

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *MSL*
INTERIM GENERAL MANAGER
DATE: FEBRUARY 4, 2011

**AGENDA ITEM
F
FEBRUARY 9, 2011**

GENERAL MANAGER'S REPORT

ITEM

Standing report to your Honorable Board -- *Period covered by this report is January 21, 2011 through February 4, 2011.*

DISTRICT BUSINESS

Administrative

- Regular Sheriff and Cal-Fire Updates to occur quarterly (January, April, July, October) AND as requested by District or Sheriff or Cal-Fire.
- Employee compensation review – update of progress. No permanent hire until complete. Comprehensive review and update of compensation versus piecemeal to insure no inadvertent negative impacts.
- SLO CSDA Director Training (2/26/2011), logistics. Training Schedule attached.
- Ethics Training: Requirements and options
- February 2, 2011 meeting with Olde Towne Nipomo Association
- LAFCO Letter regarding Nipomo Hills project (Attached)
- County Clerk Notice on CSD election cycle change (Attached)

Operations

- Waterline Intertie Project Monthly and Project Life cost summary (Attached)

Meetings

Significant meetings scheduled:

- February 4, Planning call with Outreach.
- February 4, Meeting with Blacklake Golf Resort General Manger Mike Brabanac
- February 10, Weekly Cabinet Meeting, Quarterly All-Staff Meeting, Quarterly Safety Meeting
- February 11, Off-site Management Staff training (Software and Operating System)
- February 15, Meeting with City of Santa Maria regarding WIP related costs.
- February 16, Management Staff will attend 'webinar' on Sexual Harassment Prevention
- February 17, Weekly Cabinet Meeting

Safety Program

- No incidents, accidents, or injuries to report.

RECOMMENDATION

Staff seeks direction and input from your Honorable Board.

ATTACHMENT

- February 26, 2011, Director Training Schedule

- January 25, 2011 County Clerk Notice
- January 21, 2011 LAFCO Letter on Nipomo Hills
- WIP Project Cost Summary
- AWWA Chromium – 6, letter of objection to EPA
- AWWA Regulatory Alert – Perchlorate regulation
- Article; City of Paso de Robles fined \$108,000 by RWQCB
- Article; South County Sanitary District Sewage Spill

**San Luis Obispo County Chapter – California Special District Association
New & Returning Director Workshop**

February 26, 2011

Templeton Community Center, 601 South Main St., Templeton, California

1. **Lunch.** Lunch included in workshop fee (12:30 – 1:00)
2. **Welcome and Introduction, Marshall Ochylski, SLO CSDA Chapter President**
3. **Powers & Purpose of Districts / Board Meetings & Governing Body** (1:00 – 2:00)
Presentation by Jon S. Seitz, Esq.
 - Enabling Legislation.
 - Petition for Formation.
 - How Authority is Exercised.
 - Motion, Resolution, Ordinances.
 - By Board Action and Individual Board Members.
 - Administrative/Legislative/Quasi Judicial.
 - Conflict of Interest.
4. **Congratulations, You are a Special District Director!** (2:00 – 3:00)
Presentation by Michael Winn, Director, Nipomo Community Services District
Presentation by Tammy Rudock, General Manager, Cambria Community Services District
 - What is a Special District Director?
 - Common Responsibilities.
 - Intergovernmental Relations.
 - Board and Staff Relationships.
 - A Day in the Life of a General Manager.
 - Methods for Enhancing Communication & Understanding.
 - Reports and Documentation / Report Revisions/Analysis Paralysis.
 - Where are the Potential Problem Areas?
 - Priorities / Core Services.
 - Public Comment / Board Committees.
5. **Refreshment Break**

6. Breakout Sessions (3:30 – 4:30)

The remainder of the afternoon is dedicated to breakout sessions with special district directors and staff discussing various topics. Participants can attend these sessions to gain further insight and perspective on topics of interest to them. The breakout sessions and presentations include the following:

- **Finance 101**

John D’Ornellas, General Manager, Heritage Ranch Community Services District

- Budget - Process, Terminology, Format.
- Rates / Charges - User Rates, Capacity Fees, Assessments, Prop. 218.

- **Effective Board Meetings**

Jon S. Seitz, Esq., Special Counsel to SLO County CSDA

- Agendas and Packets.
- Public Participation.
- Conduct of Meetings - Brown Act.

- **Personnel Administration**

Steve McGrath, Harbor Manager, Port San Luis Harbor District

- Pension and other benefits - CalPERS
- Interaction with employee unions and organizations – contracts, agreements, MOU
- Board/Management Roles and Responsibilities.

- **San Luis Obispo County and Special Districts**

John Wallace, President, Wallace Group

- Relationship between various County Departments.
- Planning and Public Works.

