The effective date of the General Plan Amendment is May 27, 1993. For the Commission's information, the Environmental Coordinator's Office issued a Negative Declaration on the General Plan Amendment.

**Land Use and General Plan:** County General Plan policies in Framework of Planning, Part I of the Land Use Element have historically provided that rural areas should be served by individual wells for their water supply needs and that community water service should not be extended into rural areas outside of urban and village reserve lines. The purposes of these policies are to maintain a distinction between rural areas and urban and village areas and to discourage premature intensive development in areas without all needed services being available. The general plan amendment recently adopted by the Board of Supervisor revises the public service policies in Framework to enable the provision of community water service in rural areas in highly limited situations without conflicting with the general policies of maintaining an urban/rural distinction and discouraging premature intensive development in rural areas.

The amendments to the South County area plan establish the justification for allowing community water service in the Summit Station area on a hardship basis and including a map of the proposed service area which reflects the revised 870 acre annexation area. Text has

been added in two chapters of the area plan which states that the provision of community water service to the Summit Station hardship area is not intended to be used to support a higher intensity of development than allowed under the existing Residential Rural zoning, or to justify any rezoning to enable a denser level of development. Also stated is the intent that no other urban-level community services are to be established in the Summit Station area. The new text includes the statement that creation of a community water service system for the Summit Station area is not intended to set a precedent or be seen as the sole justification for the establishment of community services within other rural areas which do not have a physical hardship of comparable magnitude. The amended text indicates that the establishment of a community water system is to be at the option of the Summit Station land owners, who could elect to seek such service from a public agency such as a community service district or a county service area, or from a private water purveyor.

The adopted general plan amendment establishes a planning area standard which applies to all properties in the Summit Station area once community water service is established in the area, but only if such service is provided by a public agency (i.e., a community services district such as the NCSA or a county service area). The standard includes the following provisions:

1. The (public) purveyor must obtain all necessary agency approvals before installing infrastructure improvements and providing water service within the Summit Station area.
2. The water service area boundaries can only be changed through a separate general plan amendment for that purpose.
3. No land divisions creating new parcels are allowed.
4. Residential density is limited to one dwelling unit per parcel (i.e., no secondary dwellings are allowed).
5. No urban-level community services other than water supply are to be provided in the Summit Station area.
6. New development is required to submit an archaeological surface survey and a botanical report with construction permits.

The adopted planning area standard does not apply to private water purveyors so its provision would become operative only if the proposed annexation to the Nipomo Community Service District is approved and water service is established by that agency (or if the Summit

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Station land owners join or create a county service area in the future of the NCSD annexation is not successfully completed). The effect of the standard would be to more severely limit future development potential in the Summit Station area if it is annexed to the Nipomo CSD than if the area were to be served by a private water purveyor.

Consequently, the concerns raised by the original annexation proposal regarding significant growth inducement, resource demands and precedent-setting for other rural areas have been effectively resolved by the combination of the annexation proposal is consistent with the County General Plan.

**Nipomo Community Services District Plan for Providing Services:** The NCSD has expressed a willingness and ability to serve this area with a limited amount of water. The district is willing to provide up to 284 acre feet per year (AF/Y) of water to the area. Based on the assumption that one home would use about 1.0 AF/Y, this amount would provide service to about 284 homes. Of the 143 existing lots, 115 are developed and 28 are vacant. Of the 115 developed parcels, 97 have a single residence, and 18 parcels have more than one residence (2 to 4). Under the Residential Rural land use category, a secondary residence would be allowed on all existing parcels which do not have more than one residence currently (125), adding up to 250 residences. Because of the Board's recent action, no new secondary units will be allowed. However, an additional 6 AF/Y would also need to be reserved for the recently-approved, vested parcel maps.

Approximately 143 AF/Y would need to be available to serve the existing parcels with one residence on each. An approximate 20 AF/Y of additional water would be needed to serve existing secondary dwellings. An additional 6 AF/Y would also need to be reserved for recently approved, vested parcel maps. The total amount of water needed to serve the area that has been authorized by the Board totals approximately 169 AF/Y.

**Other Services Provided to the Area:** The County of San Luis Obispo provides the remainder of local government services to the Nipomo area. These include police protection from the Sheriff's Office, street maintenance, health, social services, planning, and general government services.

**Other Water Purveyors in the Area:** The Summit Water Company is requesting that LAFCO deny the proposed annexation of the Summit Station area to the Nipomo Community Services District. The Summit Water Company has informed staff that it has been working for over two years to develop a water company in the Summit Station Road area. Representatives of the Summit Water Company believe that their company is the most appropriate water purveyor for the area.

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TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JANUARY 3, 2001

AGENDA ITEM



REQUEST FOR SEWER SERVICE  
APN 092-231-010  
447 & 449 AMADO STREET

**ITEM**

Request for sewer service outside District boundary.

**BACKGROUND**

The District received a letter from Pedro Nunez requesting emergency hook-up to the District's sewer system due to failure of their on-site waste disposal system. The Nunez's are presently receiving water service from the District as an Outside District Boundary User. There presently exists a water and sewer line in front of their property to which a sewer lateral could be connected. When the District notified LAFCO of its latent powers, there were three properties outside the District boundary which were being served by the District. The Nunez property is one of the three properties. It is believed that since the District has notified LAFCO of the services that the District could proceed to provide sewer services to these same properties that are receiving water services.

Presently, the District does not have an Outside District Boundary Sewer User rate for individual service.

**RECOMMENDATION**

Staff recommends that your Honorable Board approve sewer service to the two residences on one parcel at 447 & 449 Amado Street, APN 092-231-010 and direct staff to establish an Outside District Sewer User Rate. The property owner must pay all the appropriate fees for connecting to the District sewer system.

Board 2001\sewer service.DOC

NIPOMO COMMUNITY SERVICES DISTRICT

BOARD MEMBERS

ROBERT BLAIR, PRESIDENT  
AL SIMON, VICE PRESIDENT  
RICHARD MOBRAATEN, DIRECTOR  
ALEX MENDOZA, DIRECTOR  
MICHAEL WINN, DIRECTOR

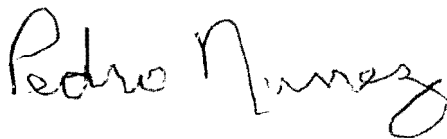
REFERENCE LOT NUMBER 092-301-010.

SIRS, THIS LETTER IS IN AN EMERGENCY SITUATION WHERE WE ARE ASKING FOR SEWAGE HOOK-UP. OUR SEWAGE SYSTEM THAT HAS PROVIDED FOR THE LAST 40 YEARS HAS FAILED. THERE IS NO ROOM FOR ADDITIONAL LEACH LINES OR NEW SEWAGE HOLES. GENTLEMEN, WE ARE IN TROUBLE. MY CURRENT SITUATION IS TO PUMP OUT THE UNIT ABOUT EVERY MONTH AND A HALF AND BEING DISABLED I JUST CANT AFFORD IT ANY MORE. I AM TIRED OF SEEING MY KIDS PLAYING IN POOLS OF SEWAGE ALL THE TIME.

WE ARE CURRENTLY HOOKED UP TO THE WATER SYSTEM, THE WRONG ONE, BUT, I AM ALSO IN THE PROCESS OF CHANGING THAT TOO.

THE SEWER LINE IS LAID OUT IN FRONT OF OUR HOUSE AND I NEED HELP TO MAKE THIS THING HAPPEN.

THANK YOU



PEDRO NUNEZ

929-6652

35-410

34-410



34-400

34-420

33-410

Water Line  
Sewer Line

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *S*  
DATE: JANUARY 3, 2001

AGENDA ITEM **D 4**  
JAN 03 2001

MONTECITO VERDE II SEWER CONNECTION

**ITEM**

Review engineering design by consulting engineer EDA for connecting Montecito Verde II to the District sewer system.

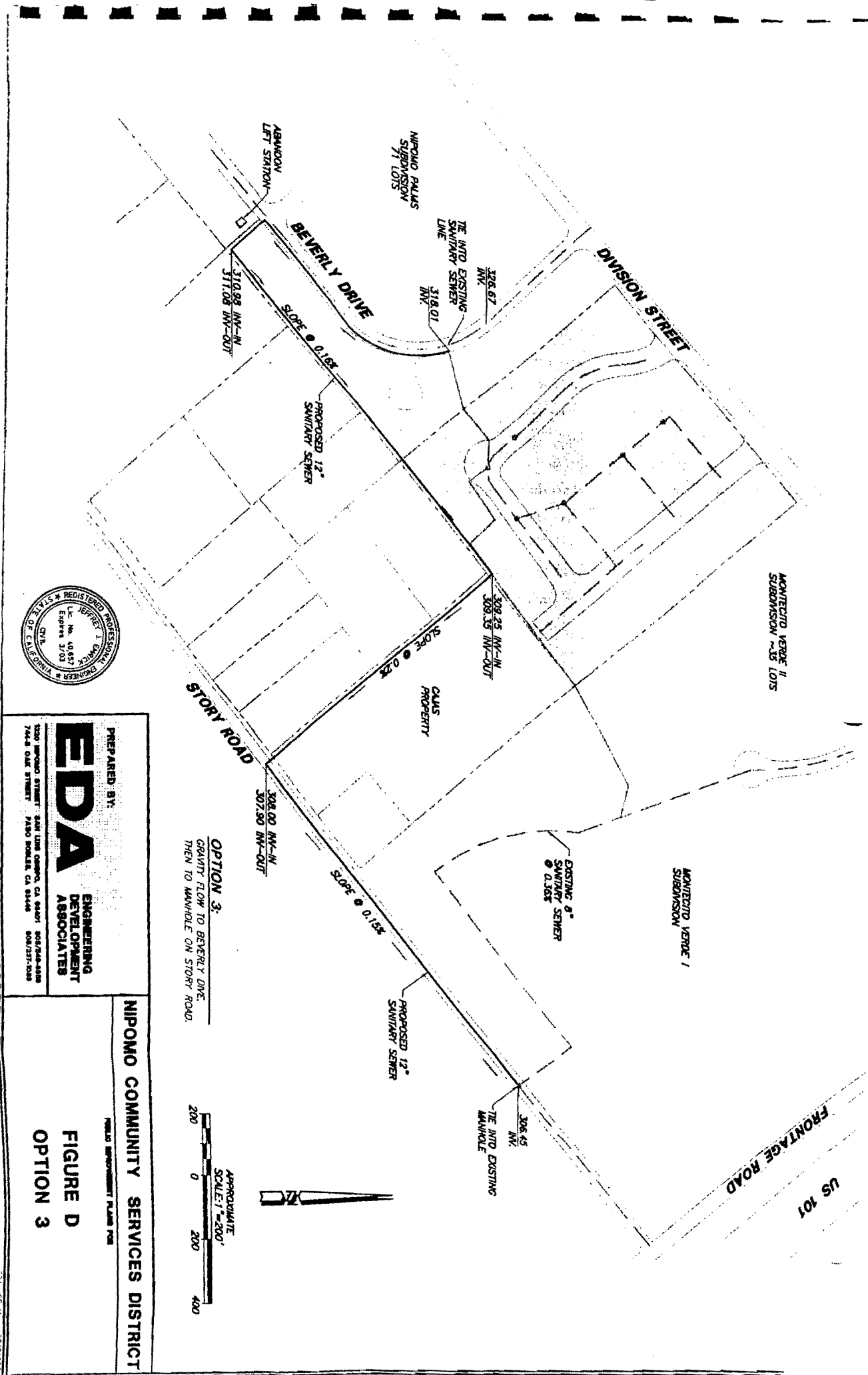
**BACKGROUND**

At the Board meeting held on December 13, your Honorable Board options of Montecito Verde II connection to the District's area wide sewer system. EDA, the consulting firm that came up with the concepts, was not present and was invited back to explain the different options in more detail to your Honorable Board. The Board was in favor of Option #3 but having the sewer line constructed in the public right-of-way, if possible, rather than across back yards.

**RECOMMENDATION**

After your Honorable Board has reviewed Option #3 with EDA, they may direct staff to proceed with the Montecito Verde II sewer system tie-in to the District system.

