

NIPOMO COMMUNITY SERVICES DISTRICT AGENDA

MARCH 3, 1999 7:00 P.M.
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ROBERT BLAIR, **PRESIDENT**
GENE KAYE, **VICE PRESIDENT**
AL SIMON, **DIRECTOR**
RICHARD MOBRAATEN, **DIRECTOR**
ALEX MENDOZA, **Director**

STAFF

DOUGLAS JONES, **General Manager**
DONNA JOHNSON, **Secretary to the Board**
JON SEITZ, **General Counsel**

Copy
27
43
132
19

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

CALL TO ORDER AND FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. REGULAR MEETING OF FEBRUARY 17, 1999

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

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

BOARD ADMINISTRATION (The following may be discussed and action may be taken by the Board.)

3. **LOW COST HOUSING**
Review low cost housing issues in Nipomo
4. **INTENT-TO-SERVE - TRACT 2304 (WITTSTROM)**
Request for service for a 46 lot subdivision on Mesa & Osage Rds.
5. **INTENT-TO-SERVE - CO 98-0028 (BUCKLER)**
Request for service for a 2-lot development at Sandydale & Pomeroy Rds.
6. **RWQCB CORRESPONDENCE CSA-1F (GALAXY PARK AREA)**
Review issues of CSA-1F connecting to the District sewer system
7. **NEW WATER STORAGE & WATER MAINS**
Request bids to construct a one million gallon water storage tank and new water mains
8. **REPLACEMENT STUDY PROPOSALS**
Review proposals received for a water and sewer replacement study

FINANCIAL REPORT

9. APPROVAL OF WARRANTS

OTHER BUSINESS

10. **MANAGER'S REPORT**
 1. U S Water News articles
11. **DIRECTORS COMMENTS**

CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL (a) and (b) GC§ 54956.9 (c) GC§54956.8
- a. SMVWCD vs NCSD Case No. CV 770214
 - b. NCSD vs. Shell Oil, et. al. Case No. CV 077387
 - c. REAL PROPERTY NEGOTIATION, DANA ESTATE, TANK SITE

ADJOURN

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

FEBRUARY 17, 1999 7:00 P.M.
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ROBERT BLAIR, **PRESIDENT**
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JON SEITZ, **General Counsel**

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

CALL TO ORDER AND FLAG SALUTE

President Blair called the February 17, 1999 meeting to order at 7:02 p.m. and led the flag salute.

ROLL CALL

At Roll call, all Board members were present.

APPROVAL OF MINUTES

1. **REGULAR MEETING OF FEBRUARY 3, 1999**
Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved the Minutes of the February 3, 1999, Regular Meeting.

PUBLIC COMMENTS PERIOD

2. **PUBLIC COMMENTS**
Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. **Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.**
There was no public to make comments.

BOARD ADMINISTRATION (The following may be discussed and action may be taken by the Board.)

3. **INTENT-TO-SERVE, CO-90-208 (PRUITT)**
Developer requests an extension of Intent-to-Serve letter
Mr. Jones explained the request from the developer of Parcel Map CO-90-208. Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approved the request for an extension on the Intent-to-Serve letter with the conditions for Project CO-90-208 (Pruitt). There were no public comments.
4. **BLACK LAKE INTER-TIE**
Approval to request bids to construct the inter-tie
Mr. Jones explained that bids to construct an Inter-tie between the Town Division and the Black Lake Division water systems needs to be published. Upon motion of Director Simon and seconded by Director Mobraaten, the Board unanimously approved the request for bids to construct the Inter-tie.
There were no public comments.
5. **CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)**
Review possible change of PERS benefit formula
Mr. Jones explained the proposal to amend NCSD's contract with PERS to a 2% at 55 formula versus the 2% at 60 now in place. Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously directed staff to bring back the necessary resolutions to proceed with the modification of the PERS program.
There were no public comments.

MINUTES SUBJECT TO BOARD APPROVAL

Copy of document found at www.NoNewWipTax.com

6. OUTSIDE DISTRICT USER AGREEMENT

Select a committee to review agreement with School District
President Blair appointed Director Mendoza and Director Mobraaten to the sub-committee to review and modify, as necessary, the draft agreement ("Outside District User Agreement") for water and sewer services to the proposed high school site on North Thompson Road in Nipomo. There were no public comments.

FINANCIAL REPORT

7. APPROVAL OF WARRANTS

Upon motion of Director Kaye and seconded by Director Mobraaten, the Board unanimously approved the Warrants presented at the February 17, 1999 meeting. There were no public comments.

OTHER BUSINESS

8. MANAGER'S REPORT

Manager Doug Jones presented information on the following:

1. Nipomo Community Advisory Council Meeting Feb. 24, 1999
2. Urban Streams Conference April 11-13, 1999
3. Draft Economics Element - SLO Co. General Plan document is in the office for review.
4. Personnel - District will be recruiting personnel to replace the employee who resigned a few months ago.
5. Retrofit - A letter is ready to be sent out to homeowners within the District whose homes were built prior to 1990.
6. 1996 Truck wrecked

9. DIRECTORS COMMENTS Appointment of directors to committees

The following established committees were filled where there were vacancies.

<u>Committee</u>	<u>Member</u>	<u>Alternate</u>
Nipomo Community Advisory Committee	Al Simon	Bob Blair
Water Resources Advisory Committee	Doug Jones	Bob Blair
Chamber of Commerce	Gene Kaye	Dick Mobraaten
Finance Committee	Gene Kaye	Al Simon
Water Committee (Ad hoc)	Al Simon	Bob Blair

Deputy Legal Counsel, Mike Seitz, explained the need to go into Closed Session.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL (a) and (b) GC§ 54956.9 (c) GC§54956.8

The Board came back into Open Session

- a. SMVWCD vs. NCSO Case No. CV 770214
The Board had no reportable action.
- b. NCSO vs. Shell Oil, et. al. Case No. CV 077387
The Board had no reportable action.
- c. REAL PROPERTY NEGOTIATION, DANA ESTATE, TANK SITE
The Manager was directed to continue negotiations with the Dana's representative.

ADJOURN

President Blair adjourned the meeting at 8:10 p.m.

TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: MARCH 3, 1999

AFFORDABLE HOUSING

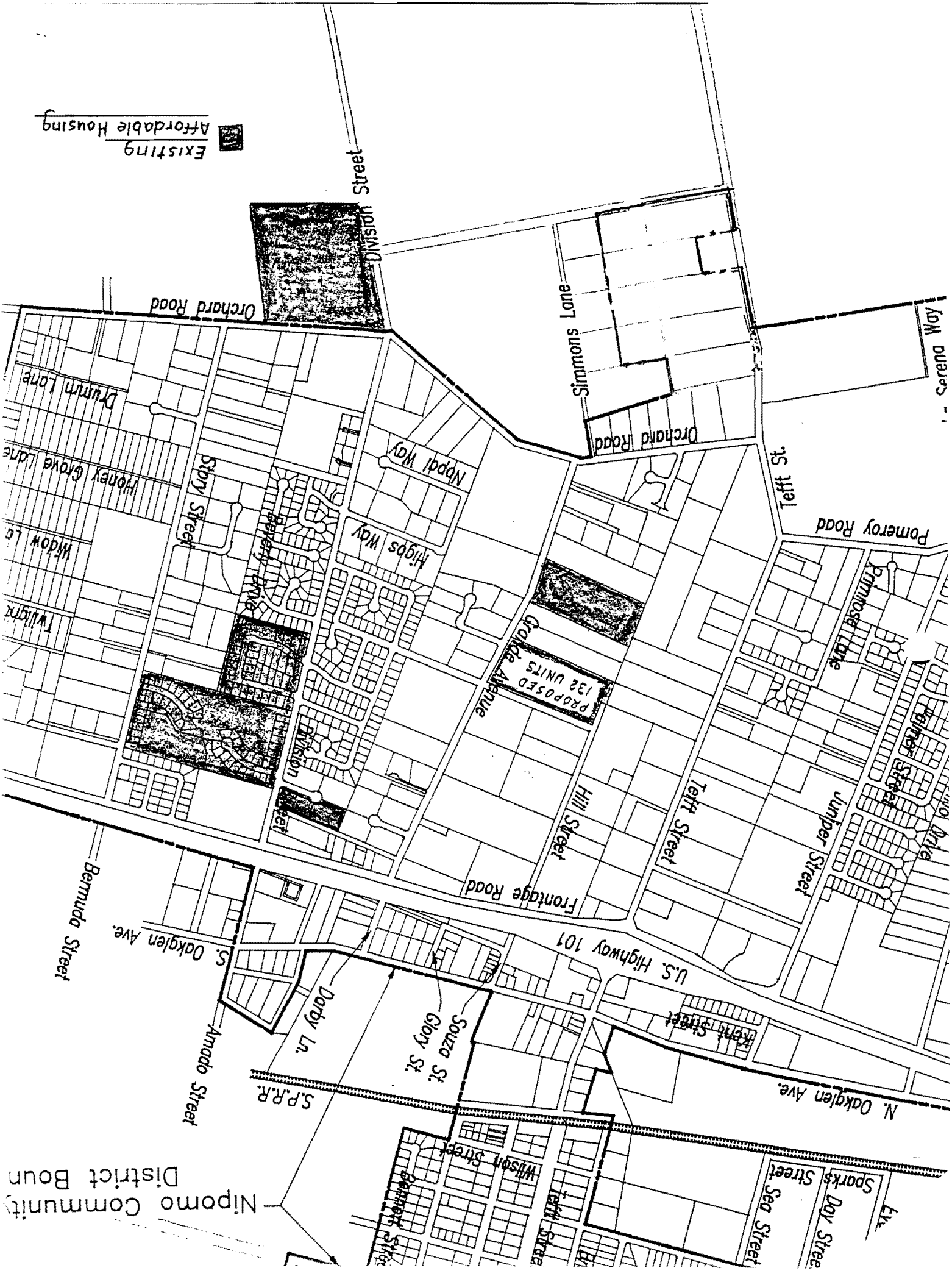
At the Regular Board meeting held on February 17, 1999, your Honorable Board requested that the potential low-cost or affordable housing issue be put on the agenda for discussion by the Board and general public.



The County has not begun the processing the application for the affordable housing, but the Board of Supervisors did authorize the financing of a bond issue for the cost of the project. Attached is a flyer that has been circulating in the community. Jay Johnson of the County Planning Dept. has been invited.

There have been articles in the local papers about the proposed, affordable-housing project in Nipomo. Enclosed is a copy of a letter to the editor to one of the local newspapers.

C:\W:Bd299\Low-cost.DOC


Nipomo Community District Bound




 Existing
 Affordable Housing




WHY NIPOMO???



A 132 UNIT AFFORDABLE HOUSING PROJECT IS CURRENTLY PROPOSED FOR NIPOMO!!!



- * THERE ARE CURRENTLY OVER 200 FEDERAL HOMES IN NIPOMO?
- * WHY IS NIPOMO GETTING ALL THIS LOW COST HOUSING?
- * THIS TYPE OF DEVELOPMENT CREATES A MUCH HIGHER ENROLLMENT IN OUR SCHOOLS.
- * THE SERVICES NEEDED BY MANY OF THE RESIDENTS ARE FOUND IN SAN LUIS OBISPO AND ARROYO GRANDE. THEN WHY AREN'T THESE PROJECTS PLACED IN THOSE COMMUNITIES?
- * THE COUNTY MUST BALANCE THIS TYPE OF HOUSING THROUGHOUT THE COUNTY.

PLEASE DO THIS TODAY!

*WRITE YOUR COUNTY SUPERVISOR
SLO COUNTY SUPERVISOR KATCHO ACHADJIAN
COUNTY GOVERNMENT CENTER, ROOM 370
SAN LUIS OBISPO, CALIFORNIA 93408-2040
FAX: 781-1350*

FOR ADDITIONAL INFO CALL DENISE CANNON AT 343-6408

ent in Los
Santa Maria

Nipomo as dumping ground

To the Editor:

Why is Nipomo getting all the self-help housing? Our schools are already impacted to the point that the school district is building a high school and an elementary school in Nipomo. Many of the poor who will be living in the self-help federal housing need social services that are located in San Luis Obispo. So why aren't the homes built there?