7. Workshop Wrap-up, Questions & Answers

Contact Information:

- California Fair Political Practices Commission 1 (866) ASK-FPPC
www.fppc.ca.gov
- California Attorney General 1 (800) 952-5225
www.ag.ca.gov
Conflict of Interest information and pamphlets
Brown Act information and pamphlets



LAFCO - San Luis Obispo - Local Agency Formation Commission
SLO LAFCO - Serving the Area of San Luis Obispo County

COMMISSIONERS

RICHARD ROBERTS
Chair, Public Member

BRUCE GIBSON
Vice Chair,
County Member

MURIL CLIFT
Special District Member

ED EBY
Special District Member

JAMES R. PATTERSON
County Member

DUANE PICANCO
City Member

KRIS VARDAS
City Member

ALTERNATES

ROBERTA FONZI
City Member

FRANK R. MECHAM
County Member

TOM MURRAY
Public Member

VACANT
Special District Member

STAFF

DAVID CHURCH
Executive Officer

RAYMOND A. BIERING
Legal Counsel

MIKE PRATER
Analyst

DONNA J. BLOYD
Commission Clerk

January 21, 2011

Mr. Spike Wheeler
Nipomo Hills Partnership
403 North Fulton Street
Ojai, CA 93023

**Re: Nipomo Hills
LAFCO File 1-R-03**

Dear Mr. Wheeler

This letter is to advise you that the application for the Nipomo Hills annexation proposal remains on information-hold with the LAFCO office. The application and fees will remain on hold unless you contact our office to activate or withdraw the proposal.

If you have any questions, please call us at 805-781-5795.

Very truly yours,

Donna J. Bloyd
LAFCO Commission Clerk

Cc: Michael LeBrun, Nipomo CSD

RECEIVED
JAN 31 2011
NIPOMO COMMUNITY
SERVICES DISTRICT

Office of the County Clerk-Recorder

COUNTY OF SAN LUIS OBISPO ♦ 1055 MONTEREY ST. RM. D120 ♦ SAN LUIS OBISPO, CA 93408 ♦ (805) 781-5080/5088



JULIE L. RODEWALD
COUNTY CLERK RECORDER

DIANE GRATON
DIVISION SUPERVISOR

TOMMY GONG
ASSISTANT COUNTY CLERK RECORDER

CATRINA CHRISTENSEN
DIVISION SUPERVISOR

January 25, 2011

Nipomo Community Services District
PO Box 326
Nipomo CA 93444

Dear Secretary:

Pursuant to Elections Code §10404, the following districts have presented resolutions requesting that their election date be changed from the odd-numbered year and consolidated with the November General Election in the even-numbered year: California Valley Community Services District, Santa Margarita Fire Protection District and Garden Farms Community Water District. The Linne Community Services District will be discussing a similar resolution at their meeting in early February. The change for these 4 districts would move all special district elections to the even numbered year and would affect 1,393 voters. There would be a negligible effect on those districts with elections currently consolidated with the November General Election.

My office will be presenting these requests to the Board of Supervisors on March 1, 2011 and will be recommending that the Board approve the change in election dates. If you have any comments or concerns about these requests for change of election date, please contact me by February 18, 2011.

If you have any questions, please feel free to contact me personally at 805 781-5144.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Rodewald".

Julie L. Rodewald
County Clerk-Recorder

RECEIVED

JAN 27 2011

NIPOMO COMMUNITY
SERVICES DISTRICT

NIPOMO COMMUNITY SERVICES DISTRICT
 WATERLINE INTERTIE PROJECT
 MONTHLY REPORT TO THE BOARD OF DIRECTORS
 (FY JUNE 30, 2011)

REVENUES FY 2010-2011 (1)	MONTH OF <u>DECEMBER</u>	<u>FISCAL YEAR</u> <u>7/1/2010 TO</u> <u>6/30/2011</u>
Supplemental Water Capacity Fees Collected	0.00	77,878.00
Interest Income (monthly & quarterly posting)	1,105.00	6,420.70
Revenue Subtotal	<u>1,105.00</u>	<u>84,298.70</u>

EXPENDITURES FY 2010-2011 (2)

<u>CONSULTANTS</u>		
1590-A1	Feasibility Study (Cannon)	0.00
1590-A2	EIR Preparation (Wood & Assoc)	0.00
1590-A3	Estimate/Preliminary Schedule (Cannon)	0.00
1590-A4	Proposed Routes/Facilities (Cannon)	0.00
1590-A5	Prop 50 Grant Applicatin	0.00
1590-A6	Project Support (Cannon)	0.00
1590-A7	Groundwater Grant Assistance (SAIC)	0.00
<u>LEGAL</u>		
1590-B1	Shipsey & Seitz	0.00
1590-B2	McDonough, Holland & Allen	12,179.20
1590-B3	Richards, Watson & Gershon	0.00
<u>LAND ACQUISITION</u>		
1590-C1	Appraisals (Tarvin & Reeder Gilman)	0.00
1590-C2	Property Negotiations (Hamner Jewell)	1,492.11
1590-C3	Property Acquisitions	19,877.90
<u>FINANCIAL</u>		
1590-D1	Reed Group and Wallace Group	0.00
1590-D2	Lobbying	9,000.00
<u>ENGINEERING</u>		
1590-E1	Preliminary Engineering Design (AECOM)	0.00
1590-E2	Water Modeling by Carollo (City of Santa Maria)	0.00
1590-E3	Alternative Water Supplies (AECOM)	0.00
1590-E4	Project Information (AECOM)	0.00
1590-E5	Project Design (AECOM)	151,018.29
1590-E6	Pressure Testing	0.00
1590-E7	Peer Review	12,134.80
1590-E8	Pot Holing	0.00
<u>OTHER</u>		
1590-F1	FGL Environmental	0.00
1590-F2	Copy/Print	0.00
<u>PERMITS</u>		
1590-G1	Santa Maria Valley Water Conservation District	0.00
<u>ASSESSMENT DISTRICT</u>		
1590-H1	Wallace Group	24,661.32
1590-H2	SLO County Reimbursement Agreement for JPA	47,214.14
1590-H3	Purveyor Partner Reimbursements to NCSD	1,155.76
1590-H4	A/D Financial Advisor	(18,750.00)
1590-H5	A/D Outreach/Education	(29,242.04)
<u>CONSTRUCTION</u>		
1590-I1	Construction Management (MNS)	0.00
1590-I2	Arborist (A&T Arborists)	0.00
<u>SALARY AND BENEFITS (3)</u>		
1590-Z1	Wages-Capitalized	8,462.58
1590-Z2	Payroll Taxes-Capitalized	22,160.81
1590-Z3	Retirement-Capitalized	166.18
1590-Z4	Medical-Capitalized	384.91
1590-Z5	Dental/Vision-Capitalized	1,056.54
1590-Z6	Workers Compensation-Capitalized	4,644.68
Expenditure Subtotal	<u>38,124.76</u>	<u>281,276.47</u>
Net Revenues less Expenditures	<u>(37,019.76)</u>	<u>(196,977.77)</u>
Beginning Fund Balance as of July 1, 2010		2,373,651.69
Ending Fund Balance as of December 31, 2010		<u>2,176,673.92</u>