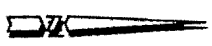
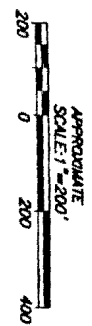
Board 2001\MVII Connection.DOC



PREPARED BY:  
**EDA**  
 ENGINEERING  
 DEVELOPMENT  
 ASSOCIATES  
 1520 NIPOMO STREET SAN LUIS OBispo, CA 94901 805/948-8888  
 744-B OLD STREET PASO ROBLES, CA 93248 805/237-0288

**NIPOMO COMMUNITY SERVICES DISTRICT**  
 FIELD REPRESENTATIVE PLAN FOR  
**FIGURE D**  
**OPTION 3**

**OPTION 3:**  
 GRAVITY FLOW TO BEVERLY DRIVE,  
 THEN TO MANHOLE ON STORY ROAD.



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JANUARY 3, 2001

AGENDA ITEM  
JAN 03 2001



ENVIRONMENTAL REVIEW  
MESA ROYALE TRACT MAP

**ITEM**

Lot split of one acre to two ½ acre parcels / Environmental review Mesa Royale tract map

**BACKGROUND**

At the Board meeting held on December 13, 2000, the Board reviewed the County's weekly of environmental documents and inquired about Mesa Royale's tract map lot split at 380 Apricot St. District staff has contacted the environmental section of the County Planning Department and has requested a document. The attached documents were received. The San Luis Obispo Planning Commission hearing on this item is scheduled for January 11, 2001.

Historically, one acre parcels in the area of the County southerly of the District boundary were required to have acre lots to build on. The Regional Water Quality Control Board and the County have made a determination that lot sizes of approx. 20,000 sq. ft. may have an on-site septic disposal system if the soil conditions are adequate to support such on-site waste disposal systems. Since most of the area on the west side of the freeway could comply with this situation, anyone who have one-acre lots may divide it into two separate lots. The exception to this is when the Nipomo Sewerage Project was developed, a Prohibition Zone boundary was established in which a minimum of one-acre parcel was needed even if the soil conditions were adequate for an on-site disposal systems.

The attached maps show the original prohibition zone established by the Regional Water Quality Control Board and the County's Land Use.

**RECOMMENDATION**

This is an information item.



# California Regional Water Quality Control Board Central Coast Region



Vinston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqch3>  
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5411  
Phone (805) 549-3147 - FAX (805) 543-0397

Gray Davis  
Governor

August 31, 2000

Pamela Jardini  
Senior Planner  
Westland Engineering  
75 Zaca Lane, Suite 100  
San Luis Obispo, CA 93401


Dear Mrs. Jardini:

### CONSIDERATION OF PARTICULARLY FAVORABLE CONDITIONS-MESA ROYAL HOUSING, SAN LUIS OBISPO COUNTY

We have reviewed your request for consideration of particularly favorable conditions in the case of Mesa Royal Housing Tract 2371. The conditions reported by GeoSolutions in their January 10, 2000 report show the underlying soil to be favorable for the proposed lot split and subsequent increase in wastewater flow. Information provided indicates depth to groundwater in this area at approximately 260 feet. All six percolation tests showed rates less than 1 min/inch and surface slope to be negligible. This data indicates general Basin Plan criteria for 'particularly favorable' conditions are met, and therefore allows homes with leach fields to be placed on half acre lots. Under these circumstances, the final decision regarding this lot split lies with the County Health and Planning Departments. Please note however, that though the Basin Plan does allow such splits, without further investigation of the underlying groundwater in this area, it is unclear how well the Nipomo Mesa basin will be able to handle full build-out at this density. We strongly encourage a large scale planning effort be conducted through the County that will insure the resources and water quality of this groundwater basin are maintained.

If you have any questions regarding this letter, please call Scott Phillips of this office at (805) 549-3550 or Gerhardt Hubner at 542-4647.

Sincerely,

  
for Roger W. Briggs  
Executive Officer

RECEIVED

DEC 22 2000

NIPOMO COMMUNITY  
SERVICES DISTRICT

cc: Jay Johnson & Lauri Salo  
San Luis Obispo County Department of Building and Planning  
County Government Center  
2156 Sierra Way SLO

s:\wb\southern\staff\scott\mcsa royal

California Environmental Protection Agency



RECEIVED SEP 01 2000



COUNTY OF SAN LUIS OBISPO  
NOTICE OF DETERMINATION AND  
NEGATIVE DECLARATION

For Official Use Only (if)

ENVIRONMENTAL DETERMINATION NO. ED00-233

DATE: DECEMBER 8, 2000

PROJECT DESCRIPTION

**APPLICANT/ENTITLEMENT:** Mesa Royale Tract Map; S990184T/TR99-2371

**PLANNING AREA:** South County/Nipomo

**LAND USE CATEGORY:** Residential Single Family

**PARCEL SIZE:** Approximately 1 acre

**NUMBER AND SIZE OF PROPOSED PARCELS:** Two parcels of approximately 0.5 acre each

**LOCATION:** 280 Apricot Street, approximately 100 feet east of Orchard Avenue, in the community of Nipomo

**PROPOSED USES/INTENT:** A request to subdivide a 1-acre parcel into two parcels of approximately 0.5 acre each for the sale and/or development of each proposed parcel

**APPLICANT:** Gary Kanawyer; Nipomo, CA

ENVIRONMENTAL SETTING

<b>TOPOGRAPHY:</b>	Nearly level
<b>VEGETATION:</b>	Grasses; forbs; ornamentals
<b>SOIL TYPE:</b>	Oceano sand
<b>SOIL CHARACTERISTICS:</b>	Well drained; low erodibility; low shrink-swell potential; may present some limitations to the percolation of sewage effluent due to poor filtering characteristics
<b>GEOLOGIC HAZARDS:</b>	Negligible landslide potential; low to moderate liquefaction potential
<b>FIRE HAZARD:</b>	Moderate to high
<b>WATER:</b>	To be provided by Southern California Water Company
<b>SEWAGE DISPOSAL:</b>	On-site septic system
<b>EXISTING USES:</b>	Vacant
<b>SURROUNDING USES:</b>	Single family residences

ADDITIONAL INFORMATION

Additional information pertaining to this environmental determination may be obtained by contacting the Department of Planning and Building - Environmental Division, County Government Center, Room 310, San Luis Obispo, CA 93408-2040, (805) 781-5600.

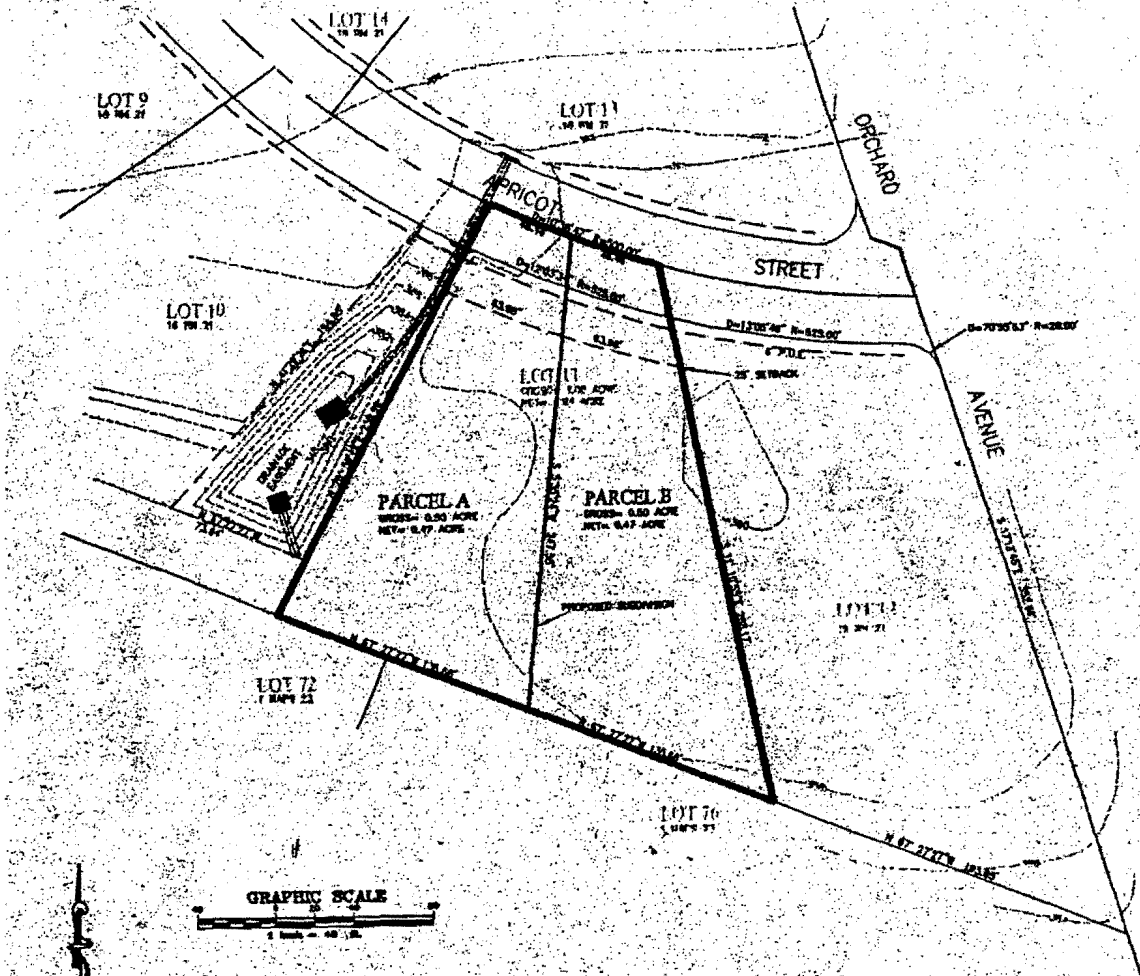
STATEMENT OF FINDINGS

The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Sections 21108, 21151 & 21167) is proposed.

ACTION TAKEN

On \_\_\_\_\_ 20\_\_\_\_, the San Luis Obispo County Board of Supervisors/Planning Commission/Staff, having considered the Environmental Coordinator's action, approved/denied this project.

A copy of the Negative Declaration is available for review from the San Luis Obispo County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040.



PROJECT

Tract Map 2371  
Mesa Royale S990184T



EXHIBIT

Vesting Tentative map



COUNTY OF SAN LUIS OBISPO  
**HEALTH AGENCY**

PUBLIC HEALTH DEPARTMENT

**Environmental Health Division**

2156 Sierra Way • P.O. Box 1489  
San Luis Obispo, California 93406-1489  
Phone: (805) 781-5544 FAX: (805) 781-4211

Gregory Thomas, M.D., M.P.H.  
Health Agency Director  
Health Officer

Curtis A. Batson, R.E.H.S.  
Director

January 14, 2000

Westland Engineering Company  
85 Zaca Lane, Suite 100  
San Luis Obispo CA 93401

**ATTN: PAMELA JARDINI**

**RE: TENTATIVE TRACT MAP 2371/L.U. #892 (MESA ROYALE)**

Water Supply

This office is in receipt of a preliminary will serve letter from the Southern California Water Company to provide water service to the above noted parcel note.

Be advised that a final will serve letter will be required prior to recordation of the map.

