

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LEBRUN *MSL*  
DATE: DECEMBER 3, 2009

**AGENDA ITEM  
E-3  
DECEMBER 9, 2009**

RECEIVE REPORT FROM GREG BURNS, VAN SCOYOC ASSOCIATES FOR LOBBYING SERVICES AND CONSIDER CONTRACT EXTENSION

**ITEM**

Greg Burns of Van Scoyoc Associates report and contract extension. [Receive report, give staff direction]

**BACKGROUND**

In fall 2008, your Honorable Board directed staff to solicit proposal for 2009 federal lobbying services and awarded a contract to Mr. Greg Burns with Van Scoyoc Associates for calendar year 2009. Contract services include; development of a legislative advocacy program for WIP, Legislative Advocacy, Crisis Management, Liaison with National Organizations, and timely reports to the District on relevant legislative and political developments. These lobbying services have been directed at obtaining federal funds for the waterline intertie project.

Considering the current schedule for the waterline intertie project (Assessment vote July 2010, commencement of construction January 2011) and the timeline for receiving potential federal funding, staff believes continued pursuit of federal funding no longer makes sense for the intertie project. It may prove more fruitful to direct a portion of these budgeted District resources toward the continued support of the County's IRWM funding applications and/or investigation of State funding that might be applicable to the intertie project.

**FISCAL IMPACT**

The FY09-10 Budget includes \$60,000 for lobbyist services.

**RECOMMENDATION**

Receive Mr. Burns report. Consider extending the contract for federal lobbying. Give staff direction.

**ATTACHMENTS**

- Van Scoyoc Report/Proposal
- November 2009 letter to Congressman McCarthy
- November 2009 letter to Congresswoman Capps

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**VAN SCOYOC  
ASSOCIATES**

November 30, 2009

Jim Harrison  
President, Board of Directors  
Nipomo Community Services District  
148 South Wilson Street  
Nipomo, CA 93444

Dear President Harrison,

Thank you very much for the opportunity to represent the Nipomo Community Services District (NCSD) in Washington over the past two years. I have truly appreciated our working relationship, and I am proud of our work together. This letter proposes new terms for the Board to consider so we may continue our relationship.

Our main objective over the past year was to secure Federal funding from the Environmental Protection Agency, via the State and Tribal Assistance Grant Program (STAG), for the NCSD Waterline Intertie Project. We made good progress, and it is simply a matter of time before we secure funding for the project. We convinced Rep. Capps to provide her very strong support for the project, something that could not have been said when we began working together. We are now Rep. Capps' top priority in the Interior Appropriations Bill that funds the EPA. Because Ms. Capps did not secure funding for any project in the Interior Bill this year (which surprised me greatly), she and our project are now at the top of the list for funding next year.

I have also just had the opportunity to submit the Waterline Intertie Project for Federal authorization via the proposed 2010 Water Resources Development Act (WRDA). The House Transportation and Infrastructure Committee has just begun to consider this bill. We submitted the project to both Ms. Capps and Mr. McCarthy, who has softened his opposition somewhat to Congressionally directed projects. Since Rep. Capps is well aware of our project request, I believe she will make it a top priority in this legislation.

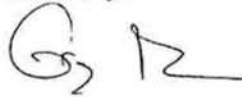
Authorization of this project would allow for a Federal appropriations request via the Corps of Engineers that could pay for up to \$15 million of the Waterline Intertie project. This could be in the form of reimbursed funding. An authorization would also establish a Federal nexus for the project. Appropriations bills are enacted annually, but Congress has not passed a WRDA bill since 2007, so this is a rare opportunity. I am making sure that Nipomo is well positioned during initial consideration of the bill to ensure that you have the opportunity to benefit.

During the next contract term, I propose to seek fiscal year 2011 funding from the STAG program for the Waterline Intertie Project as well as to continue pushing for WRDA authorization of the project.

To continue Van Scoyoc Associates' work on behalf of the Nipomo Community Services District, we propose a contract from January 1, 2010, through December 31, 2010, for a flat monthly fee of \$4,500. The cost of long distance travel is included in the fee.

If you have any questions or would like to discuss this further, please let me know. I look forward to continuing our success working together in Washington.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Burns". The signature is stylized with a large "G" and a long horizontal stroke at the end.

Gregory D. Burns

# NIPOMO COMMUNITY

## BOARD MEMBERS

JAMES HARRISON, PRESIDENT  
LARRY VIERHEILIG, VICE PRESIDENT  
MICHAEL WINN, DIRECTOR  
ED EBY, DIRECTOR  
WILLIAM J. NELSON, DIRECTOR



# SERVICES DISTRICT

## STAFF

BRUCE BUEL, GENERAL MANAGER  
LISA BOGNUDA, FINANCE DIRECTOR/ASST GM  
PETER SEVCIK, P.E., DISTRICT ENGINEER  
JON SEITZ, GENERAL COUNSEL

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148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Website address: [ncsd.ca.gov](http://ncsd.ca.gov)

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November 25, 2009

The Honorable Kevin McCarthy  
1523 Longworth House Office Building  
Washington, DC 20515

Dear Congressman McCarthy:

The Nipomo Community Services District (NCS D), roughly half of which is in your Congressional District, relies on groundwater from the Nipomo Mesa Management Area for 100% of its water supply, but uses less than 30% of the total water pulled from the groundwater basin. This basin, which supports over 23,000 people and a \$100 million per year agriculture industry, is adjacent to the Pacific Ocean and is subject to salt water intrusion. Current groundwater measures indicate only 65,000 acre-feet of water in the basin, a drop of 30% from April, 2007 to October, 2008. This level is only 5,000 acre-feet above the point where the District believes salt-water intrusion may begin to affect the basin. That intrusion would have devastating effects on the aquifer, because areas invaded by saltwater could no longer be used to store potable water.

The District has adopted a comprehensive Water Conservation Plan and is proceeding to implement the plan, including a multi-tiered rate structure, substantial education, and rebate programs for turf replacement and purchase of efficient irrigation controllers. NCS D previously completed a toilet retrofit program and is cooperating with San Luis Obispo County in developing retrofit programs upon sale of existing residences. In addition, NCS D is developing Emergency Water Shortage Regulations to control demand should the available groundwater in storage above sea level drop below safe levels.

Because of decisions made by San Luis Obispo County with regard to growth in unincorporated parts of the County, the average annual growth rate on the Nipomo Mesa over the last decade has been roughly 4% and is expected to continue at similar rates. While the NCS D has no control over growth in its area, it is expected to continue to provide reliable sources of water for the community. It also is not the only water user who draws on the Nipomo Mesa water, yet is the only water user tasked with adding more water supplies.

Not only does the NCS D recognize its responsibility to provide more water for the residents, farmers, and businesses of south San Luis Obispo County, but the California Court, in the January 25, 2008 final Groundwater Adjudication has demanded that NCS D develop a supplemental source of water to reduce its reliance on the groundwater basin.