(1) See attached "Supplemental Water Fees Collected" Schedule for more detail.
 (2) See attached "Supplemental Water Cost Summary" for more detail.
 (3) Salary and Benefits of GM and District Engineer are allocated among NCSD projects and capitalized as part of the cost of the project.

**NIPOMO COMMUNITY SERVICES DISTRICT
SUPPLEMENTAL WATER COST SUMMARY**

A/C #	DESCRIPTION	7/1/2004 TO 6/30/2005	7/1/2005 TO 6/30/2006	7/1/2006 TO 6/30/2007	7/1/2007 TO 6/30/2008	7/1/2008 TO 6/30/2009	7/1/2009 TO 6/30/2010	7/1/2010 TO 6/30/2011 (July-Dec)	GRAND TOTAL
1645	Reservation Fee-City of Santa Maria	37,500.00	0.00	0.00	0.00	0.00	0.00	0.00	37,500.00
1590-A1	Feasibility Study (Cannon)	25,887.29	0.00	0.00	0.00	0.00	0.00	0.00	25,887.29
1590-A2	EIR Preparation (Wood & Assoc)	29,037.48	87,100.23	16,053.83	45,407.70	76,544.11	500.00	0.00	254,643.35
1590-A3	Est/Preliminary Schedule (Cannon)	3,706.19	2,602.75	0.00	0.00	0.00	0.00	0.00	6,308.94
1590-A4	Proposed Routes/Facilities (Cannon)	5,050.07	520.00	0.00	0.00	0.00	0.00	0.00	5,570.07
1590-A5	Prop 50 Grant Application	2,757.00	6,210.00	0.00	1,857.60	0.00	0.00	0.00	10,824.60
1590-A6	Project Support (Cannon)	0.00	11,797.44	0.00	0.00	0.00	0.00	0.00	11,797.44
1590-A7	Groundwater Grant Assistance (SAIC)	0.00	0.00	0.00	15,000.00	0.00	0.00	0.00	15,000.00
1590-B1	Shipsey & Seitz	0.00	23,095.55	17,564.25	2,201.50	18,224.00	16,601.58	12,179.20	89,866.08
1590-B2	McDonough, Holland & Allen	0.00	34,177.28	15,871.85	0.00	0.00	0.00	0.00	50,049.33
1590-B3	Richard, Watson & Gershon	0.00	9,472.38	27,954.81	0.00	0.00	0.00	0.00	37,427.19
1590-C1	Appraisals (Tarvin & Reeder Gilman)	0.00	0.00	16,170.00	10,000.00	0.00	8,000.00	0.00	34,170.00
1590-C2	Property Negotiations (Hamner Jewell)	0.00	0.00	0.00	0.00	15,250.00	14,748.75	19,877.90	49,876.65
1590-C3	Property Acquisitions	0.00	0.00	0.00	0.00	673.00	2,772.00	0.00	3,445.00
1590-D1	Reed Group and Wallace Group	0.00	2,809.85	0.00	0.00	7,585.45	4,476.25	0.00	14,871.55
1590-D2	Lobbying	0.00	0.00	0.00	38,801.11	38,950.00	54,000.00	9,000.00	140,751.11
1590-E1	Preliminary Engineering Design (Boyle)	0.00	6,470.33	223,286.67	103,460.19	2,194.43	0.00	0.00	335,411.62
1590-E2	Water Modeling by Carollo (City of SM)	0.00	0.00	24,942.00	0.00	0.00	0.00	0.00	24,942.00
1590-E3	Alternative Water Supplies (Boyle)	0.00	0.00	164,230.48	70,772.01	0.00	0.00	0.00	235,002.49
1590-E4	Project Information (Boyle)	0.00	0.00	0.00	6,000.00	0.00	0.00	0.00	6,000.00
1590-E5	Project Design (AECOM)	0.00	0.00	0.00	0.00	752,319.66	228,952.01	151,018.29	1,132,289.96
1590-E6	Pressure Testing	0.00	0.00	0.00	0.00	8,682.92	0.00	0.00	8,682.92
1590-E7	Peer Review	0.00	0.00	0.00	0.00	7,571.05	37,349.25	12,134.80	57,055.10
1590-E8	Pot Holing	0.00	0.00	0.00	0.00	0.00	29,053.05	0.00	29,053.05
1590-F1	Lab Testing (FGL Environmental)	0.00	0.00	5,047.00	0.00	0.00	0.00	0.00	5,047.00
1590-F2	Copy/Print	0.00	0.00	740.24	1,022.01	0.00	0.00	0.00	1,762.25
1590-G1	Permits	0.00	0.00	0.00	0.00	130.00	0.00	0.00	130.00
1590-H1	Assessment District	0.00	0.00	0.00	0.00	83,030.71	21,227.92	47,214.14	151,472.77
1590-H2	SLO County Reimb Agreement-JPA	0.00	0.00	0.00	0.00	0.00	36,603.80	1,155.76	37,759.56
1590-H3	Purveyor Partner Reimbursements to NCSD	0.00	0.00	0.00	0.00	0.00	0.00	(29,242.04)	(29,242.04)
1590-H4	A/D Financial Advisor	0.00	0.00	0.00	0.00	0.00	0.00	8,835.63	8,835.63
1590-H5	A/D Outreach/Education	0.00	0.00	0.00	0.00	0.00	0.00	19,182.90	19,182.90
1590-I1	Construction Management (MNS)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1590-I2	Arborist (A&T Arborist)	0.00	0.00	0.00	0.00	0.00	2,830.00	0.00	2,830.00
1590-Z1	Wages-Capitalized	0.00	29,076.92	35,884.51	28,197.08	31,926.57	50,005.29	22,160.81	197,251.18
1590-Z2	Payroll Taxes-Capitalized	0.00	587.22	587.42	455.96	504.53	2,058.44	384.91	4,578.48
1590-Z3	Retirement-Capitalized	0.00	8,418.08	10,344.53	8,110.84	8,690.47	9,443.17	4,644.68	49,651.77
1590-Z4	Medical-Capitalized	0.00	2,861.36	3,367.02	2,564.88	2,757.36	3,390.94	2,467.02	17,408.58
1590-Z5	Dental/Vision-Capitalized	0.00	0.00	247.90	328.23	348.15	459.62	121.27	1,505.17
1590-Z6	Workers Compensation-Capitalized	0.00	260.35	341.83	225.21	259.81	271.21	141.20	1,499.61
		103,938.03	225,459.74	562,634.14	334,404.32	1,055,642.22	522,743.28	281,276.47	3,086,098.20