Wastewater Disposal

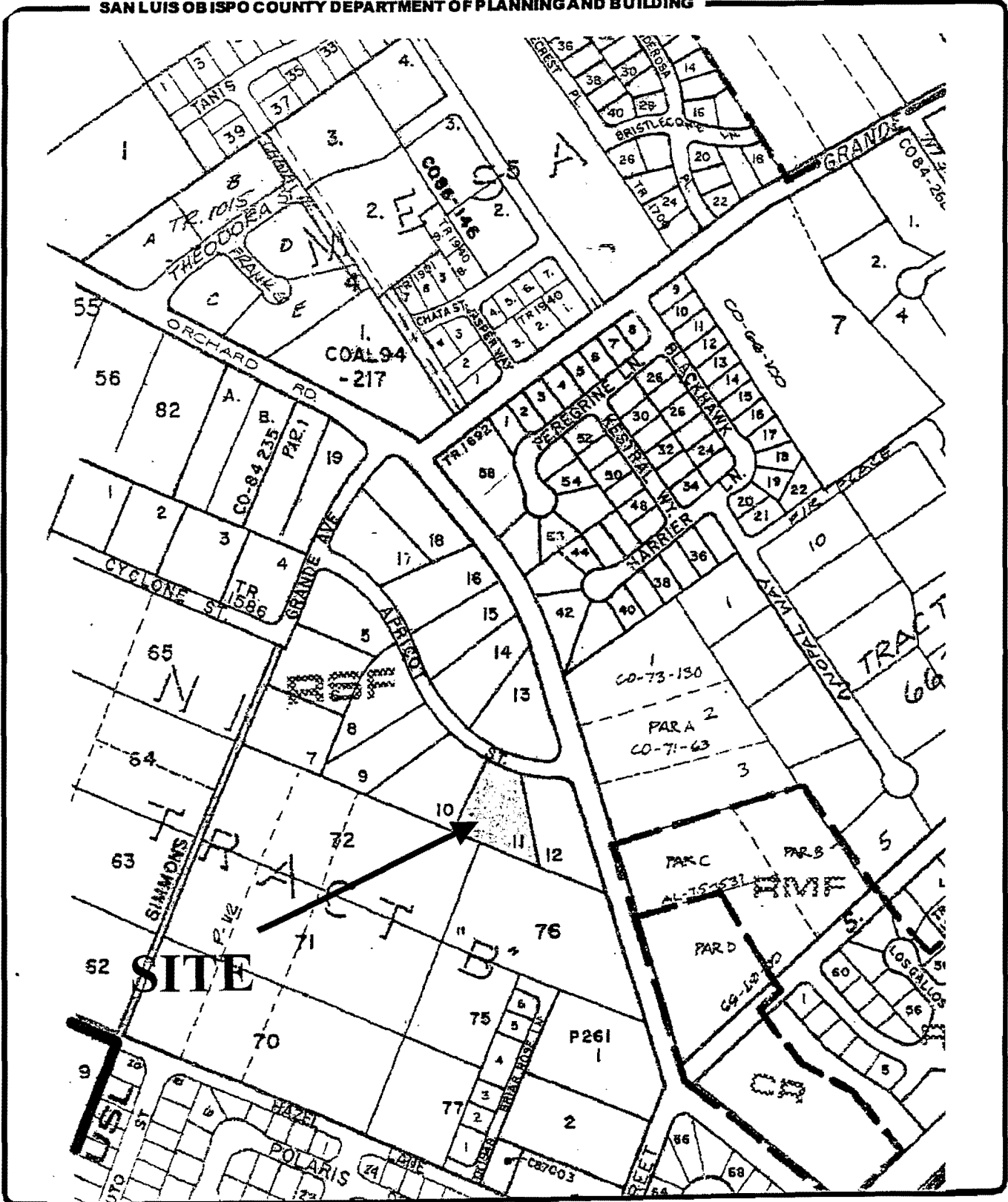
Individual wastewater disposal systems, designed and constructed to meet County and State requirements, should adequately serve the parcels.

**Tract 2371** is approved for map processing.

*Laurie Salo*

LAURIE A. SALO, R.E.H.S.  
Senior Environmental Health Specialist  
Land Use Section

c: Pat Beck, Co. Planning



PROJECT

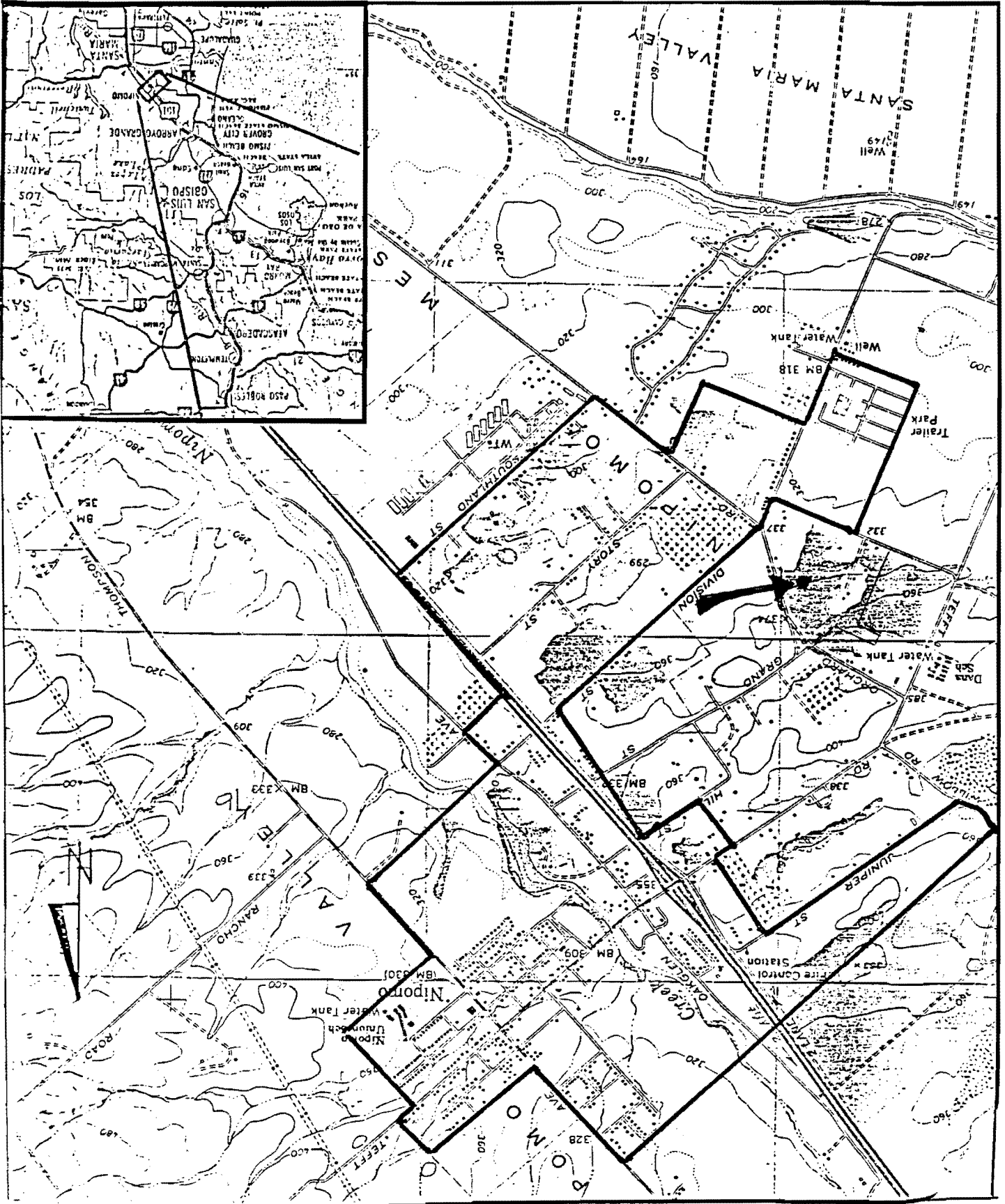
Tract Map 2371  
Mesa Royale S990184T

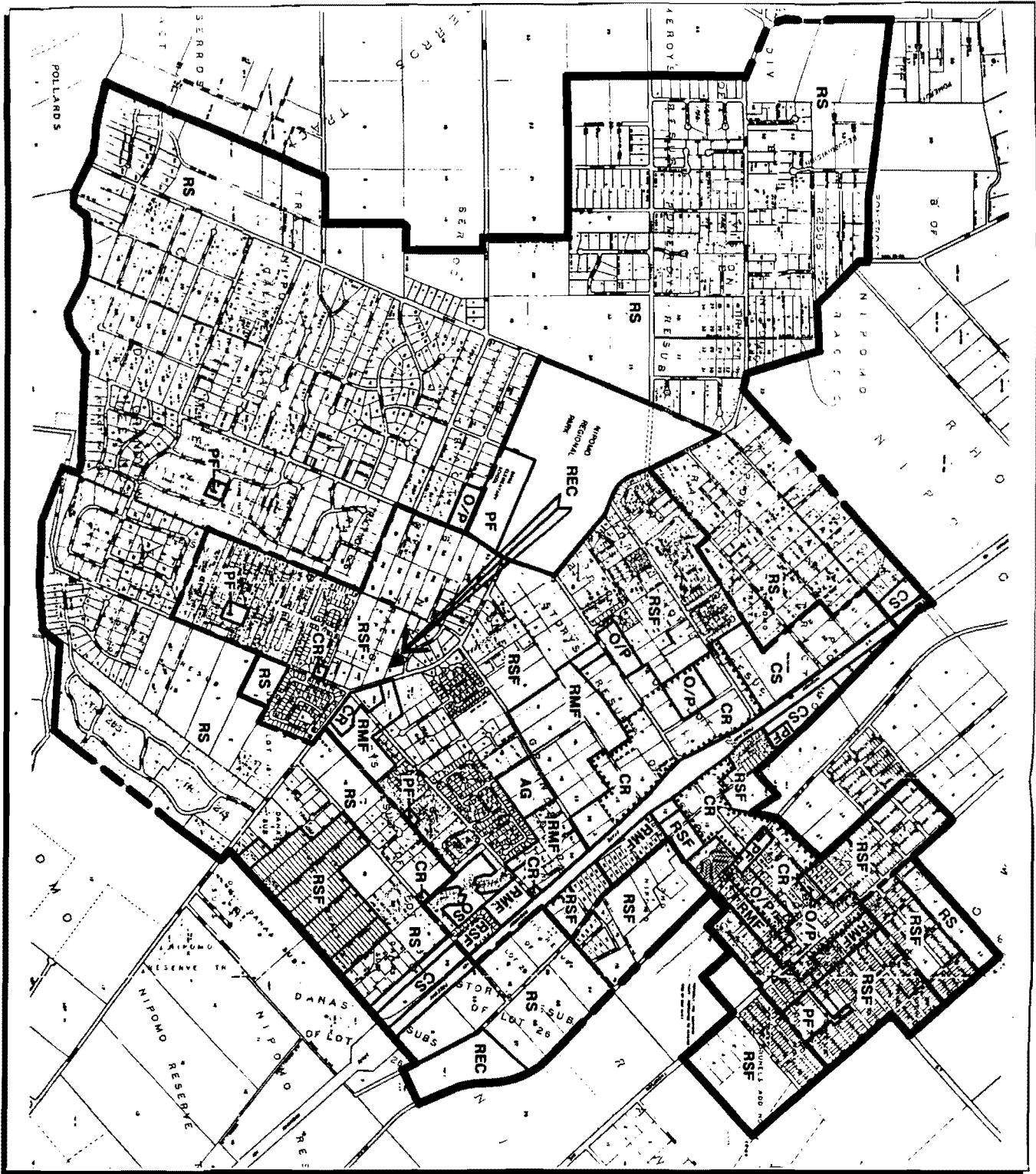


EXHIBIT

Land Use Category

NIPOMO DISCHARGE PROHIBITION AREA





### LEGEND

#### LAND USE CATEGORIES

AG	Agriculture
RL	Rural Lands
REC	Recreation
RR	Residential Rural
RS	Residential Suburban
RSF	Residential Single Family
RSMF	Residential Multiple Family
O/P	Office & Professional
CR	Commercial Retail
CS	Commercial Service
IND	Industrial
PF	Public Facilities
OS	Open Space

#### BOUNDARIES

— · — · — ·	Urban Reserve Line (URL)
— — — — —	Urban Service Line (USL)
— · — · — ·	Village Reserve Line (VRL)
— — — — —	Planning Area
·········	Central Business District

#### SCALE



NOTE: This map is for reference purposes only. Official maps showing precise property lines and land use category boundaries are on file in the Planning Department.

### NIPOMO

#### LAND USE CATEGORIES

1-9-72

Map B

San Luis Obispo County Department of Planning and Building

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JANUARY 3, 2001

AGENDA ITEM  
JAN 03 2001



## REFUSE COLLECTION BY NCSD

### ITEM

Review status of refuse collection by community service districts

### BACKGROUND

NCSD has been investigating the possibility of providing refuse collection service for its customers. Presently agencies providing this service outside of incorporated cities are Heritage Ranch CSD, Cambria CSD, Cayucos Sanitation District, Oceano CSD, Templeton CSD. On November 21, 2000, LAFCO authorized Los Osos CSD to provide refuse service.

