



**Nipomo Community Services District  
REGULAR MEETING  
AGENDA**

- D. 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 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 brackets.*

- D-1) APPROVE WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Approve Minutes of February 28, 2007 Regular Meeting
- D-3) AUTHORIZE EXECUTION OF AGREEMENT WITH LAURA PENNEBAKER FOR TEMPORARY PART TIME STUDENT INTERNSHIP FOR OFFICE ASSIGNMENTS [ADOPT RECOMMENDATION]
- D-4) REJECT NACIMIENTO WATER PROJECT AS SUPPLEMENTAL WATER SUPPLY AND ADVISE COUNTY [ADOPT RECOMMENDATION]
- D-5) ACCEPT TRACT 2619 WATER AND SEWER IMPROVEMENTS (MULTIPLE FAMILY COMPLEX AT 1 AVENIDA DE AMIGOS [ADOPT RESOLUTION])
- D-6) AUTHORIZE EXECUTION OF AMENDMENT OF SOUTHLAND WASTEWATER FACILITY MASTER PLAN AGREEMENT WITH BOYLE ENGINEERING [ADOPT RECOMMENDATION]

E. ADMINISTRATIVE ITEMS

- E-1) AUTHORIZE STAFF TO RE-PLUMB BLACKLAKE WELL #4 [RECOMMEND ADOPTION]
- E-2) AUTHORIZE AMENDMENT TO BOYLE SUPPLEMENTAL WATER OPTIONS EVALUATION AGREEMENT [RECOMMEND ADOPTION]

@ Approximately 11:00 am

- E-3) CONSIDER ADOPTION OF RESOLUTION SUSPENDING PROCESSING OF FURTHER ANNEXATION APPLICATIONS AND REVIEW ANNEXATION POLICY ISSUES [PROVIDE POLICY GUIDANCE]
- E-4) PREVIEW DRAFT ORDINANCE AMENDING ALLOCATION POLICY AND SET HEARING FOR INTRODUCTION [APPROVE RECOMMENDATION]
- E-5) ACCEPT CLASSIFICATION STUDY, AUTHORIZE RECRUITMENT OF NEW POSITIONS, AND SET HEARING TO REVISE PERSONNEL POLICY [APPROVE RECOMMENDATION]

F. MANAGER'S REPORT

G. COMMITTEE REPORTS

**Nipomo Community Services District  
REGULAR MEETING  
AGENDA**

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSD CASE NO. CV 040877, MARIA VISTA VS. NCSD CASE NO. CV 061079, AND MARIA VISTA VS. LINDA VISTA FARMS, NCSD ET AL CASE NO. CV 040150;
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; SAN LUIS OBISPO COASTKEEPER VS. NCSD (CASE NO. CV060349)
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSD VS. SLO COUNTY (CASE NO. CV 070066)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

ADJOURN

➤ **THE FOLLOWING SPECIAL BOARD MEETING IS APRIL 11, 2007.**

**TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Introduce Allocation Ordinance
- Consider Craig Outside User Agreement
- Initiate Process for Approval of FY07-08 Street Landscape Maintenance District No. 1 Charges

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BEB*  
DATE: MARCH 23, 2007

**AGENDA ITEM**  
**C-3**  
**MARCH 28, 2007**

**"AB 885" ON-SITE WASTE MANAGEMENT REGULATIONS**

**ITEM**

Receive update from General Manager on State's Proposed On-site Waste Management Regulations.

**BACKGROUND**

The State Legislature adopted AB 885 in 2000, which directed the SWRCB to create comprehensive regulations for the management of On-Site Waste Management Systems on private property. The SWRCB released draft regulations in Fall 2005 and held extensive hearings on those draft regulations in Winter 2006. In response to the feedback received at those hearings, the SWRCB on March 9, 2007 released a revised set of regulations "to keep interested parties informed as to the SWRCB's progress ..." in establishing final regulations. Attached is a copy of the March 9<sup>th</sup> draft regulations.

Staff will summarize the March 9<sup>th</sup> draft at the Board meeting and share observations regarding the likely future revisions to the proposed program.

**RECOMMENDATION**

Staff recommends that your Honorable Board receive the presentation and direct staff to continue tracking this issue.

**ATTACHMENT**

- **AB 885 DRAFT REGULATIONS**

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facilities, dishwashing facilities, and garbage disposals. Domestic wastewater does not include wastewater from industrial processes other than inputs considered *de minimis* (less than 5 percent).

**“Domestic well”** means a groundwater well that provides water for human consumption and is not regulated by the California Department of Health Services.

**“Dosing tank”** means a watertight receptacle located between an OWTS treatment unit (i.e. septic tank or supplemental treatment unit) and a dispersal area equipped with an automatic siphon device or pump designed to discharge wastewater intermittently in the distribution lines in amounts proportioned to the capacity of such lines and to provide adequate rest periods between such discharges.

**“Earthen material”** means a substance composed of the earth’s crust (i.e. soil and rock).

**“EDF”** see “electronic deliverable format.”

**“Effluent”** means the wastewater discharged from an OWTS treatment component or any portion thereof.

**“Electronic deliverable format”** or **“EDF”** means the data standard adopted by the SWRCB for submittal of groundwater quality monitoring data to the SWRCB’s internet-accessible database system. **“Engineered Fill”** means soil that meets the criteria in Table 3 in §24914 and that is designed and constructed to assist in treatment and drainage of OWTS effluent. Engineered fill systems are not the same as “mound systems.”

**“ETI”** see “Evapotranspiration and infiltration bed.”

**“Evapotranspiration and infiltration (ETI) bed”** means a subsurface dispersal bed in which soil capillarity and root uptake help to disperse the effluent from a septic tank or supplemental treatment system through surface evaporation, soil absorption, and plant transpiration.

**“Existing OWTS”** means an OWTS that was either permitted by the applicable local agency or legally installed before the effective date of this Chapter.

**“Fecal coliform bacteria”** are indicator bacteria common to the digestive systems of warm-blooded animals that are cultured in standard tests to indicate either contamination from wastewater or the level of disinfection.

**“Fines”** are soil particles with a diameter less than 0.05 millimeters. Fines consist of silt- or clay-sized particles.

**“Gravel-less chamber”** system means a buried structure used to create an aggregate-free absorption area for infiltration and treatment of wastewater.

**“Grease interceptor”** means a passive interceptor that has a rate of flow exceeding 50 gallons-per-minute and that is located outside a building. Grease interceptors are used for separating and collecting grease from wastewater.

**“Groundwater”** means water below the land surface that is at or above atmospheric pressure.

**“High-strength waste”** means wastewater from an establishment (e.g. restaurant, other food service), home, or business (e.g. brewery) having a 24-hour average concentration of biochemical oxygen demand (BOD) greater than 300 milligrams-per-liter (mg/L) or of total suspended solids (TSS) greater than 300 mg/L.

**“Major repair”** means any repair required for an OWTS constructed after the effective date of this Chapter due to surfacing wastewater effluent or, for OWTS with supplemental treatment where the effluent concentration exceeds the requirements contained in §24913(b), §24913(c), or §24913(d).

**“Memorandum of understanding”** (MOU) means a formal agreement between the Regional Water Board and a local agency. The agreement authorizes the local agency to administer the OWTS discharge program in lieu of direct State regulation of discharges from OWTS.

**“Mottling”** means a soil condition that results from oxidizing or reducing conditions due to soil moisture changes from saturated conditions to unsaturated conditions over time. Mottling is characterized by spots or blotches of different colors or shades of color (grays and reds) interspersed within the dominant color as described by the United States Department of Agriculture soil classification system. This soil condition can be indicative of historic seasonal high groundwater level.

**“MOU”** see “Memorandum of understanding.”

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**“Mound system”** means an aboveground dispersal system (covered sand bed with effluent leachfield elevated above original ground surface inside) used to enhance soil treatment, dispersal, and absorption of effluent discharged from an OWTS treatment unit such as a septic tank. Mound systems have a subsurface discharge and specific design parameters.

**“New Lot”** means a lot recorded after the effective date of this Chapter.

**“New OWTS”** means an OWTS permitted after the effective date of this Chapter.

**“Onsite wastewater treatment system(s)” (OWTS)** has the same meaning as found in §13290 of the California Water Code. The short form of the term may be singular or plural.

**“Percolation test”** means a method of testing water absorption of the soil. The test is conducted with clean water and test results can be used to establish the dispersal system design.

**“Performance requirements”** means the maximum allowable concentrations of BOD, TSS, total nitrogen (TN), and total coliform resulting from the active treatment of domestic wastewater from an OWTS.

**“Permit”** means a document that allows the installation and use of an OWTS. The term refers to any one of the following:

1. A conditional waiver of waste discharge requirements issued by a Regional Water Board;
2. Waste discharge requirements issued by a Regional Water Board or the SWRCB; or
3. A document, so named, issued by a local agency that is operating under an MOU or other agreement with a regional water board or SWRCB pursuant to these regulations.

**“Person”** means any individual, firm, association, organization, partnership, business trust, corporation, company, or unit of local government who is, or that is, subject to this Chapter.

**“Pollutant”** means any substance that pollutes water and may potentially affect the beneficial uses of water, as listed in a basin plan.

**“Pressure distribution”** means a type of dispersal system employing a pump or automatic siphon and distribution piping with small diameter perforations (1/4 of an inch or less) or drip emitters to introduce effluent into the soil with uniform distribution.

**“Qualified professional”** means an individual who possesses a registered environmental health specialist certificate or is currently licensed as a professional engineer or professional geologist.

**“Record Plan”** means the document prepared by either a qualified professional or person authorized to install OWTS pursuant to §24910(h). Record plans detail the “as-built” installation of the OWTS, including but not limited to final placement of an OWTS its components, sizes and the specifications of components.

**“Replaced OWTS”** means an OWTS that has its treatment capacity expanded, or its dispersal system replaced, after the effective date of this Chapter .

**“Rock”** means any naturally formed aggregate of one or more minerals (e.g., granite, shale, marble); or a body of undifferentiated mineral matter (e.g. obsidian), or of solid organic matter (e.g., coal) that is greater than 0.08 inches (2mm) in size.

**“Sand”** means a soil particle; this term also refers to a type of soil texture. As a soil particle, sand consists of individual rock or mineral particles in soils having diameters ranging from 0.05 to 2.0 millimeters in diameter. As a soil texture, sand is the soil material that is comprised as 85 percent or more sand particles and the percentage of silt plus 1.5 times the percentage of clay particles is less than 15 percent.

**“Seepage pit”** means a drilled or dug excavation, three to six feet in diameter, either lined or gravel filled, that receives the effluent discharge from a septic tank or other OWTS treatment unit for dispersal.

**“Septic tank”** means a watertight, covered receptacle designed for primary treatment of wastewater and constructed to:

1. Receive wastewater discharged from a building;
2. Separate settleable and floating solids from the liquid;

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3. Digest organic matter by anaerobic bacterial action;
4. Store digested solids; and
5. Clarify wastewater for further treatment with final subsurface discharge.

“**Septic tank effluent**” means wastewater discharged from a septic tank.

“**Service provider**” means a person capable of operating, monitoring, and maintaining an OWTS consistent with the requirements and responsibilities in §24910(k), §24913(g), §24913(h), §24914(f), and the O&M manual or capable of inspecting a septic tank in accordance with §24910(v) of this Chapter.

“**Shallow dispersal system**” means a dispersal system designed to apply wastewater at the upper layer of the soil column using pressure distribution.

“**Silt**” means a soil particle; this term also refers to a type of soil texture. As a soil particle, silt consists of individual rock or mineral particles in soils having diameters ranging from between 0.05 and 0.002 mm in diameter. As a soil texture, silt is the soil material that is comprised as approximately 80 percent or more silt particles and not more than 12 percent clay particles.

“**Site**” means the location of the OWTS and, where applicable, a reserve dispersal area capable of disposing 100 percent of the design flow from all sources the OWTS is intended to serve.

“**Site Evaluation**” means an assessment of the characteristics of the site sufficient to determine its suitability for an OWTS to meet the requirements of this Chapter.

“**Soil**” means the naturally occurring body of porous mineral and organic materials on the land surface, and is composed of unconsolidated materials, including sand-sized, silt-sized, and clay-sized particles mixed with varying amounts of larger fragments and organic material. The various combinations of particles differentiate specific soil textures identified in the soil textural triangle developed by the United States Department of Agriculture (USDA) as found in Soil Survey Staff, USDA; **Soil Survey Manual, Handbook 18**, U.S. Government Printing Office, Washington, DC, 1993, p. 138. For the purposes of this chapter, soil shall contain earthen material of particles smaller than 0.08 inches (2 mm) in size.

