

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: SEPTEMBER 9, 2011

**AGENDA ITEM
F
SEPTEMBER 14, 2011**

GENERAL MANAGER'S REPORT

ITEM

Standing report to your Honorable Board -- *Period covered by this report is August 5, 2011 through September 9, 2011.*

DISTRICT BUSINESS

Administrative

- Mailed notification of proposed water rate increase (8/24/11)
- Responding to questions from the community on supplemental water
- Operations Positions (2) being advertised. Positions close 9/26/11.
- Standard and Poor's conducted a review of the Districts rating. The rating remained unchanged and a letter from S&P is forthcoming.
- 1978 Revenue Bond. Early payoff has been advertised and payment to Berkadia is scheduled for 9/30/11.
- Internal Revenue Service compliance check via phone interview with District Finance Director on
- News of Interest (all items are attached to this report)
 - August 17, Santa Maria Stakeholder Meeting Announcement – discuss Board attendance
 - August 23, staff report and Supplemental Water Project support letter from City of Arroyo Grande
 - August 29, Notice of Availability Draft EIR ConocoPhillips Development Plan
 - August 30, Mayor Push Action on Desal
 - August 31, Governor May Restructure Water Boards
 - September 2, Notice of Availability Draft EIR, County Ag. Cluster Program
 - September 7, Is the U.S. Reaching Peak Water?
 - September 7, Local Efforts Succeed on AB 506
 - September 7, Warding off Water Wars
 - September 8, Willow Road Construction Notice
 - September 8, AWWA Utility Advisory
 - September 9, Experts Discuss Mesa Water Supply
 - September 14, SLO County Integrated Waste Management Authority Agenda Packet
- Service Connection Information:
 - Number of Water Connections: 4164
 - Number of Sewer Connections: 2991
 - Number of New Water Connections during period: 6
 - Number of New Sewer Connections during period: 4

In addition, there are 460 connections to the District's Southland sewer system via the County (these homes are served water by Golden State Water Company)

Meetings

Meetings attended:

- August 5, Outreach Ad Hoc
- August 9, Supplemental Water Financing
- August 10, Regular Board Meeting
- August 11, Management Coordination and Quarterly All-Staff
- August 12, Coordination with District General Counsel
- August 16, Chumash representative at Southland WWTF
- August 17, Tri-chamber Luncheon
- August 17, Branch Manager Rabobank
- August 18, NMMA Technical Group
- August 18, Dave Congolton Radio Show
- August 19, Outreach Ad-Hoc
- August 22, Coordination with Board Officers
- August 22, Dana Adobe Nipomo Amigos
- August 23, Public Meeting on Supplemental Water
- August 29, with County Staff on Supplemental Water
- August 30, Supplemental Water Project property negotiations
- September 2, Coordination with Board officers
- September 6, President of N.I.C.E.
- September 6, Regional Water Board staff on Southland permit update

Meetings Scheduled:

- September 9, Supplemental Water Outreach Ad-hoc
- September 13, NMMA Technical Group
- September 14, Regular Board Meeting
- September 15, NMMA Technical Group Public Meeting
- September 16, CSDA – SLO County Chapter
- September 16, coordination with District Counsel
- September 19, coordination with Board Officers
- September 20, Southland Finance Team
- September 20, Supplemental Water Project All-hands
- September 22 and 23, Supplemental Water Assessment with County staff

Safety Program

- Minor vehicle incident involving District vehicle. No injuries, no other vehicles involved.

RECOMMENDATION

Staff seeks direction and input from your Honorable Board

ATTACHMENTS

- August 17, Santa Maria Stakeholder Meeting Announcement – discuss Board attendance
- August 23, staff report and Supplemental Water Project support letter from City of Arroyo Grande
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MEMORANDUM

TO: CITY COUNCIL

FROM: TERESA MCCLISH, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONSIDERATION OF LETTER OF SUPPORT FOR THE NIPOMO SUPPLEMENTAL WATER SUPPLY PROJECT

DATE: AUGUST 23, 2011

RECOMMENDATION:

It is recommended that the City Council submit the attached letter of support for the Nipomo Supplemental Water Supply Project to the San Luis Obispo County Board of Supervisors.

FINANCIAL IMPACT:

No Fiscal impact.

BACKGROUND:

In 2008, a Judgment was issued for the adjudication of the Santa Maria Groundwater Basin. As part of that Judgment, the Nipomo Community Services District (NCSD) must purchase and deliver a minimum of 2,500 acre-feet of supplemental water each year to the Nipomo Mesa. Additionally, in participation with other staff from neighboring jurisdictions as part of the Northern Cities Management Area Technical Advisory Group (NCMA), staff and consultants have agreed that the supplemental water provided by the proposed Nipomo Supplemental Water Supply Project will help increase water reliability of the City's groundwater supply. In 2004 the NCSD and the City of Santa Maria entered into a Memorandum of Understanding to establish contract conditions for 3,000 acre-feet of water per year from the City of Santa Maria. In 2010, an Environmental Impact Report was certified for the project. The project is now dependent upon a vote to form an assessment district.

ANALYSIS OF ISSUES:

The City relies upon the Santa Maria Groundwater Basin for a large part of its water supply.

The long term reliability of this regional resource is potentially threatened by a deepening groundwater depression underlying Nipomo resulting from localized groundwater pumping.

The Nipomo Supplemental Water Supply Project includes the construction of a pipeline and pumping facilities so that Nipomo can receive water from the City of Santa Maria. This would allow Nipomo to utilize a mix of groundwater and supplemental water that would alleviate an existing imbalance of water supply and demand. Other NCMA jurisdictions will be considering letters of support of the Nipomo project in upcoming weeks.

ALTERNATIVES:

**CITY COUNCIL
CONSIDERATION LETTER OF SUPPORT FOR THE NIPOMO SUPPLEMENTAL
WATER SUPPLY PROJECT
AUGUST 23, 2011
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The following alternatives are provided for the Council's consideration:

- Authorize the Mayor to sign and submit the proposed letter to the San Luis Obispo County Board of Supervisors;
- Modify and authorize the Mayor to sign and submit the proposed letter;
- Do not authorize the Mayor to sign and submit the proposed letter ; or
- Provide staff direction.

ADVANTAGES:

Submitting the proposed letter supporting the Nipomo Supplemental Water Supply Project is consistent with the terms of the 2008 Judgment for the Santa Maria Groundwater Basin, and would increase water reliability for the City's groundwater supply. The Project is an urgent first step for sustainable groundwater resources in southern San Luis Obispo County.

DISADVANTAGES:

The Nipomo Supplemental Water Supply Project will be costly for Nipomo residents.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted in front of City Hall on Thursday, August 18, 2011. The Agenda and staff report were posted on the City's website on Friday, August 19, 2011. No public comments were received.

Attachment:

1. Draft letter of Support for the Nipomo Supplemental Water Supply Project



CITY OF
ARROYO GRANDE
CALIFORNIA

August 26, 2011

San Luis Obispo County Board of Supervisors
Room D-430, County Government Center
San Luis Obispo, CA 93408

SUBJECT: Letter of Support for the Nipomo Supplemental Water Supply Project

Dear Honorable Supervisors,

This letter communicates the City of Arroyo Grande's support for the Nipomo Supplemental Water Supply Project, outlining why this project is so critically important to the residents of San Luis Obispo County, and urges your board to publicly support full implementation of the project.

More than one-third of the City's freshwater supply comes from the Santa Maria Groundwater Basin, a vast underground reservoir, covering nearly 300 square miles from Pismo Beach south to Santa Maria. For nearly 30 years, the Cities of Arroyo Grande, Pismo Beach and Grover Beach and the Oceano Community Services District have limited their pumping from the Santa Maria Groundwater Basin so as to not exceed the basin's safe yield. However, excessive pumping associated with continued growth on the Nipomo Mesa, which depends entirely on groundwater from the Santa Maria Groundwater Basin, has contributed significantly to a deepening groundwater depression underlying the Nipomo area that threatens the entire region.

Under the terms of the 2008 Judgment in the adjudication of the Santa Maria Groundwater Basin, the Nipomo Community Services District (NCSD) must purchase and deliver a minimum of 2,500 acre-feet of supplemental water each year to the Nipomo Mesa. According to the 2010 annual report prepared by the Nipomo Mesa Management Area (NMMA), "there are a number of direct measurements that indicate that demand exceeds the ability of the supply to replace the water pumped from the aquifers" underlying the Nipomo Mesa. Therefore, not only is the Nipomo Supplemental Water Supply Project required under the terms of the adjudication, it is urgently needed to help correct the imbalance of water supply and demand in southern San Luis Obispo County.

In closing, the Santa Maria Groundwater Basin is a critical water resource that provides water supplies to more than 53,000 residents and thousands of acres of irrigated cropland in southern San Luis Obispo County. The long-term reliability of this important regional resource is being threatened by the deepening groundwater depression underlying Nipomo. The Nipomo Supplemental Water Supply Project is a necessary and urgent first step to begin to manage the regional water resources sustainably, and protect the economy and quality of life of the South County area. Please join our City in providing your full support for this critically important regional project.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Ferrara", with a long horizontal flourish extending to the right.

Tony Ferrara,
Mayor, On behalf of the City Council
City of Arroyo Grande

August 17, 2011

Dear Santa Maria River Stakeholder,

This is to provide a brief update on the status of the Santa Maria Instream Flow Assessment Study including the next stakeholder meeting date and an updated task list from the project's Scope of Work. The next stakeholder meeting is scheduled for **September 26, 2011 at 1pm** in the Santa Maria Public Library's Shepard Hall. Since our last update on June 15, 2011, the following activities have occurred:

Task 1: Data compilation, collection, and field reconnaissance

- The entire record of Twitchell Dam releases have been scanned and are being analyzed, along with many other reports and datasets related to hydrology, groundwater, geomorphology, water quality, habitat, and fisheries in the Santa Maria River watershed. The project bibliography is available anytime upon request.

Task 2: Groundwater-surface water investigations

- Existing groundwater information and models for the Santa Maria Groundwater Basin were reviewed, and an analytical approach for groundwater modeling for this study was developed. The specifics of this analytical groundwater model is currently being scoped and, when completed and executed, will be integrated with surface water hydraulic analyses (Task 5) in the coming months.

Task 3: Estuary/breach studies

- Water quality, temperature, and depths are being monitored in the Santa Maria River estuary.

Task 4: Steelhead habitat suitability criteria

- Steelhead passage criteria were developed for hydraulic modeling to assess the minimum flow that will provide passage through the Santa Maria River.
- Steelhead spring/summer habitat conditions in the upper Sisquoc River watershed were evaluated in June 2011. Summer/fall habitat will be evaluated in October 2011. These data will be used in a habitat suitability index (HSI) model to provide a measure of current habitat conditions.

Task 5: Assess steelhead passage

- Field observation and flow measurements were collected opportunistically during three flow events (December/January, February, and March/April) on the Santa Maria River to evaluate flow conditions during the steelhead migration period, and to estimate the amount of surface flow that percolates into the groundwater table.
- Initial hydraulic analyses were performed to provide coarse estimates of the flows necessary to meet the fish passage criteria developed in Task 4 through the lower river from about 2 miles upstream of the Bonita School Rd. crossing downstream to Highway 1, which is believed to be the most difficult reach for steelhead to pass through.
- Historical and contemporary flow records are being analyzed to identify hydrologic conditions in the river pre- and post-Twitchell Dam. These records will be used to provide a historical context for the frequency, duration, and seasonality of flows providing steelhead passage opportunities based on the flow identified from hydraulic modeling.

A review of these tasks, as well as next steps, will be the subject of next month's public meeting. Thanks for your continuing interest in this project. Please let me know if I can answer any questions that you may have. To keep tabs on the project via internet, please visit http://www.stillwatersci.com/case_studies.php?cid=66.

Sincerely,

Stephnie Wald (805) 473-8221
Outreach Coordinator Central Coast Salmon Enhancement

Michael Bowen
Project Manager Ocean Protection Council





TO: Interested Party
DATE: August 29, 2011
FROM: Murry Wilson, Environmental Resource Specialist
 Aeron Arlin Genet, Planning and Outreach Manager
VIA: Ellen Carroll, Environmental Coordinator
SUBJECT: Conoco Phillips Development Plan / Coastal Development Permit -- Notice of Availability of Draft EIR (DRC2008-00146; ED09-153)

The Draft Environmental Impact Report (DEIR) for the Conoco Phillips Development Plan / Coastal Development Permit is complete and available for public review and comment. The DEIR addresses the environmental impacts that may be associated with the request to allow:

- An increase in the permitted volume of processed crude oil throughput by 10 percent from 44,500 bpd to 48,950 barrels per day (bpd); and
- The ability to process previously refined gas/oil petroleum liquid within the thresholds established above.

The proposed project is within the Industrial land use category and is located approximately 1/2 mile south of the intersection of Willow Road (Highway 1) and Winterhaven Way, approximately 3.5 miles south of the community of Oceano, in the South County (Coastal) planning area.

Copies of the Draft EIR are available at the following locations: Cal Poly Library, South County Regional, and City/ County Library of San Luis Obispo. Copies are also available on loan and for review at the Environmental Division of the Planning Department, located at the 976 Osos St., Room 200, San Luis Obispo, 93408 or the Air Pollution Control District (APCD) office, located at 3433 Roberto Court, San Luis Obispo, CA 93401. The EIR is on the Planning Department's web site at www.sloplanning.org. Either enter "Conoco Phillips" in the 'search box' or go to 'Quicklinks' at bottom of page and click on "Environmental Information and Natural Resources," then "Environmental Notices, Proposed Negative Declarations, EIRs and other Documents," and then find the "Conoco Phillips" web page. The EIR is also available on the APCD's web site at www.slocleanair.org. Click on the EIR link under "Conoco Phillips - Santa Maria Refinery Throughput Increase Project."