Legal counsel is drafting appropriate documents for the Board's review. Staff has requested information from the South County Sanitation, their franchise agreement, fees and service levels. Upon receiving this information, it will be brought to the Board for review and consideration with respect to providing refuse service.

### RECOMMENDATION

The Board may direct staff to finalize the appropriate documents for consideration of adoption at the next meeting to provide refuse collection.

Board 2001\Refuse collection.DOC

RESOLUTION NO. 2001-\_\_\_\_\_

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
FOR APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION  
TO ESTABLISH GARBAGE COLLECTION

**WHEREAS**, in January of 1965 the Nipomo area was reorganized into the Nipomo Community Services District (herein "District"); and

**WHEREAS**, pursuant to County Resolution 18-65, the District was formed and established with all the purposes and powers authorized by Government Code Section 61000 et seq. of the Government Code; and

**WHEREAS**, Government Code Section 61600(c) authorizes Community Services Districts to provide the collection or disposal of garbage for refuse matter; and

**WHEREAS**, in order to establish the authority to provide for the collection or disposal of garbage or refuse matter, it is necessary, in accordance with Section 10 of the Rules and Regulations of the San Luis Obispo Local Agency Formation Commission, for a resolution of application to be filed with the Executive Officer of the Commission for the purpose of scheduling a hearing by the Commission for the approval of the exercise of said authority; and

**WHEREAS**, the District, based on evidence and public testimony provided during numerous public hearing regarding the collection or disposal of garbage or refuse matter, finds:

A. That the residents of the District desire local control regarding the nature, extent and cost of garbage collection;

B. That the District can provide garbage collection service to its residents at a greater advantage than other public agencies; and

C. That the District is not in the sphere of influence of another city or special district that currently provides



garbage service.

**NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by the Nipomo Community Services District Board of Directors, as follows:

1. In accordance with Section 10 of the Rules and Regulations of the San Luis Obispo Local Agency Formation Commission, Exhibit A (statement of additional information) is approved for filing with the Executive Officer of the Local Agency Formation Commission.

2. The Executive Officer of the Local Agency Formation Commission set the matter for public hearing by the Commission pursuant to Section 11 of the Rules and Regulations of the San Luis Obispo Local Agency Formation Commission.

3. That the Local Agency Formation Commission approve the proposal of the Nipomo Community Services District to provide its residents with the collection or disposal of garbage or refuse matter, pursuant to Government Code Section 61600(c).

On the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

the foregoing Resolution is hereby passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
ROBERT BLAIR, President  
Board of Directors  
Nipomo Community Services  
District

ATTEST:

\_\_\_\_\_  
DONNA JOHNSON  
Secretary to the Board

**FIRST WORKING DRAFT FOR STAFF  
REVIEW AND COMMENT**

EXHIBIT A TO RESOLUTION 2001-  
\_\_\_\_\_, A RESOLUTION OF THE  
BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES  
DISTRICT FOR APPLICATION TO  
THE LOCAL AGENCY FORMATION  
COMMISSION TO ESTABLISH  
GARBAGE COLLECTION

**A. STATEMENT OF THE NATURE OF THE PROPOSAL AND THE  
REASONS THEREFOR.**

**BACKGROUND**

A Community Services District is a form of local government that provides municipal services to its residents. Government Code Section 61600 articulates 16 different services that can be provided by a Community Services District. The Nipomo Community Services District currently provides its residents with the following services (see inventory of services previously filed with the LAFCO Commission):

1. Water: Supply District residents with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation. (Government Code, Section 61600(a).)
2. Sewer: Collection and transportation of sewage and waste water. (Government Code Section 61600(b).)
3. Street Lighting/Landscaping: Provides limited street lighting to District residents. (Government Code Section 61600(f).)
4. Drainage: Maintains limited drainage improvements pursuant to Government Code Section 61600(k).

## **AUTHORIZATION TO PROVIDE SOLID WASTE COLLECTION**

\_\_\_\_\_, a California corporation, currently provides District residents with garbage collection on a modified mandatory basis, pursuant to County Ordinances and a County franchise agreement.

The Nipomo Community Services District proposes to be the governmental agency that provides its residents with the collection or disposal of garbage or refuse matter pursuant to Government Code Section 61600(c).

The driving force behind this proposal is local governance of community oriented services. During the past couple of months the Nipomo Community Services District has placed on its agenda the issue of garbage collection within its District. During these meetings the Board of Directors has been presented with evidence and testimony as follows:

1. That the residents of the Nipomo Community Services District desire local control regarding the nature, extent and cost of garbage collection. The residents want a local service provider.
2. That if the Nipomo Community Services District is the provider of garbage service, all District fees collected would be used within the boundaries of the Nipomo Community Services District to assist the District residents in providing garbage collection and/or disposal.
3. That there is the potential that the actual garbage rates for some residents would be lowered if the District modified the garbage container size to accommodate the needs of residents that generate minimal solid waste, assume the billing function that is traditionally assumed by the franchisee, and/or implement mandatory garbage collection.

## **CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989**

In making this application, the District acknowledges the obligations of local agencies found in Sections 40051, 40057 and 41821.2 of the Public Resources Code (California

Integrated Waste Management Act of 1989). These Codes state:

**Section 40051. Duties of board and local agencies.**

In implementing this division, the board and local agencies shall do both of the following:

- (a) Promote the following waste management practices in order of priority:
  - 1. Source reduction.
  - 2. Recycling and composting.
  - 3. Environmentally safe transformation and environmentally safe land disposal, at the discretion of the City or County.
  
- (a) Maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal. For wastes that cannot feasibly be reduced at their source, recycled, or composted, the local agency may use environmentally safe transformation or environmentally safe land disposal, or both of those practices."

**"Section 40057. Provisions of services by local governmental agencies.**

Each County, City, District, or other governmental agency which provides solid waste handling services shall provide for those services, including, but not limited to, source reduction, recycling, composting activities, and the collection, transfer, and disposal of solid waste within or without the territory subject to its solid waste handling jurisdiction."

**Section 41821.2 (Which subjects the District to a portion of a penalty imposed upon a County or Regional agency, that is in proportion to the District's responsibility for failure to implement that jurisdictions source reduction program.)**

a) For the purposes of this section, "district" means a community service district or sanitary district that

provides solid waste handling services or implements source reduction and recycling programs.

(b) Notwithstanding any other law, each district shall do all of the following:

1. Comply with the source reduction and recycling element and the household hazardous waste element of the city, county, or regional agency in which the district is located, as required by the city, county, or regional agency. The city, county, or regional agency shall notify a district of any program that it is implementing or modifying when it annually submits a report to the board pursuant to Section 41821.
2. Provide each city, county, or regional agency in which it is located, information on the programs implemented by the district, the amount of waste disposed and reported to the disposal tracking system pursuant to Section 41821.5 for each city, county, or regional agency, and the amount of waste diverted by the district for each city, county, or regional agency.

(c) The board may adopt regulations pertaining to the format of the information to be provided pursuant to paragraph (2) of subdivision (b) and deadlines for supplying this information to the city, county, or regional agency, so that it may be incorporated into the annual report submitted to the board pursuant to Section 41821.

(d) A district is subject to the portion of a penalty imposed, pursuant to Section 41850, upon a city, county, or regional agency in which the district is located, that is in proportion to the district's responsibility for failure to implement that jurisdiction's source reduction and recycling element and household hazardous waste element, as determined by that city, county, or regional agency. The board shall not determine the proportion of a district's responsibility as part of its determination to impose penalties. The city, county, or regional agency shall provide the district with a written notice regarding the district's responsibility, including the basis for determining the district's proportional responsibility, and an opportunity for hearing before the city, county, or regional agency's governing body, before assessing the district a proportion of the penalty imposed by the board.

(e) A district may impose a fee in an amount sufficient to pay for the costs of complying with this section. The fees shall be assessed and collected in the same manner as the fees imposed pursuant to Sections 41901 and 41902.

(f) This section shall become operative on July 1, 2001.

**B. A DESCRIPTION OF THE TERRITORY WHICH IS THE SUBJECT OF THE PROPOSAL**

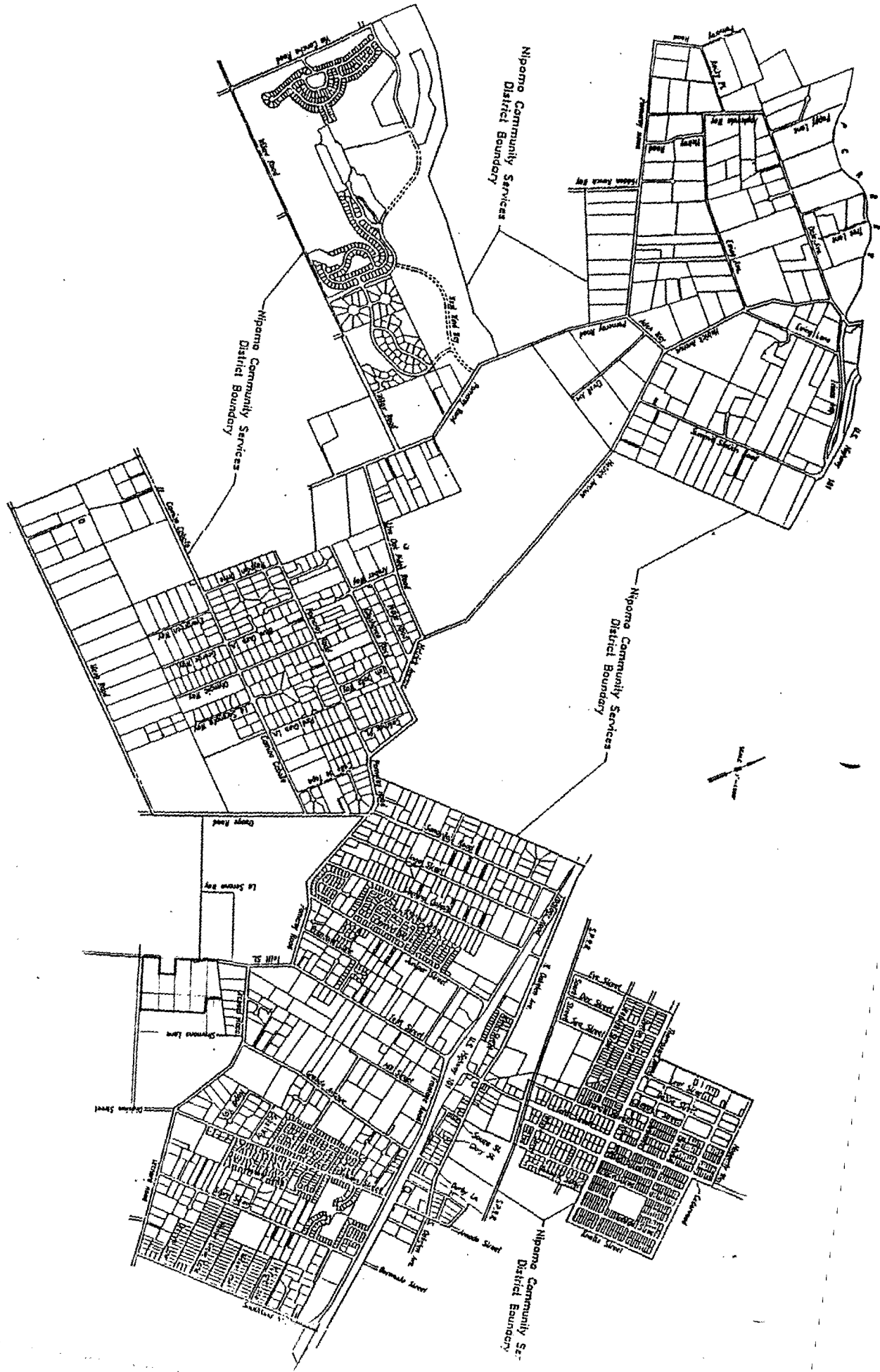
The territory which is the subject of the proposal is the boundaries of the Nipomo Community Services District as identified on Exhibit "A", attached hereto.