We already have more than 200 self-help homes in Nipomo. Why don't the other communities have their fair share in the county of San Luis Obispo? I'll tell you why, because they have a voice through their local government.

We need to wake up Nipomo to fight for our community. I suggest each reader of this letter take the time to write the county Board of Supervisors. Yes, all five of them. (Even though we only have one representative, Katcho Achadjian.) All five of them vote on all issues that affect Nipomo.

The five are: Peg Pinard, Katcho Achadjian, Mike Ryan, Harry Ovitt, and Shirley Bianchi.

Address your letters to: County Board of Supervisors, County Government Center Room 370, San Luis Obispo, CA 93408-2040 or FAX 781-1350. Please do it today!

Tom Martin
Nipomo



TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 3, 1999

INTENT-TO-SERVE
TRACT 2304 (WITTSTROM)

The District has received correspondence from Tartaglia Engineering requesting a revision of the Intent-to-Serve letter issued January 20, 1999 to Karl Wittstrom for Tract 2304. The initial Intent-to-Serve letter was designated for 39 lots on a 46 acre subdivision. The modification being requested is for 46 half-acre lots on a cluster development. The 46 lots are shown on the Tract 2304 map attached.

The previous Intent-to-Serve letter had six conditions of which one was that the Will-Serve letter would not be issued until additional production is on line (meaning the Sun Dale Well). This well is now on line and therefore, this condition would be eliminated. It would be staff's recommendation that the Intent-to-Serve letter for Tract 2304 be modified with the same conditions as stated in the January 20, 1999 letter except Item #5. The following are to be completed before a Will-Serve letter is issued:

1. Enter into the District's Plan, Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans to the District for approval showing appropriate looping and be prepared in accordance with the District's Standards and Specifications.
3. Pay all appropriate District water and other fees that may be associated with this development.
4. Place a 3/4 inch conduit between the meter and the phone jack on the house for future automatic meter reading.
5. Submit the following:
 - 1) Reproducible as-builts
 - 2) Offer of Dedication
 - 3) Engineer's Certification
 - 4) Summary of costs of water & sewer improvements

After your Honorable Board has taken public comment, they may wish to proceed with a motion on this matter.



TARTAGLIA ENGINEERING

CIVIL ENGINEERS

7360 El Camino Real, Suite E • P. O. Box 1930
Atascadero, California 93423

Fax (805) 466-5471
Phone (805) 466-5660

Mr. Doug Jones
Manager
Nipomo Community Services District
261 Dana Street
Nipomo, CA 93444

February 22, 1999

File: 98-20

Subject: Tract No. 2304
Phase 2 of Tract 1924
Karl Wittstrom

Dear Mr. Jones:

In June of 1998, our office had prepared a tentative tract map of the subject subdivision which contained 39 lots. That map has now been revised to contain 46 lots; all lots being one-half acre lots in accordance with the San Luis Obispo Planning Department Standards.

Therefore, we request that you revise the developer's request for services to serve 46 lots. Enclosed is a revised copy of the tentative map for your files.

If you have any questions, please feel free to contact our office. Thank you for your attention in this matter.