ENVIRONMENTAL IMPACTS:

The EIR focuses on the following issues: Air Quality, Public Safety and Hazardous Materials, Noise and Vibration, Public Services and Utilities, Transportation and Circulation, Water, and Land Use and Policy Consistency. The EIR also considers feasible alternatives in addition to the "No Project" alternative.

HOW TO COMMENT OR GET MORE INFORMATION:

Anyone interested in commenting on the Draft EIR should submit a written statement by 4:30 p.m. on October 17th, 2011, at:

Aeron Arlin Genet, Planning and Outreach Manager
 Air Pollution Control District
 3433 Roberto Court
 San Luis Obispo, CA 93401

If you need more information about this project, please contact Aeron Arlin Genet at (805) 781-5998 (or e-mail: aarlingenet@co.slo.ca.us) or Murry Wilson at (805) 788-2352 (or e-mail: mwilson@co.slo.ca.us).

PUBLIC HEARING:

The public hearing before the San Luis Obispo County Planning Commission to certify the EIR and consider the project for approval has been tentatively scheduled for January 26th, 2012, in the Board of Supervisors Chambers, County Government Center, San Luis Obispo. If you plan to attend, please call two weeks before this date to verify. After completion of the Planning Department hearing, the project will be scheduled for the following APCD Board Meeting.

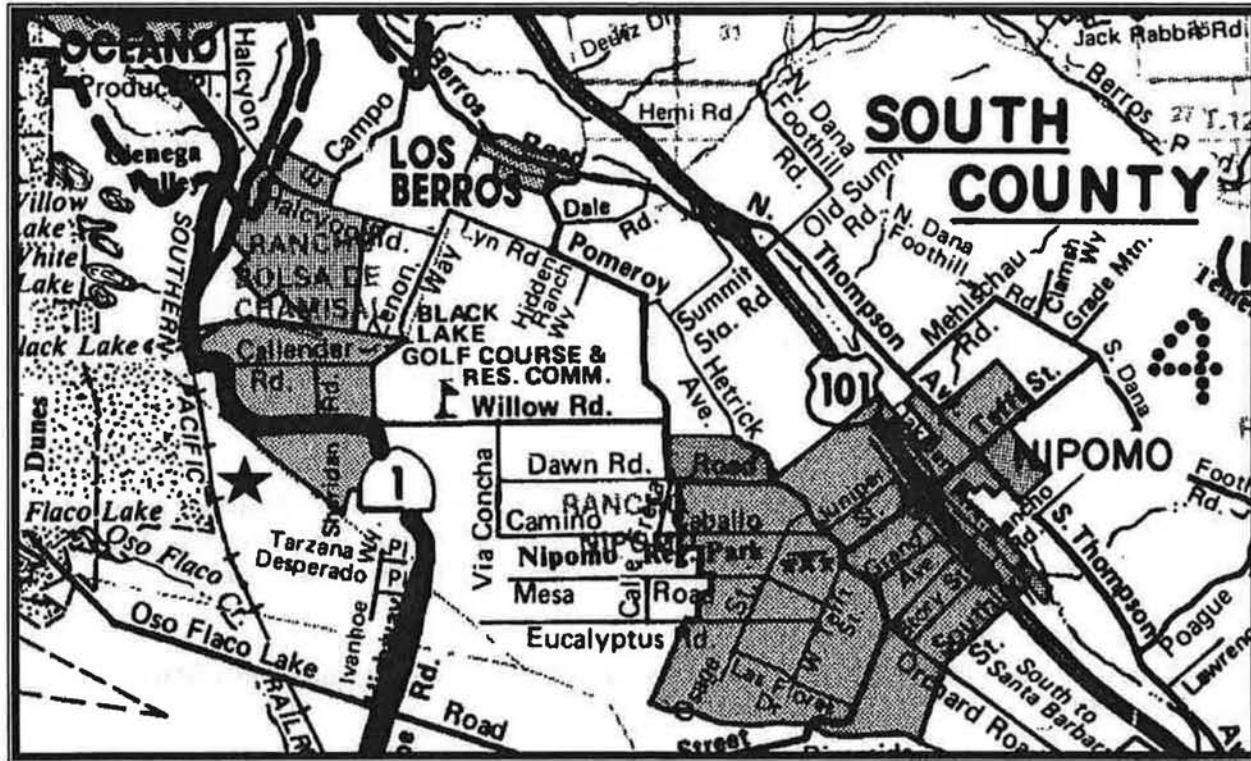
DRAFT EIR WORKSHOP:

A Draft EIR workshop has been scheduled to provide an opportunity for the public to ask questions and receive feedback about the projects potential environmental impacts associated with the proposed project. The workshop will take place at the following location and time:

Location: Ramona Garden Park Center
993 Ramona Ave.
Grover Beach, CA 93433

Date / Time: September 22, 2011 from 6-8 p.m.

PROJECT LOCATION MAP:



★ Project Site

Mayors push action on desal

Letter wants court to be an option in conflict issue

By JIM JOHNSON

Herald Staff Writer

Posted: 08/30/2011 01:27:37 AM PDT

Updated: 08/30/2011 08:40:45 AM PDT

Six Peninsula mayors sent a letter to the Board of Supervisors calling on them to seek a "rapid resolution" to the conflict of interest allegations involving former county water board member Steve Collins.

The letter, dated Aug. 26, calls for the board to take the matter all the way to the courts, if necessary.

The county has argued the alleged conflict voided project agreements for the desalination plant, leaving it in limbo. Without a clear resolution, said Carmel Mayor Sue McCloud in an interview, there is no way to know if the current proposal is still viable.

In the letter, the mayors say the allegations have "clearly taken the focus" away from planning and financing the \$400 million project, which is designed to provide a replacement source of water for Peninsula customers facing a state-ordered cutback in pumping from the Carmel River. The cutback is set to take full effect in 2016.

The delay is also endangering an effort to reach a mediated settlement among Peninsula cities, other interests and the state water board regarding implementation of the cutback, according to the letter.

The letter says there could be "dire economic consequences" to the Peninsula and the county if the cutback takes full effect.

The mayors offer their help in the letter, which was signed by McCloud and Chuck Della Sala of Monterey, Carmelita Garcia of Pacific Grove, Felix Bachofner of Seaside, David Pendergrass of Sand City and Jerry Edelen of Del Rey Oaks.

Supervisor Dave Potter said everyone is "anxious" to hear what the district attorney and state Fair Political Practices Commission find in their investigations. But he warned that going to court is dangerous because the county could be held responsible for halting the project and for all costs incurred so far.

In a closed session Monday, supervisors directed staff to proceed to mediation with desal project partners California American Water and Marina Coast Water District in an effort to "clear up" a number of issues, including the conflict allegations and their potential effect on project agreements.

Last week, the partners met to decide how to proceed under the dispute resolution procedures contained in the agreements.

Supervisor Jane Parker said the hope is mediation will help resolve the project's status, but added, "The way everybody's behaving, I don't think anyone is holding their breath."

The board also heard an update on the county's investigation of the conflict allegations. Parker said the report could be released by mid-September, though she hoped the report would have been released by now.

District Attorney Dean Flippo said his office is continuing to investigate and declined to estimate when its inquiry would be finished, noting a "backlog" of work.

Assistant District Attorney Stephanie Hulseley said a week and a half ago that the investigation had been given top priority, given the community's interest, and the bulk of the investigation could be finished by the end of this week.

Jim Johnson can be reached at 753-6753 or jjohnson@montereyherald.com.

Gov. Jerry Brown may restructure water boards, throwing ag rules into doubt

By Jason Hoppin

San Jose Mercury News

Posted: 08/31/2011 06:16:10 PM PDT

Updated: 08/31/2011 10:30:28 PM PDT

SANTA CRUZ - Gov. Jerry Brown's determination to shrink the size of government could spell the end for a board overseeing a nationally watched set of proposed agricultural water rules, according to a proposal being circulated by Brown's office.

According to sources familiar with the plan, Brown recently proposed restructuring California's nine regional water quality boards, including eliminating the Central Coast board weighing the controversial rules. While the plan hasn't been formally announced, critics say Brown, with barely a week left in the 2011 legislative session, is proposing a radical change with potentially huge implications for local drinking water.

"It's hard to do these big political changes in the last seven days of session. And we wonder why certain water boards were chosen for consolidation over others," said Jim Metropulos, a Sierra Club lobbyist in Sacramento.

Brown's office declined to comment on the plan, which was outlined by several sources familiar with the details. A spokesman said the governor does not discuss pending legislation, but the plan is filtering through agricultural, environmental and political circles. It would clear up persistent conflict problems among the nine boards by removing designated board seats for farmers, water quality experts, the public and others. It also would reduce the number of members on each board from nine to five.

But the plan also would cut two boards, combining them with nearby districts. According to sources briefed on the plan, two boards singled out for elimination are the Central Coastal and Colorado River regional water quality control boards. Roger Briggs, executive officer of the Central Coast district, said the proposal echoes an earlier push to cut government floated by Gov. Arnold Schwarzenegger when he first came into office.

"I've heard second-hand information and understand that these stories are flying around the state right now," Briggs said.

One potential vehicle for the plan is Senate Bill 900, authored by Senate President pro Tem Darrell Steinberg. That bill addresses the conflict issue, but could be amended to include broader reforms. Steinberg's office referred questions to the governor's office. SB 900 is sponsored by the Western Growers Association - which has criticized the Central Coast's proposed water rules - but the agency declined to comment on proposed changes to the boards.

One source said late Wednesday the governor was considering scrapping the plan to contract the number of boards, a move that could save the Central Coast agency. With nothing finalized, the shifting proposals are evidence that the situation remains fluid. The water rules pending before the Central Coast board aim at agricultural runoff and groundwater contamination, particularly from nitrates. They include detailed rules and an agricultural monitoring program for assessing groundwater that together comprise likely the toughest agricultural water rules in the country.

The issue is being closely watched by agricultural and environmental groups. Many farmers say the proposal is impossible to comply with and could drive agriculture from the fertile Salinas and Pajaro valleys, but environmental advocates say it is needed to protect everything from drinking water for families to the health of Monterey Bay.

The Central Coast board was to have voted on the rules today, but conflicts of interest and open seats among the board have kept it from having the quorum needed to take a vote. It has now been postponed indefinitely.

But if the Central Coast board is dissolved, those proposals could go up in smoke.

"We'd hate to see that all the sudden destroyed or coming to an end," Metropulos said.

If the board were broken up, it would likely be combined with boards headquartered in San Francisco and Los Angeles. Los Angeles' farm water rules don't address groundwater, and the San Francisco office doesn't have any.

"Either way, we'd have to start from scratch," said Jennifer Clary, a water policy and legislative analyst for Clean Water Action. "It would set us back years."

Briggs said dissolving the Central Coast board would affect the rules. But he doesn't know how.

"Of course it'll have an effect, but what it'll be is speculation," he said.

Others have heard Brown may restructure the boards. But Danny Merkley, director of water resources for the California Farm Bureau, said he didn't think there was enough time left in the session for the proposal to proceed.

"But you know, stranger things have happened," Merkley said.



San Luis Obispo County

Department of Planning and Building Environmental Division

TO: Interested Party
DATE: September 2, 2011
FROM: Bill Robeson, Project Manager
VIA: Ellen Carroll, Environmental Coordinator
SUBJECT: Agricultural Cluster Subdivision Program -- Notice of Availability of Draft Environmental Impact Report (LRP2008-00010)

A Draft Environmental Impact Report (DEIR) for the Agricultural Cluster Subdivision Program is complete and available for public review and comment. The document addresses the environmental impacts that may be associated with proposed amendments to existing Land Use Ordinance standards and General Plan policies pertaining to agricultural cluster subdivisions. Specifically, the proposed program will amend Section 22.22.150 (*Agricultural Lands Clustering*), Section 22.22.152 (*Major Agricultural Cluster*), and Section 22.22.154 (*Minor Agricultural Cluster*) of the County Land Use Ordinance (LUO) and Policies 20, 22, and 23 of the Agriculture Element of the County General Plan. The proposed program will also add a new section to the Coastal Zone Land Use Ordinance (CZLUO), which would allow for agricultural cluster subdivisions in specified areas of the Coastal Zone.

The proposed amendments to the LUO would affect Agriculture-designated parcels within five road miles of the following Urban Reserve Lines (URLs): Arroyo Grande, Atascadero, San Luis Obispo, San Miguel, Nipomo, Templeton, and Paso Robles. The proposed amendments to the CZLUO would affect Agriculture-designated parcels in the North Coast and Estero planning areas.

Copies of the Draft EIR are available at the following locations: Cal Poly Library and City/County Library of San Luis Obispo. Copies are also available on loan and for review at the Environmental Division of the Planning Department, located at the 976 Osos St., Room 300, San Luis Obispo, 93408-2040. The DEIR is on the Planning Department's website at: www.sloplanning.org under "Environmental Information and Natural Resources", then "Environmental Notices, Proposed Negative Declarations, EIRs and other Documents".

ENVIRONMENTAL IMPACTS:

The EIR focuses on the following issues: agricultural resources, air quality, biological resources, cultural resources, geologic hazards, hydrology/water quality, noise, public services and utilities, transportation and circulation, visual resources, water quality, and growth inducing effects. The EIR also considers four alternatives in addition to the required "No Project" alternative.

Per CEQA Section 15087(c)(6), the proposed project is within close proximity of one or more sites described under Government Code Section 65962.5 (known as the "Cortese List"), which

includes hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites, or is subject to the Hazardous Waste Substances Statement required under subsection (f) of that Section, or is found on a list at the following website:

<http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm>

HOW TO COMMENT OR GET MORE INFORMATION:

Anyone interested in commenting on the draft EIR should **submit a written statement by 4:30 p.m. on Monday, October 17, 2011**, to me at:

Bill Robeson, Senior Planner
County Planning & Building Dept.
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

If you need more information about this project, please contact Bill Robeson at (805) 781-5607 (or e-mail: brobeson@co.slo.ca.us).