In response to the Court's directive and the impending threat of salt water intrusion, the NCS D has developed the proposed Waterline Intertie Project to buy 3,000 acre feet per year of supplemental water from the City of Santa Maria. The District and the City of Santa Maria have negotiated a Memorandum of Agreement regarding this plan and the District has the full support of the City. The City of Santa Maria currently has a surplus of water from groundwater drawn from the Santa Maria basin and its connection to the Coastal Branch of the State Water Project.

Name: The Honorable Kevin McCarthy  
Subject: Nipomo Waterline Intertie Project  
Date: November 25, 2009

Nipomo Community Services District  
Page 2 of 2

The NCSD Waterline Intertie Project will include the construction of a water pipe from the City of Santa Maria water distribution system across the Santa Maria River to the existing water distribution system within the NCSD. Construction of the Intertie Project is expected to last 11 months and will cost \$23 million. The vast majority of this cost will be borne by NCSD water users in the form of higher water rates.

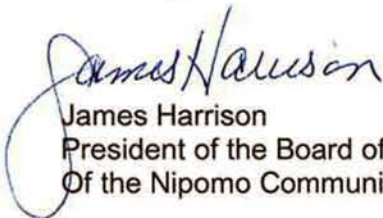
The Waterline Intertie Project will avoid the further depletion of the Nipomo Mesa Management Area groundwater area. In addition, this project will prevent sea water intrusion by providing supplemental water consistent with the proposed settlement agreements related to the groundwater negotiation. Therefore, we ask for your support for inclusion of the following language into the 2010 Water Resources Development Act so this project may become a Section 219 Corps of Engineers project:

*Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A-219; 119 Stat. 2255) is amended—*

*“(XX) NIPOMO, CALIFORNIA.--\$10,000,000 for construction of water related infrastructure, Nipomo, California.*

Thank you for your support of the Nipomo Community Services District. We appreciate your efforts on our behalf.

Sincerely,



James Harrison  
President of the Board of Directors  
Of the Nipomo Community Services District

# NIPOMO COMMUNITY



# SERVICES DISTRICT

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November 25, 2009

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1110 Longworth House Office Building  
Washington, DC 20515

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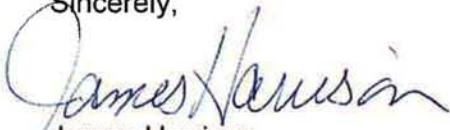
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Thank you for your support of the Nipomo Community Services District. We appreciate your efforts on our behalf.

Sincerely,



James Harrison  
President of the Board of Directors  
Of the Nipomo Community Services District

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LEBRUN *MSL*  
DATE: DECEMBER 2, 2009

**AGENDA ITEM  
E-4  
DECEMBER 9, 2009**

**RETAIN WALLACE GROUP  
TO IMPLEMENT FATS, OILS, AND GREASE PROGRAM**

**ITEM**

RETAIN WALLACE GROUP TO IMPLEMENT FATS, OILS, AND GREASE EDUCATIONAL OUTREACH AND INSPECTION PROGRAM FOR DISTRICT SEWER SERVICE AREAS FOR THE AMOUNT OF \$18,767 [RECOMMEND APPROVAL].

**BACKGROUND**

The California State Water Resources Control Board adopted Order No. 2006-003, Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection Agencies, on May 2, 2006. The WDR requires development of a Sewer System Management Plan (SSMP) and specifies monitoring, reporting and SSMP implementation requirements. Development of the SSMP is phased with compliance dates based on population. The District maintains two separate sewer collection systems – the Town system and the Blacklake system.

The District adopted the attached Fats, Oils, and Grease (FOG) element of the SSMP in September 2009. The main purpose of implementing the FOG Program is to reduce the probability of grease-related sewer system overflows, reduce maintenance costs due to grease-related problems, and improve the longevity of the collection system sewer lines. The District's proposed FOG Control Program includes implementing an inspection program for all food service establishments, providing education to food service establishments, and implementing a FOG permit program.

Staff obtained the attached proposal from the Wallace Group to create and implement a FOG control program for the District. As set forth in the proposal, the Wallace Group would develop a tracking spreadsheet of food service establishments to be inspected, develop inspection forms, develop an outreach flyer, perform educational outreach, inspect food service establishments, conduct re-inspections as needed and issue FOG permits as well as provide regular updates to the District regarding the program status. The Wallace Group is willing to perform this work on a time and materials basis with a not-to-exceed expenditure limit of \$18,767.

Also attached is some general information regarding the Wallace Group's experience implementing FOG education and inspection programs for other public agencies on the Central Coast including the resumes of key personnel and sample forms.

**FISCAL IMPACT**

The FY 09-10 Budget includes \$56,000 in the Town Sewer and Blacklake Sewer funds for SSO program development. Preparation of this staff report involved the use of budgeted staff time and monitoring of this program will involve the use of budgeted staff time. Implementation cost of the FOG program as envisioned is expected to be \$18,767 unless the total number of service establishments is higher than currently estimated.

Board approval of this Task Order is required in accordance with Resolution No. 2008-1066 that establishes the policies and procedures related to task orders and contracts for



engineering services. A formal RFP process is not required in accordance with the policy since the cost does not exceed \$25,000.

**RECOMMENDATION**

Staff recommends that your Honorable Board authorize the General Manager to execute a Task Order with Wallace Group to implement a Fats, Oils, and Grease educational outreach and inspection program for District sewer service areas for the not-to-exceed amount of \$18,767.

**ATTACHMENTS**

- NCSD SSMP FOG Element adopted September 2009
- Wallace Group FOG Implementation Proposal dated December 3, 2009
- Wallace Group FOG Education and Inspection Services Experience

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2009\SSMP FOG Program Implementation.doc

December 3, 2009

Mr. Peter Sevcik, PE  
Nipomo Community Services District  
PO Box 326  
Nipomo, California 93444-0326

Subject: Fats, Oils, and Grease (FOG) Educational Outreach and Inspection Program

Dear Mr. Sevcik:

Wallace Group appreciates the opportunity to provide you with our proposal for public works administration services for the above referenced project. Based on discussion with Kari Wagner and Heather Billing, the following Scope of Services has been prepared for your consideration:

### PROJECT UNDERSTANDING

The Nipomo Community Services District (District) requires the creation and implementation of a Fat, Oil, and Grease (FOG) educational outreach and inspection program for approximately twenty-five (25) Food Service Establishments (FSE) in the District area.

### SCOPE OF SERVICES

#### FOG Program Administration and Inspection

Wallace Group will perform FOG educational outreach and inspections for the District at its FSEs for one (1) calendar year beginning upon notification from the District to start work and receipt of a signed notice-to-proceed.