Sincerely yours,

TARTAGLIA ENGINEERING

Robert C. Tartaglia
Civil Engineer

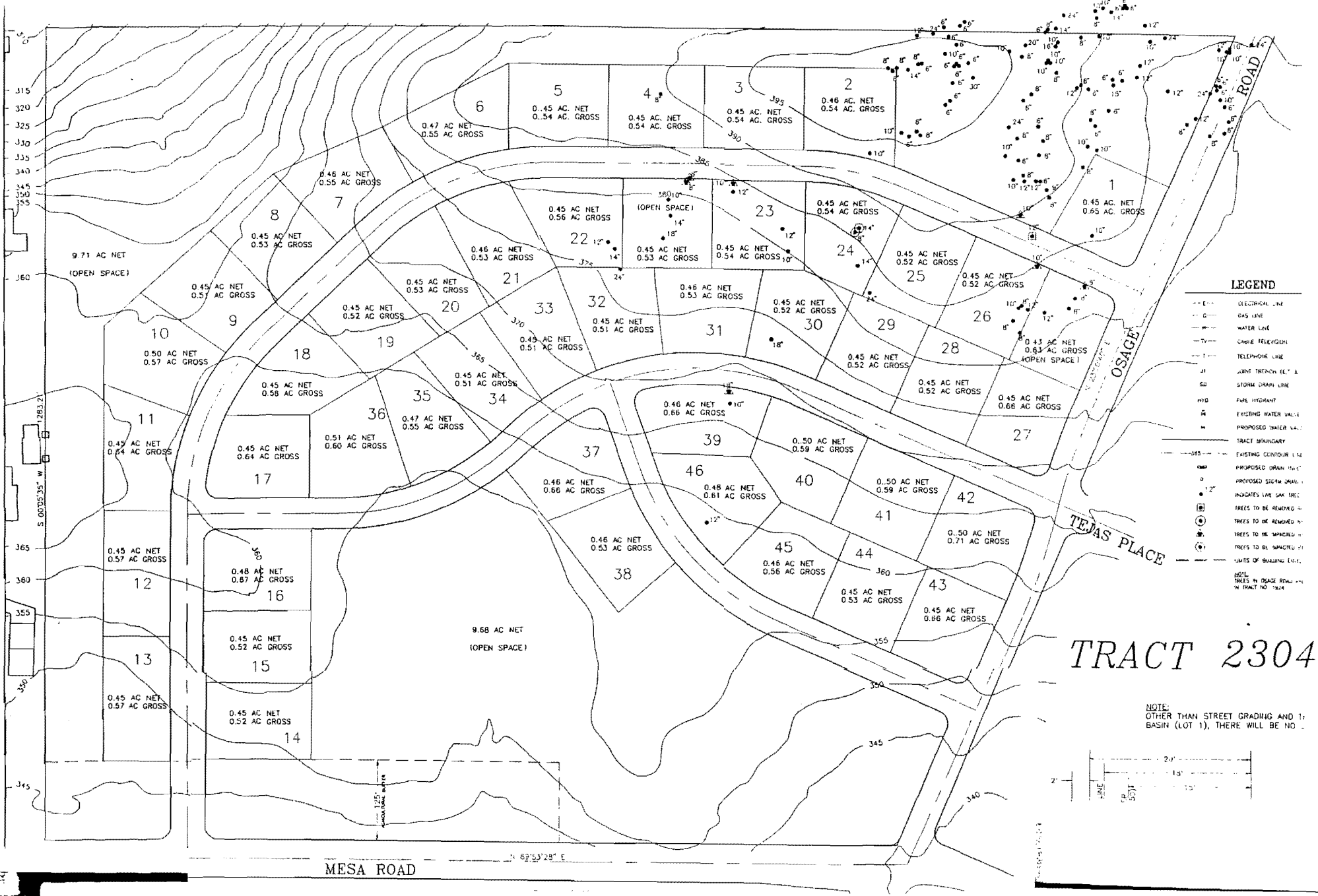
RCT/pl
Enclosure

cc: Mr. Karl Wittstrom

RECEIVED

FEB 23 1999

NIPOMO COMMUNITY
SERVICES DISTRICT



NIPOMO COMMUNITY SERVICES DISTRICT

P O BOX 326 NIPOMO, CA 93444
(805) 929-1133 FAX (805) 929-1932

January 20, 1999

Karl Wittstrom
Black Lake Ranch Estates
P O Box 1655
Paso Robles, CA 93447

SUBJECT: TRACT 2304 (WITTSTROM - BLACK LAKE RANCH ESTATES)
INTENT TO SERVE
39 LOTS (CORRECTION OF LETTER DATED AUGUST 20, 1998)

At their Regular Meeting on August 19, 1998 the Board of Directors of the Nipomo Community Services District considered your request for water and sewer service for Tract 2304. The Intent-to-Serve for 39 lots was granted subject to the following conditions:

1. Enter into the District's Plan, Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans to the District for approval showing appropriate looping and be prepared in accordance with the District's Standards and Specifications.
3. Pay all appropriate District water and other fees that may be associated with this development.
4. Place a 3/4 inch conduit between the meter and the phone jack on the house for future automatic meter reading.
5. The Will-Serve letter to be issued after additional well production is on line.
6. Submit the following:
 - 1) Reproducible as-builts
 - 2) Offer of Dedication
 - 3) Engineer's Certification
 - 4) Summary of costs of water & sewer improvements

A ONE YEAR EXPIRATION DATE IS IN EFFECT



TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 3, 1999

REQUEST FOR SERVICE
PARCEL MAP CO 98-0028 (BUCKLER)

The District has received correspondence from William Dyer Engineering requesting service for Tentative Parcel Map Co 98-0028, a 2-lot development on Sandydale at Pomeroy Rd.

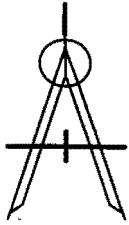
This project came to the District in 1994. A waterline was installed but other District requirements were not completed and a Will-Serve letter was not issued. The project at that time was identified as Parcel Map 91-006. The District received a number of complaints about the road not being paved after the water improvements were installed.

Staff recommends that an Intent-to-Serve letter be issued to Parcel Map 98-0028 with the following conditions before a Will-Serve letter is issued.

1. Pay all appropriate District water capacity fees and other fees which may be associated with this development.
2. Repair the roads at the intersection of Pomeroy and Sandydale to County standards.
3. Submit the following:
 - 1) Reproducible as-builts
 - 2) Offer of Dedication
 - 3) Engineer's Certification
 - 4) Summary of costs of water improvements
 - 5) Place a 3/4 inch conduit between the meter and the phone jack on the houses for future automatic meter reading.

After public comments and Board comments, a motion would be in order to issue an Intent-to-Serve letter with the above mentioned conditions.

C:\W:Bd2\Intent Buckler.DOC



William R. Dyer

Civil Engineering - Land Surveying

1123 Grand Avenue, Suite B
P. O. Box 432
Grover Beach CA 93483

Phone: (805) 481-1964
FAX: (805) 481-9146

February 17, 1998

Doug Jones
Nipomo Community Service District
148 S. Wilson Ave.
Nipomo, CA 93444

Subject: Parcel Map CO 91-006/CO 98-0028, Buckler, Sandydale Road, Nipomo

Dear Doug:

On behalf of the owner of the above referenced project, this is a request for an updated "Can-and-Will-Serve" letter. A copy of the Tentative Parcel Map is enclosed for your information. The original Tentative Map, CO 91-006, expired prior to recordation and we are processing a new Tentative Map, CO 98-0028, with the County.

Please respond at your earliest convenience. If you have any questions please call.

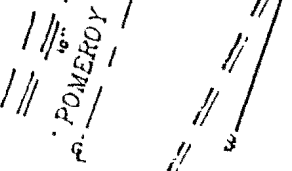
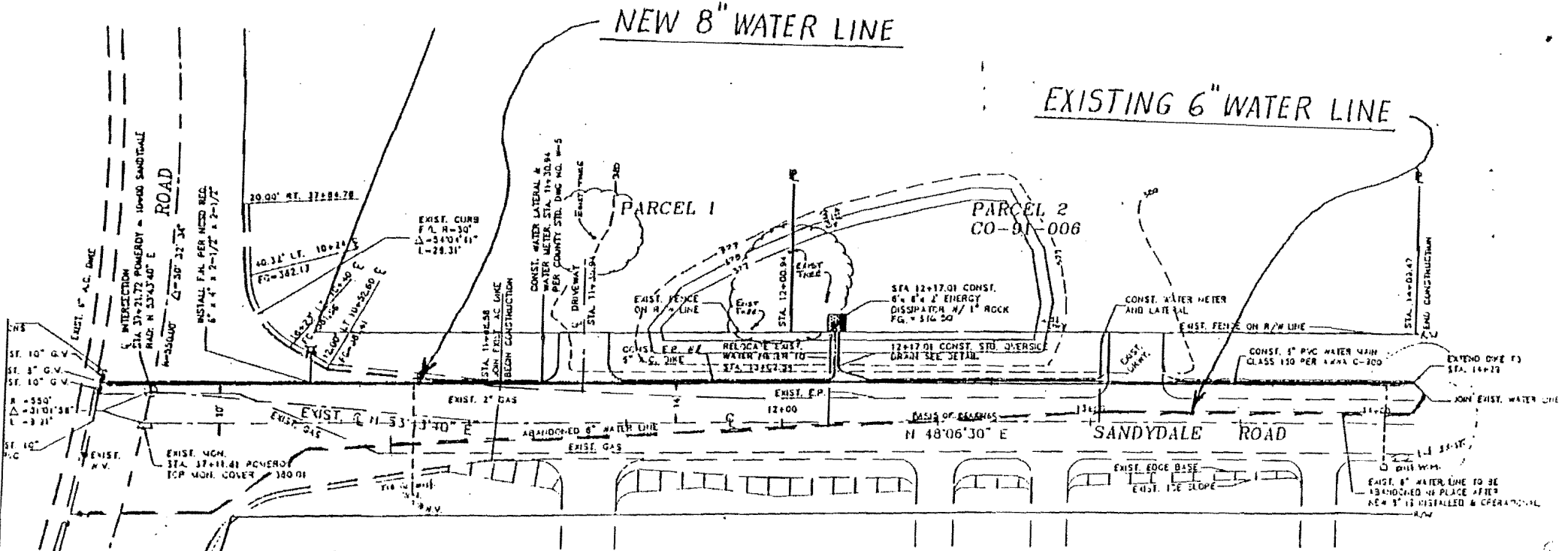
Regards,