“**Soil permeability**” means a measure of the ability of a soil to transmit liquids.

“**Soil texture**” means the soil class that describes the relative amount of sand, clay, silt and combinations thereof as defined by the classes of the soil textural triangle developed by the USDA (referenced above).

“**Supplemental treatment**” means any OWTS or component of an OWTS, except a septic tank or dosing tank that performs additional wastewater treatment so that the effluent meets the performance requirements of §24913 prior to discharge of effluent into the dispersal field.

“**Telemetric**” means the ability to automatically measure and transmit OWTS data by wire, radio, or other means.

“**Total coliform**” means a group of bacteria consisting of several *genera* belonging to the family *Enterobacteriaceae*, which includes fecal coliform bacteria.

“**Waste discharge requirement**” means an operation and discharge permit issued for the discharge of waste pursuant to Section 13260 of the California Water Code.

“WDR”

Authority Cited: CA Water Code § 13291, § 1058.

Reference: CA Water Code § 13291(b).

### §24901. SWRCB -- Applicability and General Requirements.

(a) Minimum requirements for the permitting, monitoring, and operation of OWTS for preventing conditions of pollution and nuisance are established in this Chapter. Regional Water Boards and local agencies implementing the OWTS

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regulations retain the option of establishing requirements for OWTS that are more protective of water quality than the requirements contained in this Chapter.

(b) This Chapter applies to all new OWTS and to all existing OWTS, although this Chapter addresses these two groups of OWTS in different ways.

(c) No person shall do any of the following without first notifying the Regional Water Board:

- (1) operate either a new OWTS or an OWTS that has been relocated, expanded, repaired or replaced with the capacity to treat over 5,000 gallons-per-day.
- (2) increase the average pollutant loading of the waste stream going into an OWTS with the capacity to treat over 5,000 gallons-per-day.
- (3) change the type (e.g., from domestic to commercial) of the waste stream entering an OWTS.
- (4) discharge wastewater above the design flow into an OWTS.

(d) New OWTS and replaced OWTS shall be operated and maintained to perform as designed.

(e) This Chapter shall be implemented through conditional waivers of WDRs by the SWRCB or Regional Water Boards.

(f) OWTS regulated by WDRs may be exempted from the requirements of this Chapter by Regional Water Boards.

(g) A local agency may implement this Chapter, or a portion thereof, as authorized by the SWRCB or by a Regional Water Board through agreement, adopted resolution, or Memorandum of Understanding (MOU). Any MOU, adopted resolution, or similar agreement must require adherence to these regulations and the applicable Regional Water Board basin plan.

**Authority Cited:** CA Water Code §1058, 13291

**Reference:** CA Water Code §13291(d), 13291(e)

### §24910. SWRCB -- General Requirements.

(a) New OWTS and replaced OWTS shall be operated to accept and treat flows of domestic wastewater, excluding any material not generally associated with household activities (e.g., toilet flushing, food preparation, laundry, household cleaning including drain cleaning, and personal hygiene). Additionally, OWTS may be designed and operated to accept other wastewater from facilities that:

- (1) exclude hazardous waste, as defined in Title 22 of the California Code of Regulations;
- (2) reduce high strength wastewater to below 150 mg/L BOD and 150 mg/L TSS in the septic tank effluent and prior to discharge to the dispersal system; or
- (3) use waste segregation practices and systems to reduce pollutant concentrations entering the OWTS to domestic wastewater levels.

(b) New OWTS and replaced OWTS shall be designed to disperse effluent to subsurface soils in a manner that maximizes unsaturated zone treatment and aerobic decomposition of the effluent.

(c) New OWTS shall be designed, operated and maintained to prevent a condition of pollution or nuisance, as defined in the California Water Code.

(d) The design of new OWTS and replaced OWTS shall be based on the expected influent wastewater quality, the wastewater quantity, the characteristics of the site, and the required level of treatment to not adversely affect water quality or endanger public health.

(e) A qualified professional shall perform all necessary soil and site evaluations for all new OWTS and for all existing OWTS where the treatment or dispersal system will be replaced or expanded.



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(f) A qualified professional shall design all new OWTS and existing OWTS where the treatment or dispersal system will be replaced or expanded, unless the new or existing OWTS meet the requirements of ¶g.

(g) A qualified professional employed by a local agency, while acting in that capacity, can review, design, and approve a design for a proposed conventional OWTS in lieu of the requirement of ¶f.

(h) A Licensed General Engineering Contractor (Class A), General Building Contractor (Class B), Sanitation System Contractor (Specialty Class C-42), or Plumbing Contractor (Specialty Class C-36) shall install all new OWTS and replaced OWTS in accordance with California Business and Professions Code Section and Article 3, Division 8, Title 16 of the California Code of Regulations. A property owner may also install his/her own OWTS if the as-built diagram and the installation are inspected at a time when the OWTS is in an open condition (not covered by soil and exposed for inspection) and approved by the Regional Water Board or authorized local agency.

(i) Materials in concentrations that are deleterious and inhibiting to OWTS operations shall not be discharged to an OWTS. Deleterious and inhibition materials include the following:

- (1) any biocide, or
- (2) all products and matters defined in Chapter 41, Division 4.5, Title 22 in the California Code of Regulations.

(j) The owner of any site on which is located a new OWTS or replaced OWTS shall have an operation and maintenance (O&M) manual prepared by a qualified professional. O&M manuals shall include, at a minimum:

- (1) the name, address, telephone number, business and professional license of the OWTS designer;
- (2) the name, address, telephone number, business and professional license, where applicable, of the OWTS installer;
- (3) the name, address, and telephone number of the service provider that maintains any supplemental treatment system;
- (4) the instructions for the proper operation and maintenance and a protocol for an assessment of performance of the OWTS;
- (5) the Record Plan with a certification that the dispersal system meets all applicable requirements contained in §24914(a);
- (6) the design flow and performance requirements for the OWTS;
- (7) a list of types of substances that could inhibit performance if discharged to the OWTS, including those applicable to ¶i; and
- (8) a list of substances that could cause a condition of pollution or nuisance if discharged to the OWTS, including but not limited to pharmaceutical drugs and water softener regeneration brines; and
- (9) a copy of the SWRCB or Regional Water Board waiver or waste discharge requirements.

(k) Each owner of a new OWTS with supplemental treatment components (see §24913) shall maintain, in addition to maintaining the O&M manual and record plan, a contract with a service provider to ensure that the OWTS is operated, maintained and monitored as designed.

(l) The owner shall retain a Record Plan and an O&M manual for any new or replaced OWTS upon completion of an OWTS installation. Upon the sale of a site, it is the obligation of the owner of the site to provide the buyer, through escrow or otherwise, a complete copy of the O&M manual and record plan for the OWTS at the site.

(m) The owner shall retain all inspection records pertaining to their OWTS for a minimum of five years.

(n) Cesspools shall not be used for new or replaced OWTS.

(o) All new septic tanks, replaced septic tanks, and grease interceptor tanks shall be consistent with the standards contained in Appendix K, of Part 5, Title 24 in the California Code of Regulations.

(p) All new OWTS septic tanks shall meet the following requirements:

- (1) Access openings shall have watertight risers and shall be set within 6 inches of finished grade; and

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(2) Access openings shall be secured to prevent unauthorized access.

(q) The installation of new prefabricated septic tanks shall be limited to those approved by the International Association of Plumbing and Mechanical Officials (IAPMO) and their installation shall be installed according to the manufacturer's instructions. If IAPMO certified tanks are not available locally, other prefabricated tanks may be allowed only if they comply with subsection (r) below;

(r) New non- prefabricated tanks or prefabricated tanks not certified by IAPMO shall be installed only after the design is stamped and certified by a California registered civil engineer as meeting the general industry standards necessary to comply with these requirements;

(s) New and replaced OWTS septic tanks shall be designed to prevent solids in excess of one-eighth (1/8) inch in diameter from passing to the dispersal system. Septic tanks that use a National Sanitation Foundation/American National Standard Institute (NSF/ANSI) Standard 46 certified septic tank filter at the final point of effluent discharge from the OWTS and prior to the dispersal system shall be deemed to meet this requirement.

(t) OWTS owners with onsite domestic wells on their property must monitor groundwater by sampling and analyzing water from:

- (1) a monitoring well down-gradient and within 100 feet of the OWTS dispersal system within 30 days upon the installation of a new OWTS and no less than once every five years thereafter; or
- (2) an existing onsite domestic well on the property within 30 days upon the installation of a new OWTS and no less than once every five years thereafter

Groundwater analyses shall be conducted in accordance with ¶u. Existing OWTS and new OWTS installations shall be exempt from this requirement if the facility that the OWTS serves is provided water from a community water supply system.

(u) The owner or owner's authorized representative shall collect groundwater samples pursuant to ¶(t) and shall have them analyzed by a laboratory certified by the California Department of Health Services. The laboratory shall be capable of producing laboratory results in EDF format. The groundwater samples shall be analyzed for the following: calcium (Ca), magnesium (Mg), sodium (Na), potassium (K), iron (Fe), manganese (Mn), zinc (Zn), sulfate (SO<sub>4</sub>), chloride (Cl), Nitrate (NO<sub>3</sub>), nitrite (NO<sub>2</sub>), fluoride (F), TDS, total alkalinity (as CaCO<sub>3</sub>), carbonate (CO<sub>3</sub>), bicarbonate (HCO<sub>3</sub>), MBAS, pH and total coliforms. If a sample tests positive for total coliforms, the sample shall be analyzed for fecal coliform bacteria. The name of the site owner, the site address and the laboratory results shall be transmitted to the SWRCB in EDF format. The names and addresses of owners of tested domestic wells shall not be released.

(v) Any person owning a septic tank shall have a service provider inspect the septic tank a minimum of once every five years to ensure that the level of settleable solids and/or floatable solids do not impair the performance of the septic tank. It is recommended that septic tanks be pumped if the sum of the scum depth and sludge depth exceeds 25% of the septic tank depth as measured from the water line to the bottom of the tank.

(w) The SWRCB recommends that the regenerating saline backwash from water softeners not be discharged either to the OWTS or to the ground in any manner.

(x) All owners of any OWTS requiring a major repair shall correct the malfunctioning OWTS within 90-days of the date that the malfunction was discovered. The Regional Board may exempt a property from the 90-days requirement and extend the time frame, but such exemptions shall not be greater than 180 days.

Authority Cited: CA Water Code §1058, 13291

Reference: CA Water Code §13291(d), 13291(e)

## ARTICLE 2. GROUNDWATER LEVEL DETERMINATIONS FOR NEW OWTS

### §24912 SWRCB -- Groundwater Level Monitoring

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(a) Unless the seasonal high groundwater level at the site is known to be greater than 10 feet below the ground surface, based on local knowledge of groundwater conditions with the relevant source cited (e.g. previous evaluations and studies, well driller information), a site evaluation conducted by a qualified professional to establish the depth to the seasonal high groundwater shall be performed. Soil mottling observed during the site evaluation by a qualified professional may be used to determine the seasonal high groundwater level. Where soil mottling observations cannot be made or lead to unreliable conclusions, a qualified professional shall use the following protocols to determine seasonal high groundwater prior to design and installation of an OWTS:

(1) To measure depth to seasonal high groundwater, a groundwater level monitoring well shall be installed to a minimum depth of ten feet in the vicinity of a proposed wastewater dispersal system. If an impermeable layer is present at a depth of less than ten feet below the ground surface, the depth of the groundwater level-monitoring well shall be decreased to the depth of the impermeable layer.

(2) For OWTS serving facilities other than single family homes, the Regional Water Board shall determine the number and depth of groundwater level monitoring wells. Such determinations by the Regional Water Board shall supercede the depth requirements in §24912(a)(1).

(3) Measurements of depth to seasonal high groundwater shall be conducted from November 1, to April 1 unless otherwise specified by the Regional Water Board. Groundwater levels shall be measured continuously using a piezometer to record the seasonal high groundwater level. The piezometer may be a float device that mechanically or electrically records the highest water level.

(4) For areas that are subject to special circumstances such as seasonal high groundwater caused by snowmelt or irrigation, measurements to determine the annual high groundwater level shall be conducted during a period specified by the Regional Water Board. Groundwater levels shall be measured continuously using a piezometer to record the seasonal high groundwater level. The piezometer may be a float device that mechanically or electrically records the highest water level.