PUBLIC HEARING:

A tentative public hearing before the San Luis Obispo Planning Commission has been tentatively scheduled for January 26, 2012, in the Board of Supervisors Chambers, County Government Center, San Luis Obispo. If you plan to attend, please call two weeks before this date to verify.

Is the U.S. Reaching Peak Water?

Adequate, high-quality freshwater is fundamental for health, growing food, natural ecosystems, and a productive U.S. economy including the production of energy and all vital goods and services. But as populations and economies grow, new constraints on water resources are appearing, raising questions about ultimate limits to water availability. In some parts of the world, including the U.S., the demand for water is outstripping the supply, causing political disputes and economic uncertainty, and raising the specter of “peak water.” Questions about resource availability and limits are not new. The specter of “peak oil”—a peaking and then decline in oil production—has long been predicted and debated, and peak U.S. oil production occurred forty years ago.

But the concept of “peak water” and its implications for the U.S. economy are less well explored and understood. A paper published last year introduced and defined the concept of peak water and The New York Times chose the term “peak water” as one of its 33 “Words of the Year” for 2010.

To be clear, “peak water” doesn’t mean the U.S. or the world is running out of water. Overall, there is plenty of water on the planet and it is (mostly) a renewable resource. But there are serious physical, environmental, and economical constraints on water availability that make regional water problems increasingly urgent. As a result, there are growing efforts in the business and investment communities to understand how risks of water shortages might affect corporate strategy and decisions, and conversely, how to maintain a strong economy in the face of growing freshwater limits. [For example, the UN CEO Water Mandate, the World Business Council for Sustainable Development, the Alliance for Water Stewardship, the World Economic Forum, DEG-WWF Water Risk Filter, and the International Organization for Standardization (ISO), among others, all have water and business-related efforts underway.]

There are three different definitions of “peak water” and there is evidence that the U.S., or parts of the country, have exceeded peak constraints for all three: Peak Renewable Water, Peak Non-Renewable Water, and Peak Ecological Water.

Peak Renewable Water. Most water resources are renewable, in the form of flows of rainfall, rivers, streams, and groundwater basins that are recharged over relatively short time frames. Renewable, however, does not mean unlimited. When human demands for water from a watershed reach 100% of renewable supply, we can’t take any more, and we reach “peak renewable” limits. For a number of major river basins, we have reached the point of peak renewable water limits, including the Colorado River in the United States. All of the water of the Colorado (indeed, more than 100% of the average flow) is

already spoken for through legal agreements with the seven US states and Mexico and in a typical year river flows now often fall to zero before they reach their ends. This is true for a growing number of rivers around the world.

Peak Nonrenewable Water. In some places, water comes from stocks of water that are effectively nonrenewable, such as groundwater aquifers with very slow recharge rates or groundwater systems damaged by compaction or other physical changes in the basin. When the use of water from a groundwater aquifer far exceeds natural recharge rates, this stock of groundwater will be depleted or fall to a level where the cost of extraction exceeds the value of the water when used, very much like oil fields. Continued production of water beyond natural recharge rates will become increasingly difficult and expensive as groundwater levels drop, leading to a peak of production, followed by diminishing withdrawals and use. This kind of unsustainable groundwater use is already occurring in the Ogallala Aquifer in the Great Plains of the United States, the North China plains, parts of California's Central Valley, and numerous regions in India. In these basins, extraction may not fall to zero, but current rates of pumping cannot be maintained. Worldwide, a significant fraction of current agricultural production depends on non-renewable groundwater. This is extremely dangerous for the reliability of long-term food supplies.

Peak Ecological Water. Water supports commercial and industrial activity and human health, but it is also fundamental for animals, plants, habitats, and environmentally dependent livelihoods. By some estimates, humans already appropriate almost 50% of all renewable and accessible freshwater flows, leading to significant ecological disruptions. Since 1900, half of the world's wetlands have disappeared. The number of freshwater species has decreased by 50% since 1970, faster than the decline of species on land or in the sea. The term "peak ecological water" refers to the point where taking more water for human use leads to ecological disruptions greater than the value that this increased water provides to humans. Economists have long noted the difficulty of quantifying this point because of problems in assigning appropriate valuations to each unit of water or each unit of ecosystem benefit in any watershed, but the mistaken assumption that such values are zero has led to them being highly discounted, underappreciated, or ignored in 20th century water policy decisions.

We have known for many years that some regions of the U.S. face water constraints, especially in the arid west. But recently, new water challenges have emerged in regions once thought to be relatively water rich, like the southeast and even the Great Lakes region. And there is strong evidence that the United States as a whole may have already passed the points of peak water, including peak renewable, nonrenewable, and ecological water. Indeed, when we look at data on total water withdrawals and use in the US (Figure 1) we see that maximum water use actually occurred more than 30 years ago, and that we are now using less water overall, and much less water per

person, than in 1980. The bad news is that this suggests we have reached, or passed the point of peak water.

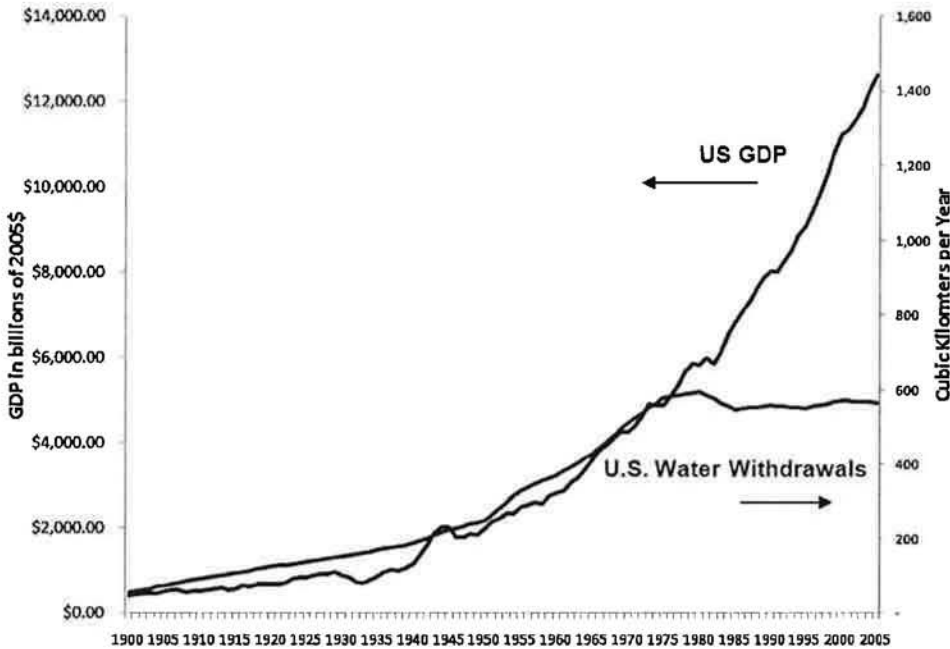


Figure 1. Total water withdrawals have leveled off in the U.S. despite a growing economy and population. Source. Gleick and Palaniappan, PNAS, 2010.

The good news, however, is that the assumption that a growing population and economy require ever growing amounts of water (or other natural resources) may be false. Indeed, as Figure 1 shows, the U.S. has continued to expand our economy and meet the demands of growing populations, with less and less water, through smarter technology, regulations, education, improved water pricing, and water conservation and efficiency programs. Indeed, another way to think about this is to look at what I call the “economic productivity of water use” – that is, the dollars of gross domestic product that we produce with every unit of water used. As shown in Figure 2, this measure of productivity has grown enormously, nearly tripling since the 1970s, even correcting for inflation.

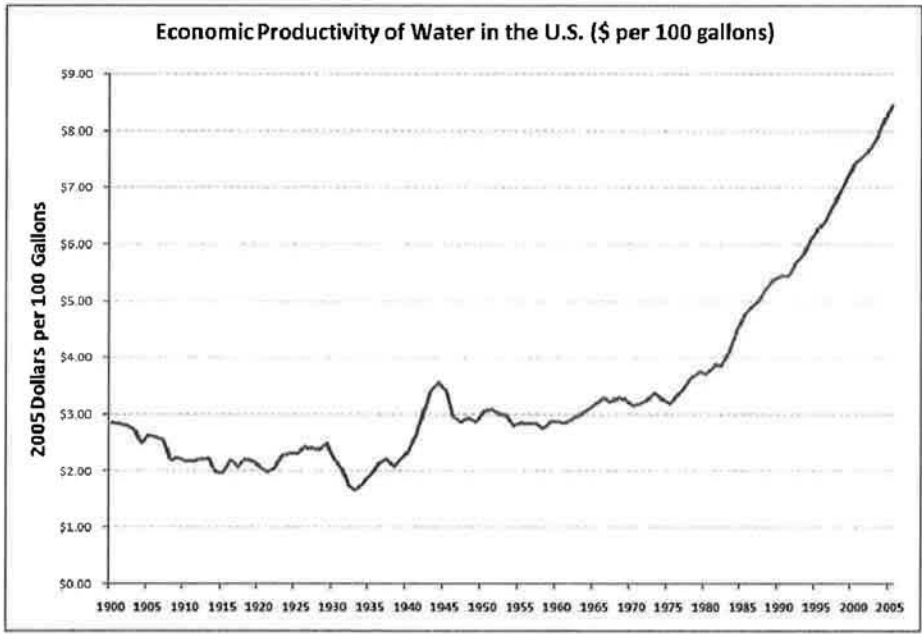


Figure 2. US water productivity has grown over the past several decades. Source: Peter Gleick, Pacific Institute, 2011.

This is good news indeed, and it means that new thinking about water management (and indeed, the management of resources overall) could further strengthen the U.S. economy without increasing our impacts on the environment or our costs for resource extraction and use. Peak water may be a reality, but it doesn't have to be a constraint on our well-being.

Peter Gleick

Michael LeBrun

From: Neil McCormick [neilm@csga.net]
Sent: Wednesday, September 07, 2011 7:08 PM
To: Michael LeBrun
Subject: Legislative Alert: AB 506 - Amendments Remove Concerns

If you are on a mobile device or want to view this as a web page, please [click here](#).
To ensure receipt of our email, [please add 'CSDA@informz.net'](#) to your address book.



Local Efforts Succeed on AB 506

It has been a long three years opposing attempts to prevent local agencies from accessing bankruptcy protections as a last and final effort to restructure municipal debt. After an agreement was reached in the Senate Governance and Finance Committee today, CSDA along with other opponents testified that we will remove our opposition pending the adoption of committee amendments, which preserve local control and protect delivery of core local services.

Since the City of Vallejo filed a petition to enter chapter 9 bankruptcy in 2008, public labor unions have sponsored multiple bills to place impossible hurdles in front of a local agency's access to chapter 9 in order to protect labor contracts during a bankruptcy restructuring.

Although rare, special districts have successfully utilized chapter 9 in order to gain protections from creditors and develop a plan for adjusting debt, while maintaining the critical services a community needs. Special districts have never disputed labor contracts during a chapter 9 filing and AB 506 would have simply added unending delays to local entities being able to access protections, jeopardizing the core services that districts provide.

Senator Lois Wolk, Chair of the Governance and Finance Committee who has been critical of the municipal bankruptcy bills over the years, recently asked opponents to draft an alternative proposal to AB 506. With input from CSDA and others, an alternative proposal was presented but quickly rejected. The local government alternative plan created a simple pre-filing mediation process with a 60 day timeline and an option to extend. The plan also included a provision to allow a local agency to adopt a fiscal emergency resolution in order to access bankruptcy protections immediately.

On Friday, September 2, AB 506 was amended substantially. The amendments, which were in print yesterday, are similar to the alternative proposal offered earlier this month.

AB 506, as amended September 2, requires a local agency to participate in a "neutral evaluation" process for a maximum of 60 days with interested parties before filing a petition for federal bankruptcy protections. A majority of interested parties may extend the process for an additional 30 days, but no more than a total of 90 days from the day the "neutral evaluator" was selected unless the local public entity consents to the extension. Special districts unable to complete the "neutral evaluation" process may file for chapter 9 protections if the local public entity declares a fiscal emergency and adopts a resolution by a majority vote of the governing body during a noticed public hearing.

Today, in a special hearing, the Senate Governance and Finance Committee proposed amendments which address remaining concerns with AB 506. With the commitment of the author to accept the committee amendments in whole, CSDA along with other local government associations, agreed to remove our opposition pending their final adoption.

We want to thank all districts that have participated in our "calls to action" on this issue over the past few years. It has been a long road to get to this point and although questions remain whether such a bill is necessary, it was districts' grassroots efforts and a strong coalition with cities and counties that helped create momentum for a process that preserved local control and set up a mediation-type method that is beneficial to the local agency, its stakeholders and the community.

In addition to removing opposition following the adoption of committee amendments, CSDA recommends that districts send a thank you note to Senator Wolk for her tireless efforts and leadership on this issue.

California Special Districts Association | 1112 I Street | Suite 200 | Sacramento, CA 95814

If you do not wish to receive e-mail newsletters from CSDA, [click here to unsubscribe](#). Please note: unsubscribing from individual mailings will unsubscribe you from all mailings, including the CSDA e-News - one of CSDA's major benefits and sources of news to our members.

Warding off water wars

September 7, 2011 ^{Cal}Coast News

EDITOR'S NOTE: See Adjudication in Action and a groundwater supply and demand chart at the bottom of this story.