**NIPOMO COMMUNITY SERVICES DISTRICT
CERTIFICATES OF PARTICIPATION
DEBT SERVICE SCHEDULE**

	PRINCIPAL	INTEREST	TOTAL DEBT SERVICE	PRINCIPAL BALANCE
				4,000,000.00
FY June 30, 2004	0.00	136,384.79	136,384.79	4,000,000.00
FY June 30, 2005	75,000.00	169,950.00	244,950.00	3,925,000.00
FY June 30, 2006	80,000.00	167,625.00	247,625.00	3,845,000.00
FY June 30, 2007	80,000.00	165,225.00	245,225.00	3,765,000.00
FY June 30, 2008	85,000.00	163,132.50	248,132.50	3,680,000.00
FY June 30, 2009	85,000.00	161,198.75	246,198.75	3,595,000.00
FY June 30, 2010	85,000.00	158,988.75	243,988.75	3,510,000.00
FY June 30, 2011	90,000.00	156,425.00	246,425.00	3,420,000.00
FY June 30, 2012	90,000.00	153,545.00	243,545.00	3,330,000.00
FY June 30, 2013	95,000.00	150,397.50	245,397.50	3,235,000.00



01/31/2011

[RSS](#) ([Learn about using RSS](#))[Breaking News Archive](#)

AWWA weighs in on chromium-6

Source: AWWA Streamlines Staff

In a letter to US Environmental Protection Agency Administrator Lisa Jackson, AWWA stated its objections to the agency's recent action on chromium-6 (hexavalent chromium) because it does not "follow the principles of the Safe Drinking Water Act" and "falls short of the scientific rigor required by the SDWA." } letter attached

AWWA pointed out that the agency's guidance for monitoring for chromium-6 does not provide a fully validated analytical method nor quality control standards for laboratories. In addition, USEPA has not completed its risk assessment on chromium-6 and has not provided any risk assessment context for any monitoring results.

A report from the Environmental Working Group in December on the occurrence of chromium-6 in tap water garnered enough public attention to prompt Jackson to meet with a group of senators and the agency to advocate monitoring for chromium-6.

It also prompted Sens. Barbara Boxer and Dianne Feinstein, both D-Calif., to introduce a bill to require USEPA to regulate chromium-6. The measure (S.79) would also require USEPA to establish a health advisory. The Senate Committee on Environment and Public Works, which is chaired by Boxer, is scheduled to hold an oversight hearing Feb. 2 on the matter.

Charles Murray, general manager of Fairfax (Va.) Water will represent AWWA at the hearing. Also testifying will be Carrie Lewis, superintendent of the Milwaukee (Wis.) Water Works.