The FOG Program is an element of the District's Sewer System Management Plan (SSMP) which is a requirement of the Statewide General Waste Discharge Requirement 2006-0003-DWQ. The FOG program will include:

1. Initial FOG program set-up which includes:
  - One (1), one-hour kick-off meeting during which the development of a tracking spreadsheet of FSEs to be inspected (there are currently twenty-five as indicated over the phone by the District on November 2, 2009) and FOG Program approach will be reviewed.
  - Developing inspection forms.
  - Developing administrative and reporting files.
2. Develop a FSE outreach flyer.
3. Perform initial educational outreach and an initial inspection of identified FSEs.
4. Additional semi-annual inspection of identified FSEs.
5. Conduct re-inspections as needed to assist in FSE compliance.
6. Issue FOG permits.
7. Send District monthly reports concerning program status.

#### Deliverables:

- Electronic copies (PDF format) of all inspection forms and flyers
- Monthly reporting of program status



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SAN LUIS OBISPO  
CALIFORNIA 93401

T 805 544-4011  
F 805 544-4294

[www.wallacegroup.us](http://www.wallacegroup.us)



**TO BE PROVIDED BY THE CLIENT**

- Complete listing of facilities to be inspected
- Any pre-existing FOG flyers

**ITEMS NOT INCLUDED IN SCOPE OF SERVICES**

The following services may also benefit your project. Wallace Group can provide these; however, they are not included in the current Scope of Services or estimate of fees at this time.

- Industrial Pre-treatment Program Administration and Inspection

**PROJECT FEES**

Wallace Group will perform the services denoted above in the proposed Scope of Services in accordance with the attached Schedule of Fees (Exhibit A). These services will be invoiced monthly on an accrued cost basis, and our total fees, inclusive of reimbursables, will not exceed our estimated fee of \$18,767 without receiving written authorization from the District.

At your request, additional services to the Scope of Services will be performed by Wallace Group following the signature of our Contract Amendment or the initiation of a new contract.

**TERMS AND CONDITIONS**

In order to convey a clear understanding of the matters related to our mutual responsibilities regarding this proposal, the attached Standard Terms and Conditions (Exhibit B) are considered a part of our proposal agreement. If this proposal meets with your approval, please sign where indicated and return one original to our office, which will serve as our notice-to-proceed.

We want to thank you for this opportunity to present our proposal for professional services. Heather Billing, your Environmental Compliance Inspector for the proposed FOG Program, will contact you on December 3, 2009 to respond to questions about this proposal.

Sincerely,

**WALLACE GROUP, a California Corporation**

Thomas K. Zehnder, PE 72702  
Principal  
612 Clarion Court  
San Luis Obispo  
California 93401  
T 805 544-4011  
F 805 544-4294  
www.wallacegroup.us

**TERMS AND CONDITIONS ACCEPTED:**

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Title  
\_\_\_\_\_  
Date

Attachments  
mtb: PP09-4041a, 2009, std  
Exhibit A  
Exhibit B

THIS PROPOSAL IS VALID FOR 60 DAYS FROM THE DATE OF THIS DOCUMENT.

"Exhibit A"  
**Schedule of Fees**  
**Personnel Hourly Rates**

**Public Works Administration Services:**

Project Analyst I - IV .....	\$ 83 - \$126
Program Manager.....	\$122
Public Works Administrator I-III.....	\$122 - \$132
Senior Right-of-Way Agent.....	\$144
Senior Engineer I-III.....	\$144 - \$152
Principal Engineer.....	\$166
Principal.....	\$176

**Administrative Services:**

Administrative Assistant I - V .....	\$ 64 - \$ 79
Financial Analyst I - II.....	\$ 83 - \$105
Senior Financial Analyst.....	\$122

**Additional Professional Services:**

Fees for expert witness preparation, testimony, court appearances, or depositions will be billed at the rate of \$275 an hour.

**Direct Expenses:**

Reimbursement of direct expenses incurred in connection with the project scope of work will be invoiced to the client. A handling charge of 15% may be added to the direct expenses listed below. Direct expenses include, but are not limited to the following:

- travel expenses (automobile/ lodging/ meals)
- professional sub-consultants
- county/city fees
- document copies
- long distance telephone/fax
- postage/delivery service
- special materials
- blueprints
- photographs

**Invoicing and Interest Charges:**

Invoices are submitted monthly on an accrued cost basis in accordance with this Fee Schedule. A finance charge of 1.5% per month (18% per annum) will be assessed on all balances that are thirty days past due.

**Fee Revisions:**

Wallace Group reserves the right to revise our Schedule of Fees on a semi-annual basis, and also to adjust hourly prevailing wage rates (up or down) as the State establishes rate changes. As authorized in advance by the client, overtime on a project will be billed at 1.3 times the normal employee's hourly rate.

**Personnel Classifications:**

Wallace Group may find it necessary to occasionally add new personnel classifications to our Schedule of Fees.

**Mileage:**

Wallace Group charges \$0.60 per mile.

Estimated Cost Breakdown of Total Fee  
Nipomo Community Services District  
FOG Program

Task	Description	152	126	79		Total Cost
		Senior	Proj.	Clerical	Total	
		Engineer	Analyst		Hrs.	
<b>TASK 1: FOG Program Administration and Inspection</b>						
1.0	Project Management/Coordination	10	10		20	\$2,780
1.1	FOG Program Set-up			5	5	\$395
1.2	Public Outreach		25		25	\$3,150
1.3	Facility Inspections	40			40	\$6,080
1.4	Facility Reinspections	20			20	\$3,040
1.5	FOG Permits		15		15	\$1,890
	<b>SUBTOTAL TASK 1</b>	<b>70</b>	<b>50</b>	<b>5</b>	<b>100</b>	<b>\$17,335</b>
<b>REIMBURSABLES: MEETINGS, COPIES, MILEAGE</b>						
	<b>SUBTOTAL REIMBURSABLES</b>					<b>\$1,432</b>
<b>TOTAL ESTIMATED FEES</b>						<b>\$18,767</b>

# FATS, OILS, AND GREASE (FOG) PROGRAMS Various Agencies, CA

## SANTA MARIA

The City of Santa Maria has historically experienced a high number (20 – 30) of Sanitary Sewer Overflows (SSOs) due to root intrusion, FOG, and incorrect sewer pipe sizing and installation. At the request of the City, in July 2008 Wallace Group implemented the educational component of the FOG Program on selected Food Service Establishments (FSEs). In the Winter of 2008/2009 we transitioned to performing two rounds of FOG inspections on selected FSEs. The inspections were completed in the Summer of 2009. City staff has taken over implementation of the program.

As a result of the City's efforts in conjunction with Wallace Group staff, as of September 2009, Santa Maria has had only five (5) SSOs, which is a 75% reduction from 2008.

## ARROYO GRANDE, GROVER BEACH, AND OCEANO

Wallace Group manages the FOG Program for South San Luis Obispo County Sanitation District (SSLOCSD) and their member agencies (the cities above). The number of reportable SSO's for these cities remains low (less than 5 each) with implementation of the SSLOCSD FOG Program in 2007. The initial effort included education regarding Best Management Practices (BMPs) and bringing FSEs into compliance with installation of grease management devices (traps or interceptors) based on type of cuisine served and volume of business. With over 95% of FSEs now having the required equipment, inspection focus has shifted to the management (i.e. frequency of cleaning) of the grease control devices installed.