(5) The Regional Water Board may exempt sites or areas from this Section where an alternative protocol for determining seasonal high ground water is established in the basin plan.

**Authority Cited:** CA Water Code §1058, 13291

**Reference:** CA Water Code §13260, 13264, 13267, 13269, and 13291

### ARTICLE 3 PERFORMANCE REQUIREMENTS AND SPECIFICATIONS

#### §24913. SWRCB -- Performance Requirements for Supplemental Treatment Components

(a) Local agencies or the Regional Water Board may require supplemental treatment systems where treatment is needed to mitigate for insufficient soil depths, as required in §24914(c) for a conventional system or 24914(d), or to provide for protection of the water quality and public health, as deemed necessary.

(b) Supplemental treatment components, other than for disinfection or nitrogen reduction, shall be designed to reduce biochemical oxygen demand (BOD) and total suspended solids (TSS) concentrations. Supplemental treatment components, other than for disinfection or nitrogen reduction, shall produce an effluent that meets the following requirements:

(1) The 30-day average carbonaceous BOD (CBOD) concentration shall not exceed 25 milligrams per liter (mg/L), or alternately, the 30-day average BOD shall not exceed 30 mg/L; and

(2) The 30-day average TSS concentration shall not exceed 30 mg/L;

(c) Supplemental treatment components designed to perform disinfection shall have sufficient pretreatment of the wastewater so that effluent does not exceed a 30-day average TSS of 10 mg/L and shall further achieve an effluent total coliform bacteria concentration, at the 95 percentile, of not greater-than either of the following;

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(1) 10 MPN per 100 milliliters prior to discharge into a dispersal field where the soils exhibit percolation rates between 1 and 10 minutes per inch (MPI) or where the soil texture is sand; or

(2) 1000 MPN per 100 milliliters prior to discharge into a dispersal field where the soils exhibit percolation rates greater than 10 MPI or consist of a soil texture other than sand.

(d) Effluent from supplemental treatment components shall not exceed a 30-day average TN concentration of 10 mg/L as nitrogen.

(e) Before the installation of any proprietary supplemental treatment OWTS, all such treatment components shall be tested by an independent third party testing laboratory. The independent third party laboratory shall certify that the type of system being installed and its components are capable of reliably meeting the performance requirements when installed according to manufacturer specifications, as applicable, based upon the results from the testing protocol. The testing protocol shall include but not be limited to ¶1 thru ¶5 below:

(1) a testing duration of not less than six continuous months.

(2) the wastewater used for testing shall consist primarily of municipal or domestic wastewater and shall have concentrations in the following ranges:

(A) BOD: 125 to 300 milligrams per liter;

(B) TSS: 125 to 300 milligrams per liter;

(C) TN (as N): 50 to 75 milligrams per liter,

(D) total coliform bacteria:  $1 \times 10^6$  to  $1 \times 10^8$  MPN/100 ml, and

(E) alkalinity (as  $\text{CaCO}_3$ ): 50 to 200 milligrams per liter.

(3) hydraulic and organic design loading shall be varied during the test to simulate OWTS operational stress at different levels of use, including all of the following:

(A) regular daily use, where the following daily wastewater flow regime entering the supplemental treatment system is as follows:

i. approximately 35% of the daily wastewater design flow enters the OWTS from 6:00 a.m. to 9:00 a.m.

ii. approximately 25% of the daily wastewater design flow enters the OWTS from 11:00 a.m. to 2:00 p.m.

iii. approximately 40% of the daily wastewater design flow enters the OWTS from 5:00 p.m. to 8:00 p.m.

(B) working parent use, where the following 5-day wastewater flow regime entering the supplemental treatment system is as follows:

i. approximately 40% of the daily wastewater design flow enters the OWTS from 6:00 a.m. to 9:00 a.m.

ii. approximately 60% of the daily wastewater design flow enters the OWTS from 5:00 p.m. to 8:00 p.m.

(C) wash-day use, where following a 5-day regular daily use flow regime provides additional wastewater from a clothes washing machine during the first, third and fifth days. Additional clothes washing water shall have a minimum of 3 wash cycles (including 6 rinse cycles) interspersed between 6:00 a.m. to 2:00 p.m. per 500 gallons of design flow..

(D) vacation (e.g., one week rest).

(4) testing of supplemental treatment components to comply with the performance requirements of ¶b, ¶c or ¶d shall be conducted with the following detection limits listed in Table 1:

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Parameter	Detection Limit
BOD	2 mg/L
TSS	5 mg/L
Total Coliform	2.2 MPN
Total Nitrogen	1 mg/L

(f) The ongoing monitoring of supplemental treatment components designed to meet the performance requirements of ¶b ¶c or ¶d shall be monitored in accordance with the operation and maintenance manual for the OWTS or more frequently as required by the Regional Water Board.

(g) OWTS with supplemental treatment components shall be equipped with visual or audible alarm as well as a telemetric alarm that alerts the owner and service provider in the event of system malfunction. OWTS using supplemental treatment shall, at a minimum, provide for 24-hour wastewater storage based on design flow as a means to minimize pollution from overflow discharge after a system malfunction or power outage.

(h) OWTS designed to meet the disinfection performance requirements outlined in §24913(c) shall be inspected for proper operation weekly by a service provider unless a telemetric monitoring system is capable of continuously assessing the operation of the disinfection system. Testing of effluent from supplemental treatment components that perform disinfection shall be conducted quarterly based on analysis of total coliform with a minimum detection limit of 2.2 MPN. Effluent samples shall be taken by a service provider and analyzed by a California Department of Health Services certified laboratory.

**Authority Cited: CWC 1058, 13291.**

**Reference: CA Water Code §13260, 13264, 13267, 13269, and 13291**

#### **§24914. SWRCB -- Dispersal Systems.**

Any dispersal system that is part of a new OWTS shall meet the following requirements:

(a) Dispersal systems shall be designed and installed at the shallowest practicable depth to maximize elements critical to effective treatment of effluent in the soil. Elements critical to effective treatment include oxygen transfer, biological treatment, evapotranspiration and vegetative uptake of nutrients.

(b) Dispersal systems, except those addressed in §24914(g) and §24914(i), shall be designed using only the bottom area of the dispersal system as the infiltrative surface. The infiltrative surface shall be sized using the design application rates contained in either Table 2 or Figure 1.

(c) Dispersal systems of all conventional OWTS shall be consistent with groundwater separation requirements specified in Appendix K, of Part 5, Title 24 in the California Code of Regulations and have at all times during operation at least three feet of continuous unsaturated, undisturbed, earthen material with less than 30 percent of that material by weight containing mineral particles in excess of 0.08 inches (2 mm) in size (i.e. rock) between the bottom of the dispersal system and top of the seasonal high groundwater level, impermeable strata, or bedrock, whichever of these three, if present, has the highest elevation. Where greater than 30 percent of the undisturbed earthen material exceeds 0.08 inches (2 mm) in size, pressure distribution shall be used to disperse the OWTS effluent and either of the following shall apply:

(1) the minimum depth of undisturbed earthen material required shall be determined using Figure 2; or

(2) the application rate as shown in Table 2 or Figure 1 shall be reduced by the same percentage as that of the earthen materials in excess of 0.08 inches (2 mm) at the dispersal area.

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(d) Dispersal systems of all OWTS with supplemental treatment components shall be consistent with groundwater separation requirements specified in Appendix K, of Part 5, Title 24 in the California Code of Regulations and have at all times during operation at least two feet of continuous unsaturated, undisturbed, earthen material with less than 30 percent of that material consisting of mineral particles in excess of 0.08 inches (2 mm) in size (i.e. rock) between the bottom of the dispersal system and top of the seasonal high groundwater level, impermeable strata, or bedrock whichever of these three, if present, has the highest elevation. Where greater than 30 percent of the undisturbed earthen material exceeds 0.08 inches (2 mm) in size, pressure distribution shall be used to disperse the OWTS effluent and either of the following shall apply:

(1) the minimum depth of undisturbed earthen material required shall be determined using Figure 2; or

(2) the application rate as shown in Table 2 or Figure 1 shall be reduced by the same percentage as that of the earthen materials in excess of 0.08 inches (2 mm) at the dispersal area.

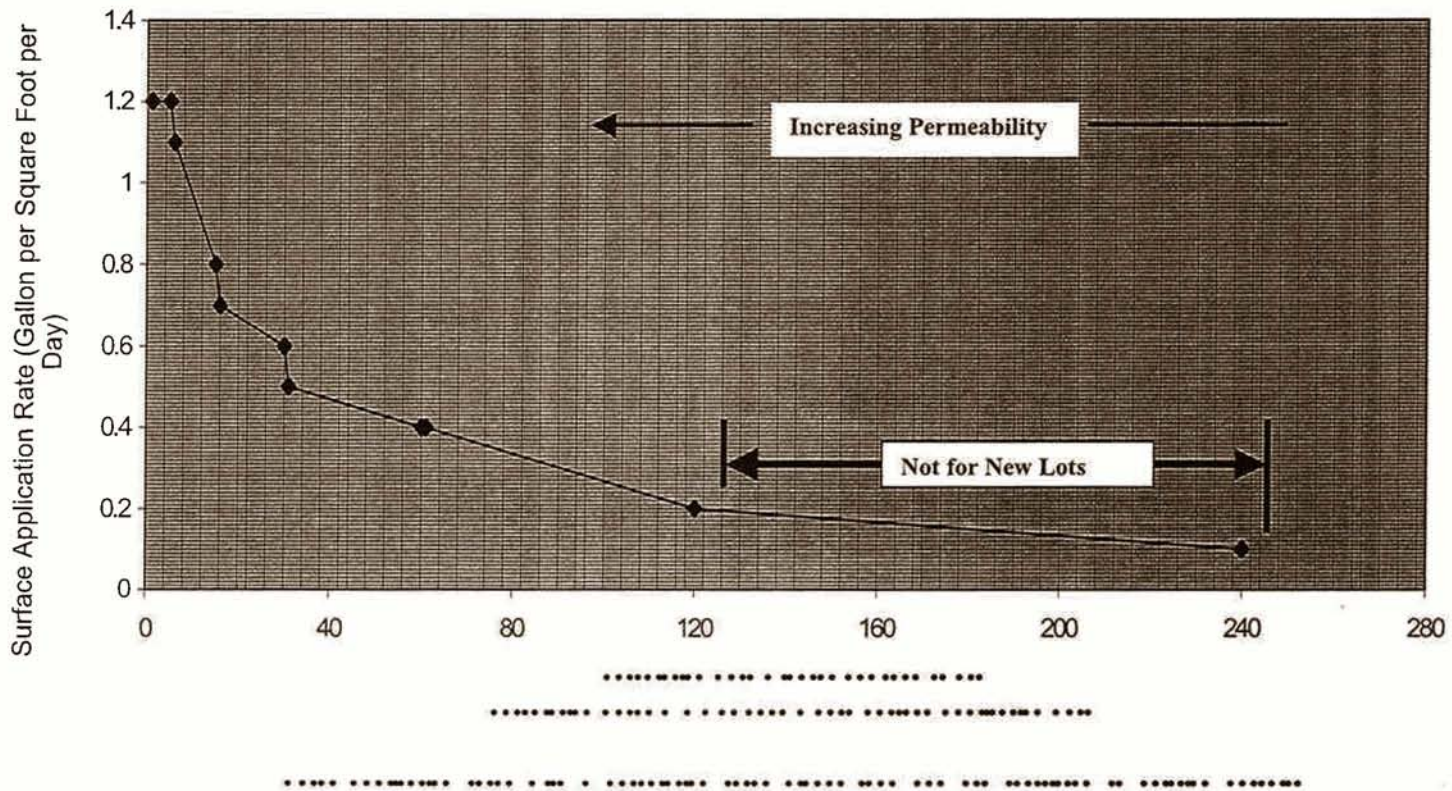
(e) Where undisturbed earthen material has insufficient depth to satisfy the minimum depth requirements in ¶c or ¶d, engineered fill as defined herein may be added to existing site soils so that the site exceeds the specified soil depth requirements in ¶c and ¶d. Engineered fill (i.e. sand or crushed glass) shall meet the specifications contained in Table 3. Engineered fill shall compensate for the lack of in-place earthen material at a 1.5 to 1 basis so that a one foot deficiency in the soil column depth would require one and one half feet of engineered fill material. A pressure distribution system is required where engineered fill is used to comply with the minimum earthen material depth requirements. In no case shall engineered fill compensate for more than one foot of the minimum native soil depth requirements in ¶c or ¶d.