Copyright © 2011 American Water Works Association - 6666 W. Quincy Ave., Denver, CO 80235
Phone: 303.794.7711 or 800.926.7337 - FAX: 303.347.0804 - [Privacy Policy](#) - [Site Terms of Use](#)



**American Water Works
Association**

The Authoritative Resource on Safe Water®

Government Affairs Office
1300 Eye Street NW
Suite 701W
Washington, DC 20005-3314
T 202.628.8303
F 202.628.2846

January 28, 2011

The Honorable Lisa Jackson
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Headquarters Office
6666 West Quincy Avenue
Denver, CO 80235-3098
T 303.794.7711
F 303.347.0804
www.awwa.org

Dear Administrator Jackson,

The American Water Works Association (AWWA) is an international, nonprofit, scientific and educational society dedicated to safe water. We have always supported regulations that ensure safe water, are developed through a transparent process, are based on the best available science, and provide meaningful public health protection in an affordable manner.

The SDWA mandates a rigorous process for evaluating risks to public health and determining what risk management actions are appropriate. Following the best available peer-reviewed science is a requirement of the Act and also a principle this administration has strongly endorsed, as evidenced by the March 9, 2009 Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity. These principles are important to ensure the Agency directs water providers to address actual risks and doesn't misdirect resources based on incomplete or faulty information. Once misdirected, a community's resources cannot easily be recovered to address genuine risks and other important community needs.

Unfortunately, the recent EPA actions on chromium-6 do not follow the principles to which the Administration has committed, or the principles of the Safe Drinking Water Act. For example,

1. **Unregulated Contaminant Monitoring Rule.** EPA's chromium-6 monitoring guidance does not employ a fully validated analytical method. Nor are there validated performance standards for laboratories. Absent these things, it is not possible to be confident about the error bar around any sample, to compare samples analyzed by different laboratories, or even to confidently compare different samples

analyzed by the same laboratory. Moreover, there is no mechanism provided for the Agency's collection of test results so as to inform future potential regulatory decisions. Given these shortcomings, the scientific value of the data that utilities may collect is unclear.

The Agency has available to it a regulatory structure that addresses these issues through the Unregulated Contaminant Monitoring Rule (UCMR). UCMR is a time tested process for obtaining a meaningful and actionable national occurrence dataset for contaminants of potential concern in drinking water. All laboratories currently engaged in UCMR monitoring are using well characterized analytical methods meeting known performance requirements. Similarly, sampling requirements are developed with the goal of producing a dataset that supports regulatory decision making. If the Agency wished water providers to undertake extensive testing for chromium-6, we believe the UCMR process should have been cited and used.

- 2. Risk Communication / Health Advisories.** EPA has not completed a risk assessment to support its recommendations on chromium-6. Neither water systems nor the public have a clear point of reference as to whether minute quantities of chromium-6 represent a health risk and if so, how much. Therefore, utilities are placed in the untenable position of not being able to explain to their customers the relevance of the monitoring that EPA has recommended. Risk communication with the public on potential health effects in drinking water is extremely challenging under the best of circumstances. For the Agency to have responded in the way it did to the EWG release only compounds this difficulty.

The preliminary IRIS Toxicological Review on Chromium-6 has not completed peer review. The Toxicological Review is built upon a number of embedded assumptions, some of which are known to be controversial. Moreover, the IRIS document is just the first step in the risk assessment process as it only characterizes the potential hazard associated with Chromium-6. Actually completing the risk assessment process will require substantial effort by EPA. To date, EPA has not clearly conveyed this process to the public.

- 3. Taking Regulatory Action.** The tone, content, and delivery of EPA's chromium-6 action implies that regulatory change is urgent and a foregone conclusion. In fact, the current MCL for total chromium was addressed in the second six-year review of drinking water regulations that was published on March 29, 2010. As a result of this review, EPA

Administrator Jackson
January 28, 2011
Page 3

stated that "The Agency does not believe a revision to the NPDWR for total chromium is appropriate at this time. A reassessment of the health risks associated with chromium exposure is being initiated, and the Agency does not believe that it is appropriate to revise the NPDWR while that effort is in process"

EPA has a clear process for reviewing existing MCLGs and MCLs in response to evolving science. Under the SDWA, the decision on whether or not an MCL should be revised includes a consideration of whether doing so provides a meaningful opportunity for health risk reduction. In its two six-year reviews, the agency has had opportunities to lower the MCL for chromium and elected not to do so. We believe this important fact should have been conveyed by the Agency, along with a simple statement that it would take the EWG information into consideration in its future decision making on chromium-6, without any more said or done at this time.

The decision-making process outlined in the Safe Drinking Water Act is consistent with both the Presidential Memorandum on Scientific Integrity and the more recent Executive Order on Improving Regulation and Regulatory Review. These two directives emphasize the importance of making smart decisions based on the best available science so that Agency actions result in a public health benefit.

AWWA believes EPA's recent activity related to chromium-6 falls short of the scientific rigor required by the SDWA and misses the spirit of the Presidential Memorandum and Executive Order. We respectfully request that future actions on chromium-6 and other contaminants use proven processes and be better informed by sound science.