By LISA RIZZO

People in northern San Luis Obispo County are running out of water—some faster than others. And, unless a community effort to stabilize the Paso Robles Groundwater Basin is successful, it could mean letting a judge decide who has a right to the water inside and how much. Senior Planner with the San Luis Obispo County Department of Planning and Building James Caruso says the health of the basin, which lies beneath 790 square miles of land from Santa Margarita to just north of the Monterey County line, is in jeopardy.

“The situation is critical,” Caruso says.

The Paso Robles Groundwater Basin is the primary water supply for northern San Luis Obispo County, providing water for 29 percent of the county’s population and an estimated 40 percent of its agriculture, according to the county’s most recent management plan. For thousands of people, including many in rural Paso Robles, Templeton, Creston, Shandon, and Garden Farms to San Miguel, it is the only source of residential water. It’s a supply that is rapidly declining, hydrogeologists from Todd Engineers and Furgo West report.

The county says “pumping of groundwater from the basin has reached or is quickly approaching the basin’s perennial yield” of 97,700 acre-feet of water for 2011, the maximum amount deemed safe to withdraw before groundwater levels drop further. Water consumption beyond the safe yield also means overdraft conditions, a point where the basin is no-longer sustainable, or able to naturally replenish itself. Essentially the clock is ticking.

A community volunteer effort, led by San Luis Obispo County and the City of Paso Robles, is underway to resolve the groundwater crisis. Chairman of the Paso Robles Groundwater Basin Steering Committee Larry Werner says many stakeholders are left with no choice but to put their issues aside and help develop an implementable plan to successfully resolve the chronic basin conditions or face war in court.

“We have a problem here, but we can solve it because we have the force to do it,” he says.

Digging deep: More than 8,000 private and commercial wells now tap into the basin, according to the County Public Health Department, Division of Environmental Health. Growth within the last decade, particularly the wine boom, has caused groundwater levels in those wells to drop from 10 feet to more than 70 feet depending on the location, according to county charts and planners. One homeowner, Sue Luft, has been monitoring her well’s water level since it was

drilled in the El Pomar area east of Templeton in 1998. Luft says she has seen the water level drop by 87 feet in just 13 years.

“Pumping is greater than the basin can handle,” she said. A major community effort to stabilize the basin must be made, Luft said. Or else, “It will make our property worthless.”

Dozens of rural landowners each year are forced to drill new wells due to dropping water levels, setting them back at a minimum \$20,000 expense per well and as much as \$200,000 for an agricultural well, according to local drilling companies. While the new wells revived some residents’ water sources it also led them to foreclosure.

Miller Drilling Company Manager Kurt Bollinger in Templeton said several of the properties near Highway 46 and Jardine Road in Paso Robles that the company re-drilled wells for in recent years are now bank-owned. The expense of digging for more water helped put the homeowners upside down on their mortgages, Bollinger said. The worst may be yet to come for many landowners. Any water well more than 20 to 30 years old will likely need to be re-drilled, said managers from Cal West Rain and Miller Drilling Company.

The current groundwater levels have doubled the depth needed to drill for new wells in the North County. A minimum 700-foot-well is required now, far surpassing the old 300-foot standard, they say. In addition, the City of Paso Robles has regularly faced seasonal water supply problems when existing wells do not adequately meet peak water demands, so it has been forced to find supplemental water supply sources to service its residential and commercial water users.

Overdraft: To be or not to be: Response to inquires into whether the basin is already in overdraft varies depending on who is asked. The basin goes into overdraft this year, according to “Scenario 1” in the Paso Robles Groundwater Basin Resource Capacity Study (RCS), identified by Caruso as the “most likely” situation.

Some critics, mostly from the wine industry, dispute the results because of numerous variables, estimations and gaps in available data. The county has not declared overdraft, despite the four-year study which overall found the situation is dangerously close. But last fall, the Board of Supervisors approved the RCS, its findings and recommendations, and established the highest measure of severity, a Level III under the county resource management system.

Then in February, the supervisors confirmed that the groundwater levels are dropping throughout the basin and that pumping has reached or is quickly approaching its “perennial yield.” They did not say the basin was in overdraft. The basin, however, could be in overdraft long before the government makes the declaration. That’s because to county attorneys and management, overdraft is a “naughty word”—one that they cannot currently use because it would declare a start to a legal war, known as adjudication.

The county is leery because history has shown adjudication is a process that takes water decisions out of the hands of the users and in the hands of the court. When a groundwater basin is in overdraft, water users can file legal action asking the judicial system to establish groundwater rights. If a lawsuit is brought on to adjudicate the Paso Robles Groundwater Basin,

the court would determine which well owners could extract water and how much. Two San Luis Obispo County groundwater basins are already in adjudication: the Los Osos Groundwater Basin and the Santa Maria Groundwater Basin.

After 12 years, the Santa Maria adjudication is still tied up in appeals, has exceeded \$11 million in total costs, and has yet to be completed. County planner Caruso says he believes overdraft and adjudication for the Paso Robles Groundwater Basin are not a matter of if, but when.

Keeping “peace”: There is essentially a treaty currently in place to prevent this costly legal war over water from starting, yet. It is called the Paso Robles Imperiled Overlying Rights Agreement (PRIOR). Knowing the threat of adjudication loomed in the near future, municipal users and several major North County landowners entered into a 10-year agreement in August 2005. The local government promised not to declare overdraft if the landowners agreed not to file legal action to establish a priority of their groundwater rights over the municipal users, according to the PRIOR legal contract. In exchange, the landowners agreed to cooperate with any groundwater management plan and encourage other water well owners to do so.

The PRIOR contract expires in less than three years on Jan. 1, 2014, unless it is renewed. The county says it does not plan to declare overdraft in the meantime, even if the basin is in-fact in overdraft. Caruso says it would be an end to voluntary cooperation and a start to litigation. In the fall of last year, some county employees say they mistakenly “slipped” and used the word overdraft to describe the basin’s status in staff reports. Local media printed it, upsetting many water users and municipal suppliers and fueling further controversy. Now public officials are more careful to avoid the word, on the record, and the stakeholders are working to build cooperation rather than controversy.

Uncertain future: County planners are working to help people understand the severity of the water crisis but their power to fix the problem is limited, they say. The cities and county cannot legally restrict how much water a landowner pumps because it is a California constitutional property right, despite some residents who beg the county to control consumption from the majority (67 percent) consumer of the groundwater, farmers and grape growers. In addition, there is no legal ability to stop more vineyards from being planted because of limitations in the permitting process and the fact that it would conflict with the county general plan.

Grape growers argue that they have proven to be efficient users of water, showing successful conservation efforts and many cases of sustainable farming over the last several years. But growth continues. The City of Paso Robles, which in 2010 needed 6,326 acre-feet of water, 2,338 from the basin and 3,988 from the Salinas River, has contracted to import 4,000 acre-feet per year of Lake Nacimiento water, according to a city plan.

Once a treatment plant to process the lake water is constructed, anticipated to begin in 2015, the city projects the new water source will relieve part of the burden on the basin until demand increases. Paso Robles plans to acquire an additional 1,400 acre-feet per year of Nacimiento water beginning in 2020, according to the Paso Robles 2010 Urban Water Management Plan.

While the city says Nacimiento water can never be a primary source rather supplemental because it is not a guaranteed supply and relies on uncertain factors, critics in the agricultural industry say they want the city to consider buying more of the 6,000 acre-feet of lake water still up for grabs and use basin water as little as possible. Many city residents oppose that plan, arguing they should not be burdened with higher water costs to support the wine industry's water demand.

Water conservation programs have been expanded, including the formation of a steering committee—a volunteer group of stakeholders to help the development and community implementation of a management plan intended to stabilize the basin. In August, the Paso Robles City Council delayed adoption of the new Groundwater Basin Management Plan partly due to controversy over one of the plan's priorities to monitor groundwater levels through private wells—resistance stemming from grape growers who do not want their water consumption to become public record, the Paso Robles Wine Country Alliance says.

Through community outreach, government officials have been stressing the need to monitor water levels to fill gaps in their data and measure any success of basin stabilization efforts. About 175 wells are in the network and adding just 20 in strategic locations would increase the value of the information, the county said at a recent steering committee meeting. They promise confidentiality, stressing private well data would only be used for government studies and reports. Some stakeholders are optimistic that if they achieve widespread cooperation the community can resolve the water crisis by avoiding adjudication and stabilizing the basin. But some, like Management Plan Steering Committee member Steve Sinton, say the county needs to focus more on solutions rather than monitoring the problem, water levels.

“Think of it as if we are on a ship that is sinking. Getting information on how fast we are sinking is not going to stop us from sinking,” Sinton said at the Aug. 25 steering committee meeting. What the stakeholders can all agree on is the goal—solving the problem, committee chairman Werner says. And while the future is unknown, one thing is for certain, Caruso says.

“Solutions to this problem will take collaboration and cooperation from all parties. Anything short of that—we will not see success.”

Adjudication in action: If the effort to stabilize the Paso Robles Groundwater Basin fails and San Luis Obispo County declares the water supply in overdraft, a lawsuit over water rights would likely follow and lead to adjudication. Adjudication is a process in which a court determines the groundwater rights of all overlayers, property owners above the groundwater basin. A judge would rule who the extractors are and how much water they can pump.

There are 22 adjudicated groundwater basins in California; 21 were undertaken in State Superior Court and one in federal court, according to the California Department of Water Resources. The most recent case comes from San Luis Obispo County, the adjudication of the Santa Maria Valley Basin which spans from Pismo Beach south to Orcutt, and into the valley. The case has been ongoing for 12 years and has exceeded \$11 million in total expenses, according to the County of San Luis Obispo.

South County resident knew they had a water crisis on their hands when wells began to fail, pumps burnt out, and people ran out of water. Overdraft could not be proven with certainty but the court recognized an even greater threat—pumping depressions that could pull in sea water and jeopardize the water supply. The Santa Maria Valley Water Conservation District brought on a lawsuit against the City of Santa Maria and a slew of other defendants to assert its water right over the others.

A Santa Clara County Judge issued a ruling on the case in 2005 based on an agreement between most of the stakeholders. One defendant with water rights at stake is the Nipomo Community Services District. District director Mike Winn says adjudication has cost South County residents time and money.

“When you get sued, generally you need to countersue,” Winn said. “There are hundreds of litigants now.”

More than \$3 million in adjudication expenses is being passed on to the Nipomo Community and the fight is not over, Winn said. Some farmers, unhappy with the ruling, are appealing the judgment. Part of the solution to their groundwater crisis is to bring in additional sources of water to compensate for empty depressions in the ground which hydro-geologists expect to cause even bigger problems within the next 10-15 years.

Winn says the new water is essential for the South County because sea water has already “poisoned a number of wells.” “When you are docking a boat you don’t wait until you get to the dock to turn off the engine,” Winn said. “The supplemental water project is a desire to get ahead of the curve.”

Some people are still not wanting to cooperate, despite the court ruling. Winn says some of them are apathetic, being that they are of retirement age, so they don’t expect the crisis to climax in their lifetime. “We have serious water problems on the Mesa but people are going around saying there is not, so they don’t have to pay for anything,” he said. “The problem is very very real.”

Groundwater supply and demand: The annual supply of water available in the Paso Robles Groundwater basin is 97,700 acre-feet (AFY), also referred to as the “perennial yield,” according to the Furgo 2002 and 2005 technical studies. The Resource Capacity Study includes estimations of water demand in acre feet for several years:

[Chart courtesy of San Luis Obispo County Planning and Building Department]

Groundwater User	1997	2000	2006	2009
Net Agriculture	49,683	56,551	58,680	63,077
Urban	13,513	14,629	15,665	16,382
Rural	9,400	9,993	10,891	11,817
Small Community	—	—	594	—
Small Commercial	1,465	1,465	2,323	2631
Total AFY	74,061	82,638	88,153	93,907

SPEAKING OUT

Experts discuss Mesa water supply

By Ed Eby

NIPOMO COMMUNITY SERVICES DISTRICT

A standing-room-only gathering of nearly 400 concerned residents heard about the precarious state of our water supply during the "Water on the Mesa" presentation Aug. 23 at Nipomo High School.

The water supply on the Nipomo Mesa was reported to be in jeopardy based on reports from several groups of registered professional geologists.

These expert groups included the California Department of Water Resources, the court-authorized Nipomo Mesa Management Area Technical Group, the Northern Cities Management Area Technical Group and the Interlocutory Stipulated Judgment Working Group.

The data from water experts showed that:

- Water levels under the Mesa have steadily dropped as population increased since 2000 (Nipomo Mesa Management Area Technical Group);
- Many well levels are below sea level (Nipomo Mesa and Northern Cities management areas technical groups);
- Our wells are pumping nearly twice the amount of water as is being replaced by rainfall (Department of Water Resources, Nipomo Mesa technical group);
- The Nipomo Mesa's proximity to the

GUEST COMMENTARY

ocean puts our fresh water aquifer at risk for seawater intrusion (Department of Water Resources);

- Seawater intrusion in Los Osos advanced an additional mile inland between 2005 and 2009 (Interlocutory Stipulated Judgment Working Group); and,

- Seawater intrusion occurred in May, and October of 2009 in Oceano (Northern Cities Management Area Technical Group).

The unanimous conclusions of the water experts two years in a row were:

- Potentially severe water shortage conditions have existed on the Nipomo Mesa since 2008 (Nipomo Mesa technical group); and,

- Nipomo Community Services District should import water with the supplemental water project as soon as possible (Nipomo Mesa technical group).

Unlike our neighbors to the north and south, the Nipomo Mesa has only a single source of fresh water — the groundwater pumped from beneath us.

We have no access to lakes, rivers, reservoirs or imported water pipelines.

There is no backup if our single water supply is contaminated or otherwise compromised.