(f) Conventional OWTS dispersal systems in which pumps are used to move effluent from the septic tank to the dispersal system shall be equipped with one of the following: a visual, audible, or telemetric alarm that alerts the owner or service provider in the event of pump failure. All pump systems shall, at a minimum, provide for storage in the pump chamber during a 24-hour power outage or pump failure and shall not allow an emergency overflow discharge.

(g) Gravel-less chambers shall meet the requirements for all dispersal systems as contained in ¶c and ¶d. The infiltrative surface shall be sized in a manner consistent with Appendix K, of Part 5, Title 24 in the California Code of Regulations and shall use the design application rates contained in either Table 2 or Figure 1 of this Chapter.

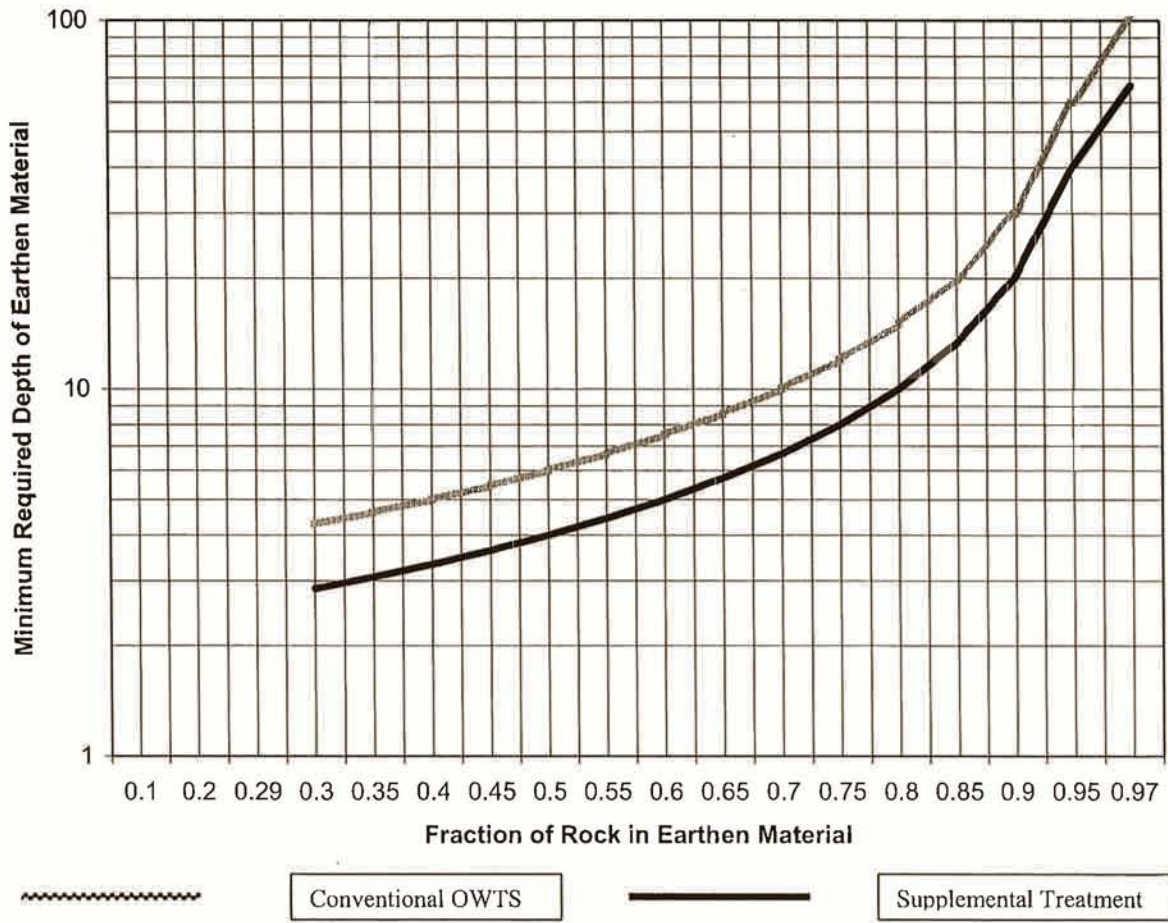
# DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Figure 1: Design Infiltrative Surface Application Rates



# DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Figure 2: Minimum Depth of Earthen Material





## DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

- (h) Dispersal systems using shallow pressurized drip or orifice dispersal shall meet the following requirements:
- (1) The allowed application area shall not exceed one square foot per emitter/orifice. In no case are application areas allowed to be overlapping or less than one square foot per lineal foot; and
  - (2) All systems shall be designed and maintained to reduce orifice clogging and root intrusion.
- (i) Seepage Pits shall be designed on sidewall area as the infiltrative surface and are allowed where the following conditions apply:
- (1) the site has been determined by a qualified professional to be unsuitable for other types of dispersal systems due to soil properties or amount of area available at the site;
  - (2) the bottom of the seepage pit shall be a minimum of ten feet above seasonal high groundwater level; and
  - (3) the site shall meet one of the conditions:
    - (A) There must be a minimum of ten feet of soil below the bottom of the seepage pit and above the seasonal high groundwater level, impervious layer, or bedrock. All strata to a depth of 10 feet below the pit bottom must be free of groundwater in accordance with §24912, or
    - (B) When an OWTS has supplemental treatment components designed to meet the performance requirements specified in §24913(b), and §24913(c) are met, a seepage pit may have less than 10 feet of soil below the bottom of the seepage pit, but no less than two feet of soil, or
    - (C) When an OWTS has supplemental treatment components designed to meet the performance requirements specified in §24913(b) and §24913(c)(1), a seepage pit may have less than two feet of soil beneath the bottom of the seepage pit.
- (j) Evapotranspiration and infiltration (ETI) systems shall be designed such that evapotranspiration and infiltration exceed the design waste flow combined with a 25-yr return rate precipitation event on an annual, monthly and seasonal basis. ETI systems shall be operated in a manner that prevents human exposure to wastewater.

**Authority Cited:** CA Water Code §1058, 13291

**Reference:** CA Water Code §13260, 13264, 13267, 13269, and 13291

## ARTICLE 4: PROTECTING IMPAIRED SURFACE WATER

### §24940. SWRCB -- Applicability and Requirements.

This section shall apply to any water body that has been designated as impaired due to nitrogen or pathogens pursuant to Section 303(d) of the Clean Water Act but only where a TMDL has been approved that includes a determination that OWTS contribute to the impairment of the water body.

- (a) No new OWTS dispersal area shall be constructed or operated within 600 linear feet [in the horizontal (map) direction] of the water body unless one of the following applies:
- (1) where the waterbody is listed as impaired due to nitrogen, OWTS meets the performance requirements for supplemental treatment contained in §24913(b) and §24913(d).
  - (2) where the water body is listed as impaired due to pathogens, OWTS meets the performance requirements for supplemental treatment contained in §24913(b)(1) and §24913(c).
- (b) Unless modified or exempted pursuant to ¶c, ¶d, or ¶e, an owner of any existing OWTS dispersal area within 600 linear feet [in the horizontal (map) direction] of the water body shall have the OWTS inspected by a qualified professional within one year of the effective date of these regulations or within one year after the effective date of a TMDL that includes a determination that OWTS contribute to impairment of the water body, whichever is later.

## **DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**

- (1) The inspection shall include but not be limited to:
    - (A) a determination of whether the OWTS is discharging to the surface;
    - (B) a determination of whether the OWTS complies with the depth to seasonal high groundwater requirements of this Chapter, unless the OWTS owner chooses to assume that the OWTS is contributing to the impairment;
    - (C) for a water body impaired for pathogens, a determination of whether fecal coliform in the OWTS discharge is reaching groundwater, unless the OWTS owner chooses to assume that the OWTS is contributing to the impairment; and
    - (D) for a water body impaired for nitrogen, a determination of whether nitrogen exceeding 10 mg/l is reaching groundwater, unless the OWTS owner chooses to assume that the OWTS is contributing to the impairment.
  - (2) The OWTS owner shall send a report of the inspection to the Regional Water Board within 30 calendar days of the completion of the inspection.
  - (3) Where a determination is made by a qualified professional that an OWTS discharge of fecal coliform or nitrogen exceeding 10 mg/l is reaching groundwater, the owner of the OWTS shall have four years following the date of the determination to meet the applicable requirements of ¶a.
- (c) Adoption or amendment of a TMDL may alter the 600-foot distance requirement or compliance dates in ¶a and ¶b.
- (d) This Section does not apply to impaired waters where, prior to the effective date of this Chapter, the Regional Water Board has adopted a TMDL requiring implementation of a wastewater management plan. The wastewater management plan must include methods to reduce the OWTS pollutant contribution to the impaired water body, a plan for water quality monitoring, and a program for the repair or replacement of existing OWTS. The wastewater management plan must be designed to result in either elimination of the impairment or the reduction of the contribution of OWTS to the impairment.
- (e) The requirements contained in this Section do not apply to OWTS owners who commit by way of a legally binding document to connect to a centralized wastewater collection and treatment system regulated through WDRs within nine years. To become effective, the owner must sign the document within forty-eight months of the effective date of this Chapter or the effective date of a TMDL, whichever is later. The specified date for the connection to the centralized community wastewater collection and treatment system shall not extend beyond nine years following a Regional Water Board determination made pursuant to this Section.

**§24940 to §25500 [Reserved for SWRCB]**

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BB*  
DATE: MARCH 23, 2007



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.**

- D-1) APPROVE WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Approve Minutes of February 28, 2007 Regular Meeting
- D-3) AUTHORIZE EXECUTION OF AGREEMENT WITH LAURA PENNEBAKER FOR  
TEMPORARY PART TIME STUDENT INTERNSHIP FOR OFFICE ASSIGNMENTS  
[ADOPT RECOMMENDATION]
- D-4) REJECT NACIMIENTO WATER PROJECT AS SUPPLEMENTAL WATER SUPPLY  
AND ADVISE COUNTY [ADOPT RECOMMENDATION]
- D-5) ACCEPT TRACT 2619 WATER AND SEWER IMPROVEMENTS (MULTIPLE  
FAMILY COMPLEX AT 1 AVENIDA DE AMIGOS [ADOPT RESOLUTION]
- D-6) AUTHORIZE EXECUTION OF AMENDMENT OF SOUTHLAND WASTEWATER  
FACILITY MASTER PLAN AGREEMENT WITH BOYLE ENGINEERING [ADOPT  
RECOMMENDATION]