Bill Dyer
Bill Dyer

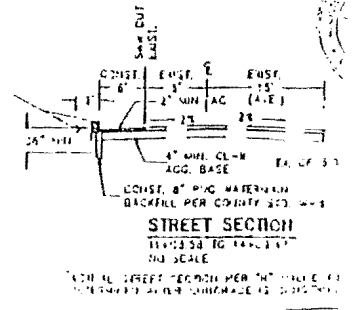
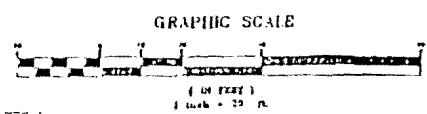
FEB 16 1999

VAPC
SCHWAB DISTRICT

EXHIBIT "A"



Q₁₀ = Volume Required
 Q₀ = CIA
 1.20 .45 + 2.24 = 3.690 = 791.1 CF
 Q₁₀ Provided = 10,640.60 CF EXIST VOLUME



MAR 03 1999

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 3, 1999

COUNTY SERVICE AREA 1-F (NEW GALAXY PARK)

The District received a copy of correspondence from the Regional Water Quality Control Board to Ed Sauer in relationship to annexing 12 lots to County Service Area 1-F (CSA 1-F).

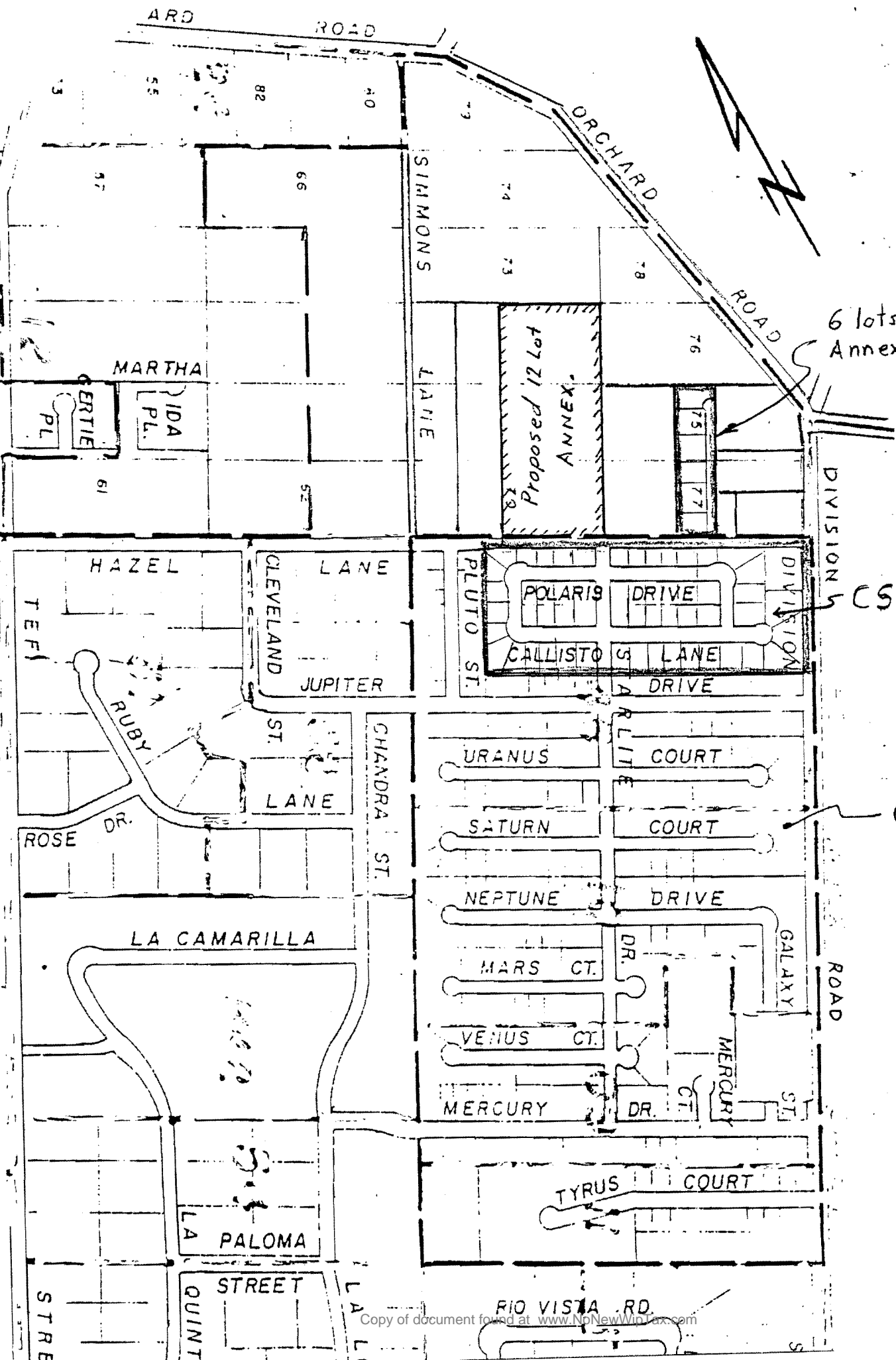
CSA 1F is a subdivision which is on a community septic tank disposal system. This project was constructed prior to the area-wide sewer system coming into Nipomo. Because it was newly constructed and had an adequate disposal field, a decision was made, at that time, not to connect to the District's sewer collector system, when constructed. It is the understanding of the District that the discharge requirements for CSA 1-F stipulate that they are to connect to the District sewer system sometime in the future. Based on the California Regional Water Quality Control Board correspondence, the future has arrived.