## BUELLTON

The City of Buellton began implementation of their FOG Program in 2008, although they have not had a reportable SSO in over five years. The Public Works Director determined that the continuous presence of visible grease in the lines and the extra jetting performed to prevent SSOs warranted the implementation of a FOG Program.

In July of 2008, an initial round of educational visits and inspections determined that 11 FSE's out of the 28, or 39%, identified did not have grease management devices installed per the City's Sewer Ordinance. As of November 2009, 4 FSE's, or 14%, remain out of compliance with grease device installation requirements. Wallace Group continues to move forward with the remaining out of compliance FSEs and is emphasizing the use of BMPs until the FSE's can afford to install the equipment.

## AVILA BEACH

While the number of SSOs that Avila Beach experiences is less than five (5) per year, the City determined the need to implement a FOG Program after video inspection of the lines showed visible amounts of grease. Educational outreach and inspections began in the Fall of 2008 of six (6) FSEs.

While the City has experienced only one (1) SSO as of December 2009, the continued presence of grease in the lines indicates the need to continue the FOG Program with the focus expanding to the parks and beach where tourists use the sinks to rinse their pans after barbecuing.



WALLACE GROUP®

# HEATHER BILLING

## Senior Engineer

Heather is an environmental compliance specialist and works with both public and private Clients on their discharge permit renewals and manages point and non-point discharge compliance programs. She is currently providing environmental compliance services for the South San Luis Obispo County Sanitation District, the Cities of Arroyo Grande, Avila Beach, Buellton, Grover Beach, and the Oceano Community Services District. Heather has experience in conducting inspections of food service establishments and facilitating the development of Source Control Programs. These programs include the implementation of City and District regulations; Sewer System Management Plans (SSMP); Fats, Oils and Grease (FOG) Programs; Source Control; Emergency Response Plans; and Training Programs. She is adept in conducting inspections and guiding Clients towards state and federal compliance.

Heather also develops management plans and documentation for pollution control and researches available resources for and recommends changes to existing management plans. Her expertise extends to storm water runoff management, erosion control, water quality, food safety, toxic emissions reporting, and seawater reverse osmosis. She also has experience with hazardous material and waste handling through inspections, permitting, and implementation of programs. This background enables her to readily respond to numerous state and federal environmental regulatory agencies and participate in negotiations with them.

Before joining Wallace Group, Heather was a private Environmental Compliance Consultant for agriculture and industry. She ensured that requirements for non-point and point source waste discharge enacted by California's nine Regional Water Quality Control Boards were met. She also addressed other environmental compliance requirements when requested.

### EDUCATION

MS, Environmental Management, West Coast University, Vandenberg, CA

BS, Chemical Engineering, University of California, Berkeley, CA

### REPRESENTATIVE PROJECTS

#### Fats, Oils and Grease (FOG) Program Services, South San Luis Obispo County Sanitation District, Oceano, and Cities of Avila Beach and Buellton, CA

As part of the Wallace Group team, providing services to coordinate the development and implementation, including site inspections, of a FOG Control Program on behalf of the South San Luis Obispo County Sanitation District's member agencies and the City of Buellton. Services also include developing additional ordinances, policies, and amendments to further strengthen the FOG Program.

#### Regulatory Compliance and Coordination Services for Communities in San Luis Obispo County, CA

- NPDES Permits: Completed the 2009 National Pollutant Discharge and Elimination System (NPDES) permit renewal package for South San Luis Obispo County Sanitation District and Avila Beach Community Services District wastewater treatment plants.
- Compliance Documentation Services: Management of California Integrated Waster Quality System (CIWQS) reporting requirements by the Central Coast Regional Water Quality Control Board for South San Luis Obispo County Sanitation District and Avila Beach Community Services District.



WALLACE GROUP®

HEATHER BILLING  
Senior Engineer  
(continued)

- Industrial Waste Discharge Compliance Management Program: Currently manages the Pretreatment Program for industrial users that discharge to South San Luis Obispo County Sanitation District and the City of Buellton. Pretreatment Program requirements are described in 40 CFR 403.

**Acting City Staff for Compliance Services, City of Arroyo Grande, CA**

Continuing Wallace Group's 13 years of engineering services to the City by assisting in a variety of staff roles, including administering reporting to the RWQCB and implementing the FOG control program.

**SSMP Development and Related Programs, City of Grover Beach, CA**

Providing ongoing services to administer reporting to the RWQCB for the City of Grover Beach, using the electronic CIWQS system as part of the SSMP. Also implementing a FOG control program for the City and serving in the capacity of staff, conducting research regarding federal, state and regional regulatory requirements.

**SSMP Development and Related Programs, Oceano Community Services District, CA**

Administers reporting for the RWQCB for the Oceano Community Services District using the electronic CIWQS system in conjunction with district staff. Providing ongoing services for the preparation of annual reports and consulting on District compliance with RWQCB regulations. Assists with the FOG control program for the District and serves in the capacity of staff, conducting research regarding other federal, state and regional regulatory requirements.

**Services for Avila Beach Community Services District, CA**

Under Wallace Group's role as the General Manager and District Engineer for the District since 1996, continuing to prepare annual operation and capital improvement budgets as well as preparing Design and Performance Standards that are used for District operations and construction and for incorporation into the SSMP through a system evaluation and analysis process. Responsibilities include CIWQS reporting for SSOs, monthly reporting, and performs these functions in conjunction with Fluid Resource Management.



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# TAMMIE A. NICHOLS

## Project Analyst

Tammie is currently providing and assisting with environmental compliance services for the South San Luis Obispo County Sanitation District, the Cities of Arroyo Grande and Grover Beach, and the Nipomo, Avila Beach, Cambria, and Oceano Community Services Districts. She provides Sewer System Management Plans for these various agencies.

Tammie is also a skilled engineering associate with a background in projects involving drainage, grading and utility design. She has provided civil engineering design support on schools, public safety facilities, and large residential projects. She has contributed to projects of various sizes, for both public and private Clients, with much of her work at Wallace Group centering on schools, public safety facilities as well as large residential developments. She is skilled in AutoCAD and Land Desktop, Civil 3D and various applications of the software. She has performed 3D models, earthwork, and AutoTurn simulations. In addition to performing civil design, Tammie has also completed numerous drafting projects involving construction documents, topographic mapping, specialized exhibits, cross sections, profiles, retaining walls, and details.

### EDUCATION

Microsoft Continuing Education, Land3 Update and Pipe Tools

Ocean County Vocational Technical, AutoCAD

### REPRESENTATIVE PROJECTS

#### Fats, Oils and Grease (FOG) Program Inspections

- Arroyo Grande
- Grover Beach
- Oceano
- Buellton
- Santa Maria
- Avila Beach

#### Sewer System Management Plans

- South San Luis Obispo County Sanitation District
- City of Grover Beach
- Oceano Community Services District
- Cambria Community Services District
- Nipomo Community Services District

#### Annual Reports prepared for:

- South San Luis Obispo County Sanitation District
- City of Arroyo Grande
- City of Grover Beach
- Oceano Community Services District
- Avila Beach Community Services District

Tammie has worked extensively on the following projects while at Wallace Group over the last 3 years. In all cases, her work has included grading design, drainage plans, underground utility plans and profiles, Erosion Control Plans, and Construction Document preparation.