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2007\CONSENT 3-28-07.DOC

TO: BOARD OF DIRECTORS  
 FROM: BRUCE BUEL *BBB*  
 DATE: MARCH 23, 2007

**AGENDA ITEM  
 D-1  
 MARCH 28, 2007**

**HAND WRITTEN CHECKS**

03-14-07 18966 GOETZ-MANDERLEY PROP MGMT 792.87

**TOTAL COMPUTER  
 CHECKS  
 \$ 126,746.43**

**VOIDED CHECKS**

NONE

**COMPUTER GENERATED CHECKS**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
13318	03/23/07	EMP01	EMPLOYMENT DEVELOP DEPT	.00	.00	.00	A70309	STATE INCOME TAX
				615.67	.00	615.67	A70319	STATE INCOME TAX
			Check Total.....	615.67	.00	615.67		
13319	03/23/07	MID01	MIDSTATE BANK-PR TAX DEP	.00	.00	.00	A70309	FEDERAL INCOME TAX
				2449.19	.00	2449.19	A70319	FEDERAL INCOME TAX
				9.92	.00	9.92	1A70309	FICA
				168.50	.00	168.50	1A70319	FICA
				2.32	.00	2.32	2A70309	MEDICARE (FICA)
				628.78	.00	628.78	2A70319	MEDICARE (FICA)
			Check Total.....	3258.71	.00	3258.71		
13320	03/23/07	MID02	MIDSTATE BANK - DIRECT DP	18420.01	.00	18420.01	A70319	NET PAY
13321	03/23/07	PER01	PERS RETIREMENT	.00	.00	.00	A70309	PERS PAYROLL REMITTANCE
				5659.44	.00	5659.44	A70319	PERS PAYROLL REMITTANCE
			Check Total.....	5659.44	.00	5659.44		
13322	03/23/07	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A70319	WAGE ASSIGNMENT
13323	03/23/07	STA01	STATE STREET GLOBAL	1105.00	.00	1105.00	A70319	457 DEFERRED COMP
013324	03/21/07	EBY01	EBY, ED	100.00	.00	100.00	032107	SPECIAL BOARD MTG 3/21/07
013325	03/21/07	HAR02	HARRISON, JAMES	100.00	.00	100.00	032107	SPECIAL BOARD MTG 3/21/07
013326	03/21/07	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	032107	SPECIAL BOARD MTG 3/21/07
013327	03/21/07	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	032107	SPECIAL BOARD MTG 3/21/07
013328	03/21/07	WIN01	WINN, MICHAEL	100.00	.00	100.00	032107	SPECIAL BOARD MTG 3/21/07
013329	03/28/07	ABA01	ABALONE COAST BACTERIOLOG	20.00	.00	20.00	1018	BL WWTP LAB
				20.00	.00	20.00	1020	BL WWTP LAB
				20.00	.00	20.00	1025	BL WWTP LAB
				20.00	.00	20.00	1033	BL WWTP LAB
				20.00	.00	20.00	1046	BL WWTP LAB
				196.00	.00	196.00	1050	TOWN WWTP LAB
				20.00	.00	20.00	1056	BL WWTP LAB
				20.00	.00	20.00	1058	BL WWTP LAB
			Check Total.....	336.00	.00	336.00		
013330	03/28/07	AME02	AMERICAN INDUSTRIAL SUPPL	21.39	.00	21.39	169857	SUPPLIES
				1519.48	.00	1519.48	169864	SUPPLIES
			Check Total.....	1540.87	.00	1540.87		
013331	03/28/07	AME03	AMERI PRIDE	71.89	.00	71.89	F129258	UNIFORMS ETC
				67.12	.00	67.12	F135338	UNIFORMS ETC
			Check Total.....	139.01	.00	139.01		
013332	03/28/07	ATT01	AT&T/MCI	37.19	.00	37.19	T6180705	PHONE 0161-553
				146.04	.00	146.04	T6180707	PHONE 1133-911
				128.50	.00	128.50	T6180708	PHONE 1341-672
			Check Total.....	311.73	.00	311.73		
013333	03/28/07	BRE01	BRENNER FIELDER & ASSOC	440.46	.00	440.46	408702	CHLORINE
				642.10	.00	642.10	408703	CHLORINE
			Check Total.....	1082.56	.00	1082.56		

**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS MARCH 23, 2007**

**AGENDA ITEM  
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PAGE TWO**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
013334	03/28/07	BRE02	BRENNTAG PACIFIC INC.	679.44	.00	679.44	BPI649695	CHLORINE
				477.80	.00	477.80	BPI649696	CHLORINE
			Check Total.....:	1157.24	.00	1157.24		
013335	03/28/07	CAN02	CANNON ASSOCIATES	783.00	.00	783.00	40529	WELL MAINTENANCE
				35514.24	.00	35514.24	40570	WATER AND SEWER MASTER PL
			Check Total.....:	36297.24	.00	36297.24		
013336	03/28/07	COM01	COMPUTER NETWORK SERVICES	750.00	.00	750.00	111912	COMPUTER SERVICES
013337	03/28/07	COR01	CORBIN WILLITS SYSTEMS	710.80	.00	710.80	A703151	BILLING PROG SUPPORT
013338	03/28/07	CRE01	CREEK ENVIRONMENTAL LABS	24.00	.00	24.00	O1282	BL WWTP LAB
				200.00	.00	200.00	O1284	TOWN WWTP LAB
				20.00	.00	20.00	O1304	VIA NONA WATER SAMPLES
				24.00	.00	24.00	O1305	BL WWTP LAB
				306.07	.00	306.07	O1319	BL WWTP LAB
				256.00	.00	256.00	O1365	WATER SAMPLES
013338	03/28/07	CRE01	CREEK ENVIRONMENTAL LABS	200.00	.00	200.00	O1404	TOWN WWTP LAB
				256.00	.00	256.00	O1519	WATER SAMPLES
				20.00	.00	20.00	O1520	WATER SAMPLE AVE DE AMIGO
			Check Total.....:	1306.07	.00	1306.07		
013339	03/28/07	DEP04	DEPT OF MOTOR VEHICLES	10.00	.00	10.00	260006-07	TRAILER ID FEE
013340	03/28/07	EBY01	EBY, ED	100.00	.00	100.00	032807	REG BD MEETING 032807
013341	03/28/07	FAR01	FARM SUPPLY COMPANY	144.16	.00	144.16	273583	SUPPLIES
				97.40	.00	97.40	280904	SUPPLIES
			Check Total.....:	241.56	.00	241.56		
013342	03/28/07	FGL01	FGL ENVIRONMENTAL	94.00	.00	94.00	701288A	TOWN WWTP LAB
				140.00	.00	140.00	701560A	TOWN WWTP LAB
				112.00	.00	112.00	702112B	BL WWTP LAB
				187.00	.00	187.00	702113A	TOWN WWTP LAB
				119.00	.00	119.00	702114A	TOWN WWTP LAB
				212.00	.00	212.00	702416A	TOWN WWTP LAB
				112.00	.00	112.00	702417A	BL WWTP LAB
			Check Total.....:	976.00	.00	976.00		
013343	03/28/07	GOL01	GOLDEN STATE MAILING	169.07	.00	169.07	22322	RATE CHIP FOR POSTAGE MAC
013344	03/28/07	GRO01	GROENIGER & CO	8861.58	.00	8861.58	664643SM	HYDRANT SUPPLIES
				1895.27	.00	1895.27	666862SM	AIR VAC X 7
				162.29	.00	162.29	667510SM	TOWN WWTP SUPPLIES
				1699.90	.00	1699.90	667514SM	TOWN WWTP SUPPLIES
				5635.80	.00	5635.80	667521SM	TOWN WWTP SUPPLIES
			Check Total.....:	18254.84	.00	18254.84		
013345	03/28/07	HAR02	HARRISON, JAMES	100.00	.00	100.00	032807	REG BD MEETING 032807
013346	03/28/07	HOM01	HOME MOTORS	37.47	.00	37.47	217208	VEHICLE MAINT
013347	03/28/07	JOB01	JOBS AVAILABLE INC	441.00	.00	441.00	707078	AD FOR DISTRICT ENGINEER
013348	03/28/07	JOH01	JOHNSON, DONNA	23.59	.00	23.59	031907	REIMB FOR SUPPLIES
013349	03/28/07	MID05	MID STATE BANK PETTY CASH	126.00	.00	126.00	032207	SUPPLIES FOR BOARD MEETIN
013350	03/28/07	MOR02	MORE OFFICE SOLUTIONS	346.38	.00	346.38	A70319	COPIER MAINT
013351	03/28/07	NIP09	NIPOMO MARKET PLACE	1837.31	.00	1837.31	0061	GASOLINE
013352	03/28/07	NUT01	NU TECH PEST MGMT	265.00	.00	265.00	61111	PEST CONTROL
				49.00	.00	49.00	61112	PEST CONTROL
			Check Total.....:	314.00	.00	314.00		
013353	03/28/07	OFF01	OFFICE DEPOT	70.68	.00	70.68	377700709	OFFICE SUPPLIES
013354	03/28/07	POS02	FRANCOTYP-POSTALIA, INC.	8.31	.00	8.31	Q52236	POSTAGE METER RESET
013355	03/28/07	PWM01	PW MANN ELECTRIC INC	226.80	.00	226.80	7012	WELL MAINT
				2487.42	.00	2487.42	7013	TOWN WWTP AERATOR MAINT
				450.00	.00	450.00	7016	WIRING FOR BL WWTP AERATO
				5945.07	.00	5945.07	7017	TOWN WWTP MAINT

**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS MARCH 23, 2007**

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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
013355	03/28/07	PWM01	PW MANN ELECTRIC INC	692.27	.00	692.27	7019	GENERATOR REPAIR
				472.50	.00	472.50	7020	TOWN WWTP MAINT
				78.75	.00	78.75	7021	BL WELL #4 MAINT
			Check Total.....:	10352.81	.00	10352.81		
013356	03/28/07	QUI03	QUINN RENTAL SERVICES	98.48	.00	98.48	2079613	SUPPLIES
013357	03/28/07	REL01	RELIABLE	117.87	.00	117.87	YXP50901	OFFICE SUPPLIES
013358	03/28/07	RIC01	RICHARDS, WATSON, GERSHON	6890.19	.00	6890.19	151515	WATER RIGHTS ADJUDICATION
				180.00	.00	180.00	151516	COASTKEEPER LAWSUIT
			Check Total.....:	7070.19	.00	7070.19		
013359	03/28/07	ROD01	RODRIGUEZ, RIGOBERTO	120.00	.00	120.00	37125	REIMBURSE FOR WORK BOOTS
013360	03/28/07	SAI01	SAIC	1446.03	.00	1446.03	910005	WATER COUNSEL
				1131.25	.00	1131.25	922808	HYDROLOGIC MONITORING PRO
			Check Total.....:	2577.28	.00	2577.28		
013361	03/28/07	SAN01	SANTA MARIA TIRE INC	104.73	.00	104.73	441767	VEHICLE MAINT
				294.54	.00	294.54	441781	VEHICLE MAINT
				36.88	.00	36.88	441792	VEHICLE MAINT
				63.71	.00	63.71	441847	VEHICLE MAINT
				322.48	.00	322.48	441889	VEHICLE MAINT
			Check Total.....:	822.34	.00	822.34		
013362	03/28/07	SAN09	SAN LUIS MAILING SERVICE	175.38	.00	175.38	31501A	MAILING SERVICE
				903.76	.00	903.76	31501B	POSTAGE FOR BILLS
			Check Total.....:	1079.14	.00	1079.14		
013363	03/28/07	SAN11	SAN LUIS PAPER CO.	123.00	.00	123.00	511709	SUPPLIES
013364	03/28/07	SPE01	SPECIAL DISTRICT RISK	4480.00	.00	4480.00	20263	WORKERS COMPENSATION INS
013365	03/28/07	SPM01	SP MAINTENANCE SERVICES	1832.00	.00	1832.00	17778	STREET SWEEPING SERVICE
013366	03/28/07	TGP01	TGP WEST, INC.	169.90	.00	169.90	3572B	FREIGHT FOR PARTS USED 1/
013367	03/28/07	THE01	THE GAS COMPANY	97.91	.00	97.91	030207	SUNDALE GAS ENGINE 08619
013368	03/28/07	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	032807	REG BD MEETING 032807
013369	03/28/07	UNI01	UNION ASPHALT, INC.	535.53	.00	535.53	268517	STOCK ROAD BASE
013370	03/28/07	VAL01	VALLEY SEPTIC SERVICE	420.00	.00	420.00	3933	PUMPED WOODGREEN LIFT STN
013371	03/28/07	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	032807	REG BD MEETING 032807
013372	03/28/07	WIN01	WINN, MICHAEL	100.00	.00	100.00	032807	REG BD MEETING 032807
013373	03/28/07	\B006	JOHNSTON, LINDA	55.96	.00	55.96	000A70301	MQ CUSTOMER REFUND
013374	03/28/07	\F004	POPE PROPERTY MGMT,	97.46	.00	97.46	000A70301	MQ CUSTOMER REFUND

## NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 42 - Years of Service 1965 - 2007*

## MINUTES

MARCH 14, 2007 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

**BOARD of DIRECTORS**

MICHAEL WINN, **PRESIDENT**  
 LARRY VIERHEILIG, **VICE PRESIDENT**  
 CLIFFORD TROTTER, **DIRECTOR**  
 ED EBY, **DIRECTOR**  
 JAMES HARRISON, **DIRECTOR**

**PRINCIPAL STAFF**

BRUCE BUEL, **GENERAL MANAGER**  
 LISA BOGNUDA, **ASSIST. ADMINISTRATOR**  
 DONNA JOHNSON, **BOARD SECRETARY**  
 JON SEITZ, **GENERAL COUNSEL**  
 DAN MIGLIAZZO, **UTILITY SUPERVISOR**

**Mission Statement:** The Nipomo Community Services District's mission is to provide the community with reliable, quality and cost-effective services.

**Vision Statement:** The Nipomo Community Services District's vision is to manage the resources and future growth of the community.

00:00:00

## A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 9:02 a.m. and led the flag salute.

## B. ROLL CALL

At Roll Call, all directors were present.