Best regards,



Thomas W. Curtis
Deputy Executive Director

cc: Bob Perciasepe, EPA
Pete Silva, EPA
Nancy Stoner, EPA
Cynthia Dougherty, EPA
Jim Laity, OMB



**American Water Works
Association**

Utility Member Benefit

Government Affairs Office
1300 Eye Street NW
Suite 701W
Washington, DC 20005
T 202.628.8303
F 202.628.2846

Headquarters
6666 West Quincy Avenue
Denver, CO 80235-3098
T 303.794.7711
F 303.795.1989
www.awwa.org

The Authoritative Resource for Safe Water®

Legislative/Regulatory Alert

TO: AWWA Member Utilities

FROM: AWWA Public Affairs

DATE: February 2, 2011

Who: U.S. Environmental Protection Agency
What: Decision to develop perchlorate regulation
When: Announcement Today

During a hearing of the U.S. Senate Committee on Environment and Public Works today, the U.S. Environmental Protection Agency (USEPA) announced that the agency would move forward with the development of a drinking water regulation for perchlorate, reversing a decision from fall 2008. An EPA press release announcing the decision is available at:

<http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/6348845793f4cc5d8525782b004d81ae!OpenDocument>

Following the announcement, AWWA issued a release that read in part:

“EPA’s decision to move forward on perchlorate regulation is perplexing,” AWWA Deputy Executive Director Tom Curtis said following the hearing. “Water providers share the Agency’s interest in protecting public health through the provision of safe water. However, the weight of scientific evidence suggests national regulation of perchlorate in drinking water does not accomplish this goal. AWWA remains committed to working with EPA and its member utilities to inform the perchlorate regulatory process as it moves forward.”

The full AWWA press release is available at:

www.awwa.org/files/GovtPublicAffairs/PressReleases/020211TestimonySenate.pdf

AWWA offered testimony on perchlorate and on chromium-6 at the hearing. The full testimony, delivered by Fairfax Water, Virginia, General Manager Chuck Murray, is available here:

www.awwa.org/files/GovtPublicAffairs/GADocuments/AWWAtestimonyEPWFeb2011.pdf

Background

AWWA concurred with EPA's October 2008 determination not to regulate perchlorate and to issue a health advisory at the time of the final determination. Under its current administrator, Lisa Jackson, EPA announced it would re-evaluate that decision.

The occurrence of perchlorate, while present in at least 26 states and Puerto Rico, was "typically present at concentrations of less than 12 ppb," AWWA's comments from 2008 noted. Even if an MCL of 2 ppb were established, only 4 percent of all U.S. drinking water systems would be likely impacted.

AWWA also noted "the proportion of the population potentially affected would be quite small based on extensive analysis of occurrence, food basket studies, and CDC data. This finding, that the total dietary exposure (food and drinking water) of reproductive age women in the U.S. is approximately one-third of the RfD for perchlorate at the 95th percentile, is complementary to the findings of a joint assessment prepared by EPA-CDC. Given this evidence related to limited exposure potentials and estimated intakes well below the RfD it is clear there is limited potential for perchlorate to present a significant adverse affect on the nation's health, including sensitive subpopulations."

The 2008 comments were based on independently developed assessments of both occurrence and exposure commissioned by AWWA.

To help you respond to media and customer inquiries, AWWA Public Affairs offers information at www.awwa.org/Government/Content.cfm?ItemNumber=1065&navItemNumber=3833.

In addition, utilities may link to consumer-oriented information at <http://www.drinktap.org/consumerdnn/Home/WaterInformation/WaterQuality/Perchlorate/tabid/72/Default.aspx>

Questions? Contact Kevin Morley at AWWA Government Affairs, kmorley@awwa.org, 202-628-8303, or Greg Kail at AWWA Communications, gkail@awwa.org, 303-734-3410.

City fined for water violations

Modified: Friday, Jan 28th, 2011

BY: Josh Petray

The city of Paso Robles now faces a decision with how to handle an estimated \$108,000 in violations levied by the Central Coast Regional Water Quality Control Board dating back to fall of 2009.

This week, the city received a letter from the board with an offer to settle the penalties and pay them directly to Sacramento or request a portion therein to be directed toward a local environmental project - including working with neighboring Atascadero and the County of San Luis Obispo on a first-of-its-kind Regional Salt and Nutrient Management Plan, according to city wastewater officials.

Last year, the city received an estimated \$69,000 in fines utilized for environmental improvements on 21st Street.

According to city of Paso Robles Wastewater Resource Manager Matt Thompson, the city has not been pursuing the option of payment, funds that would otherwise be funneled to Sacramento and deposited into an account called the Cleanup and Abatement Account and to to be used for things like contamination sites.

In lieu, the city has pursued supplemental environmental projects per the state water code. One example of that is the recently-approved improvements along 21st Street.

"Rather than send the penalties up to Sacramento," said Thompson, "We can deliver them into good projects. Once it goes to Sacramento, it's very unlikely to come back to the community. That's why we really favor a local environmental project in lieu of paying the entire penalty."

The ultimate approval of pursuing the plan would have to be negotiated by water board officials and the city and would require ultimate approval by the Paso Robles City Council. Thompson said the city plans to negotiate with the water board on an acceptable project. One of the preliminary ideas that city staff has discussed is to prepare a Regional Salt and Nutrient Management plan for the Paso Robles Groundwater Basin, according to Thompson.