To date, the District has not received any correspondence from the County indicating the process of connecting CSA 1-F to NCSD facilities. Attached to the correspondence is a time table laying out events in which CSA 1-F will connect to the system. Based on their time table, it will take approx. 3 years for the process to be completed.

There are a number of issues that your Honorable Board will need to consider. They are listed in the attached document entitled SLO County CSA 1-F Proposal for Sewer Service by NCSD.

This item is brought to the Board for information and discussion. Your Honorable Board may wish to set up Sub-Committee to discuss this matter after receipt of official correspondence from the County.

C:\W:\Bd2\CSA 1-F.DOC



6 lots Previously Annex, to CSA-1F

CSA-1F

CSA-1A



California Regional Water Quality Control Board

Central Coast Region



ton H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5427
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

February 9, 1999

Mr. Ed Sauer
P. O. Box 1128
Nipomo, CA 9344

Dear Mr. Sauer:

TRACT 1790 ANNEXATION AND PROPOSED CONNECTION OF TRACT 1790 (SAUER) TO COUNTY SERVICE AREA NO. 1F (NEW GALAXY PARK)


On January 27, 1999, Michael LeBrun and Sorrel Marks, of my staff, met with Terry Orton and Dee Anna Shrefler to discuss the annexation of Tract 1790 to County Services Area No. 1F (CSA 1F) and the connection of 12 lots from Tract 1790 to the existing CSA 1F on-site wastewater system. We understand that a previously approved "will serve" agreement allowed for six lots of Tract 1790 to be connected to CSA 1F. We have no objection to the annexation of Tract 1790 to CSA 1F or the connection of the previously approved six lots; however, we do object to additional connections being made to the sewer system for CSA 1F until satisfactory progress is made towards hooking up to the Nipomo Community Services District.

Connection of CSA 1F to the Nipomo Community Services District (NCSD) wastewater facilities is long overdue. CSA 1F is already in violation of the requirement to connect to the community sewer. The County is currently working under a mutually agreed upon time schedule for completing the connection of CSA 1F to the NCSD facility. Considering these facts, it is not appropriate to provide additional service to Tract 1790 via the CSA 1F wastewater facility.

The County's current time schedule indicates the connection of CSA 1F to the NCSD will be completed during the fourth quarter of 2001. Once all planning and interagency approvals have been completed (completion through Task 36 of County Service Area No. 1 Draft Schedule for Final Connection to NCSD - attached), which is scheduled to be first quarter of 2001, we would not be opposed to your request for additional connections to CSA 1F.

If you have questions, please contact Michael LeBrun (542-4645) or Brad Hagemann (549-3697).

Sincerely,


For Roger W. Briggs
Executive Officer

TRACT 1790

NCSD
SERVICES DISTRICT

California Environmental Protection Agency

MSL
Attachment

Cs w/ attachment:

Douglas Bird
San Luis Obispo County Engineering Department
County Government Center, Room 207
San Luis Obispo, CA 93408

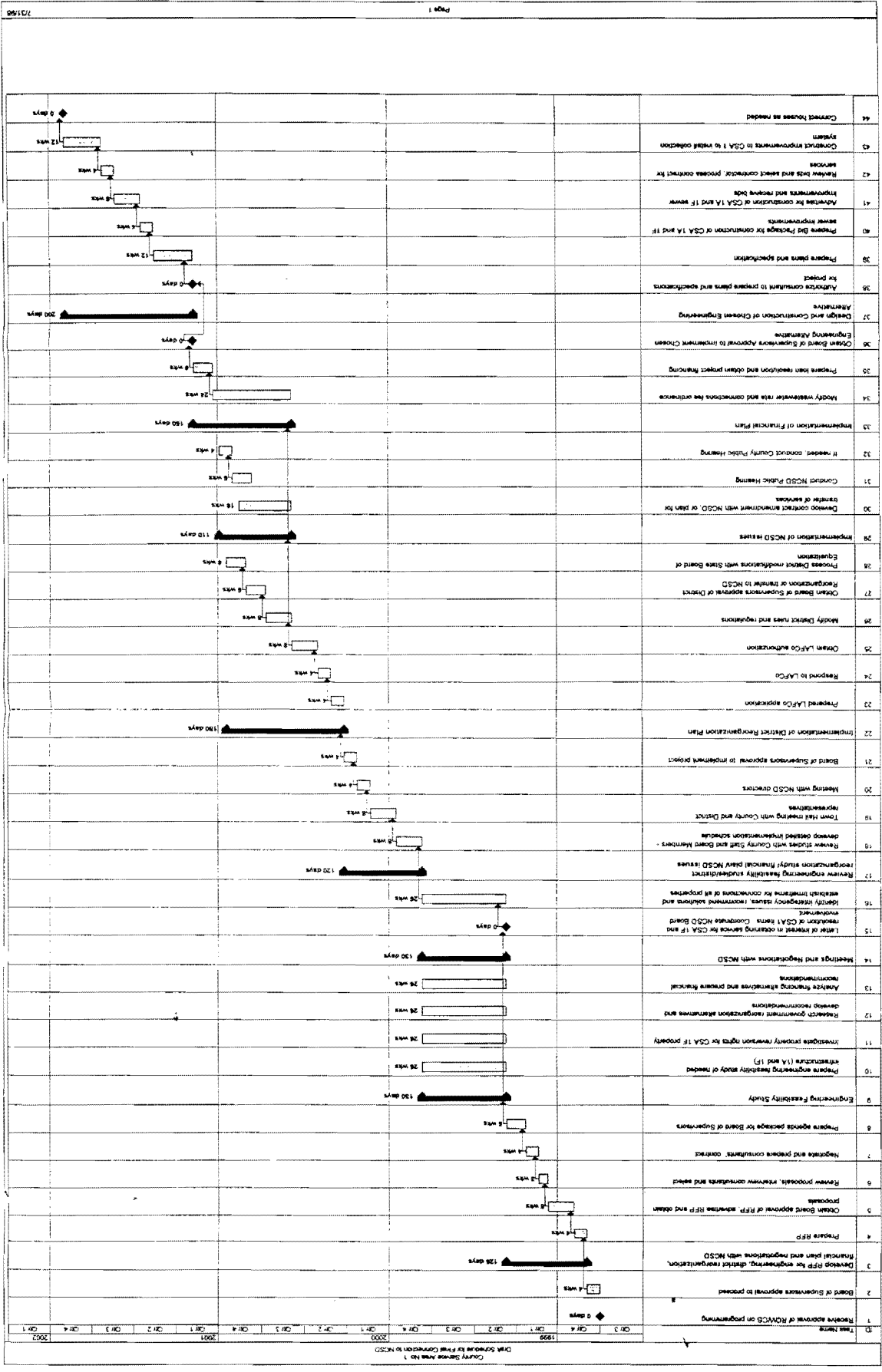
Doug Jones, General Manager
Nipomo Community Services District
P. O. Box 326
Nipomo, CA 93444