**C. SUCH ADDITIONAL DATA AND INFORMATION AS MAY BE REQUIRED BY THE EXECUTIVE OFFICER**

N/A

**D. THE NAMES OF THE OFFICERS OR PERSONS, NOT TO EXCEED FIVE, WHO ARE TO BE GIVEN MAILED NOTICE OF HEARING:**

1. Douglas Jones, General Manager  
Nipomo Community Services District  
P. O. Box 326  
Nipomo, CA 93444
2. Jon S. Seitz, District Legal Counsel  
Nipomo Community Services District  
1066 Palm Street  
San Luis Obispo, CA 93401
3. K. H. Achadjian  
County Supervisor, District No. 4  
County Board of Supervisors  
County Government Center  
San Luis Obispo, CA 93408
4. San Luis Obispo County Integrated Waste  
Management Authority  
C/O William A. Worrell, Manager  
870 Osos Street  
San Luis Obispo, CA 93401
5. Mary Whittlesey  
Solid Waste Coordinator  
County Engineering Department  
Room 207, County Government Center  
San Luis Obispo, CA 93408



Date : 29 JUL 93  
**BOUNDARY MAP**  
**HCSD**

TO: BOARD OF DIRECTORS  
 FROM: DOUG JONES *DJ*  
 DATE: JANUARY 3, 2001

**AGENDA ITEM**  
 JAN 03 2001



SUB-COMMITTEE  
 MEMBER APPOINTMENTS

**ITEM**

Appointment of ad-hoc committee members

**BACKGROUND**

Paragraph 1.4 of the Board of Directors by-laws allows the President of the Board to select committee members for District ad hoc committees. The following were the members for the year 2000. The President may proceed to appoint members to the committees. Mr. Alex Mendoza\* is no longer on the Board therefore leaving a vacancy.

<u>Committees for 2000</u>	<u>Present Member</u>	<u>Present Alternate</u>
Nipomo Community Advisory Committee	Mike Winn	Al Simon
Water Resources Advisory Committee	Doug Jones	Bob Blair
Chamber of Commerce	Dick Mobraaten	Al Simon
NCAC Water Committee	Bob Blair	Dick Mobraaten

These committees require two (2) members.

<u>Committees for 2000</u>	<u>Present Members</u>	
Finance Committee	Mike Winn	Al Simon
Water Committee	Al Simon	Bob Blair
High School Committee	Alex Mendoza*	Dick Mobraaten



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JANUARY 3, 2001

AGENDA ITEM  
JAN 03 2001

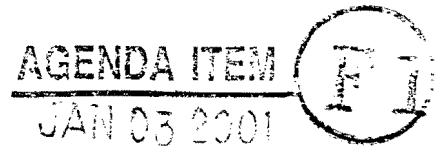


### CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. **Questions or clarification may be made by the Board members without removal from the Consent Agenda.** The recommendations for each item are noted in parenthesis.

- F-1) WARRANTS [RECOMMEND APPROVAL]
- F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Approval of Minutes of December 13, 2000 Special Board meeting
- F-3) ACCEPTANCE OF TRACT 2331 IMPROVEMENTS (WITTSTROM) [RECOMMEND APPROVAL]  
Consideration of an Early Return to Work Policy
- F-5) EARLY RETURN TO WORK POLICY [RECOMMEND APPROVAL]  
Resolution adopting an Early Return to Work Policy

Bd2000\Consent-12.DOC



**WARRANTS JANUARY 3, 2001**

**HAND WRITTEN CHECKS**

18395	12-06-00	POSTMASTER	103.40
18396	12-11-00	POSTMASTER	420.90
18397	12-13-00	R BLAIR	50.00
18398	18398	SLO COUNTY	11.00
2	12/22/00	MCI01 MCI WORLD COM	3.93 3.65
5432	12/22/00	MCI01 MCI WORLD COM	20.10 16.42 11.14
		Check Total.....	55.24
5433	12/22/00	MID03 MIDSTATE BANK MASTERCARD	266.90
5434	12/22/00	MID05 MID STATE BANK PETTY CASH	176.83 7.50
		Check Total.....	184.33
5435	12/22/00	MIL01 MILLS-KOEHLER	50.00
5436	12/22/00	PAC01 PACIFIC BELL	32.65 72.23 48.43
		Check Total.....	153.31
5437	12/22/00	PER04 PERRY'S ELECTRIC MOTORS	352.98
5438	12/22/00	PREC1 PRECISION JANITORIAL	135.00
5439	12/22/00	QUI01 QUILL CORPORATION	94.63
5440	12/22/00	QUI02 QUINN COMPANY	3707.95
5441	12/22/00	SAI01 SAIC	1723.54
5442	12/22/00	SAN03 SANTA MARIA TOOL	49.27
5443	12/22/00	STA03 STATEWIDE SAFETY & SIGNS	240.78
5444	12/22/00	VER01 VERIZON	29.45
5445	12/22/00	XER01 XEROX CORPORATION	80.17

**COMPUTER GENERATED CHECKS**

5407	12/18/00	EMP01 EMPLOYMENT DEVELOP DEPT	402.89
5408	12/18/00	MID01 MID STATE BANK	1184.77 345.81
		Check Total.....	2090.89
5409	12/18/00	MID02 MIDSTATE BANK - DIRECT DE	10150.88
5410	12/18/00	PER01 PERS RETIREMENT	961.80
5411	12/18/00	SIM01 DEBRA SIMMONS	180.00
5412	12/18/00	STA01 STATE STREET GLOBAL	508.00
5413	12/22/00	ADV01 ADVANTAGE ANSWERING PLUS	131.77
5414	12/22/00	ARR01 ARROYO WATER WELL SUPPLY	3019.68
5415	12/22/00	ASM01 FRED ASMUSSEN	1000.00
5416	12/22/00	BCS01 BASIC CHEMICAL SOLUTIONS	961.00 294.88
		Check Total.....	1255.88
5417	12/22/00	BLU01 BLUEPRINT EXPRESS	17.87
5418	12/22/00	BOB01 BOB'S RUBBER STAMPS	21.88
5419	12/22/00	BOG01 LISA BOGNUA	22.78
5420	12/22/00	BOY01 BOYLE ENGINEERING CORP	4648.80
5421	12/22/00	CAL03 CALIFORNIA ELECTRIC SUPPL	317.00
5422	12/22/00	CHA02 CHARTER COMMUNICATIONS	70.28
5423	12/22/00	COM01 COMPUTER NETWORK SERVICES	489.00 899.00 261.88
		Check Total.....	1409.88
5424	12/22/00	CRE01 CREEK ENVIRONMENTAL LABS	30.00 30.00 30.00 30.00 30.00
		Check Total.....	150.00
5425	12/22/00	CSD01 CALIF SPECIAL DIST ASSOC	1469.00
5426	12/22/00	DWI01 DWIGHT'S AUTOMOTIVE	200.88
5427	12/22/00	FGL01 FGL ENVIRONMENTAL	44.81 44.81 44.81 31.00 44.81
		Check Total.....	210.47
5428	12/22/00	GMA01 GMAC COMMERCIAL MORTGAGE	4578.00
5429	12/22/00	GRO01 GROENIGER & CO	148.09 345.88
		Check Total.....	394.04
5430	12/22/00	GWA01 GWA INC	25.00
5431	12/22/00	LEE01 LEE WILSON ELECTRIC	2800.00

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

DECEMBER 13, 2000

AGENDA ITEM

JAN 03 2001



SPECIAL MEETING 10:30 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### BOARD MEMBERS

ROBERT BLAIR, PRESIDENT  
AL SIMON, VICE PRESIDENT  
RICHARD MOBRAATEN, DIRECTOR  
MICHAEL WINN, DIRECTOR  
JUDITH WIRSING, DIRECTOR

### STAFF

DOUGLAS JONES, GENERAL MANAGER  
DONNA JOHNSON, SECRETARY TO THE BOARD  
JON SEITZ, GENERAL COUNSEL

**NOTE:** All comments concerning any item on the agenda are to be directed to the Board Chairperson.

**A. CALL TO ORDER AND FLAG SALUTE**

President Blair called the meeting of December 13, 2000 to order at 10:32 am and led the flag salute.

**B. ROLL CALL**

At Roll Call, all Board members were present.

**C. PUBLIC COMMENTS PERIOD**

**PUBLIC COMMENTS**

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

President Blair opened the meeting to Public Comments. There were none.

**D. ADMINISTRATIVE ITEMS** (The following may be discussed and action may be taken by the Board.)

**D-1) REFUSE COLLECTION BY NCSD**

Review the possibility of NCSD providing refuse collection and requesting LAFCO for the latent powers of refuse collection and disposal

Tom Martin, South County Sanitation Service - presented information to the Board about refuse collection in the South County area and how it may pertain to Nipomo Community Services District. The service area is from Santa Barbara County line to Avila Beach. There was much Board discussion.

Legal Counsel, Jon Seitz, gave an overview of some of the processes necessary to activate the latent power of refuse collection.

Director Winn asked Mr. Martin how the baseline is figured from which the waste reduction was calculated?

Mr. Martin: A waste characterization study was performed in 1990 and identified Nipomo as a service area. The number of tons coming from Nipomo was established.

There were no public comments.

Upon motion of Director Winn and seconded by Director Simon, the Board directed staff to prepare appropriate documents to proceed with this matter with information on rates. Roll call vote 5-0.

**D-2) MONTECITO VERDE II SEWER CONNECTION**

Review EDA proposed design to connect MVII on-site sewer system to the District system

EDA has proposed several concepts for connecting the Montecito Verde II waste disposal system to the District's area-wide sewer system. Upon motion of Director Mobraaten and seconded by Director Winn, the Board directed staff to proceed with Option 3 of the Sanitary Sewer Feasibility Study Montecito Verde II prepared by EDA with the addition of aligning the gravity sewer in the public right-of-way instead of the back easement. There were no public comments. Roll Call Vote 5-0.

**E. OTHER BUSINESS**

**E-1) TEFFT STREET WATER LINE DESIGN**

Approval to request engineering services to design Tefft St. water line improvements

The 1995 Boyle Engineering Water and Sewer Master Plan indicated that additional water line crossings need to be constructed across the freeway to Thompson Ave. to improve distribution of the District's water system. Upon motion of Director Mobraaten and seconded by Director Simon, the Board unanimously authorized staff to request proposals to design the Tefft Street water line improvements that meet our requirements and Boyle's old and new requirements. There were no public comments. Roll Call vote 5-0

**E-2) ELECTION OF BOARD OF DIRECTORS OFFICES**

Election of Board President and Vice President

Director Simon nominated Director Blair for President for the year of 2001.

There were no other nominations. Roll Call vote 5-0.

President Blair nominated Director Simon for Vice-President for the year of 2001.

There were no other nominations. Roll Call vote 5-0.

There were no public comments.

Committee members will be appointed in January.

**F. CONSENT AGENDA** *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

F-1) WARRANTS [RECOMMEND APPROVAL]

F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]

Approval of Minutes of November 29, 2000 Special Board meeting

F-3) EARLY RETURN TO WORK POLICY [RECOMMEND APPROVAL]

Consideration of an Early Return to Work Policy

F-4) TRANSFER OF OPERATING FUNDS TO REPLACEMENT FUNDS [RECOMMEND APPROVAL]

Consideration of resolution authorizing transfers

F-5) ACCEPTANCE OF TRACT 2304 IMPROVEMENTS (WITTSTROM) [RECOMMENDED APPROVAL]

Accept water system improvements for a 46 lot development

F-6) ACCEPTANCE OF DRUMM LANE SEWER IMPROVEMENTS (MITCHELL) [REC APPROVAL]

Accept sewer system improvements to existing lots on Drumm Lane

Director Winn asked that Item F-5 be pulled for discussion.

Upon motion of Director Simon and seconded by Director Winn, the Board unanimously approved Items F1 thru F4 and F-6 of the Consent Agenda. There were no public comments. Roll Call vote 5-0

00-749

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT APPROVING THE TRANSFER OF OPERATING FUNDS FROM THE TOWN SEWER DIVISION AND BLACK LAKE WATER DIVISION TO THE REPLACEMENT FUND ACCOUNTS

00-751

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ACCEPTING THE SEWER IMPROVEMENTS FOR DRUMM LANE (MITCHELL)

F-5) Director Winn wanted more information on this tract. Mr. Jones explained where it is located and the type of service it has. Upon motion of Director Winn and seconded by Director Mobraaten, the Board accepted the improvements of Tract 2304. Vote 5-0 with Director Wirsing abstaining.