"We would partner with our neighbors, Atascadero and [the County of SLO] to improve the management of salts in the Paso Robles Groundwater Basin," he said.

The city of Paso Robles currently holds a discharge permit that sets limits on how much water it can legally discharge into the Salinas River. However, the current Wastewater Treatment Plant does not have the technology to comply with those limits, "so we periodically violate them," Thompson said.

In California, every time a violation occurs, the city faces fines upwards of more than \$3,000 per violation, which can quickly escalate into an estimated \$10,000 per day. On average, the city of Paso Robles has been paying about \$9,000 per month, "and we'll continue to receive penalties until the Wastewater Treatment Plant is upgraded," Thompson said. Including this year's penalties, the city has been fined an estimated \$250,000 over the past five years.

When asked, Thompson said there is no definite answer this point why the roughly 53 percent increase in fines over 2009 occurred but that it may be that as water users pump from deeper in the groundwater basin, "we're using harder water, therefore, the water softeners are automatically regenerating more..."

"We need the Nacimiento water to address the salt situation," Thompson said, "And we need to upgrade the wastewater treatment plant to address other pollutants."

Thompson said that despite any notion to the contrary, the city of Paso Robles' current residents would benefit from Nacimiento water. He said that if Nacimiento water were brought in soon, the city would likely see the fines decline and/or eliminated.

The only solution to the problem is Nacimiento water, he said.

Because the majority of the discharge violations are caused by self-regenerating water softeners commonly used by residents who draw from the Paso Robles Groundwater basin, providing a softer water source - Nacimiento - would help alleviate the salt violation problem that's currently occurring, according to Thompson.

"We have a problem in Paso Robles with the widespread use of self-regenerating water softeners..."

For the complete article see the 01-28-2011 issue.

Click here to purchase an electronic version of the 01-28-2011 paper

Oceano sewage spill much larger than originally reported

January 29, 2011 10:13 pm

CalCoast News

By KAREN VELIE

Documents attached to emails obtained by CalCoastNews indicate that a sewage spill last December dumped 3 million gallons of raw sewage into Oceano neighborhoods, beaches and the Pacific Ocean, more than 30 times what was originally reported. [PDF]

On December 19, storm water flowed through electrical conduits at the San Luis Obispo South County Sanitation District into pump motors which shorted out the plant's electrical system, shutting down the plant's intake pumps. The district serves the residents of the Oceano Community Service District, Arroyo Grande and Grover Beach.

Shortly after the spill, district administrator John Wallace reported to health officials that the spill dumped 110,000 gallons of sewage into the community. A few weeks later, he estimated the spill at 384,000 gallons.

However, a series of emails between Wallace, Wallace Group staff and sanitation plant manager Jeff Appleton reveal that those involved in calculating the amount of sewage spilled argued amongst themselves on how many gallons they should report and who would sign state-mandated accountings.

In a timeline and spill report attached to an email from Appleton to Wallace, Appleton says he determined the plant's electrical failure caused a spill of 3 million gallons of sewage. A graph from the plant during the incident appears to support his estimation.

Wallace Group staff made some changes to Appleton's computations, shown in blue ink, which lowered the spill amount from 3 million to 2,493,757 gallons of raw sewage.

A few days later, Wallace told Appleton that Wallace Group staff had reevaluated the spill amount using an approach that massively lowered the amount of gallons that Wallace wanted to be reported.

Wallace wrote in a December 23 email to Appleton, "As we discussed, our staff evaluated the potential quantity of influent that was spilled using incident data recorded during the event, plant flow data, an analysis of the hydraulic grade in the trunk and collection system, trunk and collection system storage capacity, manhole rim elevations, weather data, as well as standardized industry calculations to arrive at an initial estimated volume of 110,000 gal of overflow from various upstream manholes.

“These calculations remain plausible given interviews with the public, eyewitnesses of the overflow events in a number the affected areas, as well as staff from Oceano and the district that responded to the overflow event,” Wallace added. Wallace insisted that Appleton use the estimating methods and numbers provided by Wallace Groups engineers, none of whom are qualified to run the plant or submit spill reports to regulators.

“You voiced a concern that the volume that engineering staff calculated was too low based upon your 25 years of experience and expressed that you could not submit the draft report to CIWQS (state reporting system) for the lower quantity but preferred that, if the lower amount was used, then I as the LRO (lead responsible operator) would need to submit the report,” Wallace says in the email to Appleton. “As you are the District’s CPO (chief plant operator), our calculations are prepared to provide backup information for you in support of your reporting requirements for this event.”

A week later, in another email, Appleton told Wallace that both he and the plant’s shift supervisor, Trini Rodriquez, felt uncomfortable signing the plant’s November required regulatory reports. For more than a year, staff at the plant said they repeatedly voiced their concerns that the plant’s antiquated electrical system could lead to an environmental disaster—concerns they claim Wallace ignored.

Several plant staffers said they were not permitted to call in an electrician without either Wallace or staff at the Wallace Group’s approval. The state water board can level fines of up to \$10 a gallon for sanitation plant sewage spills as well as financial penalties for failing to comply to testing and management requirements of the State Water Resources Control Board (SWRCB).