- Allan Hancock One Stop Student Center, Santa Maria, CA
- Acquistapace Elementary School, Santa Maria, CA
- Guadalupe Jr. High School, Santa Maria, CA
- City of Santa Maria Fire Station No. 5
- Woodlands Planned Community, Nipomo, CA
- Rice Ranch Community, Orcutt, CA



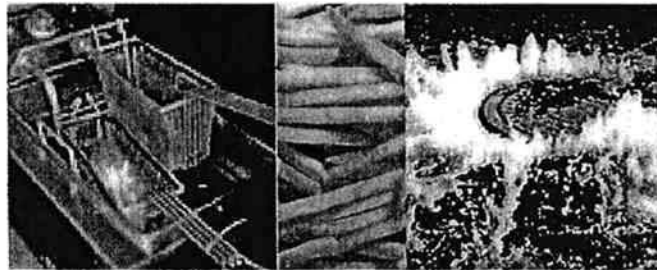
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# Restaurants and Wastewater



## FATS, OIL AND GREASE (FOG) INTERCEPTOR AND TRAP INFORMATION



### Frequently Asked Questions (FAQ):

#### What is FOG?

Fats, oils and greases (FOG) are defined as material, either liquid or solid, composed primarily of fats, oils and grease from animal or vegetable sources. Fats are mixtures of various triglycerides with a small percentage of monoglycerides and diglycerides. Oil is often defined as triglycerides that are liquid at room temperature. Grease is a general classification for fats, oils, waxes and soaps that have a negative effect on the wastewater treatment system. Examples of FOG include kitchen cooking grease, vegetable oil, bacon grease, dairy products, etc.

#### Does FOG really cause a problem?

Yes, typical fats in restaurants are triglycerides. These are the same chemicals that clog arteries in people. In a wastewater system, the water flows from the sinks and toilets through pipelines to the wastewater treatment facility. These pipelines operate just like the arteries of our body, which transport blood and wastes. They too will become clogged. When pipes become clogged, the water can no longer flow through them and it will back up into sinks, toilets, and other areas. They can also create sanitary sewer overflows (SSO) at pump stations and other areas. These SSO can result in serious pollution of our waterways. In addition, EPA imposes strong grease restrictions on municipalities. Such exceedances can result in Buellton being fined. These fines must come from tax dollars, and as an indirect result, Businesses are paying for them. The best way to prevent these overflows is to keep excess FOG out of the sewer system by cleaning and properly servicing your grease trap and interceptor.

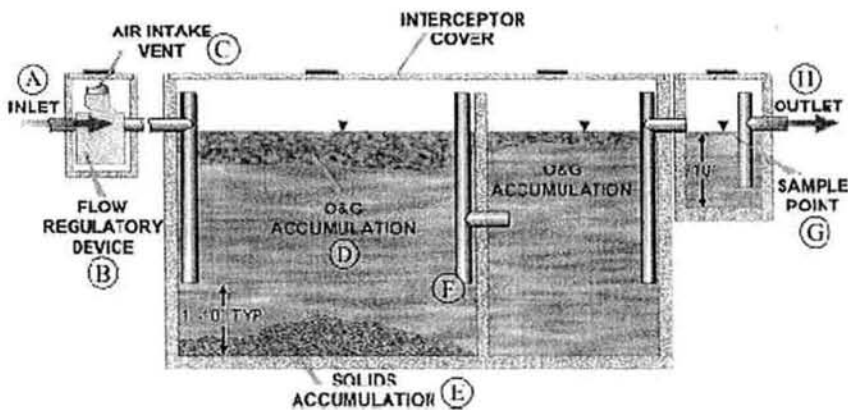
#### What is the difference between grease traps and interceptor?

An interceptor is a device connected to your plumbing system, designed to remove oil and grease from the wastewater before it enters Buellton's sanitary sewer collection system. Often, it is a large concrete box portioned off to remove grease and food waste by trapping things that float and things that settle to the bottom. Interceptors are normally installed in the ground outside a food service establishment.

A grease trap is a smaller unit, often stainless steel that works by the same principles. Traps are installed indoors, often under the 3-compartment connected to Pre-Rinse Sinks.

**How a Grease Interceptor Works (see diagram following table).**

A	Flow from undersink grease traps or directly from plumbing fixtures enters the grease interceptor. The UPC requires that all flow entering the interceptor must enter through the inlet pipe
B	An approved flow control or restricting device is installed to restrict the flow to the grease interceptor to the rated capacity of the interceptor.
C	An air intake valve allows air into the open space of the grease interceptor to prevent siphonage and back-pressure.
D	Oil and grease floats on the water surface and accumulates behind the grease retaining fittings and the wall separating the compartments. The oil and grease will be removed during routine grease interceptor cleaning.
E	Solids in the wastewater that do not float will be deposited on the bottom of the grease interceptor and will need to be removed during routine grease interceptor cleaning.
F	Grease retaining fittings extend down into the water to within 12 inches of the bottom of the interceptor. Because grease floats, it generally does not enter the fitting and is not carried into the next compartment. The fittings also extend above the water surface to provide air relief.
G	Some interceptors have a sample box so that inspectors or employees of the establishment can periodically take effluent samples. Having a sample box is recommended by the UPC but not required.
H	Flow exits the interceptor through the outlet pipe and continues on to the sanitary sewer system.



# Fats, Oils and Grease Inspection Form

South San Luis Obispo County Sanitation District

Phone: 544-4011 FAX: 544-4294

Facility: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Facility Phone: \_\_\_\_\_ Trap/Interceptor Location: \_\_\_\_\_

Food Service: \_\_\_\_\_ Cuisine: \_\_\_\_\_

Item	Inspection Criteria	Violation	No Violation	N/A
1	Grease Trap /Interceptor as required (UPC Code)			
2	Accessibility of Trap/Interceptor			
3	Cleanliness of Trap/Interceptor area			
4	Overall condition of Trap/Interceptor ___ Covers, ___ baffles, ___ inlet and outlet tees, ___ flow restrictors			
5	Grease build up (<25% of liquid depth with clear discharge pipe)			
6	Solids accumulation (<10% of liquid depth with clear discharge pipe)			
7	Excessive use of detergents to decrease FOG			
8	Chemicals/Enzymes/Bacteria utilized			
9	Water temperature above 140° F/Dishwasher High temp			
10	High temp Dishwasher discharges into Trap			
11	Filter screen for Trap discharge drain in place			
12	Downstream grease (evidence of grease collecting/solidifying in lines)			
13	Effluent Quality (evidence of grease/solids pass-thru in the effluent)			
14	Grease Barrel properly located and labeled w/lid.			
15	Maintenance records on-site & available for review			

Inspection Date: \_\_\_\_\_ Violations must be corrected within \_\_\_\_\_ days.