Terry Orton
Westland Engineering
75 Zaca Ln, Suite 100
San Luis Obispo, CA 93401

Dee Anna Shrefler
Canyon Realty
P. O. Box 476
Arroyo Grande, CA 93421

Mike Farro, SWRCB-CWP

Filename: SLOCSA1Fcom1.ltr
Task Code #: 121-01
File to: SLO CSA 1F, NEW GALAXY MHP



SLO CO CSA-1F PROPOSAL FOR SEWER SERVICE BY NCSD

SOME ISSUES

- NCS D Sewer Plant Capacity
 - Servicing CSA - 1F may encumber future District's capacity needs.
- Physical Connections
 - CSA-1F to CSA-1 (How connected?)
 - CSA-1 to NCS D (Lift Station and line capacity?)
 - Elimination of NCS D Nipomo Palms Lift Station?
 - Connect CSA -1 force main at Orchard and Division reduces pumping head for CSA -1 lift station.
- Installation of Water Saving Devices
 - Retrofitting equivalents that have or will annex to CSA-1F. (Similar to District policy)
 - Retrofitting all of CSA-1
- Payment of District Sewer Capacity and Other Fees
 - Presently \$2,370, July 1, 2001 will be \$2,500
 - County billed monthly for User Fees (The County collects fees on tax roll)
 - Lift Station Fee - \$500/unit (if any flow goes to a NCS D lift station)
- Maintenance of CSA-1 System
 - Address Hydrogen Sulfide problem (H₂S)
 - SLO County to have their own stand-by generator (presently requests NCS D's during power outages)
- CONNECTION OF ON-SITE DISPOSAL SYSTEMS IN CSA-1
 - Connect all systems presently not connected to the sewer system.

AGENDA ITEM

7

MAR 03 1999

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 3, 1999

NEW WATER STORAGE & WATER MAINS

The District's Water and Sewer Master Plan stipulates that an additional one million gallon storage tank needs to be constructed along with new water mains to the storage facility to meet District peaking demands. In following the District's Water Master Plan, Garing, Taylor & Assoc. has proceeded to design a new one-million gallon storage facility to be constructed next to the twin tanks at the Dana-Foothill-Tefft Street intersection and new water main to that facility in Tefft & Thompson Streets. Staff is requesting from your Honorable Board for authority to go out to bid to construct these facilities.

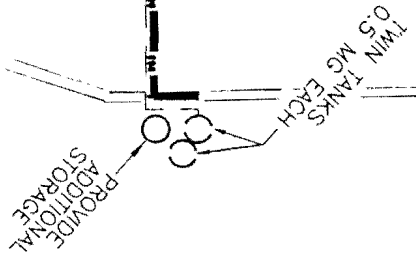
The District has budgeted \$1.175 million to construct these facilities. Funding for this project comes from the District's Water Capacity Fee Fund. If there are insufficient funds in the Water Capacity Fund, then the District would borrow from one of the other funds to complete the project and pay back that fund.

It is recommended that your Honorable Board authorize staff to go to bid to construct the one-million gallon storage tank and water mains.

Board 99\Main & Tank



NEW 12" WATER



TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 3, 1999

REPLACEMENT STUDY PROPOSALS

At the Regular Board meeting of February 3, 1999, your Honorable Board authorized staff to request proposals to perform a Replacement Study for the Town and the Black Lake Divisions Water and Sewer facilities. The District sent proposals to eight firms requesting proposals. They were due back to the District by Feb. 23, 1999. The following proposals were received:

	CONSULTANT	FEE
1	Boyle Engineering	\$16,000.00
2	Cannon Associates	\$15,000.00

It is staff's recommendation that your Honorable establish a sub-committee to review the two proposals and make a recommendation to the Board at the next meeting.

C:\W:Bd99\Replacement study 2.DOC

ENGINEERING CORPORATION

BOYLE

February 23, 1999



Water and Sewer Replacement Study

for

Proposal for Engineering Services



Nipomo Community Services District



ENGINEERS

PLANNERS

SURVEYORS

WATER AND SEWER REPLACEMENT STUDY FOR NCSD

A Proposal Submitted to the Nipomo Community Services District

364 PACIFIC STREET
SAN LUIS OBISPO, CA
93401

805•544-7407
FAX 805•544-3863

February 23, 1999

Travolta, Redford should get no Action from scientific community

The city of Woburn, Massachusetts, population 36,000, had a problem: it was being poisoned. No one quite knew why, but many residents of the community 12 miles north of Boston were breaking out into rashes, enduring stomach disorders, falling seriously ill. And the children of Woburn were dying of leukemia in statistically unusual numbers. A "leukemia cluster," medical researchers called it.