As a result of the data and recommendations from the water experts, NCSO conducted exhaustive trade studies to determine the best solution to reduce the risk of losing our fresh water supply to seawater intrusion.

The least expensive and lowest-risk solution was found to be the importation of water from the city of Santa Maria's highly reliable water system.

The cost for a pipeline from Santa Maria would be spread among the customers for that water in NCSO, Golden State Water Co., Woodlands Mutual Water Co. and Rural Water Co. boundaries.

The Nipomo Mesa Management Area Technical Group will present its third annual report to the public at 7 p.m. Thursday at Nipomo High School.

This report by the technical experts will describe the water shortage conditions on the Nipomo Mesa and highlight areas of concern for seawater intrusion.

Ed Eby is a member of the Nipomo Community Services District board of directors. He can be reached through the district office at 929-1133. Information presented at the Aug. 23 meeting is available at www.ncsd.ca.gov by clicking on "Water Shortage News."

Walk:

Continued from A2

This is the first year the pair have participated in the three-day walk. After Kirstin decided to participate, Chris decided to join her.

He noted they both have friends as well as family members who are currently dealing with or have dealt with breast cancer.

"I've always supported my daughters," he said. "Kirstin's passion for this issue and her dedication to participating in this event has inspired me to be by her side for the three-day walk."

He added, "I am walking to support the many women in my life. I do this to support their health as well as for future generations and also to support my daughter who really wanted to take on this challenge."

Chris said his mother is a breast cancer survivor who eventually underwent a double mastectomy.

"When I found out about my grandmother's diagnosis, I felt powerless to help," Kirstin said. "I wanted to do something to support her and, in some way, I wanted to do my part. I am walking for her."

She noted the event is challenging, but it offers the opportunity to have an enormous impact to help the more than 1.4 million women diagnosed with breast cancer worldwide each year.

"Through my participation in this event, I know I am making a personal impact on the breast cancer movement," she said.

Walkers raise a minimum of \$2,300 and cover about 20 miles a day, traveling at their own pace.

They're supported by hundreds of volunteers who provide meals, refreshments, snack stops, gear transportation, hot showers, portable restrooms, safety and 24-hour medical services.

The Barretts have been preparing for the event by walking many miles this summer, supported by coaches and online assistance with training and fundraising.

"We are still in fundraising mode while training hard," Chris said. "We will take all the help we can get."

To donate to the Barretts' fundraising effort, contact Chris at 481-1955.

For more information about the Susan G. Komen 3-Day for the Cure, visit www.the3day.org or call toll-free (800) 996-3329.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

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NIPOMO COMMUNITY
SERVICES DISTRICT

PRESS RELEASE

**2011 ASPHALT OVERLAY ON POMEROY AND WILLOW ROADS, NIPOMO, CA
CONTRACT NO. 300417**

The County of San Luis Obispo will begin construction to rehabilitate the pavement on portions of Pomeroy Road and Willow Road in Nipomo this month. The work will include removing and replacing failed pavement, placing an overlay of hot mix asphalt concrete, and reconstructing various roadside facilities such as shoulders, dikes and guard rails. Pomeroy will be paved from Hetrick Road to Live Oak Ridge Road, and Willow Road will be paved from Guadalupe Road to Misty Glen Place. These roads are key arterials in the Nipomo area, and have been determined to be in need of an overlay through the County's Pavement Management System. Completion of this project will improve approximately 3.6 miles of County roads, and will improve the drivability and safety of these roads for all drivers. The work is expected to be completed in early November.

Ferravanti Grading and Paving of Paso Robles, CA has been awarded the contract for \$1,279,715 to perform the work. **The work will begin September 12, 2011, and is expected to be completed in early November, 2011** depending upon the weather.

For the safety of the public and the workers, traffic will be reduced to one-way controls with flaggers and pilot cars as required for each phase of the work. Hours of the lane closures will be from 8:30 am to 4:00 pm on weekdays. Delays are expected to be up to 20 minutes. Motorists are advised to adjust their travel plans in consideration of the delays and consider alternative routes.

The work is required in order to maintain the pavement structural section in order to avoid costly repairs in the future, and to provide for a smooth, safe road.

The project is being funded by Proposition 1B – Local Streets and Roads Program.



**American Water Works
Association**

Utility Member Benefit

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The Authoritative Resource on Safe Water®

Utility Advisory

TO: AWWA Member Utilities

FROM: AWWA Public Affairs

DATE: September 8, 2011

What:	Report on Pharmaceuticals in Drinking Water
Who:	Government Accountability Office (GAO)
When:	Report Released TODAY

The Government Accountability Office (GAO) has released a new report on the presence of pharmaceuticals in drinking water supplies. GAO has concluded that there is limited data on the health effects of low-dose, long-term exposure to pharmaceuticals, and the office recommended that the USEPA better coordinate with other government agencies to collect more occurrence and health data. USEPA agreed with this recommendation.

Pharmaceuticals are currently considered an emerging contaminant, and to-date EPA has not set drinking water standards for any pharmaceuticals under the Safe Drinking Water Act. As detection methods have improved, trace amounts of pharmaceuticals have been found in both source water and treated drinking water. However, the report notes that the pharmaceuticals are mostly detected in the parts per trillion range. Thus far, research has not demonstrated that exposure to such small amounts of pharmaceuticals have any adverse effects on human health.

This report may receive some media coverage, especially in communities where this issue has been raised in the past. Below is a list of suggested talking points for utilities regarding pharmaceutical compounds and personal care products.

Suggested Talking Points for Utilities Regarding Pharmaceutical Compounds

- The water community is committed to protecting public health. Water professionals are researching the occurrence of personal care products and pharmaceutical compounds in drinking water supplies and are paying close attention to health effects research in this area.
- Water professionals have the technology today to detect more substances – at lower levels – than ever before. As analytical methods improve, pharmaceutical compounds and personal care products are being found at very low levels in many of our nation's

lakes, rivers and streams.

- The fact that a substance is detectable does not mean the substance is harmful to humans. To date, research throughout the world has not demonstrated an impact on human health from pharmaceuticals and endocrine disrupting compounds in drinking water.
- While these compounds may be detected at very low levels in source waters, people regularly consume or expose themselves to products containing these compounds in much higher concentrations through medicines, food and beverage and other sources. The level in which they are found in source waters is very small in comparison.
- The ongoing conversation about pharmaceutical compounds should remind us of how precious our source waters are and the need to protect them. As a society, we should encourage policies that protect source water from contaminants introduced by pesticides, gasoline or industrial products. The best and most cost-effective way to ensure safe water at the tap is to keep our source waters clean.
- We encourage our customers to contact [appropriate public health agency] to learn about the proper disposal of prescription medication and other items we use in our daily lives.

For additional information please contact Steve Via in the Government Affairs office at svia@awwa.org or 202-628-8303.

###

**SAN LUIS OBISPO COUNTY
INTEGRATED WASTE MANAGEMENT AUTHORITY (IWMA)
BOARD MEETING**

**September 14, 2011
1:30 p. m.**

A G E N D A

**San Luis Obispo Board of Supervisor's Chambers
County Government Center
San Luis Obispo, CA 93408**

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NIPOMO COMMUNITY
SERVICES DISTRICT

1. Call to Order and Roll Call.

2. Public Comments.

Note: Any member of the public may address the Board for a period not to exceed three minutes. Any item not on the agenda, within the jurisdiction of the Board, may be presented. The Board shall listen to all communication, however, in compliance with the Brown Act, no action can be taken at this time.

Americans With Disabilities Act Compliance. In compliance with the Americans with Disabilities Act (ADA), the IWMA is committed to including the disabled in all of its services, programs, and activities. If you need special assistance to participate in this meeting, please contact the IWMA clerk at least 72 hours prior to the meeting to enable the IWMA to make reasonable arrangements to insure accessibility to the meeting.

- 3. Manager's Report.** Oral report by Bill Worrell
North American Hazardous Materials Management Association Award
Dairy Creek Golf Course Zero Waste Project
Cold Canyon Landfill Expansion
Anaerobic Digestion Project

CONSENT CALENDAR

The following items listed below are scheduled for consideration as a group. The recommendations for each item are noted in the description. After public comment, any member of the Board or the Manager may request an item be withdrawn from the Consent Calendar to allow discussion.

- 4. Draft Minutes of the July 13, 2011 IWMA Board Meeting. (Action Item - Voice Vote)**
- 5. Draft Minutes of the August 31, 2011 Executive Committee Meeting (Receive and File)**

REGULAR CALENDAR

- 6. Selection of a Waste Reduction and Reuse Program for Carryout Bag Ordinance**

(Action Item - Voice Vote) Provide direction to staff on the proposed Waste Reduction and Reuse Program for Carryout Bag Ordinance.

7. **Legislative Update (Action Item - Voice Vote)** Update on pending legislation.
8. **Member Comments and Future Agenda Items.** Discussion by Members regarding future agenda items and dates.
9. **Adjournment.** The next meeting is scheduled for **November 9, 2011** at 1:30 p.m. in the San Luis Obispo County Board of Supervisor's Chambers, County Government Center, San Luis Obispo, CA 93408.

DATE: September 14, 2011 ITEM: 4

Approve Deny

Continue to _____

TO: Integrated Waste Management Authority

FROM: William A. Worrell, Manager

RE: Draft Minutes of the July 13, 2011 IWMA Board Meeting (Action Item - Voice Vote)

RECOMMENDATION

Approve minutes.

ATTACHMENT: Draft Minutes of the July 13, 2011 IWMA Board Meeting

**SAN LUIS OBISPO COUNTY
INTEGRATED WASTE MANAGEMENT AUTHORITY
BOARD MEETING**

MINUTES OF JULY 13, 2011

1. Call to Order/Roll Call

Board Members Present:

Carla Borchard, City of Morro Bay
Ted Ehring, City of Pismo Beach
Tim Brown, City of Arroyo Grande
Bruce Gibson, County Supervisor
John Hamon, City of Paso Robles
Adam Hill, County Supervisor
Jan Marx, City of San Luis Obispo
Frank Mecham, County Supervisor
Bill Nicolls, City of Grover Beach
Tom O'Malley, City of Atascadero
Greg O'Sullivan, Authorized Districts
Paul Teixeira, County Supervisor
Jim Patterson, County Supervisor

Board Members Absent:

None

Staff Members Present:

William A. Worrell, Manager
Carolyn Goodrich, Board Secretary
Ray Biering, IWMA Counsel

2. Public Comments. None.

3. Manager's Report. Bill Worrell provided an update on municipal programs and the Dairy Creek Golf Course Zero Waste Project.

CONSENT CALENDAR

Motion was made, seconded and passed 12-0-1 abstain (Marx) to approve the Consent Calendar.

Those items approved are as follows:

4. **Draft Minutes of the May 11, 2011 IWMA Board Meetings (approved as amended).**
5. **Draft Minutes of the June 22, 2011 Executive Committee Meeting (receive and file).**

REGULAR CALENDAR

6. **Single Use Bag Discussion.** May 11, 2011 the Board directed staff to prepare a draft ordinance to ban single use bags. Staff was also directed to prepare a series of options related to how many retail establishments would be impacted by the ordinance, the time of when single use bags would be banned and low income exemptions for the Board to consider. Bill Worrell gave an overview of the IWMA's history on this issue, presented the draft ordinance, list of retail store options, effective date timing options, and low income options. Ray Biering, IWMA Counsel, updated the Board that the California Supreme Court was going to release a ruling on Thursday, July 14, 2011 in the matter of the City of Manhattan Beach vs. Save The Plastic Bag Coalition.

The Board discussed the ordinance without an EIR, implementing the ordinance, time frame to phase in, public outreach, and options for low income groups.

President Patterson opened the public hearing. Members of the public spoke in support of an ordinance banning single use plastic bags, public education, and phasing in, and spoke against the proposed ordinance. President Patterson closed the public hearing.

Board discussion centered on phasing in an ordinance, effect on tourism, outreach to businesses, and education. President Patterson polled the Board on phasing in with 7 in favor of implementation July 1, 2012 and 6 in favor of implementation in one year.

Board Members Hill and Mecham left the meeting.

Staff was directed to return a draft ordinance for the Board to consider at the next regularly scheduled meeting on September 14, 2011.

Board Members Brown and Gibson left the meeting.

7. **2010 Annual Report.** Bill Worrell discussed the IWMA 2010 Annual Report, filed on June 10, 2011. There were no comments from the public, either written or oral, and the public hearing was closed.

Board Member Gibson returned to meeting.

8. **Kompogas Update.** Bill Worrell discussed the May 29-June 2, 2011 trip to Germany to investigate the proposed anaerobic digestion project for Cold Canyon Landfill. It was his position that Kompogas/Huttner could implement a successful project at Cold Canyon Landfill. There were no comments from the public, either written or oral, and the public hearing was closed.

9. **Cold Canyon Landfill Expansion.** On May 24, 2011 the Recirculated Draft Environmental Impact Report for the Cold Canyon Landfill Expansion was released by the County of San Luis Obispo. The deadline to provide comments was July 11, 2011. Given this deadline, staff prepared and submitted comments. Bill Worrell reviewed the comments. Ray Biering, IWMA Counsel, advised that Board members who are SLO County Supervisors abstain on this item. President Patterson opened the meeting for public comments. Tom Martin, Cold

Canyon Landfill, commented on objections in the EIR. There being no further comments from the public, either written or oral, the public hearing was closed.

Motion was made by Board Member Marx and seconded by Board Member Borchard endorsing the Manager's comments on the Cold Canyon Landfill Expansion Recirculated Draft EIR dated June 24, 2011.

Motion passed on the following roll call vote:

AYES: Borchard, Ehring, Hamon, Marx, Nicolls, O'Malley, and O'Sullivan
NOES: None
ABSTAIN: Gibson, Patterson, Teixeira
ABSENT: Brown, Hill, Mecham

Board Member Borchard and Nicolls left the meeting.