Comments: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Inspector Signature: \_\_\_\_\_ Facility Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Printed Name: \_\_\_\_\_





**FOG Control Program Permit Application**  
 South San Luis Obispo County Sanitation District  
 c/o Wallace Group 612 Clarion Court, San Luis Obispo, CA 93401  
 Ph: (805)544-4011 Fax: (805) 544-4294

Facility Name: \_\_\_\_\_ Permit No: \_\_\_\_\_  
 Facility Address: \_\_\_\_\_  
 Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Manager Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Check here if you prefer a copy of the permit in Spanish:

**Type of Facility**

- |   |   |  |                                       |
|---|---|--|---------------------------------------|
| <input type="checkbox"/> Full Serve Rest.               | <input type="checkbox"/> Hospital       | <input type="checkbox"/> Church/Club/  | <input type="checkbox"/> Coffee Shop  |
| <input type="checkbox"/> 1/2 Serve Rest.<br>(no dishes) | <input type="checkbox"/> School/College | Organization                           | <input type="checkbox"/> Deli         |
| <input type="checkbox"/> Cafeteria                      | <input type="checkbox"/> Bakery         | <input type="checkbox"/> Nursing Home  | <input type="checkbox"/> Butcher shop |
|   | <input type="checkbox"/> Ice Cream Shop | <input type="checkbox"/> Grocery Store |                                       |

Seating Capacity: \_\_\_\_\_ Number of Employees: \_\_\_\_\_

**Hours:**

Sun: \_\_\_\_\_ Mon: \_\_\_\_\_ Tue: \_\_\_\_\_ Wed: \_\_\_\_\_ Thu: \_\_\_\_\_ Fri: \_\_\_\_\_ Sat: \_\_\_\_\_

**Types of Fixtures**

(indicate quantity)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Deep Fryers _____   | <input type="checkbox"/> 1 Comp. sinks _____    | <input type="checkbox"/> Pre-wash sinks _____ |
| <input type="checkbox"/> Grills _____        | <input type="checkbox"/> Tilt Kettles _____     | <input type="checkbox"/> Mop sinks _____      |
| <input type="checkbox"/> Ovens _____         | <input type="checkbox"/> Garbage Grinders _____ | <input type="checkbox"/> Floor Drains _____   |
| <input type="checkbox"/> 3 Comp. sinks _____ | <input type="checkbox"/> Dishwashers _____      |   |
| <input type="checkbox"/> 2 Comp. sinks _____ | <input type="checkbox"/> Wok Ranges _____       |   |

**Types of Grease Abatement**

(indicate quantity)

**Serviced By:**

- |  |   |
|--|---|
| <input type="checkbox"/> Outside Grease Interceptor _____      | <input type="checkbox"/> Hauler Name: _____               |
| <input type="checkbox"/> Indoor Manual Grease Trap _____       | <input type="checkbox"/> Self _____                       |
| <input type="checkbox"/> Automatic Grease Removal Device _____ | <input type="checkbox"/> Clean Grease Rendering Co: _____ |
| _____  | _____   |
| <input type="checkbox"/> Unknown _____                         | _____   |

*I declare under penalty of perjury that the above information is true, correct and complete. I understand the information requested and I inspected the premises before completing this form.*

Owner/Authorized Representative (print) \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PERMIT MUST BE POSTED IN PUBLIC VIEW**

City of Grover Beach  
154 South 8<sup>th</sup> Street  
Grover Beach, CA 93433  
(805) 473-4529



Date: **October 30, 2009**

Permit No. **FG-GB0078**  
Expiration Date: **October 30, 2010**

**Class II**  
**Fats, Oils, and Grease Program User Permit**

City of Grover Beach in collaboration with the South San Luis Obispo County Sanitation District Wastewater Collection System

In accordance with the City of Grover Beach Municipal Code, Article VII – Public Works, Section 7139.1 and the South San Luis Obispo County Sanitation District's (District) Pretreatment Ordinance, Article 1, Section 3 of the General Provisions 1994.1

**Costa Azul Restaurant**  
**750 West Grand Avenue**  
**Grover Beach, CA 93433**

is hereby authorized to discharge wastewater from the facility identified above, and through the connection identified herein into the City of Grover Beach sewer collection system. Compliance with this permit does not relieve the Permittee of its obligation to comply with all applicable FOG regulations, standards, or other requirements under local, State and Federal laws. This will include any such regulations, standards, requirements or laws that may become effective during the term of this permit. The permit provided requires semi-annual inspection of the establishment for the proper functioning grease trap.

Noncompliance with any term or condition of this permit shall result in a violation of the City of Grover Beach Municipal Code Title 13.12.400 and the District's Pretreatment Ordinance, 1994-1 and will require facility re-inspections. The City of Grover Beach and the District reserve the right to reconsider or revoke this permit at any time due to noncompliance.

If the Permittee wishes to continue to discharge after the expiration date of this permit, a renewal permit application must be filed thirty (30) days prior to the expiration for renewal.

A change of use, process equipment, or alterations to the current business license or ownership constitutes a reapplication of the permit.

**Requirements**

- A. Facility must observe Best Management Practices as described in the above ordinance such as:**
  - a. Temperature of water entering trap not to exceed 140° F.**
  - b. Dry wipe dishes, pots, pans and work areas before cleaning.**
  - c. Use strainers in sinks to stop solids from entering sewer system.**
- B. Facility must clean grease trap a minimum of every 7 days.**
- C. Facility must maintain on-site records of the required cleaning and maintenance of grease trap. Records must be maintained on-site for three years and shall indicate the name of the person completing any cleaning or maintenance and the date it was completed.**

By: \_\_\_\_\_

Heather Billing, Environmental Compliance Inspector

10/30/09  
Date Issued

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LEBRUN *ML*  
DATE: DECEMBER 3, 2009

**AGENDA ITEM**  
**E-5**  
**DEC 9, 2009**

REVIEW DRAFT POLICY ON THE TRANSPORTATION OF DISTRICT PRODUCED WATER

**ITEM**

Review draft Policy on the transportation of District produced water outside District boundary.  
[PROVIDE POLICY GUIDANCE, SET HEARING FOR ADOPTION]

**BACKGROUND**

Your Honorable Board directed staff to develop District policy as it relates to the transfer of produced water to areas outside District boundaries.

**FISCAL IMPACT**

Development of this draft did use previously budgeted staff time and legal consulting cost.

**RECOMMENDATION**

Staff recommends that the Board consider the draft policy and background materials, provide policy guidance, and set hearing for adoption.