00:01:09

## C. PRESENTATIONS AND PUBLIC COMMENT

## C-1) COMMANDER BASTI OF SOUTH COUNTY SHERIFF'S OFFICE

Commander Martin Basti presented information concerning Sheriff's activities on the Nipomo Mesa:

- Sexually Violent Predator Task Force - March will be sweeps month in South County. This is a 3 county joint task force.
  - To be sure of 100% compliance, an actual physical check will be made for each offender (77 registered)
- Meth Task Force Grant – 3 deputies assigned focusing on street enforcement
- More graffiti on Crystal Way – tagging, not gang related
- Increased gang activity from the 18<sup>th</sup> Street Gang from Los Angeles very dangerous group
- Last weekend, (March 10, 2007) a routine traffic violation stop netted a group of thieves who is attributed to a string of thefts (about 44) from Arizona to the California coast. Recovered a van full of stolen goods while thieves were capering a neighborhood.
- Contacted Supervisor Achadjian's office about the traffic "improvement" on Tefft Street at Mary Street that is impairing response in that area.

The Board thanked him for his presentation.

00:05:02

## C-2) BATTALION CHIEF BILL FISHER OF CAL FIRE (FORMERLY CDF)

Battalion Chief Bill Fisher presented information concerning the CalFire activities for the month of February. A copy of the report is available in the District office. The Board took a short break at 9:11 a.m. to go outside to see the new Medic Engine Twenty. They pointed out interesting features of the new truck. The Board reconvened at 9:22 a.m. The Board thanked Chief Fisher for his presentation.

**MINUTES SUBJECT TO BOARD APPROVAL**

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

00:09:40

## C-3) MIKE NUNLEY OF BOYLE ENGINEERING

Mike Nunley, the Project Manager from Boyle Engineering, gave a progress report on the evaluation of alternate water supply options.

The biological survey should be finished by the end of the month.

Boyle Engineering is performing evaluations:

- Constraints analysis Technical Memorandum will be delivered May 9, 2007.
- Detailed review of Santa Maria groundwater alternatives due by June 11<sup>th</sup>
- Desalination, Nacimiento, agriculture water exchange, recharge of wastewater Technical Memo will be submitted by September 7<sup>th</sup>.
- A constraints analysis was performed on the possibility of a Nacimiento waterline. The amount of water that can be delivered is limited – 2100 afy
- The revised version of the draft memo was given to the Board. (A copy is available for viewing in the District office.)
- Met with Jim Markman, Jon Seitz and Mr. Buel to discuss various legal constraints on the different alternatives.

The Board asked questions. There was no public comment.

00:20:49

## C-4) ROB ROSSI OF ROSSI DEVELOPMENT

Rob Rossi of Rossi Development presented information regarding potential development at Blacklake. The project will need approximately 30 acre feet of water per year. The project will replace some high water-using facilities. The water use should be an even exchange. The project is expected to bring tax revenue to the area.

The Board asked questions of Mr. Rossi. There was no public comment.

00:36:09

## C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT &amp; COMMUNITY INTEREST

Director Trotter

Announced that George Billinger, who was once the liaison between the Blacklake community and NCSD, has been elected President of the Blacklake Association Board. Bill Nelson is now the liaison between the Blacklake community and NCSD.

Director Harrison

He has been asked questions about the "Smart Growth" issue and does not know how to answer. Mr. Buel explained a little about the issue and stated that Director Harrison could tell people to call Mr. Buel.

Director Eby

SCAC annual election March 19, 2007, 11:00 a.m. to 8:00 p.m.

Elections will be Monday, March 19, 2007, from 11:00 a.m. to 8:00 p.m. at the NCSD building. Sections 3 and 7 have no candidates.

Director Vierheilig

- Thursday, March 22, 2007 at the Vets Hall County Parks and Recreation Commission will be hearing the Nipomo Parks Master Plan. The public can give input to Jan Dalido County Parks or send input on the website by March 18<sup>th</sup>.
- March 16, 17, & 18, 2007 - Santa Barbara International Orchid Show, Earl Warren Showground.
- March 30, 31 & April 1, 2007 – Central Coast Orchid Show, South County Regional Center. Tickets are available for the Friday night preview to benefit the Alzheimer's Association, California Central Coast Division.

**MINUTES SUBJECT TO BOARD APPROVAL**



**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST (continued)

Director Winn

- March 14, 2007, 3:00 p.m. TDC Blue Ribbon Committee in Room 160 of the SLO Government Center
- March 15, 2007, 9:00 a.m. LAFCo meeting. Holloway Annexation to be considered.
- March 16, 2007, 11:30 A.M. CCGGA meeting at the Edwards Barn
- March 16, 2007, 1:00 to 5:00 p.m. Designs for the proposed Miller Park will be on display in Room 361 of the SLO Government Center.
- March 21, 2007, 9:00 a.m. NCS D Special Meeting considering Wastewater Treatment Facility Master Plan.
- March 26, 2007, 7:30 a.m. – Chamber of Commerce Breakfast at Woodlands. Topic- "Nipomo Incorporation"
- March 27, 2007, 9:00 a.m. SLO County Board of Supervisors will be RMF issues.

00:51:27

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

George Billinger, NCS D Blacklake resident introduced Bill Nelson who will be helping him be the chairman to the Activities Committee and be liaison to NCS D. He wanted to thank the Board for its cooperation. Mr. Billinger will remain the chairman of the Ad Hoc Committee on merger of the Blacklake water system with the Town water system.

00:53:35

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of February 14, 2007, Regular Meeting, the February 28, 2007, Regular Meeting and February 21, 2007, Special Meeting

D-3) ACCEPT HETRICK WATERLINE REPLACEMENT PROJECT AND DIRECT STAFF TO FILE NOTICE OF ACCEPTANCE

D-4) RATIFY AMENDMENT OF WATER & SEWER MASTER PLAN AGREEMENT TO ADD SALARY ANALYSIS TO CLASSIFICATION STUDY

D-5) AUTHORIZE RECRUITMENTS OF UTILITY INTERNS FOR FY07-08

A corrected sheet for the February 14, 2007, Minutes was placed on the dais. The Minutes that were presented had an error on page 5.

Staff pulled Item D-3 for separate consideration.

Directors Vierheilig and Winn mentioned corrections need in the Minutes for February 14<sup>th</sup> and February 28, 2007. Upon motion of Director Vierheilig and seconded by Director Trotter, the Board unanimously approved the Consent Agenda Items D-1, 2, 4 and 5, as amended in the Minutes. There was no public comment. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Trotter, Eby, Harrison, and Winn	None	None

**MINUTES SUBJECT TO BOARD APPROVAL**

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

D. CONSENT AGENDA (continued)

D-3 Bruce Buel, General Manager, explained the Change Order presented to the District. Upon motion of Director Vierheilg and seconded by Director Trotter, the Board unanimously accepted the Hetrick Waterline replacement project and directed staff to file a Notice of Completion. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg, Trotter, Eby, Harrison, and Winn	None	None

The Board took a break at 10:26 a.m. and reconvened at 10:38 a.m.

01:12:28

E. ADMINISTRATIVE ITEMS

E-1) AWARD PARKS SURVEY TO CAMPBELL-RINKER AND AUTHORIZE EXECUTION OF AGREEMENT

Bruce Buel, General Manager, reviewed the proposal from Campbell-Rinker for processing a parks survey. The Board discussed the proposal and the option of having questions in Spanish for Spanish-speaking interviewees. There was no public comment.

Upon motion of Director Vierheilg and seconded by Director Harrison, the Board unanimously agreed to award the survey assignment to Campbell Rinker, including the Spanish translation option with a total not-to-exceed expenditure limit of \$17,450, and authorized execution of an agreement with Campbell Rinker and transfer of \$17,450 of property tax reserves to cover the projected cost. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg, Harrison, Eby, Trotter, and Winn	None	None

01:26:00

E-2) AWARD DESIGN OF SOUTHLAND SHOP UPGRADE TO KORNREICH ASSOCIATES AND AUTHORIZE EXECUTION OF AGREEMENT

Bruce Buel, General Manager, reviewed the proposal from Kornreich Associates with Garing, Taylor and Associates to prepare the design up to processing of bids for construction of the Southland Shop Upgrade. Board discussion ensued.

Upon motion of Director Vierheilg and seconded by Director Eby, the Board unanimously agreed to award the design to Kornreich Associates to perform the services set forth in the proposal on a time and materials basis with a not-to-exceed expenditure limit of \$33,790 and authorize the President to execute an agreement with Kornreich Associates for the Southland Shop upgrade. There was no public comment. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg, Eby, Harrison, Trotter, and Winn	None	None

01:33:28

E-3) REVIEW IMPLEMENTATION OF SP MAINTENANCE STREET SWEEPING AGREEMENT

Bruce Buel, General Manager, explained that staff held several discussions with SP Maintenance staff and then on February 27, 2007, Faith Watkins followed the sweeper as the sweeper did the quarterly sweeping. The Board discussed the matter.

**MINUTES SUBJECT TO BOARD APPROVAL**

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

E-3) REVIEW IMPLEMENTATION OF SP MAINTENANCE STREET SWEEPING AGREEMENT (continued)

Upon motion of Director Eby and seconded by Director Harrison, the Board unanimously authorized payment of the two invoices from SP Maintenance. There was no public comment. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Eby, Harrison, Vierheilig, Trotter, and Winn	None	None

The Board discussed different aspects of the ability of the street sweepers and the street-sweeping machine to properly clean some streets, picking up cans, etc. The Board directed staff to investigate different methods to better clean the streets, including contacting SLO County Public Works.

01:57:11

E-4) CONSIDER AUTHORIZING NEGOTIATION OF OUTSIDE USER AGREEMENT WITH CRAIG FAMILY FOR 20 ACRE SUBDIVISION AT WILLOW AND VIA CONCHA

Bruce Buel, General Manager, reviewed the possibility to authorize negotiation of Outside User Agreement with Craig Family for 20-acre subdivision at Willow Road and Via Concha.

Carol Florence, representative for the Craig Family Trust, asked the Board to approve the negotiation of the agreement. She answered questions from the Board.

Upon motion of Director Vierheilig and seconded by Director Harrison, the Board agreed to authorize negotiation of Outside User Agreement with the Craig Family. There was no public comment. Vote 4-1 with Director Eby voting no.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Harrison, Trotter, and Winn	Director Eby	None

02:25:08

E-5) SUPPORT CERTIFICATION OF LEVEL OF SEVERITY III DESIGNATION FOR NIPOMO MESA MANAGEMENT AREA BY SLO COUNTY BOARD OF SUPERVISORS

Bruce Buel, General Manager, explained that certification of Level of Severity III for the Nipomo Mesa Management Area is the valid descriptor of actual conditions and that such a designation underscores the importance of developing supplemental supply. The Board discussed the matter. Director Trotter stated that this proposition seems to be in conflict with Item E-4 above. Director Eby stated that the District is sending the SLO Board of Supervisors the wrong message. The directors agreed that the Craig Outside User Agreement would be the last approval of a request for outside District water until a supplemental water supply is flowing.

Upon motion of Director Eby and seconded by Director Trotter, the Board unanimously adopted Resolution 2007-1007, as amended. Vote 5-0.

**RESOLUTION NO. 2007-1007**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT SUPPORTING THE CERTIFICATION OF A LEVEL OF SEVERITY III DESIGNATION FOR THE NIPOMO MESA MANAGEMENT AREA**

F. MANAGER'S REPORT

Bruce Buel, General Manager, reported the following that was not on the published Manager's Report.

- South County Sanitary will be holding its "Anything Goes" from April 23-27, 2007. Large items will be collected on each customer's regular pick-up day.

**MINUTES SUBJECT TO BOARD APPROVAL**

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

- AB 885 Reg on-site waste discharge proposed regulations
- SLO County will be replacing the culvert on Mallagh and Sea for flood control.

**02:48:29** G. COMMITTEE REPORTS  
 1) RECEIVE 3/7/07 FINANCE, AUDIT & PERSONNEL COMMITTEE MEETING MINUTES  
 Director Vierheilg reviewed the minutes from the meeting.

**02:54:25** H. DIRECTORS' REQUESTS TO STAFF & SUPPLEMENTAL REPORTS  
 There were no special requests from the directors.

**02:57:13** I. CLOSED SESSION ANNOUNCEMENTS  
 Jon Seitz, District Legal Counsel, announced the items for the Closed Session:  
 1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS NCSO SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.  
 2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSO CASE NO. CV 040877, MARIA VISTA VS. NCSO CASE NO. CV 061079, AND MARIA VISTA VS. LINDA VISTA FARMS, NCSO ET AL CASE NO. CV 040150;  
 3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; SAN LUIS OBISPO COASTKEEPER VS. NCSO (CASE NO. CV060349)  
 4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSO VS. SLO COUNTY (CASE NO. CV 070066)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS  
 There was no public present to comment.