10. Legislative Update. Bill Worrell provided an update. **Motion was made by Board Member Teixeira, seconded by Board Member Hamon, and passed 9-0-4 absent (Brown, Hill, Mecham, Nicolls,) directing the President sign a letter of support of AB 1178.**

Board Member O'Malley left the meeting.

11. Participation in the Special District Risk Management Authority Property and Liability Program. Bill Worrell provided an update on property and liability insurance for the IWMA. By obtaining property and liability insurance through the California Special Districts Association, the IWMA will be able to reduce the cost of insurance. There were no comments from the public, either written or oral, and the public hearing was closed.

Motion was made by Board Member Ehring and seconded by Board Member Teixeira that the IWMA Board Approves the Form of and Authorizes the Execution of a Sixth Amended and Restated Joint Power Agreement and Authorizes Participation in the Special District Risk Management Authority's Workers' Compensation Program.

Motion passed on the following roll call vote:

AYES: Ehring, Gibson, Hamon, Marx, O'Sullivan, Teixeira, Patterson
NOES: None
ABSTAIN: None
ABSENT: Borchard, Brown, Hill, Mecham, Nicolls, O'Malley

12. Member Comments and Future Agenda Items.

13. Adjournment. The meeting was adjourned to the next regular meeting of the IWMA scheduled for **September 14, 2011, at 1:30 p.m. in the San Luis Obispo County Board of Supervisors' Chambers, County Government Center, San Luis Obispo, CA.**

THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE RECORD UNTIL APPROVED BY THE IWMA AT THE NEXT REGULAR MEETING.

DATE: September 14, 2011 ITEM: 5

Approve Deny

Continue to _____

TO: Integrated Waste Management Authority

FROM: William A. Worrell, Manager

RE: Draft Minutes of the August 31, 2011 Executive Committee Meeting (Receive and File)

RECOMMENDATION

Receive and File

ATTACHMENT: Draft Minutes of the August 31, 2011 Executive Committee Meeting

**SAN LUIS OBISPO COUNTY
INTEGRATED WASTE MANAGEMENT AUTHORITY MEETING
EXECUTIVE COMMITTEE
MINUTES OF AUGUST 31, 2011**

1. Call to Order/Roll Call.

**Executive Committee
Members Present:**

Ted Ehring, City of Pismo Beach
John Hamon, City of Paso Robles
Ron Munds, SWTAC Representative (non-voting)
Jim Patterson, San Luis Obispo County

Members Absent: None

Others Present: Carrie Mattingly, City of San Luis Obispo Utilities
Dept.

IWMA Staff: Ray Biering, IWMA Counsel
William A. Worrell, Manager
Carolyn Goodrich, Board Secretary

2. Public Comments. None.

3. Manager's Report. None.

4. Minutes of the Executive Committee Meeting. The minutes of the June 22, 2011 Executive Committee Meeting were approved, together with recommendations and findings as set forth therein.

5. Draft minutes of the July 13, 2011 IWMA Board Meeting (receive and file).

6. Waste Reduction and Reuse Program for Carryout Bag Ordinance. Bill Worrell reported on various meetings since the July 13, 2011 IWMA Board Meeting and public input. Bill presented potential carryout bag ordinance options and changes to the draft ordinance since the July 13, 2011 IWMA Board Meeting. Discussion centered on phasing, promotion, and education. The Executive Committee directed Bill to draft three separate ordinances for the IWMA Board to consider on September 14, 2011.

7. September 14, 2011 IWMA Board Meeting Agenda. The Executive Committee reviewed and approved the tentative agenda for the September 14, 2011 IWMA Board Meeting.

8. **Member Comments and Future Agenda Items.** None.

9. **Adjournment.** There being no further business, the meeting was adjourned to October 26, 2011 at 12:00 p.m. in the San Luis Obispo County Integrated Waste Management Authority Office, 870 Osos Street, San Luis Obispo, CA 93401.

THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE RECORD UNTIL APPROVED BY THE IWMA EXECUTIVE COMMITTEE AT THE NEXT REGULAR MEETING.

DATE: September 14, 2011 ITEM: 6

Approve Deny
 Continue to _____

TO: Integrated Waste Management Authority
FROM: William A. Worrell, Manager
RE: Selection of a Waste Reduction and Reuse Program for Carryout Bag Ordinance (Action Item - Voice Vote) Provide direction to staff on the proposed Waste Reduction and Reuse Program for Carryout Bag Ordinance.

RECOMMENDATION

Select a waste reduction and reuse program for carryout bag ordinance and schedule the first reading on the selected ordinance at the November 9, 2011 Board Meeting.

DISCUSSION

At the July 13, 2011 IWMA Board Meeting, the IWMA staff was directed to finalize the waste reduction and reuse program for carryout bag ordinance and hold a first reading of the ordinance at the September 14, 2011 IWMA Board Meeting. Staff was also directed to meet with stakeholders regarding the ordinance and receive input.

Outreach. Staff finalized the ordinance on July 19, 2011 and put a link to the ordinance on the front page of the IWMA website. The IWMA also sent IWMA Board Members a package that included the ordinance and a copy of Mr. Biering's analysis of the California Supreme Court Decision regarding Manhattan Beach's ordinance.

The IWMA sent letters to the 57 stores (see appendix #1 for a list of stores and an example of the letter) that would be impacted by the initial phase of the ordinance inviting the store managers to a meeting to discuss the ordinance. Representatives from four stores, Albertsons, Spencers, Food 4 Less and Cookie Crock, attended the meeting and provided input to staff and Board Members that were at the meeting.

Staff also met with the San Luis Chamber of Commerce policy committee and discussed the ordinance. After the presentation, the Chamber of Commerce adopted the following position:

"The San Luis Obispo Chamber of Commerce supports the countywide ban of single-use bags as long as it allows the option to receive a reusable paper bag at the point-of-sale at an established baseline charge (for example, 10 cents per bag). We believe more time is needed to incorporate input from locally affected businesses and to build greater public awareness and we support uniform implementation to begin by July 2013."

After receiving their position, staff reviewed what other communities have done regarding phasing of the ordinance and time between when an ordinance was adopted and when it became effective. The cities of Calabasas, Long Beach, Malibu and LA County are phasing the implementation of their ordinances. In addition the average time between adoption and implementation of all the adopted ordinances in California was 8 months, with the shortest duration being 4 months (Long Beach) and the longest being 12 months (San Jose and Marin County).

Staff also made a presentation to the Pismo Beach City Council. The City Council voted to support the ban on plastic bags but did not want a fee on paper bags.

Staff will also be speaking at the following meeting: San Luis Obispo City Council on September 6, Atascadero City Council on September 13, the Tri-Chamber luncheon in Pismo Beach on September 14 and Grover Beach City Council on October 3. In addition staff has received input from the public and others such as the California Grocers Association via telephone calls and emails.

Based on the input from stakeholders and the public, staff was concerned that the ordinance presented to the Board at the July meeting needed to be modified. These modifications were significant enough that if the changes were made at a first reading of an ordinance, it would require another first reading. This issue was discussed at the IWMA Executive Committee Meeting. The Executive Committee directed staff to modify the July ordinance and also present 2 alternative ordinances for the IWMA Board to consider. The selected ordinance would then be scheduled for the first reading at the November 9, 2011 IWMA Board Meeting,

Potential Ordinances. As discussed above staff has developed 3 ordinances for the Board to consider.

Revised IWMA Ordinance (attachment #2). The first ordinance is the revised IWMA Ordinance from the July 13 Board Meeting. The following changes were made to the ordinance as a result of input from meetings with stakeholders and discussions with impacted parties.

1. The definition section has been changed to clearly state that a thick paper bag with handles could be provided to customers by the store. Paper bags currently provided to customers at stores such as Scolari's, Trader Joe's and New Frontiers would meet this definition and could continue to be provided to customers.
2. After the first three months, stores would be required to charge at a minimum five cents to offset the cost of providing bags to customers who needed a bag. During the first three months, stores would provide customers with the thick paper bags that are designed to be used at least 10 times. After 3 months, customers would have enough paper bags to last at least 30 months or 2 ½ years. The charge was included in the ordinance because without a minimum, stores would continue to provide paper bags and customers would have no incentive to reuse them. In addition the cost of providing bags would be spread to all customers regardless of whether the customer used the store provided bag.
3. Large retail stores (retail stores greater than 10,000 square feet) are now included in the ordinance.
4. Farmers markets and nonprofit charitable reuse stores have been deleted from the ordinance.
5. The start date was moved from July 1, 2012 to September 1, 2012 in anticipation that the ordinance would be adopted in January 2012 instead of November 2011.

Alternative A (Marin County Ordinance). This ordinance (attachment #3) is similar to the revised IWMA ordinance with one exception. Paper bags under this ordinance would not need to have handles and could be a thinner bag. An example of a bag that qualifies until this ordinance would be the Von's paper bag.

Alternative B (Manhattan Beach Ordinance). This ordinance (attachment #4) is similar to Alternative A with one exception. Under this ordinance stores would not be required to charge for a paper bag.

The following table summarizes the features of the 3 ordinances:

Table 1. Summary of features in the three Ordinances

FEATURES	Revised SLO IWMA	Alternative A Marin County	Alternative B Manhattan Beach
Thin Plastic "T-shirt style" Bag Banned	Yes	Yes	Yes
Thin Paper Bag Without Handles Allowed	No	Yes	Yes
Thick Paper Bags With Handles Allowed	Yes	Yes	Yes
Thick Plastic Bags Allowed	Yes	Yes	Yes
Cloth Bags Allowed	Yes	Yes	Yes
Minimum Store Charge for a Bag	No charge for first 3 months and then 5 cent	No charge for first 3 months and then 5 cent	No charge

The relative impacts of the three ordinances are compared on the next table.

Table 2. Relative Impact of the Ordinance on the following items (*note the desired outcome is in bold and italics*):

ITEM	Revised SLO IWMA	Alternative A Marin County	Alternative B Manhattan Beach
Reduction in use of thin "T-shirt style" plastic bags	<i>High</i>	<i>High</i>	<i>High</i>
Reduction in use of paper bags	<i>High</i>	Medium	Low
Environmental Benefit	<i>High</i>	Medium	Medium
Cost to Stores to provide bag	<i>Low</i>	<i>Low</i>	High
All shoppers paying for the cost of a bag	<i>Low</i>	<i>Low</i>	High
CEQA Analysis	Categorical Exemption (1)	Categorical Exemption (2)	Negative Declaration (3)

(1) This option would be categorically exempt because the ordinance would treat single use paper and plastic bags equally, would avoid the CEQA issues raised in the Manhattan Beach and Marin County cases, and could only cause a decrease in the use of single use bags, thereby resulting in environmental protection.

(2) The Marin County ordinance is being challenged by Save the Plastic Bags group in Superior Court. Marin County contends that the ordinance is valid under the Manhattan Beach decision and also categorically exempt.

(3) The Manhattan Beach ordinance was challenged under CEQA by Save the Plastic Bags group. The City's initial study and negative declaration was upheld by the California Supreme Court, although Save the Plastic Bags claims the ruling is limited to small jurisdictions.

Outreach Program. If an ordinance is adopted, the IWMA would develop an outreach program in consultation with the impacted stores. The outreach program would include providing free reusable bags to the public, preparing material for stores to use such as bag stuffers explaining the program and general public advertising. The IWMA's adopted budget currently includes a line item of \$45,000

for unallocated costs. Staff would prepare a detailed outreach program including funding of up to the \$45,000 to be approved by the Board for the Outreach Program.

FISCAL IMPACT

None.

ATTACHMENTS: #1 List of Initially Impacted Stores
#2 Revised IWMA Ordinance
#3 Alternative A (Marin County Ordinance)
#4 Alternative B (Manhattan Beach Ordinance)