**ATTACHMENTS**

- Draft Policy
- Background materials

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2009\DRAFTPOLICY WATERTRANSPORT.DOC



NIPOMO COMMUNITY SERVICES DISTRICT  
DRAFT POLICY  
TRANSPORTATION OF DISTRICT WATER

- A APPLICATION: The policies adopted herein apply to the transportation of the Nipomo Community Services District (District) produced water, by tanker truck or other vehicle(s) from District fire hydrants.
- B PERMISSION REQUIRED: District written permission (permit) is required for the transportation of District produced water.
- C POLICY: Except as provided in Section D (below) it is the policy of the District that water produced by the District shall not be transported outside the District boundary (Exhibit A).
- D EXCEPTIONS:
- 1 The transportation of District produced water authorized prior to August 3, 2005, the date the June 30, 2005, Stipulation was approved by the Santa Clara Superior Court (*Santa Maria Valley Water Conservation District vs. City of Santa Maria, et. al*; Superior Court of California, County of Santa Clara Case no. 1-97-CV-770214)
  - 2 The transportation of water at the request of another governmental agency for the protection of the general health and welfare (i.e., Cal Fire).
  - 3 The General Manager is authorized to issue emergency permits upon written evidence (application) that an emergency exists (such as a broken well) on the following conditions:
    - a Water will only be transported for residential uses.
    - b The application for the emergency permit shall be in writing, signed under penalty of perjury and include:
      1. the nature of the emergency; and
      2. the number of occupants.
    - c The permit shall include the following limitations:
      1. The permit shall be limited to one hundred (100) days.
      2. The total transportation of water shall not exceed fifty (50) gallons per day per occupant (i.e., a four member family would be entitled to two hundred (200) gallons per day or twenty thousand (20,000) gallons for the one hundred (100) day period).
      3. The cost of water shall equal two-times (double) the negotiated price for supplemental water.

# BACKGROUND TRANSPORTATION OF DISTRICT PRODUCED WATER

## A. DISTRICT CODE SECTIONS

Chapter 3.16 WATER SERVICE OUTSIDE DISTRICT

Sections:

3.16.010 When allowed.

3.16.020 Rates/Conditions.

### **3.16.010 When allowed.**

**It is the general policy of the district that district water service is limited to parcels within the district boundaries. The district board of directors may authorize water service to parcels outside the district boundaries upon a finding that:**

**A. There exists an extreme hardship and there is excess capacity within the district system to serve such parcel; or**

**B. There is a benefit to the district or the community, such as the applicant providing the district with a water resource.**

(Ord. 98-87 22 (part), 1998: Ord. 16 2, 1973)

### **3.16.020 Rates/Conditions.**

The water usage rates and conditions for district water services outside the district boundaries shall be determined by resolution of the board of directors.

(Ord. 98-87 22 (part), 1998: Res. 163, 1980)

Chapter 3.20 FIRE HYDRANTS, USE OF DISTRICT FIRE HYDRANTS FOR TEMPORARY WATER SERVICE FOR CONSTRUCTION AND OTHER PURPOSES\*

Sections:

3.20.010 Fire hydrants.

3.20.020 Unmetered water--Use prohibited.

3.20.030 Permits for temporary water service for construction and other purposes.

3.20.035 Temporary water service rates.

3.20.040 Immediate termination of temporary water service.

3.20.050 Violations.

\* Prior history: Resos. 354 and 359.

### **3.20.010 Fire hydrants.**

**A. Use and Damage to Fire Hydrants. It is unlawful for any person other than a California Department of Forestry (C.D.F.) employee, or Nipomo Community Services District employee to open any fire hydrant, or attempt to draw water from it, or in any manner without a written permit from the Nipomo Community Services District.**

B. Moving of Fire Hydrants. When a fire hydrant has been installed in a location specified by proper authority, the community services district has fulfilled its obligation. If a property owner or other party desires change in size, type or location of the hydrant, that party shall bear all costs of such change or changes, without refund. Any change in the location of a fire hydrant must be approved in writing by the C.D.F. and the district. Where said approval in writing is provided by the C.D.F. said permission shall be presented to the district prior to the change in location.

C. **Use of Spanner.** It is unlawful to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for this purpose.

(Ord. 95-79 § 2 (part), 1995)

3.20.020 Unmetered water--Use prohibited.

A. **No person other than district personnel or public safety personnel in the performance of their duties shall draw or use water from the district's water supply system which has not been delivered through a water meter approved and maintained by the district except as provided in Section 3.20.030.**

(Ord. 95-79 § 2 (part), 1995)

**3.20.030 Permits for temporary water service for construction and other purposes.**

A. **All temporary water service shall be supplied through a fire hydrant designated by the district.** A permit for the use of the fire hydrant shall be obtained from the Nipomo Community Services District prior to the use of water from the fire hydrant. The rates for such temporary service shall be established from time to time by resolution of the board. (See Section 3.20.035.)

B. **If temporary water service is required for more than two consecutive days, a fire hydrant water meter shall be required. The amount of deposit and rent for a fire hydrant water meter shall be set from time to time by resolution of the board.**

C. An administrative fee per permit request shall be added to the fees for temporary water service. The administrative fees shall be set from time to time by resolution of the board.

(Ord. 95-79 § 2 (part), 1995)

**3.20.035 Temporary water service rates.**

A. The charge for water pursuant to district code Section 3.20.030(A) of this chapter shall be charged at the then current water rate for nonresidential water users as stated in Appendix B of Chapter 3.03 of this code.

B. The rental of a fire hydrant water meter pursuant to district code Section 3.20.030(B) of this chapter shall be a five hundred dollar deposit with rent at ten dollars for the first day and one dollar per day thereafter.

C. The administrative fee provided for in Section 3.20.030(C) of this chapter shall be twenty-five dollars per permit.

(Ord. 2005-103 § 4, 2005; Res. 95-550, 1995)

**3.20.040 Immediate termination of temporary water service.**

**Any temporary water service connection used for construction or other purposes may be immediately terminated by the district, without prior notice, if such action is**

**necessary to maintain the adequate minimum pressure of the district's distribution system to protect the quality of the district's water supply.**

(Ord. 95-79 § 2 (part), 1995)

### **3.20.050 Violations.**

A. Misdemeanors and Infractions. Any person who violates or fails to comply with any provision of this code shall be guilty of a misdemeanor, unless the district's legal counsel determines that it is in the best interest of justice that the violation shall be an infraction and prosecuted as an infraction.

B. Punishment.

1. Any person convicted of a misdemeanor under the provisions of this code shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than six months or by both such fine and imprisonment.

2. Every person convicted of an infraction shall be punished upon the first conviction by a fine not exceeding two hundred fifty dollars.

(Ord. 95-79 § 2 (part), 1995)

### **.03.170 Tampering.**

A. No person, other than an authorized district employee, shall at any time or in any manner, operate, or cause to be operated, any valve in or connected to a water main or sewer main, **service connection or fire hydrant**, or tamper or otherwise interfere with any water meter, meter valve, backflow prevention device, detector check valve, or other part of the district's water or sewer system.

B. In addition to other district rights and charges, a fee of twenty-five dollars will be charged to the customer in all situations where a person has tampered with district services or privately restores water service without district permission. Such fee shall be added to any and all water bills for the property or units affected by the illegal water tampering.