**02:58:36** K. ADJOURN TO CLOSED SESSION  
 The Board went into Closed Session at 12:24 p.m.

**02:58:54** L. OPEN SESSION  
 ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Jon Seitz, District Legal Counsel, announced the following:  
 The Board heard an update on all the items above.  
 Item 1 – There was no reportable action.  
 Item 2 - There was no reportable action. The judge ruled in favor of Case No. CV 040877  
 Item 3 – The Board gave instructions to legal counsel to take steps to settle the matter.  
 Item 4 - The Board gave instructions to legal counsel and took no reportable action.

ADJOURN

- **THE FOLLOWING SPECIAL BOARD MEETING IS MARCH 28, 2007.**  
**TENTATIVELY SCHEDULED ITEMS INCLUDE:**
  - Pre-View Draft Ordinance Amending Allocation Program
  - Consider Resolution Suspending Processing of Annexation Applications
  - Receive Classification Study
- **THE NEXT SPECIAL BOARD MEETING IS MARCH 21, 2007.**  
**TENTATIVELY SCHEDULED ITEMS INCLUDE:**
  - Southland WWTF Master Plan

**MINUTES SUBJECT TO BOARD APPROVAL**

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BEB*  
DATE: MARCH 23, 2007

**AGENDA ITEM**  
**D-3**  
**MARCH 28, 2007**

## LAURA PENNEBAKER INTERNSHIP AUTHORIZATION

### ITEM

Authorize execution of agreement with Laura Pennebaker for temporary part time internship for office assignments.

### BACKGROUND

Laura Pennebaker, a masters student at Cal Poly, has contacted NCSD regarding the possibility of serving as an intern for Spring and Summer 2007. Laura is willing to work at \$10 per hour on GIS updates, development project processing, maintenance management set up, document scanning, and general clerical assistance. She would work no more than 20 hours per week with a total cap of 480 hours. The cost to NCSD would be up to \$5,334, depending on actual hours worked.

Attached is Laura's resume.

### RECOMMENDATION

Authorize the General Manager to execute a part time, temporary, employment agreement with Laura Pennebaker as described above.

### ATTACHMENT

- LAURA PENNEBAKER RESUME

# Laura A. Pennebaker

lauraunrue@yahoo.com

PO Box 5056 Santa Maria, CA 93456

(805) 550-0396

## Education

California Polytechnic State University San Luis Obispo, Calif., January 2007 – Present

- Currently pursuing MS degree in Earth and Soil Science with an emphasis in Land Use Planning

California Polytechnic State University San Luis Obispo, Calif., June 2005

- Graduated *magna cum laude*
- **Bachelor of Science:** Animal Science **Minor:** Rangeland Resources Management

Cabrillo High School, Lompoc, Calif., June 2000

- Graduated with honors

## Employment History

**Assistant Watershed Coordinator** August 2005 – March 2006

Central Modoc Resource Conservation District, Alturas, Calif.

- Assisted with resource conservation projects including grazing management planning, fencing and water development as well as riparian and upland habitat restoration projects.
- Performed grant writing/reporting duties and produced outreach materials relating to RCD projects as well as represented the organization at community meetings and events.
- Coordinated outreach efforts to provide technical assistance and education for irrigated agriculture producers regarding the Central Valley Irrigated Lands Program.

**Instructional Support and Research Assistant** August 2002 – July 2005

Cal Poly Earth and Soil Sciences Department, San Luis Obispo, Calif.

- Developed course materials for Soil Conservation, Soil Science and Range Management classes.
- Performed erosion control research, aided in experimental development and design.
- Collected data in the form of water and sediment samples, performed analysis of pH, TSS and Electrical Conductivity
- Assisted in the writing of technical papers and public relations materials.
- Provided assistance to department faculty and staff, performed clerical duties.

**Cal Poly Beef Unit Student Herdsman** June 2001-June 2002

Cal Poly Animal Science Department, San Luis Obispo, Calif.

- Responsible for daily feeding and management of cattle.
- Managed commercial and purebred cowherds on a rotational grazing program.
- Maintained hand written and electronic records.
- Supervised student volunteers and guided tours of the facility.

## Honors Received

- Dean's Honor List (2000 – 2005)
- Presidents Honor List (2000 – 2005)
- American Society of Animal Science Legion of Academic Merit (2000 – 2005)
- 2004 California Young Cattlemen's Association Young Cattleman of the Year
- Four San Luis Obispo County Cattlewomen's Scholarships
- Two California Cattlemen's Association Scholarships

## Additional Qualifications

- Excellent organizational abilities, writing and communication skills
- Proficient with all Microsoft Office Programs

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BSB*  
DATE: MARCH 23, 2007

**AGENDA ITEM**  
**D-4**  
**MARCH 28, 2007**

## REJECT PARTICIPATION IN NACIMIENTO PROJECT

### ITEM

Reject Nacimiento Water Project as supplemental water supply and advise County.

### BACKGROUND

Attached is a Technical Memorandum from Boyle Engineering detailing the Nacimiento Project as a supplemental water supply for NCSD. As set forth in the Memorandum, the Nacimiento Project would be about twice as expensive per acre foot of developed supply and it would not satisfy NCSD's minimum yield target.

Boyle submitted this Technical Memorandum out of sequence, since the County is preparing bid documents for construction and needed feedback if NCSD wished to participate.

### RECOMMENDATION

Staff recommends that your Honorable Board determine that the Nacimiento Water Project is not suitable for further consideration and direct staff to advise the County accordingly.

### ATTACHMENT

- **BOYLE TECHNICAL MEMORANDUM**

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2007\nacimiento rejection.DOC

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## MEMORANDUM

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TO: Bruce Buel  
General Manager, Nipomo CSD

FROM: Michael K. Nunley, PE *MKN*  
Cesar Romero, PE

SUBJECT: Nipomo CSD Evaluation of Supplemental Water  
Alternatives -  
Draft Constraints Analysis for Nacimiento Water Project  
Extension

Revised March 12, 2007

### **Nacimiento Water Project Extension to NCSD**

#### **1.0 Introduction**

The NWP is a transmission facility that will convey raw water from Lake Nacimiento to communities in San Luis Obispo County. The San Luis Obispo County Flood Control & Water Conservation District (SLOCFCWCD) is managing the design and construction of this facility. The initial contracted participants are the City of El Paso de Robles, Atascadero Mutual Water Company, Templeton Community Services District, Cayucos County Service Area (CSA 10A), and the City of San Luis Obispo.

The NWP consists of 45 miles of transmission pipeline ranging in size from 30 to 12 inches in diameter; storage reservoirs; and booster pump stations. The pipeline ends at the City of San Luis Obispo Water Treatment Plant (SLO WTP) turnout.

This section considers the constraints associated with extending the Nacimiento Water Project (NWP) pipeline from the City of SLO Turnout to the Nipomo Community Services District (NCSD) distribution system. A schematic map of the Project is shown in Figure X-X.

#### **2.0 Previous Studies**

The following list summarizes the studies and documents referenced in this evaluation:

- Nacimiento Reservoir: Reliability As a Water Source for San Luis Obispo County (Boyle Engineering, October 2002)
- Nacimiento Water Project: Technical Memorandum (TM) 8 Water Quality Investigations for San Luis Obispo County Flood Control & Water Conservation District (SLOCFCWCD) (Black & Veatch, January 2006)
- Supplemental Water Supply Study: Nacimiento Pipeline Extension for City of Arroyo Grande, City of Grover Beach, and Oceano CSD (Wallace Group, January 2006)
- Nacimiento Water Project: Preliminary Design Report (PDR) for SLOCFCWCD (Black & Veatch, in Association with Boyle Engineering, July 2006 FINAL)



- AIWRP Water Supply Evaluation: Nacimiento Treatment Evaluation for City of El Paso de Robles (Boyle Engineering, September 2006)
- Agendas from NWP Commission and Board of Supervisors of the SLOCFCWCD

### 3.0 Supply

The SLOCFCWCD has an annual entitlement of 17,500 acre-feet (AF) within Lake Nacimiento through a 1959 Agreement with Monterey County Water Resources Agency (MCWRA) and is owner of the NWP.

The NWP is designed to convey 15,750 acre-feet per year (AFY) with the remainder of the entitlement set aside for lakeside use. The total delivered entitlement currently under contract is 9,655 AFY. The "Reserved Capacity" (or unsubscribed entitlement) is 6,095 AFY.

Initially the SLOCFCWCD intended to deliver the full Reserved Capacity to the end of the project. In an effort to reduce the construction cost of the NWP, the SLOCFCWCD reduced pipeline size and capacity between Santa Margarita and the City of San Luis Obispo's Turnout. As indicated on the Design Plans for the NWP, the last reach ending at the SLOWTP will be 12-inches in diameter with a current deliverable Reserved Capacity of 2,148 AFY. However, Mr. Hollenbeck indicated the last reach of the NWP could be upgraded to provide up to 3,000 AFY if an interested agency paid for design revisions and were able to sign an agreement with SLO County.

### 4.0 Quality

The NWP will convey raw surface water. Participants will need to treat the water or utilize aquifer storage and recovery. The City of El Paso de Robles plans to construct a surface water treatment plant for NWP water. As discussed in the Water Source Evaluation for the City of Paso Robles (Boyle 2006), the City will treat the raw water, blend it with groundwater, and pump it directly into their distribution system. The City of San Luis Obispo plans to treat its NWP water at its existing water treatment plant located on Stenner Creek Road. TCSD and AMWC plan to use their NWP deliveries for aquifer recharge via spreading ponds.

Nacimiento Water Project PDR identified the following water quality issues that could potentially affect NWP participants:

- Algae;
- Iron and manganese;
- PH, alkalinity, and hardness (corrosion potential);
- Odor;
- Turbidity and color; and
- Disinfection byproduct formation

In order to utilize this water supply, the NCSD will need to filter and disinfect the raw surface water, or develop an aquifer storage and recovery (ASR) system. In addition, the District must ensure compliance with the drinking water standards for disinfection by products (DBPs), ensure maintenance of a disinfectant residual, and address potential corrosion impacts due to the water.

## 5.0 Reliability

The current NWP Delivery Entitlement Contracts provide the initial participants with an annual allocation in Acre-feet (AF) of NWP water, including specified maximum instantaneous flow rates in cubic feet per second (cfs) and maximum allocations for any given month of service. Additionally, the maximum period of delivery for any participant is 11 months in order to allow for routine maintenance of the NWP.

It is understood the City of San Luis Obispo's allocation of 3,380 AFY of NWP water will be delivered at a constant rate for 11 months per year. Similarly, it is understood the current deliverable Reserved Capacity at the SLOWTP pipeline terminus could be delivered at a constant rate for the same 11-month duration. However, as discussed previously in this report, only 2148 AFY will be available for the District.

As indicated in the NWP Preliminary Design Report, backup systems for critical project components (e.g. backup pumps, backup communications) are incorporated into the NWP design to enhance system reliability.

## 6.0 Required Facilities

Two options were evaluated in this Constraints Analysis:

- Participation in a regional project to extend the NWP pipeline to other South County purveyors; and
- Transmission of Nacimiento Water to Nipomo CSD, with no additional partners or South County participants.

### 6.1 Regional NWP Participation

A NWP extension to the NCSD service area will likely require participation from other agencies to help offset the expected high capital and NWP "buy-in" costs. The Cities of Arroyo Grande and Grover Beach and Oceano Community Services District jointly evaluated the feasibility of extending the NWP from its terminus at the SLOWTP to the Lopez Water Treatment Plant for distribution as supplemental water to South County Purveyors (2006 Supplemental Water Supply Study, Wallace Group). The 2006 study conducted by the purveyors considered two alternative alignments for the pipeline extension. Both alternatives utilized the NWP EIR alignment from the SLOWTP to the SLO Airport area<sup>1</sup> (approximately 9.5 miles). Descriptions of both alternative alignments evaluated by Wallace Group are as follows:

- Alignment A: From SLOWTP to Lopez WTP along Orcutt Road, parallel to the existing State Water Pipeline (17.5 miles total)

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<sup>1</sup> This sub-alternative was previously evaluated as part of the December 2003 Final EIR for the NWP

- Alignment B: From SLOWTP to Lopez WTP along Orcutt Road, utilizing the planned Plains Oilfield pipeline from Price Canyon, along Highway 227 (18.1 miles total)

Based on a review of this study, the primary assumptions used in Wallace Group's analysis were as follows:

- NWP reserve capacity available for new participants in southern SLO County is 2,100 AFY
- NWP pipe size at SLOWTP is 20-inches inner diameter (I.D.)
- NWP delivered Hydraulic Grade Line (HGL) at SLOWTP turnout is 1295 feet
- Ground Elevation at SLOWTP is 400 feet; Nominal water surface elevation at Lopez Reservoir is 383 feet
- Raw water conveyed by NWP extension will be treated (filtered and disinfected) at the Lopez WTP and conveyed to South County area water purveyors via the Lopez distribution system

Since NWP design had not been completed at the time of the 2006 Wallace Study, the study addressed a range of hydraulic conditions at SLOWTP. The study concluded a 12-inch diameter pipeline would be sufficient to convey approximately 2300 AFY of water along Alignment A given a minimum calculated HGL of approximately 1260-ft at the SLOWTP. A 16-inch diameter pipeline would be required if the available HGL was reduced to 575-ft at the SLOWTP. A booster station would be required for any further reductions in NWP delivered HGL at the SLOWTP turnout. To accommodate this additional flow, the Lopez WTP would need to be expanded and the Lopez Distribution system may need to be upgraded.