**00-750  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER IMPROVEMENTS FOR TRACT 2304 (WITTSTROM)**

**G. MANAGER'S REPORT**

General Manager, Doug Jones presented information on the following.

G-1) Notice of County Public Hearings

- 1) The Bluffs (115 buildable lots) (Hutton Rd & Santa Maria Raceway)
- 2) Bay Development (120 Unit Apartment Complex) (Grande Ave. & Blume St.)

G-2) Environmental Review-Mesa Royale Tract Map

Board of Supervisors meeting January 11, 2001 concerning Summit Station. Board requested that it be put on the January 3 agenda for discussion.

There were no public comments.

**H. DIRECTORS COMMENTS**

Director Mobraaten wished to thank staff for the letter written to Ms. Maloney.

Reported on UPC and traffic meeting.

President Blair also attended the traffic meeting. Attended meeting with PGE. Electricity rates will triple in the next year. Gas rates will double.

Director Wirsing thanked other Board members for welcoming her to the Board.

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session concerning the matters below.

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL GC§54956.9**

- a. Litigation CPUC Appl. No. A 00-03-029 (Gov. Code §54956.9)
- b. NCSD vs State Dept of Health Services CV 990716, GC §54956.9

The Board came back into Open Session and reported:

- a. Litigation CPUC Appl. No. A 00-03-029 (Gov. Code §54956.9)

Board agreed to sign a stipulation to provide all services and keep water as a latent power. Vote 5-0 with Director Wirsing abstaining.

- b. NCSD vs State Dept of Health Services CV 990716, GC §54956.9


Board directed staff to present District settlement solution .

**ADJOURN**

President Blair adjourned the meeting at 1:10 p. m.

The next regular Board meeting will be held on January 3, 2001.



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: JANUARY 3, 2001

ACCEPTING WATER IMPROVEMENTS FOR  
TRACT 2331  
WITTSTROM

Upon completion of a developer's project, the District accepts improvements of the project when all requirements are met. The developer (Wittstrom) for Tract 2331, a 33-lot development on Pomeroy & Live Oak Ridge has installed water improvements and has met the District's conditions:

- Installed the improvements
- Paid associated fees
- Provided the necessary paperwork, including the Offer of Dedication and the Engineer's Certification

Staff recommends that your Honorable Board approve the attached Resolution 01-accept 2331, accepting the water improvements for Tract 2331.

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**RESOLUTION NO. 00-ACCEPT 2331**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER IMPROVEMENTS  
FOR TRACT 2331 (WITTSTROM)**

**WHEREAS**, on April 21, 1999, the District issued a conditional Will-Serve Letter for water service for Tract 2331 on Pomeroy Rd. and Live Oak Ridge Rd. in Nipomo; and

**WHEREAS**, the District approved and signed the construction plans on December 30, 1999 for the water improvements to be constructed; and

**WHEREAS**, the water improvements have been constructed and said improvements are complete and certified by the engineer; and

**WHEREAS**, on December 11, 2000, the Owner offered the water improvements to the Nipomo Community Services District; and

**WHEREAS**, this District has accepted such offer without obligation except as required by law, and

**WHEREAS**, all water fees for service, required in conformance with District Ordinances, have been paid in full for Tract 2331.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:**

That the water improvements constructed to serve Tract 2304 on Pomeroy Rd. and Live Oak Ridge Rd. in Nipomo are accepted by this District.

On the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_ and on the following roll call vote, to wit:

AYES: Directors \_\_\_\_\_  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing resolution is hereby adopted this 3<sup>rd</sup> day of January 2001.

\_\_\_\_\_  
Robert L. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
General Counsel

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *DJ*  
DATE: JANUARY 3, 2001

AGENDA ITEM

JAN 03 2001



## EARLY RETURN TO WORK POLICY

### ITEM

Adoption of Early Return to Work Policy

### BACKGROUND

The District purchases its Workman's Compensation Insurance through the State Compensation Insurance Fund. State Compensation Insurance Fund recommends that the District establish an Early Return To Work Program with a written policy. State Compensation Insurance Fund states the following:

"Programs which help limit loss exposure are an essential part of your company's cost containment efforts. Once such program that is beginning to gain wide acceptance is called "Early Return to Work." It is, essentially, a new way of looking at the age-old disability problem. It simply consists of devising ways to bring injured employees back to work as soon as possible after an injury, then carefully monitoring their progress until they return to full duty. Early return to work programs empower employers to take control of their workers' compensation costs and their injured workers."

On previous occasions the District has provided modified work duties to employees with on-the-job injuries even though a written policy did not exist.

The proposed Early Return to Work Policy was reviewed by District staff and no comments were received.

### RECOMMENDATION

Staff recommends that your Honorable Board approve the attached resolution adopting the Early Return to Work Policy.



RESOLUTION 00-early return to work

**DRAFT**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
APPROVING AN EARLY RETURN TO WORK POLICY**

**WHEREAS**, the District provides Workman's Compensation Insurance to its employees via the State Compensation Insurance Fund; and

**WHEREAS**, the State Compensation Insurance Fund recommends that the District establish an Early Return To Work Program with a written policy; and

**WHEREAS**, the Early Return To Work Policy is attached as Exhibit "A".

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by the Board of Directors of the Nipomo Community Services District, San Luis Obispo County, California, as follows:

1. Adopt the Early Return to Work Policy attached as Exhibit "A".
2. Include this policy in the Employee Policy and Procedure Manual.

Upon motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_ and on the following roll call vote, to wit:

AYES: Directors  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing Resolution is hereby adopted this 3rd day of January, 2001.

\_\_\_\_\_  
President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
District Legal Counsel

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**DRAFT**

EXHIBIT "A"

EARLY RETURN TO WORK POLICY

*NIPOMO COMMUNITY SERVICES DISTRICT* recognizes the need to provide temporary modified work to employees who are unable to perform their regular duties due to industrial illness or injury. In this regard, it is our intent to implement an Early Return-to-Work program designed to return the injured employee to work in a physically appropriate job as soon as the treating physician deems it medically feasible, whenever possible.

This policy applies to all employees. Due to the limited amount of modified/alternative work available, employees are assigned on a "first come, first served" basis, to appropriate positions as available.

The purpose of this program is: 1. To assist employees in the transition from disability to full recovery while continuing to be a productive part of the work force, while minimizing the deterioration of the employee's work skills, health and attitude that may result from prolonged work absence; and 2. To provide management with a constructive program to reduce the cost of Worker's Compensation and to minimize the loss of productivity.

\_\_\_\_\_ will be responsible for development and implementation of the Early Return-to-Work program in consultation with State Fund's Early Return-to-Work Coordinator.

\_\_\_\_\_ will determine the employee's eligibility for the program, placement in modified work, record keeping, and monitoring the progress and full return to work of the employee(s) in the Early Return-to-Work program.

The modified/alternative work will be implemented immediately to avoid lost time and wages. The temporary/modified work assignment is not considered to be part of the regular staffing pattern. The employee must have a medical clearance authorization slip from the attending physician specifying work restrictions and abilities.

ERTW program participants are encouraged to schedule physical therapy and doctor's appointments around their work schedules to avoid loss of earning power. If this cannot be arranged, appointments should be scheduled at the beginning or end of the work day. All appointments requiring time away from work must have written verification of time in and out of the facility to present to their supervisor.

If employee health status changes, it must be reported immediately to their supervisor and management.

While on the temporary modified/alternative work program, employees who have experienced an on the job injury will be evaluated at 30 days or when medically stationary, whichever occurs first.

As long as work can be provided, there is no right of refusal without jeopardizing benefits and entitlements.

A modified job offer will be made only when the work is available and of benefit to the company. The modified job, if offered, will end with the date the employee receives a regular release, and may be ended at any time if there is no longer a need for modified work. Each case will be assessed individually based on need. Wages and hours will not necessarily be the same as that of the regular job.

\_\_\_\_\_  
ADMINISTRATOR'S SIGNATURE

\_\_\_\_\_  
DATE

TO: BOARD OF DIRECTORS

FROM: DOUG JONES 

DATE: JANUARY 3, 2001

AGENDA ITEM  
JAN 03 2001



MANAGER'S REPORT

G-1) GLOBAL WARMING - WALL STREET JOURNAL ARTICLE

Effect of global warming on U. S. water supply

G-2) EPA CLEAN WATER RULES

Article on EPA Clean Water Rules

G-3) CSDA WORKSHOP

Enclosed flyer from California Special District Assoc. announcing their upcoming workshop to be held on Jan. 31, and Feb. 1, 2001

CSDA-SLO (Local Workshop) will be held on Saturday, January 20, 2000 in Los Osos for new Board members.

G-4) BOARD WORKSHOP

In 1993, the District hired the services of an facilitator, Mr. Rausch, to hold a Saturday workshop to aid the Board members in outlining the goals and direction of the District. If your Honorable Board wishes to consider such an activity, staff may be directed to look into such an event.

G-5) POWER CELL

Board 2001\mgr010300.DOC

# Global Warming To Affect Supply Of U.S. Water

By JIM CARLTON

Staff Reporter of THE WALL STREET JOURNAL

A gloomy new government report forecasts sharply reduced mountain snowpacks, increased flooding and the ruin of some coastal freshwater sources as global warming has an increasing impact on U.S. water supplies.

The report, a two-year compilation of scientific studies commissioned by the Interior Department, is one of the most detailed so far in assessing current and likely future damage from the warming of the Earth's atmosphere on a specific resource such as water. It also is among the first to categorically say that at least some impacts from global warming are unavoidable even if the trend were to be reversed over the next few years.

"This is another reminder that climate change is upon us, and a wake-up call that we need to start recognizing that for long-range planning," said deputy U.S. Interior

Secretary David Hayes, whose agency's report is set to be released today.

Indeed, the report's scientists recommend that water managers throughout the country, and particularly in the arid West, begin taking steps to adjust. For example, they say a projected smaller snowpack in places like California's Sierra Nevada mountains would result in an earlier runoff. That means California's water managers would have to redesign their system to fill reservoirs earlier or else face the prospect of them going dry when the winter rains end. The reservoirs now fill in the spring when the snow melts.

Another possibility, report scientists say, is that water agencies can begin relying more on natural groundwater aquifers to hold water, since these can be recharged no matter when it rains or snows. Typically, the agencies have relied on dams rather than aquifers as more easily controlled.

"If we plan ahead, we can deal with some of these impacts before they happen,"

said the report's author, Peter H. Gleick, director of the Pacific Institute for Studies in Development, Environment and Security, a nonprofit think tank in Oakland, Calif.

However, the report warns that damages will probably occur no matter what measures take place. In fact, it projects costs of as much as \$250 billion annually to address problems such as the prospect of increased flooding, especially in Western states where premature snowmelts could overwhelm dams designed to handle only a spring thaw. An abbreviated snow season could also hurt the ski industry, the report finds.

Elsewhere, the report says the Southeast could become hotter and drier, exacerbating a water shortage brought on by the region's prolonged drought, while higher sea levels brought on by melting of glaciers could push salt water further up rivers on both coasts, contaminating those freshwater supplies. The glaciers are receding so fast that some scientists predict that Montana's Glacier National Park will be devoid of them within decades.

# Keeping It Fit to Sip

BY TOM ARRANDALE

**H**ere's the good news: Under the recently revised federal Safe Drinking Water Act, state and local regulators have lots of flexibility. They can set their own priorities for improving the quality of the water they drink.

Here's the other piece of news: In coming to terms with the new rules and regulations, local governments—and their customers—will spend billions of dollars to change how they collect, treat and distribute drinking water.