For example, the SWRCB recently proposed fines [PDF] against Eco Resources Inc., operators of the San Simeon Service District Wastewater Treatment Plant and former operators of the Cypress Ridge Wastewater Treatment Plant, for among other infractions failing to properly test, monitor and report.

After finding themselves in trouble with regulators last year, Eco Resources dropped its name and began operating under its parent company’s name, Southwest Water. The state’s settlement agreement asks Eco Resources Inc. to pay more than \$26 million in penalties for environmental infractions, 1.5 million of which is for failures in San Simeon and Arroyo Grande. Wallace Group designed the sewer distribution plan at Cypress Ridge, a residential community in Arroyo Grande.

The recent sewage spill in Oceano is another in a long list of problems that have dogged the plant, including a notice of violation from state regulators, law suits for allegedly terminating whistleblowers and a recent disciplinary action by the state against Appleton for instructing staff to manipulate effluent release numbers in order to make it appear the plant was operating in compliance with pollution and discharge requirements.

The Environmental Protection Agency estimates that between 1.8 million and 3.5 million people a year become sick from swimming in waters contaminated by sewer system spills.

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *ML*
INTERIM GENERAL MANAGER
DATE: FEBRUARY 4, 2011



COMMITTEE REPORTS

ITEM

Consider review of Committee meeting minutes.

BACKGROUND

The following meetings were held for which meeting minutes are being provided:

January 18, 2011, Personnel Committee Meeting Minutes
January 24, 2011, Supplemental Water Project Design and Construction Committee Meeting Minutes

RECOMMENDATION

It is recommended that your Honorable Board discuss the meeting minutes as appropriate.

ATTACHMENTS

- Personnel Committee Meeting Minutes
- Supplemental Water Project Design and Construction Committee Meeting Minutes

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2011\COMMITTEE REPORTS\COMMITTEE REPORTS 020911.DOC

NIPOMO COMMUNITY SERVICES DISTRICT

JANUARY 18, 2011

SPECIAL MEETING MINUTES

PERSONNEL COMMITTEE

1. CALL TO ORDER, ROLL CALL AND FLAG SALUTE

Chairman Vierheilig called the meeting to order at 1:00 p.m. Chairman Vierheilig and Director Gaddis were in attendance along with staff members Michael LeBrun and Lisa Bognuda. There were no members of the public present.

2. REVIEW PERSONNEL POLICIES AND PROCEDURES MANUAL RELATED TO PART-TIME POSITIONS

Staff reviewed the background of the part-time position and discussed the need to correct the discrepancy in the Personnel Policies and Procedures Manual prior to advertising and filling the part-time position that is currently open.

The Committee reviewed the proposed changes and unanimously agreed to forward Staff's recommendations to the Board of Directors for their consideration. The Committee also unanimously agreed to recommend to the Board of Directors that direction be given to Staff to investigate the use of an employment agency to fill this position and other openings in the future.

3. ADJOURN

The meeting was adjourned at 1:28 p.m.

**NIPOMO COMMUNITY SERVICES DISTRICT
MONDAY, JANUARY 24, 2010**

**SPECIAL MEETING MINUTES
SUPPLEMENTAL WATER PROJECT
DESIGN AND CONSTRUCTION COMMITTEE**

COMMITTEE MEMBERS

ED EBY, CHAIR
JAMES HARRISON, MEMBER

PRINCIPAL STAFF

MICHAEL LEBRUN, INTERIM GENERAL MANAGER
LISA BOGNUDA, ASSIST. GENERAL MANAGER
MERRIE WALLRAVIN, SECRETARY/CLERK
JON SEITZ, GENERAL COUNSEL
PETER SEVCIK, DISTRICT ENGINEER

MEETING LOCATION

District Board Room, 148 S. Wilson Street, Nipomo, California

1. CALL TO ORDER, ROLL CALL AND FLAG SALUTE

Chairperson Eby called the meeting to order at 2:00 p.m. and led the flag salute. Committee Members Harrison and Eby were both present. Also present were Interim General Manager Michael LeBrun, District Engineer Peter Sevcik, and AECOM representatives Mike Nunley and Eileen Shields.

2. REVIEW STATUS OF SUPPLEMENTAL WATER PROJECT DEVELOPMENT

Mike Nunley, AECOM, presented the January 19, 2010 Monthly Design Status Report to the Committee. Committee Members Harrison and Eby asked questions about the project timeline and budget. Staff responded to questions. There was no public comment.

**3. REVIEW WATERLINE INTERTIE PROJECT – CONSIDER THE FOLLOWING:
(A) DELIVERY VOLUME FOR PROPOSED ASSESSMENT; AND (B) NEXT
STEPS AND SCHEDULE**

Interim General Manager reviewed the staff report. The Committee asked questions. Staff reviewed cost estimate exhibits and provided information on defining the volume of water used as a basis for assessment. Chairperson Eby directed staff to gather additional information regarding the capital portion of Santa Maria water costs, including specific information on when those costs 'amort' (retire).

Public Comment: Mr. Joe Lopez of Nipomo asked questions about project costs, equity of assessment, and project planning. Mr. LeBrun responded to questions.

Committee approved a motion to recommend to the Board, 2000 acre-feet of water as a basis for assessment.

4. SET NEXT COMMITTEE MEETING

The Committee tentatively set the next meeting for 2pm on Monday February 14, 2011.

5. ADJOURN