Raw water allotted for NCSD could be treated at the Lopez WTP, or conveyed further south to the NCSD service area for treatment and distribution. As shown on Figure X-X, it may be possible to align the remainder of the pipeline extension from the Lopez WTP to NCSD (approximately 12 miles) parallel to the existing Central Coast Water Authority (CCWA) pipeline and possibly within its easement.

It is anticipated a connection to NCSD's distribution system can be made near the vicinity of Tefft St. and Thompson Rd.; however, the pipeline could be extended to the Quad Tank Site near Foothill Rd. and Tefft St. If treatment is not provided at Lopez Lake, a water treatment facility will be required to filter and disinfect the raw water prior to introduction into the municipal water supply.

#### 6.2 Sole Ownership of Nacimiento WTP Extension from SLO WTP to NCSD Service Area

If this option is pursued, the project alignments and facilities discussed above (except treatment at the Lopez WTP) would still be appropriate. However, the District would bear the full cost for all facilities.

### 6.3 Project Components:

Based on this constraints analysis, the following facilities will be required to extend the NWP pipeline from the SLO WTP to the NCSD distribution system. It is assumed project alignments and components would be similar for either alternative mentioned above:

- Reach 1 (SLOWTP to Lopez WTP): Extension of approximately 92,400 linear feet (17.5 miles) of pipe (Alignment A as identified in 2006 Wallace Study);
- Reach 2 (Lopez WTP to NCSD);
  - Pipeline extension: 65,000 linear feet (12.3 miles) of pipe;
  - Connection to existing municipal water system w/possible required upgrades
- Booster pump station(s) and Storage facilities at SLO WTP Turnout, Lopez WTP, and/or Nipomo CSD tie-in; and
- Water treatment plant to filter and disinfect raw NWP water

### **7.0 Implementation Schedule**

As of the date this section was written (January 2007), the NWP is nearing 100% design completion and the final bid packages are being prepared for submittal to SLOCFCWCD. The plans and specifications will be bid in April 2007 for award sometime later in the year. Additionally, as currently designed, the final reach of the NWP has a deliverable capacity of approximately 2,148 AFY for new South County participants.

As these dates indicate, the project window is rapidly closing for any additional participants. During our January 25, 2007, meeting with Mr. Hollenbeck, he indicated any interested South County participants would need to quickly commit and be able to enter an Agreement with San Luis Obispo County for an entitlement to available NWP water. He also indicated the interested agencies would need to satisfy the CEQA process prior to the County entering an Agreement with them. It is our understanding a Supplemental EIR would need to be initiated and/or Draft completed prior to said Agreement being executed.

With regards to project implementation schedule, the Wallace Study estimated a project timeline of approximately 5 years for Reach 1, from the beginning of agency agreements to completion of construction.

It is estimated approximately five (5) to seven (7) years will be required to fully implement Reach 1 and 2 of this project.

## 8.0 Constraints

### 8.1 Institutional

Institutional constraints for the proposed project are identified as follows:

- NCSO must decide if it wants to further pursue the feasibility of extending the NWP.
- To share costs, the NCSO must quickly mobilize and secure sufficient participation from interested South County communities.
- NCSO must determine its minimum acceptable water volume entitlement for negotiating with SLOCFCWCD and tentative South County Participants. NCSO will not be able to secure the full 3,000 AFY from the NWP extension.
- NCSO must notify SLOCFCWCD of its intentions and receive approval from the existing project participants. They would be unlikely to support any actions that would delay their project, so it is unlikely they would allow the District to contribute toward design and construction of a larger capacity pipeline between Cuesta Tunnel and San Luis Obispo.

### 8.2 Legal

Legal constraints are summarized as follows:

- NCSO and interested South County participants must enter into agreements with SLOCFCWCD to secure NWP deliveries. As a condition for executing this agreement, it is understood environmental review under CEQA must be initiated and/or completed along the pipeline extension corridor by way of a Supplemental EIR.
- As identified in the 2006 Wallace Study, NWP deliveries to South County participants will likely require alteration of the Zone 3 Entitlement Contracts. The existing Lopez Distribution system downstream of the Lopez WTP would probably be utilized for delivery of NWP water. This may delay participation by NCSO's potential project partners.

### 8.3 Regulatory

As indicated above, environmental review under CEQA must be initiated and/or completed along the pipeline extension corridor by way of a Supplemental EIR prior to SLOCFCWCD entering into an agreement with any additional prospective participants.

The construction of a treatment system, storage tanks, pipelines (including multiple stream crossings), and pumping facilities will require permits from local, state, and federal agencies.

The water would also require filtration and disinfection to meet federal and state surface water treatment regulations.

#### 8.4 Cost

From the December 14, 2006, Nacimiento Project Commission Agenda Item V.a (Total Project Cost Update-90% Progress Point), the total capital cost for the City of San Luis Obispo is approximately \$80.4M (\$23,800 per AFY capacity). The estimated annual cost, including annual debt and O&M, is approximately \$6.4M to \$7.1M. This results in an overall cost of approximately \$1900-\$2100 per AF, for delivery of 2100 AFY (maximum reserve capacity in pipeline) raw water to the SLO City Turnout.

In addition, the project would require storage, pumping, water treatment, and transmission facilities between the SLO City Turnout and the NCSD distribution system. The project cost for the transmission main (approximately 30 miles) would be over \$1 million per mile, assuming 12-in PVC pipe was installed, for a total of \$30M. At 6% interest, over a 20-year payback period, the pipeline alone would cost over \$1100 per AF for 2100 AFY delivery.

Therefore, the cost of delivery at the SLO City turnout and transmission to the NCSD system would cost \$3000-\$3200 per AF. With supporting facilities (storage, pumping, and filtration), a planning-level cost of over \$4000 per AF may be expected.

WIP would be considerably less expensive at approximately \$2100 per AF (including debt service at 6% over 20 years, operations & maintenance, and purchase price from Santa Maria per the MOU). This is based on the \$26M budget described in the draft WIP Preliminary Engineering Memorandum (Boyle, 2006).

#### 8.5 Capacity

In considering the desired water quantity for NCSD of 3,000 AFY, the desired water quantity in the 2006 Supplemental Water Study for 2,300 AFY, and the Reserved Capacity of 2,148 AFY at the NWP terminus, there is currently not enough deliverable capacity at the end of the NWP pipeline to satisfy all needs. However, as described above, Mr. Hollenbeck indicated it might be possible to marginally increase NWP deliverable capacity to new South County participants. It is doubtful the NWP deliverable capacity can be increased to satisfy the total desired water quantity of 5,300 AFY. If the NCSD pursues this alternative water supply, all potential South County participants (including the NCSD) will likely need to compromise and accept smaller water allocations as the available water is proportioned along the various new participants. If NCSD pursues the NWP extension without any additional partners, only 2,148 AFY (of desired 3000 AFY) would be available.

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BB*  
DATE: MARCH 23, 2007

**AGENDA ITEM  
D-5  
MARCH 28, 2007**

ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS  
TRACT 2619 (ALLSHOUSE)

**ITEM**

Acceptance of water and sewer improvements for Tract 2619 on Avenida De Amigos.

**BACKGROUND**

Upon completion of a developer's project, the District accepts improvements of the project after all requirements have been met. The developer (Mike Allshouse) for Tract 2619, a multi-family complex located at 1 Avenida De Amigos has installed water and sewer 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

The Board should note that the developer previously installed a waterline and dedicated an easement to satisfy NCSD's looping requirement.

**RECOMMENDATION**

Staff recommends that your Honorable Board approve Resolution 2007-Accept Tr 2619, accepting the water and sewer improvements for Tract 2619.

**ATTACHMENT**

Resolution 2007-Accept Tr 2619

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**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2007- Accept Tr 2619**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS  
FOR THE FOR TRACT 2619 (ALLSHOUSE)**

**WHEREAS**, the District approved the construction plans on June 30, 2005, for the water and sewer improvements to be constructed; and

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

**WHEREAS**, on March 19, 2007, the Owner offered the water and sewer 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 and sewer fees for service, required in conformance with District ordinances, have been paid in full for Tract 2619 (Allshouse).

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

That the water and sewer improvements to serve Tract 2619 in Nipomo are accepted by this District.

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

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing resolution is hereby adopted this 28<sup>th</sup> day of March, 2007.

\_\_\_\_\_  
Michael Winn, 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: BRUCE BUEL *BBB*  
DATE: MARCH 23, 2007

**AGENDA ITEM**  
**D-6**  
**MARCH 28, 2007**

AMEND SOUTHLAND WWTF MASTER PLAN AGREEMENT

**ITEM**

Authorize execution of amendment of Southland WWTF Master Plan Agreement with Boyle Engineering.

**BACKGROUND**

Attached is a proposal from Boyle Engineering to amend the Southland WWTF Master Plan Agreement per the discussion of the Board at the March 21, 2007 workshop. Boyle is proposing to add another growth scenario, address the division of upgrade costs between existing and future users, re-publish a Final Master Plan and participate in an extra NCSD Board Meeting. Boyle is willing to perform these tasks on a time and materials basis with a not to exceed expenditure limit of \$7,000. If approved, this amendment would increase the not to exceed expenditure limit for Boyle's Master Plan Agreement from \$109,229 to \$116,229.

**RECOMMENDATION**

Staff recommends that your Honorable Board authorize execution of the proposed amendment.

**ATTACHMENT**

- Boyle Proposal

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TEL: (805)542-9840  
FAX: (805)542-9990  
www.boyleengineering.com

Employee Owned

Bruce Buel  
General Manager  
NIPOMO COMMUNITY SERVICES DISTRICT

March 20, 2007  
19996.00

## **Draft Southland WWTF Master Plan – Budget Revision Request #1**

At your request, Boyle Engineering is pleased to submit this budget revision request to revise the Draft Southland Wastewater Treatment Facility Master Plan. The update will address demands resulting from potential future zoning amendments within the District's service area. Analyses in the Draft Water and Sewer Master Plan (currently underway by Cannon Associates), indicate an increase of the year 2030 average annual flow (AAF) projection to 2.58 million gallons per day (mgd), should zoning within the service area be amended to allow for higher density growth. The 2030 AAF was previously projected to be 1.67 mgd.

The objective is to revise the Draft WWTF Master Plan to address the potential future zoning amendments. This will include the following tasks:

- Edit the existing Draft Report to reflect the potential for greater projected flow rates.
- Add an additional section to discuss the potential zoning amendments, the resulting additional demand, and the needed facility improvements to meet this demand should the amendments occur.

In addition, Boyle will amend the Capital Improvements Program to identify the projects attributed to replacement and those attributed to expansion. This will allow coordination with the District's rate study and funding analysis.

A camera-ready original copy of the Final WWTF Master Plan will be provided to the District.

Boyle will be compensated on a time and materials basis, with a budget of \$7,000 not to be exceeded without written authorization from the District. This will include one (1) coordination meeting with District Staff and (1) presentation of the Master Plan to the District Board.

Boyle will complete the final WWTF Master Plan within 14 calendar days of receiving authorization to begin work.

Bruce Buel  
Page 2

If you have any questions or comments, please contact me at 805.542.9840. If this request is acceptable, please sign below to authorize this work.

Sincerely,

**Boyle Engineering Corporation**



Mike Nunley, P.E.  
Managing Engineer

**Accepted by**

Bruce Buel  
General Manager  
Nipomo Community Services District