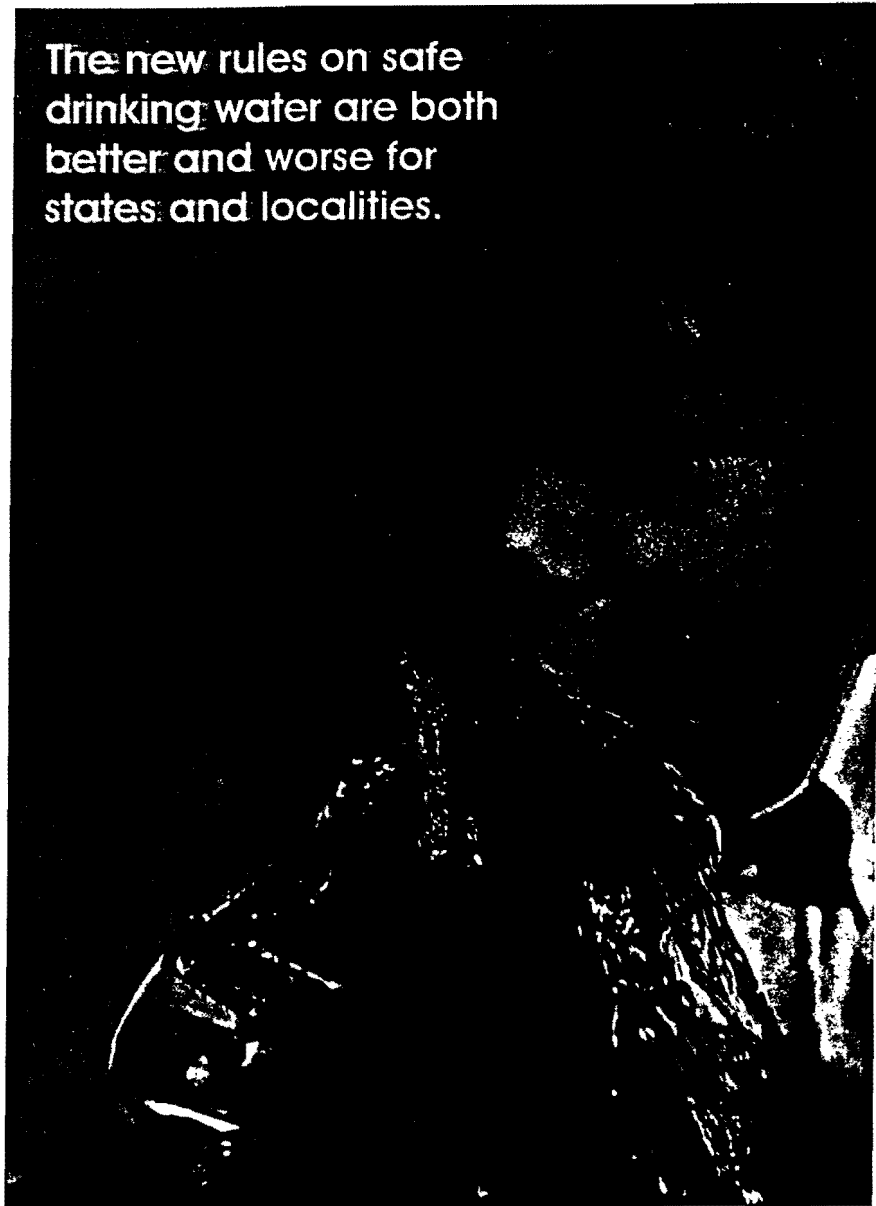
When the U.S. Congress revised federal law four years ago, it aimed at creating a more orderly process for cleaning up the country's drinking water. The new law prods the U.S. Environmental Protection Agency to take a more careful and scientific approach to setting and enforcing federal standards. But states and communities are finding that those changes still don't spare them from potentially colossal costs to keep water fit for consumption.

Despite increased flexibility for localities, the law requires EPA to keep moving ahead with elaborate new rules that will force municipal agencies to safeguard their supplies—now including groundwater as well as surface sources from rivers and lakes—and treat water more rigorously before piping it to homes and businesses. Over the next decade, drinking water systems will “end up confronting all the more difficult contaminants we haven't had the willpower to deal with before,” says Vanessa Leiby, director of the Association of State Drinking Water Administrators. “All these issues coming along are going to make them invest heavily.”

As a first line of defense, the law orders states and communities to start monitoring source water supplies and protect them from being polluted. Depending on what impurities they find, local agencies could be compelled to overhaul the technological processes they use to cleanse the water they supply communities.

Threats to water supplies are real.

The new rules on safe drinking water are both better and worse for states and localities.



Seven years ago, 40 people died after Milwaukee's water supply was contaminated by the hard-to-control *Cryptosporidium* parasite. Santa Monica had to shut down seven wells that provide half of its water when they turned out to be contaminated by methyl tertiary butyl ether, or MTBE, a gasoline additive for curbing auto tailpipe emissions. Regulators agree that the groundwater that other communities drink already contains threatening levels

of naturally occurring but potentially dangerous elements such as arsenic. If these problems aren't vexing enough, the chlorine that systems have been using for decades to disinfect tap water is itself creating new, equally serious hazards.

EPA, state environmental agencies and municipal water suppliers are now negotiating intensely over how aggressively the country should deal with these multiple perils. Not all water systems will be equally

LAWP/ MICHAL LIZI/LOCK, BOSTON/PICTUREQUEST

burdened, but setting standards contaminant by contaminant could still saddle cities and counties with uncoordinated drinking water directives that don't take cumulative costs into account. And governments still haven't resolved an all-too-familiar quandary: How can states and communities afford to comply with an ever-expanding sequence of federal drinking water edicts?

According to some estimates, over the past 14 years EPA has imposed or at least proposed 13 complicated regulations that commit the country's 55,000 water-supply systems to installing nearly \$30 billion worth of filtration and chemical treatment systems. Furthermore, it could cost communities more than \$7 billion a year to keep that sophisticated equipment operating.

When Congress revised the safe drinking water law in 1996, it hoped to get away from the steady stream of expensive rules, many based on uncertain science, that had enraged public officials in the early 1990s. So, the new law directs EPA to improve the scientific evidence it employs and focus first on the highest risks from contamination. The law also shifts the focus toward preventing pollution by requiring state agencies to map out community water-supply sources and protect them if that's necessary. EPA and state officials who administer water standards got more flexibility to let small systems use cheaper alternative control techniques, and Congress approved \$1 billion a year for state revolving loan funds specifically for drinking water improvements.

State water officials say drinking water regulation has begun working more smoothly as EPA implements the 1996 amendments. Federal officials have backed away from a proposal requiring that all groundwater supplies be disinfected, for instance, and they've rewritten

other rules to authorize states to waive monitoring requirements for communities where the contaminants being controlled have never been shown to exist. The total command-and-control approach is evaporating.

## THE TREATMENT ANGLE

Shifting attitudes help, but they don't get communities off the hook for dealing with drinking water problems. Over the years, EPA has directed public water systems to meet maximum contaminant levels for 80 common microbes, elements

longer adequate to keep some water safe for consumption.

*Cryptosporidium* spores, for instance, are proving impervious to chlorine, and they're so small that scientists have trouble detecting their presence. "That's a tough one; we can't really even measure it yet," says Janice M. Skadsden, water-quality manager for the Ann Arbor, Michigan, water utility.

Two years ago, EPA approved new regulations requiring systems that use surface water to supply 10,000 or more people to strengthen controls over waterborne pathogens. The tools include covering new reservoirs, reducing water-clouding turbidity that can mean *Cryptosporidium* is present and upgrading filtration processes to physically remove as many of the parasites as feasible. The agency is now following up with rules extending those enhanced microbial controls to smaller communities. A separate regulation will set procedures that treatment plants must follow when backwashing filters to remove contaminants that have built up. For the first time, another proposed rule would compel communities to start monitoring—and if necessary, start disinfecting—water

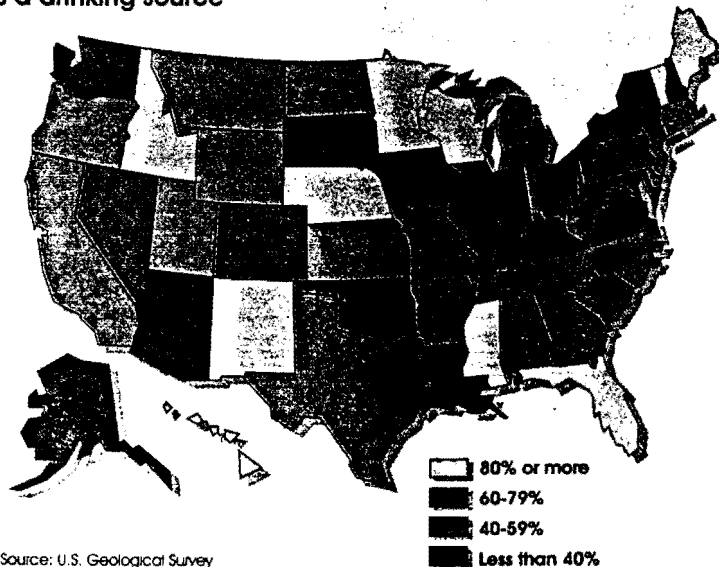
they draw from belowground aquifers.

Over the past two decades, however, evidence has mounted that chlorine itself reacts with vegetation and other minute organic material in water to form by-products that can cause cancer or reproductive disorders. While concentrations are low, EPA is working with water-supply officials on a set of regulations that attempt to hold down those long-term risks while keeping water free of the immediate threats posed by disease-causing organisms. "You have to use a disinfectant, but you don't want to go too high; and you also have to control the by-products," Skadsden notes.

Even as it tightens treatment requirements, EPA has begun setting limits on the amount of disinfectant water systems

## Water Source

Percentage of each state's population relying on groundwater as a drinking source



Source: U.S. Geological Survey

and man-made chemicals and has now identified 61 additional contaminants that may need to be regulated. The law requires officials to pick five for review by next August to determine whether federal standards are necessary.

Meanwhile, for the past eight years, EPA has been negotiating intensively with state pollution-control agencies and local water utilities on a cluster of new rules that could transform how communities treat drinking water. For nearly a century, U.S. water systems have relied primarily on chlorine disinfection to eliminate waterborne diseases—controlling dysentery and virtually eradicating typhoid and cholera. With new threats posed by *Cryptosporidium* and other contaminants emerging, traditional treatment is no

use and how much of their chemical by-products can remain in treated water. But the way water systems go about improving treatment to control disease-causing organisms will obviously influence how much disinfectant they use and what dangerous by-products they'll be creating. Recognizing the connection, EPA coupled development of tighter microbial contaminant goals with new controls on the use of disinfectants. That process, begun in 1992, has given local agencies advance notice to balance those risks as efficiently as possible in upgrading treatment systems.

"We knew that this was coming," Skadsden notes, so Ann Arbor four years ago considered a number of options for improving its Huron River water supply. The city debated switching to groundwater but concluded that the cheapest step was replacing chlorine treatment with a more effective ozone disinfection process as part of an \$18 million upgrade of its treatment plant. A relatively new technology in this country, ozonation controls organisms, including *Giardia* and *Cryptosporidium*, more effectively than standard chlorine treatment and creates fewer by-products.

The process adds ozone to water and then sends an electric charge through it to inactivate disease-causing organisms. The process alleviates taste and odor problems but is four times more costly than conventional chlorine treatment and vastly more complicated to operate, Skadsden says. And it is not a perfect solution. Ozone can react with bromide in water to form bromate, another known carcinogen, and it causes more corrosion in distribution pipes. Other cities that have also turned to ozone treatment for at least part of their water supplies are Los Angeles, San Francisco, Seattle, Dallas, Oklahoma City and Milwaukee.

More expensive innovations are in the works, including advanced membranes for filtering out health-threatening cysts and viruses. In 1997, Marquette, Michigan, installed a \$7.6 million microfiltration membrane system that uses polypropylene mesh to disinfect up to 7 million gallons a

day of water from Lake Superior. The treatment plant still relies on chlorine to remove viruses that get through the membrane, but "it's worked out pretty good so far," says Roger Olson, the city's water superintendent.

## EYES ON THE FUTURE

The recently imposed improvements probably won't be enough to entirely eliminate threats to drinking water safety. In

sure that by-products stay below maximum levels throughout distribution systems, so consumers get equivalent protection no matter how close or far they live from treatment plants. In addition, utilities will need to move more aggressively to determine whether *Cryptosporidium* exists in the watersheds that provide their supplies. If it's there, they'll have to figure out ways to get rid of it.