Business Name	Street No	Street Name	City	State	Zip Code	Phone	Type
Target (SLO)	11990	Los Osos Valley Rd	San Luis Obispo	CA	93405-	(805) 858-9902	Pharmacy
Cookie Crock Warehouse (MB)	490	Quintana Rd.	Morro Bay	CA	93442-	(805) 771-0143	Grocery
Cookie Crock Warehouse (CM)	1240	Knollwood	Cambria	CA	93428-	805-927-4490	Grocery
Cookie Crock Warehouse (AG)	1221	Grand Ave.	Arroyo Grande	CA	93420-	805-481-7207	Grocery
CVS (AG)	1435	Grand Ave.	Arroyo Grande	CA	93420-	805-474-5712	Pharmacy
CVS (AT)	8320	El Camino Real	Atascadero	CA	93422-	805-466-0634	Pharmacy
CVS (N)	610	W. Tefft	Nipomo	CA	93444-	805-929-2740	Pharmacy
CVS (PB)	827	Oak Park Blvd.	Pismo Beach	CA	93449-	805-473-1112	Pharmacy
CVS (SLO I)	1300	Madonna Rd.	San Luis Obispo	CA	93405-	805-549-0991	Pharmacy
CVS (SLO II)	717	Marsh St.	San Luis Obispo	CA	93401-	805-547-9885	Pharmacy
CVS (PR)	187	Niblick Rd.	Paso Robles	CA	93446-	805-238-2815	Pharmacy
CVS (SLO III)	3960	Broad St.	San Luis Obispo	CA	93401-	805-783-2903	Pharmacy
Albertsons Supermarkets (MB)	730	Quintana Rd.	Morro Bay	CA	93442-	805-772-0670	Grocery
Albertsons-Sav-On (AG)	1132	W. Branch	Arroyo Grande	CA	93420-	805-473-9131	Grocery
Albertsons-Sav-On (AT)	8200	El Camino Real	Atascadero	CA	93422-	805-462-0379	Grocery
Albertsons-Sav-On (PR)	189	Niblick Rd.	Paso Robles	CA	93446-	805-237-1627	Grocery
Albertsons-Sav-On (SLO)	771	Foothill Blvd.	San Luis Obispo	CA	93405-	805-541-1285	Grocery
Food 4 Less (AT)	8360	El Camino Real	Atascadero	CA	93422-	805-461-9699	Grocery
Food 4 Less (PR)	1445	Creston Rd.	Paso Robles	CA	93446-	805-227-1660	Grocery
Food 4 Less (SLO)	3985	S. Higuera	San Luis Obispo	CA	93401-	805-782-8989	Grocery
Kmart (AT)	3980	El Camino Real	Atascadero	CA	93422-	805-466-7700	Pharmacy
Kmart (AG)	1570	W. Branch St.	Arroyo Grande	CA	93420-	805-481-8484	Pharmacy
JJ 's Market	2792	S. Halcyon Rd	Arroyo Grande	CA	93420-	(805) 489-9311	Grocery
New Frontiers Natural Market	1531	Froom Ranch Rd.	San Luis Obispo	CA	93405-	805-785-0194	Grocery
Ralphs Grocery (SLO)	201	Madonna Rd.	San Luis Obispo	CA	93405-	805-546-0407	Grocery
Ralphs Grocery (LO)	1320	Los Osos Valley Rd.	Los Osos	CA	93402-	805-528-0112	Grocery
Rite Aid (AG I)	1690	Grand Ave.	Arroyo Grande	CA	93420-	805-474-0469	Pharmacy
Rite Aid (AGII)	1207	Grand Ave.	Arroyo Grande	CA	93420-	805-489-1830	Pharmacy
Rite Aid (AT)	7055	El Camino Real	Atascadero	CA	93422-	805-466-8722	Pharmacy
Rite Aid (LO)	1110	Los Osos Valley Rd.	Los Osos	CA	93402-	805-528-5779	Pharmacy
Rite Aid (MB)	740	Quintana Rd.	Morro Bay	CA	93442-	805-772-6198	Pharmacy

Business Name	Street No	Street Name	City	State	Zip Code	Phone	Type
Rite Aid (Paso I)	1151	Creston Rd.	Paso Robles	CA	93446-	805-239-3028	Pharmacy
Rite Aid (Paso II)	2424	Spring St.	Paso Robles	CA	93446-	805-239-3208	Pharmacy
Rite Aid (PB)	531	Five Cities Dr.	Pismo Beach	CA	93449-	805-773-1825	Pharmacy
Rite Aid (SLO I)	765	Foothill Blvd.	San Luis Obispo	CA	93405-	805-543-5697	Pharmacy
Rite Aid (SLO II)	1251	Johnson Ave.	San Luis Obispo	CA	93401-	805-545-0655	Pharmacy
Scolari's Food Company (SLO)	1321	Johnson Ave.	San Luis Obispo	CA	93401-	805-545-9061	Grocery
Scolari's Food Company (PB)	555	Five Cities Dr.	Pismo Beach	CA	93449-	805-773-2121	Grocery
Scolari's Food Company (PR)	2121	Spring St.	Paso Robles	CA	93446-	805-237-2212	Grocery
Smart & Final	277	Higuera St.	San Luis Obispo	CA	93401-	805-543-5340	Grocery
Spencer's Fresh Markets (MB)	2650	Main St.	Morro Bay	CA	93442-	805-772-8103	Grocery
Spencer's Fresh Markets (AG)	1464	Grand Ave.	Arroyo Grande	CA	93420-	805-481-3103	Grocery
Spencer's Fresh Markets (AT)	8665	El Camino Real	Atascadero	CA	93422-	805-461-3636	Grocery
Spencer's Fresh Markets (SLO)	1314	Madonna	San Luis Obispo	CA	93405-	805-548-8820	Grocery
Target	2305	Theatre Dr.	Paso Robles	CA	93446-	805-227-0105	Pharmacy
Trader Joe's (AG)	955	Rancho Parkway	Arroyo Grande	CA	93420-	805-474-6114	Grocery
Trader Joe's (SLO)	3977	South Higuera St.	San Luis Obispo	CA	93401-	805-783-2780	Grocery
Trader Joe's (T)	1111	Rossi Road	Templeton	CA	93465-	805-434-9562	Grocery
Von's (AT)	7135	El Camino Real	Atascadero	CA	93422-	805-466-4949	Grocery
Von's (GB)	1758	Grand Ave.	Grover Beach	CA	93433-	805-481-0877	Grocery
Von's (LO)	1130	Los Osos Valley Rd.	Los Osos	CA	93402-	805-528-1482	Grocery
Von's (NI)	520	W. Tefft	Nipomo	CA	93444-	805-931-1850	Grocery
Von's (PR)	1191	E. Creston Rd.	Paso Robles	CA	93446-	805-239-2744	Grocery
Von's (SLO)	3900	S. Broad St.	San Luis Obispo	CA	93401-	805-541-1055	Grocery
Walgreen Drug	8005	El Camino Real	Atascadero	CA	93422-	805-462-9272	Pharmacy
Walmart (AG)	1168	W Branch Way	Arroyo Grande	CA	93420-	805-474-4300	Pharmacy
Walmart (PR)	180	Niblick Rd.	Paso Robles	CA	93446-	805-238-5204	Pharmacy

San Luis Obispo County
Integrated Waste Management Authority

IWMA BOARD MEMBERS

Jim Patterson, President
San Luis Obispo County

Ted Ehring, Vice President
City of Pismo Beach

Tim Brown,
City of Arroyo Grande

Tom O'Malley,
City of Atascadero

Phyllis Molnar,
City of Grover Beach

Carla Borchard,
City of Morro Bay

John Hamon,
City of Paso Robles

John Ashbaugh,
City of San Luis Obispo

Paul Teixeira,
San Luis Obispo County

Bruce Gibson,
San Luis Obispo County

Adam Hill,
San Luis Obispo County

Frank Mecham,
San Luis Obispo County

Greg O'Sullivan,
Authorized Districts
Bill Worrell, Manager
Carolyn Goodrich, Secretary
Peter Cron, Staff Analyst
Patti Toews, Program Director
Raymond A. Biering, Counsel

870 Osos Street
San Luis Obispo, CA 93401

805/782-8530
FAX 805/782-8529

E-mail: iwma@iwma.com

July 25, 2011

Cookie Crock Warehouse
490 Quintana Rd.
Morro Bay, CA 93442

Subject: Proposed Carryout Bag Ordinance

The San Luis Obispo County Integrated Waste Management Authority (IWMA) Board of Directors will be considering an ordinance establishing a waste reduction and reuse program for carryout bags. The first reading of the ordinance is scheduled for the September 14, 2011 IWMA Board Meeting.

You are receiving this letter because the proposed ordinance would prohibit your store from providing single use bags to customers on or after July 1, 2012. A copy of the proposed carryout bag ordinance is available on our website at (www.iwma.com).

The IWMA staff will be holding a meeting to review the proposed ordinance with affected businesses, answer any questions, and receive comments. The meeting will be at 3:00 pm on August 11, 2011 at the San Luis Obispo City/County Library Community Room, 995 Palm Street, San Luis Obispo.

Sincerely,



Bill Worrell
Manager

COPY
MAILED
July 25, 2011 (M)

**San Luis Obispo County
Integrated Waste Management Authority
ORDINANCE NO. _____**

**AN ORDINANCE ESTABLISHING A WASTE REDUCTION AND
REUSE PROGRAM FOR CARRYOUT BAGS**

The Board of Directors of the San Luis Obispo County Integrated Waste Management Authority ordains as follows:

Section 1. General Provisions

The San Luis Obispo County Integrated Waste Management Authority (IWMA) finds and declares all of the following:

- (a) The purpose of this Ordinance is to enable the IWMA, a joint powers agency established pursuant to Government Code Section 6500 and empowered by its member jurisdictions, to exercise the members' common powers to achieve the mandates imposed by the Integrated Waste Management Act of 1989 (AB 939) on a regional basis, to enact a waste reduction and reuse program that will decrease the use of single-use carryout bags.
- (b) The purpose of this ordinance is to reduce the over 100 million single-use carryout bags currently used in San Luis Obispo County each year.
- (c) The purpose of this Ordinance is to maintain and enhance natural resources by reducing the negative environmental impact of single-use carryout bags.
- (d) The purpose of this Ordinance is to protect the environment from the negative environmental impact of single-use carryout bags.

Section 2. Definitions

For the purposes of this Ordinance, the following terms have the following meanings, unless the context clearly requires otherwise.

(a) "Customer" means any person obtaining goods from a store.

(b) "TWMA Region" means the geographic area that includes the unincorporated area of San Luis Obispo County, California and the seven incorporated cities within San Luis Obispo County.

(c) "Store" means a retail establishment within San Luis Obispo County that provides carryout bags to its customers as a result of the sale of a product and that meets any of the following requirement definitions:

(1) A "Supermarket" which means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

(2) "Large Store with Pharmacy" means over 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 200) of Division 2 of the Revenue and Taxation Code) and has a pharmacy licensed pursuant to chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.

(3) "Pharmacy" means any retail store, where prescriptions, medications, controlled or over the counter drugs, personal care products or health supplement goods or vitamins are sold.

(4) "Convenience Food Store" means any entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

(5) "Large Retail Establishment" means any commercial establishment with over 10,000 square feet of retail space that sells perishable or nonperishable goods including, but not limited to, clothing, food, and person items directly to the Customer.

(d) "Single-Use Carryout Bag" means any bag made predominately of paper or plastic derived from either wood, petroleum or a biologically-based source, such as corn or other plant sources,

which is provided to a customer at the point of sale, but does not include reusable bags or product bags.

(e) "Product Bag" means any bag without handles used exclusively to cradle and carry (1) produce, bulk food or meat within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag.

(f) "Reusable Bag" means a bag with handles, designed and manufactured for multiple reuse and is either:

(1) made of cloth or other washable fabric (woven or non-woven); or

(2) made of other durable material suitable for reuse. If made of plastic, the bag must have a minimum of 2.25 mil in thickness. If made of paper, the bag must have a minimum of 60# in basis weight, contain no old growth fiber and contain a minimum of 40 percent postconsumer recycled materials except for an eight pound or smaller recycled paper bag shall contain a minimum of 20 percent postconsumer recycled material.

Section 3. Store Responsibility

(a) On and after September 1, 2012, stores as defined in Section 2 (c) (1) and (2) within the IWMA Region shall not provide a single-use carryout bag to a customer at the point of sale. Stores specified in these subsections, shall on and after September 1, 2012, provide for sale to customers at the point of sale or other locations within the store, reusable bags for the purpose of carrying away goods or other materials from the point of sale. To the extent that stores subject to this Ordinance provide reusable bags pursuant to Section 2 (f) above, after December 1, 2012, a minimum charge of 5 cents shall be placed on all reusable bags. The proceeds from the sale of such reusable bags may be used by the store to defray the expense of providing such alternative reusable bags.

(b) On and after January 1, 2013, stores as defined in Section 2 (c) (3), (4), and (5) within the IWMA Region shall not provide a single-use carryout bag to a customer at the point of sale. Stores specified in this Section, shall on and after January 1, 2013, provide for sale to customers at the point of sale or other locations within the store, reusable bags for the purpose of carrying away goods or other materials from the point of sale. To the extent that stores subject to this Ordinance provide reusable bags pursuant to Section 2 (f) above a minimum charge of 5 cents shall be placed on all reusable bags. The proceeds from the sale of such reusable bags may be used by the store to defray the expense of providing such alternative reusable bags.

(c) Stores may reuse their cardboard boxes by providing them to their customers for the purpose of carrying away goods.

(d) Nothing in this Ordinance prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag.

Section 4. Enforcement

(a) The IWMA may enforce the provisions of this Ordinance through a civil action for civil penalties in the amounts established herein, and any other civil remedy, including prohibitory and mandatory injunction relief, filed in the Superior Court of the County of San Luis Obispo to compel and enforce the provisions herein against any retail establishment within San Luis Obispo County in violation of this Ordinance. In addition to any relief available to IWMA to enforce this Ordinance, the IWMA shall also be entitled to recover reasonable attorneys' fees and costs incurred in enforcing this Ordinance.

(b) For any violation of this Ordinance, the IWMA may sue to recover civil penalties in the amount of \$1,000.00 per day for every day on which a violation exists. For purposes of calculating the civil penalties to be established hereunder, each day on which the retailer fails to comply with the requirements of this Ordinance, after having received a written notice of violation issued by the IWMA, shall constitute a separate offense.

(c) In addition to the civil relief available to the IWMA set forth above, any violation of this Ordinance shall also constitute a misdemeanor punishable under the laws of the State of California. The District Attorney, the County Counsel, or any City Attorney shall be authorized to enforce the provisions of this Ordinance within their respective jurisdictions. In the event of such criminal enforcement, the following criminal penalties apply to violations of this Ordinance:

(1) Violation of Misdemeanor. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.

(2) The San Luis Obispo County Sheriff's Department and/or any other police department or law enforcement agencies located within the IWMA's jurisdiction may issue a Notice to Appear Citation for any misdemeanor pursuant to California Penal Code Section 853.6 for any violation of this Ordinance.

(3) Penalty for Misdemeanor. Any retailer found to be in violation of any provision of this Ordinance, or who fails to comply with any of its requirements shall upon conviction thereof be punished by imprisonment in the county jail for not more than six months, or be fined not more than one thousand dollars (\$1,000.00), or both. Each day such violation continues shall be considered a separate offense.