C. If a person's actions result in damage to the district's water or sewer systems, the cost of repair and/or replacement will be charged to the customer.

D. **Staff shall prepare and keep complete and accurate records concerning tampering with district's service systems. The manager shall review such records and shall decide whether or not to seek a criminal complaint through the sheriff's office. If there is more than one such tampering violation for the same property within any five-year period, the board shall hold a public hearing to consider permanent disconnection of water service to the property, or such other remedies as the board deems appropriate.**

### **3.04.060 Resale of water.**

No person shall resell any water received from the district to any other person, or for use on any other premises, or for any other purposes than specified in the application for service.

(Ord. 98-87 § 12, 1998)

**3.04.360 Violation a misdemeanor.**

No person shall make, permit, approve or allow any water connections or extensions contrary to the provisions of this chapter. Any violation hereof shall constitute a misdemeanor punishable as provided by law.

(Ord. 98-87 19, 1998)

**B GROUNDWATER ADJUDICATION- STIPULATION/ JUDGEMENT  
STIPULATION (JUNE 30, 2005)**

**I. The Nipomo Mesa Management Area**

**A. General**

The Santa Maria Groundwater Basin has been the subject of ongoing litigation efforts that were initiated in 1997, collectively called the Santa Maria Groundwater Litigation (**Santa Maria Valley Water Conservation District vs. City of Santa Maria, et. al.; Superior Court of California, County of Santa Clara Case no. 1-97-CV-770214**) (**herein the "Basin Litigation"**). On **August 3, 2005**, the Court approved a Settlement Stipulation related to the Basin Litigation which divides the Santa Maria Groundwater Basin into 3 separate management areas, the Northern Cities Management Area, the Nipomo Mesa Management Area, and the Santa Maria Valley Management Area. The boundaries of the Nipomo Mesa Management Area are depicted in Exhibit \_\_\_\_\_.

**BASIN TRANSFERS**

**STIPULATION (JUNE 30, 2005 VERSION)**

**I INTRODUCTION -- ALL MANAGEMENT AREA**

**A. Definitions**

5. *Basin* - The groundwater basin described in the Phase I and II orders of the Court, as modified, and presented in Exhibit "B".
- 6.

**VIII INJUNCTION – ALL MANAGEMENT AREAS**

**A Use Only Pursuant to Stipulation**

Each and every Stipulating Party, their officers, agents, employees, successors and assigns, are enjoined and restrained from exercising the rights and obligations provided through this Stipulation in a manner inconsistent with the express provisions of this Stipulation.

**B. Injunction Against Transportation From the Basin**

Except upon further order of the Court, each and every Stipulating Party and its officers, agents, employees, successors and assigns, **is enjoined and restrained from transporting Groundwater to areas outside the Basin**, except for those uses in existence as of the date of this Stipulation; provided, **however, that Groundwater may be delivered for use outside the Basin as long as the wastewater generated by that use of water is discharged within the Basin**, or agricultural return flows resulting from that use return to the Basin.

**IX RESERVED JURISDICTION – ALL MANAGEMENT AREAS**

**C. Reserved Jurisdiction; Modifications, Cancellations, Amendments**

Jurisdiction, power and authority are retained by and reserved to the Court as set forth in this Paragraph. Nothing in the Court's reserved jurisdiction shall authorize modification, cancellation or amendment of the rights provided under Paragraphs III; V(A, E); VI(A, B, D); VII(2, 3); VIII(A); IX(A, C); and X(A, D) of this Stipulation. Subject to this limitation, the Court shall make such further or supplemental orders as may be necessary or appropriate regarding the following:

1. enforcement of this Stipulation;
2. claims regarding waste/unreasonable use of water;
3. disputes between Stipulating Parties across Management Area boundaries;
4. interpretation and enforcement of the judgment;

5. consider the content or implementation of a Monitoring Program;
6. consider the content, conclusions, or recommendations contained in an Annual Report;
7. consider Twitchell Project operations, including, but not limited to:
  - i) the content of the Twitchell Project Manual; ii) TMA or District compliance with the Twitchell Project Manual; iii) decisions to implement Extraordinary Project Operations; or iv) the maintenance of Twitchell Yield;
8. claims of localized physical interference between the Stipulating Parties in exercising their rights pursuant to this Stipulation; provided, however, rights to use Groundwater under this Stipulation shall have equal status; and
9. modify, clarify, amend or amplify the judgment and the Northern Parties Settlement Agreement; Provided, however, that all of the foregoing shall be consistent with the spirit and intent of this Stipulation.

**D. Noticed Motion**

Any party that seeks the Court's exercise of reserved jurisdiction shall file a noticed motion with the Court. Any noticed motion shall be made pursuant to the Court's Order Concerning Electronic Service of Pleadings and Electronic Posting of Discovery Documents dated June 27, 2000, attached and incorporated as Exhibit "G". Any request for judicial review shall be filed within sixty days of the act or omission giving rise to the claim. Upon a showing of good cause, the Court may extend the sixty-day time limitation.

**E. De Novo Nature of Proceeding**

The Court shall exercise *de novo* review in all proceedings. The actions or

decisions of any Party, the Monitoring Parties, the TMA, or the Management Area Engineer shall have no heightened evidentiary weight in any proceedings before the Court.

## **JUDGMENT:**

Pg. 2 – lines 1-7

The June 30, 2005 Stipulation is attached as Exhibit "1;" and all exhibits to the Stipulation are separately attached as Exhibits "1A" through "1H". The Stipulating Parties are identified on Exhibit "IA." The court approves the Stipulation, orders the Stipulating Parties only to comply with each and every term thereof, and incorporates the same herein as though set forth in full. No non-stipulating party is bound in any way by the stipulation except as the Court may otherwise independently adopt as its independent judgment a term or terms that are the same or similar to such term or provision of the stipulation.



TO: BOARD OF DIRECTORS  
FROM: MICHAEL LEBRUN *ML*  
DATE: DECEMBER 4, 2009



## ELECTION OF OFFICERS

### ITEM

Election of Board President and Vice President for 2010

### BACKGROUND

Section 1.4 of the Board By-Laws requires the Board of Directors elect a President and a Vice President for the upcoming year at the last regular meeting of the calendar year. The term of office for the President and Vice President shall commence on January 1, 2010 and end on December 31, 2010.

### RECOMMENDATION

Staff recommends that the General Manager administer the election of officers of the Board of Directors.

The following is the recommended procedure:

- Nominations taken for the President of the Board
- Public Comment is taken
- Voice vote taken for the President, if by acclamation
- If there are two or more candidates, Staff will distribute ballots
- Staff will announce the results of the ballots (ballots become part of the public record)
- Nominations taken for the Vice President of the Board
- Public Comment is taken
- Voice vote taken for the Vice President, if by acclamation
- If there are two or more candidates, Staff will distribute ballots
- Staff will announce the results of the ballots (Ballots become part of the public record)

### ATTACHMENTS

None