Where the parasite is found, the advisory panel recommends that water systems select steps from a toolbox of possible treatment measures, including ozonation, membranes and advanced filtration systems. Eventually, however, many observers think water systems will need to count on ultraviolet light systems that researchers have shown will kill or disable *Crypto* spores.

Ultraviolet systems already are used to decontaminate sewage wastewater, and European communities are now applying the technology to drinking water disinfection. When the current rule-making process began, water utilities feared that EPA would require them to turn to UV technology that's never been demonstrated to be practical on a scale large enough for treating major drinking water supplies. Because of those concerns, the negotiated agreement stresses watershed protection, orders accelerated *Crypto* monitoring and sets forth a menu of treatment options that include improving conventional chlorine disinfection.

Ultraviolet disinfection will be most practical for small communities that draw on groundwater, but UV could be the most effective way for bigger cities to combat the *Crypto* threat. Seattle is considering the addition of an ultraviolet system to an advanced ozonation plant the city is planning for its Cedar River watershed, and EPA is encouraging experiments with the technology. "This is definitely cutting-edge stuff they're doing," Ann Arbor's Skadsden says. "EPA is hoping that UV will be viable as an option for treatment."

Federal regulators are scheduled to adopt final regulations in 2002, and the negotiated agreement allows eight more

## Troubled Waters

Ten largest water systems with arsenic levels of 5 parts per billion or more

6.9	Los Angeles City, Department of Water and Power
5.0	Phoenix Municipal Water System
6.8	El Paso (TX) Water Utilities
5.0	Southern Nevada Water System
14.2	Albuquerque Water System
9.5	Mesa (AZ) Municipal Water Department
6.5	City of Corpus Christi, Texas
6.1	Stockton (CA) East Water District
5.4	City of Riverside, California
11.1	Scottsdale (AZ) Municipal Water

Source: Natural Resources Defense Council, based on U.S. Environmental Protection Agency data

September, EPA-sanctioned negotiations produced agreement on follow-up regulations that will eventually force even more dramatic improvements in treating water supplies.

Those tentative proposals will require operators to monitor their systems even more intensively for disinfection by-products and for microbial threats, notably *Cryptosporidium*. One objective is to make

years for monitoring and experimenting with new treatment methods. As the combined new rules go into effect, "most surface water systems will go to some alternative disinfection type," says Rene Pelletier, the New Hampshire Environmental Services Department's resource program manager. "It will be a big issue."

#### ARSENIC AND OLD ROCKS

Although most major cities rely heavily on rivers and lakes, 53 percent of all U.S. localities, including most small-town and rural areas, tap groundwater resources for drinking water. Up to now, regulators have assumed that water protected by rock and filtered by soil doesn't need as

filtering systems to meet EPA's proposal. Albuquerque, as well as Scottsdale and Sun City in Arizona, also has unusually high levels, as do a number of Southern California cities. The Southwest's hard, high-sulfur groundwater makes removing the arsenic more expensive.

Arsenic contamination may be a threat in the upper Midwest and New England, depending on the geologic formations that water is pumped from. In Wisconsin, water from hundreds of private wells in Outagamie, Winnebago and Brown counties has tested high in arsenic, and scientists think concentrations are rising as groundwater pumping intensifies and arsenic is drawn from bedrock. With some

limits, the 1996 law mandates better training for treatment operations staff. It also requires that water utilities demonstrate the financial capacity to upgrade and maintain treatment plants and distribution systems.

As things stand, EPA reports that nearly a third of the nation's smallest water systems barely cover daily operating expenses, much less invest in better water quality. That's one reason why the number of separate drinking water systems has fallen steadily: Communities are combining operations and selling to private water companies better equipped to deal with complicated EPA standards.

"Frankly, with all the new requirements coming along with the '96 law, it makes sense for people to sit down and evaluate the cost of trying to comply on their own," Leiby says.

Others are turning to the private sector to

## States and localities aren't convinced that federal regulators can justify what it would cost communities to comply with new arsenic standards.

much attention. But 31 states have reported that some groundwater has been contaminated by MTBE, and EPA's new standards will require municipal systems to start testing for bacteria, microbes and other health threats if state officials think they might be present.

A congressional deadline is, in fact, forcing EPA to rush to tighten a 58-year-old standard for arsenic, the poisonous and cancer-causing element that seeps from rocks into water supplies. Federal regulators have proposed slashing the limit by 90 percent, a level that municipal water officials say would force Los Angeles, Phoenix, Albuquerque, Kalamazoo, Michigan, and more than 6,000 smaller systems to spend as much as \$1.5 billion a year to remove arsenic that seeps into their water from surrounding soil and bedrock. As drafted by EPA, the arsenic standard could force some Southwestern and New England cities and towns to raise water bills by \$100 to \$200 annually, the American Water Works Association (AWWA) has calculated, even though the agency's scientific evidence is inconclusive. Congress moved this fall to grant a six-month extension to the deadline.

Meanwhile, state and local officials aren't convinced that federal regulators can justify what it would cost communities to comply. In El Paso, Texas, for instance, city officials estimate it would cost \$146 million to install sophisticated

of the highest arsenic concentrations in the world, Wisconsin has tried drilling wells into deeper rock formations, but that hasn't solved the problem for individual homeowners. Special filtration systems on home water taps cost \$800.

Forty community water systems in Massachusetts have arsenic problems, notes David Terry, director of the state's drinking water program, and neighboring New Hampshire has more than 100 water utilities where concentrations exceed EPA's proposed standard. "We do have hot spots where it's in the bedrock," notes Pelletier. "A lot of the public water systems affected are in very poor communities."

#### PAYING THE BILL

By AWWA's account, water systems have already taken on more than \$1 billion in capital costs and nearly \$2.7 billion in annual expenses to comply with rules that EPA issued under the 1986 version of the law. The 1996 amendments may be more flexible, but the association predicts suppliers could have to finance more than \$25 billion in new investments and an additional \$6 billion in yearly costs, depending on how arsenic and other treatment questions are settled.

The need to comply will force municipal governments to think creatively about how to come up with the money. In addition to tightening contaminant

meet the burden of upgrading water-delivery systems. Several large cities contract out some water treatment operations, and large private water service companies, including big multinational firms, are now bidding to help municipal governments meet long-term water-service obligations. Moreover, a 1998 survey of 220 communities conducted by the consulting firm R.W. Beck Inc. found that 35 percent were considering some form of public-private partnership for water treatment.

There are some creative partnerships. When Seattle figured out what it would take to filter the amount of water it needs from its Tolt River watershed, the city took advantage of a new state law authorizing alternative contracting procedures. By using a design-build-operate approach rather than the conventional bidding process, Seattle's Public Utility saved an estimated \$70 million through a contract under which a joint-venture company will build and operate the city-owned plant.

When he looks at the unavoidably high costs of upgrading treatment systems, Dave Hilmoe, the Seattle Public Utility's water quality and supply director, points out that if his utility "hadn't been taking advantage of an alternative process like design-build-operate, I don't think we'd be doing our ratepayers any favors." **G**





# Mark your calendars!

California Special Districts Association  
1215 K Street, Suite 930, Sacramento, CA 95814  
For more information please call: 916.442.7887

# PRACTICALITIES 2001

## DISTRICT MANAGEMENT, GOVERNANCE AND LEADERSHIP

Wednesday, January 31, 2001 - Thursday, February 1, 2001

**Materials are being mailed out!**

### SPEAKERS:



Michael Glaze is a frequent speaker at seminars, workshops and conferences throughout California. He specializes in local agency governance and management, with a focus on special districts.

Jeffrey A. Meith, is a partner in Minasian, Spruance, Baber, Melth, Soares & Sexton, LLP. Mr. Meith and his partners represent over thirty-five special agencies which provide a variety of services including water, hydropower, sewer, recreation and street lighting.

Constance Rossum is Associate Professor of Marketing and Management and Director of Nonprofit Graduate Programs at Azusa Pacific University. She is also President of Management Directives, Inc.

Paul A. Rossum is the Director of the Rose Institute of State and Local Government and the Henry Salvatori Professor of American Constitutionalism at Claremont McKenna College.

### PROGRAM SCHEDULE:



#### Wednesday, January 31, 2001

11:00am - 1:00pm

1:00pm - 3:15pm

3:15pm - 3:30pm

3:30pm - 5:00pm

Registration

The Courage to Lead Part I

Refreshment Break

The Courage to Lead Part II

#### Thursday, February 1, 2001

7:30am - 8:00am

8:00am - 8:30am

8:30am - 12:00pm

12:00pm - 12:45pm

1:00pm - 4:00pm

4:00pm

Continental Breakfast

Introduction

Morning Session

Lunch

Afternoon Session

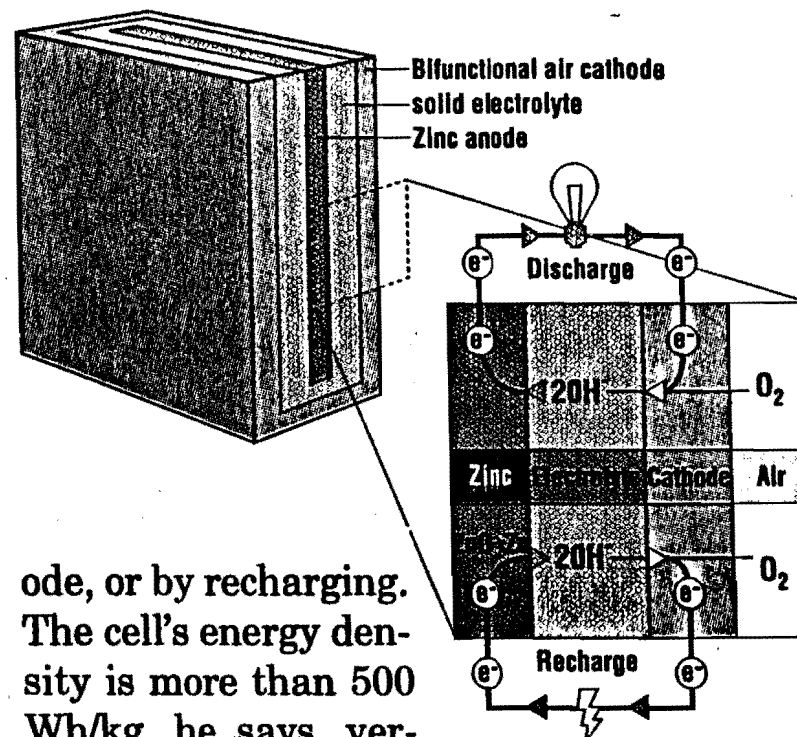
Evaluation/Adjourn

**Hope to see you there!**

## 'Power cell' offers a cheap source of electricity

A drawback of battery-powered cars is that the batteries have to be recharged after the vehicle has been driven for only about 100 miles. Last month, however, a modified Honda automobile traveled what is claimed to be a record 217 miles, at speeds up to 75 mph, using a "power cell" developed by EVonyx, Inc. (Hawthorne, N.Y.; [evonyx.com](http://evonyx.com)). Had mechanical and electronic problems not ended the trip prematurely, the car could have run more than 600 miles, says EVonyx CEO Sadeg Faris.

EVonyx's zinc-air power cell has three components: An air cathode of porous carbon, impregnated with nickel and other alloys; a solid zinc anode, and potassium hydroxide electrolyte. Oxygen from ambient air is reduced at the cathode to hydroxyl ions, which flow to the anode and produce electricity by oxidizing the zinc. Faris says the cell is not a battery, but a fuel cell, because it is an open system for generating electricity. It can be re-



ode, or by recharging. The cell's energy density is more than 500 Wh/kg, he says, versus 35Wh/kg for lead-acid batteries and 100–200 Wh/kg for lithium-based batteries.

EVonyx has also built 50-kW modules that could be assembled in parallel to make multi-megawatt distributed generation systems, says Faris. These could produce power for "a few cents per kilowatt-hour," he says, while in vehicles, the capital and operating cost is only 2¢/mi, compared with 8-12¢/mi for gasoline (at U.S. prices).