(d) To the extent that the County of San Luis Obispo, the incorporated cities, and the districts within said County have adopted code enforcement Ordinances applicable to their jurisdictions, this Ordinance shall be enforceable by said governmental entities under said Ordinances as land-use or code-enforcement violations consistent with said Ordinances.

Section 5. Severance Clause

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the IWMA hereby declares that it would have passed this

Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 6. Effect of Headings in Ordinance

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

This Ordinance was introduced and the title thereof read at the regular meeting of the IWMA Board of Directors on November 9, 2011 and further reading was waived by a majority vote of those Directors present. This Ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage and before the expiration of 15 days from the date of its passage it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of San Luis Obispo.

On a motion by Director _____, second by Director _____, the foregoing Ordinance was passed and adopted by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority, on *Month, day, year*, by the following vote.

AYES:	Directors,
NOES:	Directors,
ABSENT:	Directors,

James Patterson, President of the San Luis Obispo County
Integrated Waste Management Authority

ATTEST:

Carolyn Goodrich, IWMA Board Secretary

ORDINANCE CODE PROVISION APPROVED
AS TO FORM AND CONTENT

RAYMOND A. BIERING

IWMA Counsel

**Alternative A - Marin County
San Luis Obispo County
Integrated Waste Management Authority
ORDINANCE NO. _____**

**AN ORDINANCE ESTABLISHING A WASTE REDUCTION AND
REUSE PROGRAM FOR CARRYOUT BAGS**

The Board of Directors of the San Luis Obispo County Integrated Waste Management Authority ordains as follows:

Section 1. General Provisions

The San Luis Obispo County Integrated Waste Management Authority (IWMA) finds and declares all of the following:

- (a) The purpose of this Ordinance is to enable the IWMA, a joint powers agency established pursuant to Government Code Section 6500 and empowered by its member jurisdictions, to exercise the members' common powers to achieve the mandates imposed by the Integrated Waste Management Act of 1989 (AB 939) on a regional basis, to enact a waste reduction and reuse program that will decrease the use of single-use carryout bags.
- (b) The purpose of this ordinance is to reduce the over 100 million single-use carryout bags currently used in San Luis Obispo County each year.
- (c) The purpose of this Ordinance is to maintain and enhance natural resources by reducing the negative environmental impact of single-use carryout bags.
- (d) The purpose of this Ordinance is to protect the environment from the negative environmental impact of single-use carryout bags.

Section 2. Definitions

For the purposes of this Ordinance, the following terms have the following meanings, unless the context clearly requires otherwise.

(a) "Customer" means any person obtaining goods from a store.

(b) "IWMA Region" means the geographic area that includes the unincorporated area of San Luis Obispo County, California and the seven incorporated cities within San Luis Obispo County.

(c) "Store" means a retail establishment within San Luis Obispo County that provides carryout bags to its customers as a result of the sale of a product and that meets any of the following requirement definitions:

(1) A "Supermarket" which means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

(2) "Large Store with Pharmacy" means over 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 200) of Division 2 of the Revenue and Taxation Code) and has a pharmacy licensed pursuant to chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.

(3) "Pharmacy" means any retail store, where prescriptions, medications, controlled or over the counter drugs, personal care products or health supplement goods or vitamins are sold.

(4) "Convenience Food Store" means any entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

(5) "Large Retail Establishment" means any commercial establishment with over 10,000 square feet of retail space that sells perishable or nonperishable goods including, but not limited to, clothing, food, and person items directly to the Customer.

(d) "Single-Use Carryout Bag" means any bag made predominately of paper or plastic derived from either wood, petroleum or a biologically-based source, such as corn or other plant sources,

which is provided to a customer at the point of sale, but does not include reusable bags or product bags.

(e) "Product Bag" means any bag without handles used exclusively to cradle and carry (1) produce, bulk food or meat within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag.

(f) "Recyclable paper bag" means a paper single use carry-out bag provided by a store to a customer at the point of sale that meets all of the following requirements:

- (1) Contains no old growth fiber and contains a minimum of 40 percent postconsumer recycled materials except for an eight pound or smaller recycled paper bag shall contain a minimum of 20 percent postconsumer recycled material.
- (2) Is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the IWMA Region.
- (3) Is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400.
- (4) Has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the minimum percentage of post-consumer content.

(g) "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) is machine washable or is made from a material that can be cleaned or disinfected; and (3) if made of plastic or biologically based source, is a minimum of at least 2.25 mils thick.

Section 3. Store Responsibility

(a) On and after September 1, 2012, stores as defined in Section 2 (c) (1) and (2) within the IWMA Region shall not provide a single-use carryout bag to a customer at the point of sale, except a store may provide to a customer a recyclable paper bag upon request but shall charge the consumer after December 1, 2012 a reasonable cost, but not less than five cents.

(b) On and after January 1, 2013, stores as defined in Section 2 (c) (3), (4), and (5) within the IWMA Region shall not provide a single-use carryout bag to a customer at the point of sale, except a store may provide to a customer a recyclable paper bag upon request but shall charge the consumer a reasonable cost, but not less than five cents.

(c) Stores may reuse their cardboard boxes by providing them to their customers for the purpose of carrying away goods.

(d) Nothing in this Ordinance prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag.

(e) Stores shall have reusable bags available for purchase by customers.

Section 4. Enforcement

(a) The IWMA may enforce the provisions of this Ordinance through a civil action for civil penalties in the amounts established herein, and any other civil remedy, including prohibitory and mandatory injunction relief, filed in the Superior Court of the County of San Luis Obispo to compel and enforce the provisions herein against any retail establishment within San Luis Obispo County in violation of this Ordinance. In addition to any relief available to IWMA to enforce this Ordinance, the IWMA shall also be entitled to recover reasonable attorneys' fees and costs incurred in enforcing this Ordinance.

(b) For any violation of this Ordinance, the IWMA may sue to recover civil penalties in the amount of \$1,000.00 per day for every day on which a violation exists. For purposes of calculating the civil penalties to be established hereunder, each day on which the retailer fails to

comply with the requirements of this Ordinance, after having received a written notice of violation issued by the IWMA, shall constitute a separate offense.

(c) In addition to the civil relief available to the IWMA set forth above, any violation of this Ordinance shall also constitute a misdemeanor punishable under the laws of the State of California. The District Attorney, the County Counsel, or any City Attorney shall be authorized to enforce the provisions of this Ordinance within their respective jurisdictions. In the event of such criminal enforcement, the following criminal penalties apply to violations of this Ordinance:

(1) Violation of Misdemeanor. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.

(2) The San Luis Obispo County Sheriff's Department and/or any other police department or law enforcement agencies located within the IWMA's jurisdiction may issue a Notice to Appear Citation for any misdemeanor pursuant to California Penal Code Section 853.6 for any violation of this Ordinance.

(3) Penalty for Misdemeanor. Any retailer found to be in violation of any provision of this Ordinance, or who fails to comply with any of its requirements shall upon conviction thereof be punished by imprisonment in the county jail for not more than six months, or be fined not more than one thousand dollars (\$1,000.00), or both. Each day such violation continues shall be considered a separate offense.

(d) To the extent that the County of San Luis Obispo, the incorporated cities, and the districts within said County have adopted code enforcement Ordinances applicable to their jurisdictions, this Ordinance shall be enforceable by said governmental entities under said Ordinances as land-use or code-enforcement violations consistent with said Ordinances.

Section 5. Severance Clause

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or

the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the IWMA hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 6. Effect of Headings in Ordinance

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

This Ordinance was introduced and the title thereof read at the regular meeting of the IWMA Board of Directors on November 9, 2011 and further reading was waived by a majority vote of those Directors present. This Ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage and before the expiration of 15 days from the date of its passage it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of San Luis Obispo.

On a motion by Director _____, second by Director _____, the foregoing Ordinance was passed and adopted by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority, on *Month, day, year*, by the following vote.

AYES: Directors,

NOES: Directors,

ABSENT: Directors,

James Patterson, President of the San Luis Obispo County
Integrated Waste Management Authority

ATTEST:

Carolyn Goodrich, IWMA Board Secretary

ORDINANCE CODE PROVISION APPROVED
AS TO FORM AND CONTENT

RAYMOND A. BIERING

IWMA Counsel

**Alternative B - Manhattan Beach
San Luis Obispo County
Integrated Waste Management Authority
ORDINANCE NO. _____**

**AN ORDINANCE ESTABLISHING A WASTE REDUCTION AND
REUSE PROGRAM FOR CARRYOUT BAGS**

The Board of Directors of the San Luis Obispo County Integrated Waste Management Authority ordains as follows:

Section 1. General Provisions

The San Luis Obispo County Integrated Waste Management Authority (IWMA) finds and declares all of the following:

- (a) The purpose of this Ordinance is to enable the IWMA, a joint powers agency established pursuant to Government Code Section 6500 and empowered by its member jurisdictions, to exercise the members' common powers to achieve the mandates imposed by the Integrated Waste Management Act of 1989 (AB 939) on a regional basis, to enact a waste reduction and reuse program that will decrease the use of single-use carryout bags.
- (b) The purpose of this ordinance is to reduce the over 100 million single-use carryout bags currently used in San Luis Obispo County each year.
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(1) A "Supermarket" which means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

(2) "Large Store with Pharmacy" means over 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 200) of Division 2 of the Revenue and Taxation Code) and has a pharmacy licensed pursuant to chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.

(3) "Pharmacy" means any retail store, where prescriptions, medications, controlled or over the counter drugs, personal care products or health supplement goods or vitamins are sold.

(4) "Convenience Food Store" means any entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

(5) "Large Retail Establishment" means any commercial establishment with over 10,000 square feet of retail space that sells perishable or nonperishable goods including, but not limited to, clothing, food, and person items directly to the Customer.

(d) "Single-Use Carryout Bag" means any bag made predominately of paper or plastic derived from either wood, petroleum or a biologically-based source, such as corn or other plant sources,

which is provided to a customer at the point of sale, but does not include reusable bags or product bags.

(e) "Product Bag" means any bag without handles used exclusively to cradle and carry (1) produce, bulk food or meat within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag.

(f) "Recyclable paper bag" means a paper single use carry-out bag provided by a store to a customer at the point of sale that meets all of the following requirements:

(1) Contains no old growth fiber and contains a minimum of 40 percent postconsumer recycled materials except for an eight pound or smaller recycled paper bag shall contain a minimum of 20 percent postconsumer recycled material.

(2) Is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the IWMA Region.

(3) Is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400.

(4) Has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the minimum percentage of post-consumer content.

(g) "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) is machine washable or is made from a material that can be cleaned or disinfected; and (3) if made of plastic or biologically based source, is a minimum of at least 2.25 mils thick.

Section 3. Store Responsibility

(a) On and after September 1, 2012, stores as defined in Section 2 (c) (1) and (2) within the IWMA Region shall not provide a single-use carryout bag to a customer at the point of sale, except a store may provide to a customer a recyclable paper bag upon request.

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(c) Stores may reuse their cardboard boxes by providing them to their customers for the purpose of carrying away goods.

(d) Nothing in this Ordinance prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag.

(e) Stores shall have reusable bags available for purchase by customers.

Section 4. Enforcement

(a) The IWMA may enforce the provisions of this Ordinance through a civil action for civil penalties in the amounts established herein, and any other civil remedy, including prohibitory and mandatory injunction relief, filed in the Superior Court of the County of San Luis Obispo to compel and enforce the provisions herein against any retail establishment within San Luis Obispo County in violation of this Ordinance. In addition to any relief available to IWMA to enforce this Ordinance, the IWMA shall also be entitled to recover reasonable attorneys' fees and costs incurred in enforcing this Ordinance.

(b) For any violation of this Ordinance, the IWMA may sue to recover civil penalties in the amount of \$1,000.00 per day for every day on which a violation exists. For purposes of calculating the civil penalties to be established hereunder, each day on which the retailer fails to comply with the requirements of this Ordinance, after having received a written notice of violation issued by the IWMA, shall constitute a separate offense.

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(1) Violation of Misdemeanor. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.

(2) The San Luis Obispo County Sheriff's Department and/or any other police department or law enforcement agencies located within the IWMA's jurisdiction may issue a Notice to Appear Citation for any misdemeanor pursuant to California Penal Code Section 853.6 for any violation of this Ordinance.

(3) Penalty for Misdemeanor. Any retailer found to be in violation of any provision of this Ordinance, or who fails to comply with any of its requirements shall upon conviction thereof be punished by imprisonment in the county jail for not more than six months, or be fined not more than one thousand dollars (\$1,000.00), or both. Each day such violation continues shall be considered a separate offense.

(d) To the extent that the County of San Luis Obispo, the incorporated cities, and the districts within said County have adopted code enforcement Ordinances applicable to their jurisdictions, this Ordinance shall be enforceable by said governmental entities under said Ordinances as land-use or code-enforcement violations consistent with said Ordinances.

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Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

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On a motion by Director _____, second by Director _____, the foregoing Ordinance was passed and adopted by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority, on *Month, day, year*, by the following vote.

AYES: Directors,

NOES: Directors,

ABSENT: Directors,

James Patterson, President of the San Luis Obispo County
Integrated Waste Management Authority

ATTEST:

Carolyn Goodrich, IWMA Board Secretary

ORDINANCE CODE PROVISION APPROVED
AS TO FORM AND CONTENT

RAYMOND A. BIERING

IWMA Counsel

DATE: September 14, 2011 ITEM: 7
 Approve Deny
 Continue to _____

TO: Integrated Waste Management Authority

FROM: William A. Worrell, Manager

RE: Legislative Update (Action Item - Voice Vote) Update on pending legislation

RECOMMENDATION

Receive update from staff and if necessary send appropriate letter to the Governor.

DISCUSSION

The current legislative session ends on September 9, 2011. Staff will provide an update on legislation considered during the legislative session.

FISCAL IMPACT

None.