Finally, in 1979, two wells supplying drinking water to Woburn were shut down because health officials thought the wells might have been contaminated by industrial wastes. The two main suspects were the W.R. Grace corporation, a chemical and manufacturing giant that built stainless steel equipment at a plant in Woburn, and Beatrice Foods, another mega-corporation, which operated a tannery there. Toxic chemicals from these operations, many thought, had leaked into the aquifers and contaminated the wells. The most serious of these chemicals was a suspected carcinogen called trichloroethylene, or TCE, an industrial solvent used to dissolve grease and oil.

Disney's Touchstone Pictures' *A Civil Action*, starring John Travolta and produced by Robert Redford, is based on Jonathan Harr's bestselling 1995 book of the same title. It tells of the years attorney Jan Schlichtmann and his small law firm spent "seeking justice" — mostly measured in dollars — for eight Woburn, Mass. families who lost seven children and one adult to leukemia. After an expensive and inconclusive trial in 1986, the alleged villain, W.R. Grace & Co., settled for \$8 million.

Yes, it was established that Grace employees were guilty of dumping TCE behind the shop it had built in Woburn in 1960. And Grace is now spending a lot of money to clean up the site. But there is something really dangerous about the movie, points out Michael Fumento, a senior fellow at the Hudson Institute and specialist in health and science issues. *A Civil Action* perpetuates the popular myth that any cancer cluster must have pollutants as its cause.

There are two good reasons the Woburn leukemias, even if they were due to pollution, had nothing to do with Grace's pollution, Fumento says. First, it is now widely believed that TCE is not a human carcinogen. Next, even if it were, Grace's TCE could not have migrated to the wells in question in sufficient time to cause an effect.

Long the American capital of leather-tanning, a famously blightful trade, Woburn later diversified into insecticides and soon sported chromium lagoons and an arsenic pit to go with its mounds of discarded animal waste ("remediated" in recent years). In 1958, an engineer hired by the city warned that the source of water was far too polluted to be used for drinking water, yet town officials a few years later ignored his report and drilled two wells. Residents at once complained of the water's foul color, taste, and odor. There followed a "cluster"

of leukemia cases within a few years centered on East Woburn. The wells were closed after they were found to contain high levels of TCE.

Since the trial, Ohio State University geologist E. Scott Bair has studied the migration of chemicals beneath Woburn and concluded that nothing from Grace's land "could have gotten to the wells in the time period required."

In 1982, when Schlichtmann sued Grace, information on the solvent TCE was relatively sketchy. Now we have the results of numerous rodent studies in which the animals were dosed with thousands of times the amount of chemical that humans might receive in their drinking water. Of the 35 rodent studies in the Carcinogenic Potency Database developed by U.C. Berkeley biologist Lois Swirsky Gold, none has found a TCE-leukemia connection, Fumento says.

What about studies of human exposure? In 1995 the International Agency for Research on Cancer evaluated four individual studies concerning occupational exposures to TCE and found no statistically significant increases for any type of cancer.

The movie takes a back slap at what we now know to be the truth — that many items we eat or are surrounded by are laden with TCE. In one scene, Jerome Facher, the attorney representing Beatrice, asks several witnesses if they eat peanut butter and a host of other foods. Beatrice was making the point that many foods contain TCE, but no one seems concerned with that fact. The decaffeinated coffee you may drink actually contains from 10,000 to 25,000 parts per billion TCE, depending upon whether it's instant or ground. Peanut butter is also high in TCE. Watching the movie, the audience perceives these questions as "legal slight-of-hand" by Beatrice to cover up the real source of the TCE, the dumping of toxic chemicals.

Cancer clusters are scary, and naturally the victims want to point a finger at some evildoer. But the truth is that they are more likely to be due to chance than to pollution. From 1961 to 1983, the Centers for Disease Control & Prevention investigated 108 cancer clusters from 29 states and 5 foreign countries. It found no clear cause for any of them.

So the movie leaves us with several myths. One, that TCE causes cancer and leukemia in those who ingest it. Two, that all large companies most likely are pollution-belching mammoths and should be dragged into court and made to pay for society's ills, whether they caused them or not. And three, that cancer clusters are the result of some type of pollution, when, in fact, science has been unable to demonstrate a connection between the two.

A Civil Action and Disney may get accolades from the environmentally-conscious masses who see Grace as a real-world witch handing out poison apples, but the movie should get little support from a fact-based scientific community.

California expert says innovative water rates key to conservation

SALT LAKE CITY (AP) — Water bills are the key to conservation, said Tom Ash, a horticulturist for California's Irvine Ranch Water District. Ash said outdoor water in his area has been slashed 43 percent since 1990 by dramatic changes in the district's rate structure.

Without the savings, the district would have had to spend an extra \$12 million to acquire water.

Ash told the Utah Water Conservation Forum that hefty water bills get the customers' attention and encourage them to consider whether they need to be using so much water.

Per capita water consumption in Utah is second highest in the nation, while Utah's water rates are the third lowest. Several communities, including Salt Lake City, have taken the first steps toward revising their rate structures.

Irvine's program began with a study to determine the amount of landscaped area on each building lot in the city. Experts then calculated how much water would be needed monthly to keep a lawn healthy on that much land. This is the amount of water allocated to each homeowner for outside use.

The allocation varies over the year. More water is allowed during the hot summer months than during cool periods in the winter, spring, and fall.

Customers pay a minimum fee that covers the basic operating

costs of the system. Then they pay an additional fee for water. If customers use less than the allocation during a month, their water cost is low — less than the district's cost of providing the water. This is a bonus for conserving.

If they use their total allocation, they pay the normal water cost. If they exceed the allocation, the cost of water begins to rise quickly. Customers greatly exceeding the allocation end up paying eight times the water's actual cost.

Ash said the approach involves a minimum of government regulation and interference. There are no restrictions on when customers can water their lawns or how much they water. Individuals make their own decisions based on economic realities of the rate structure.

Extra payments from those exceeding the allocation are placed into a fund to help make water-conservation improvements in the district's system.

Colorado landscape architect Ken Ball told the group that one of the biggest challenges in water conservation is convincing users that low-water gardens still can be green and beautiful.

He said a 30-percent savings in outdoor water use could be achieved easily in most communities by improving watering practices and a 60-percent reduction is possible by replacing lawns with low-water plants.

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AGENDA ITEM
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WARRANTS FEBRUARY 17, 1999

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18119 CHP 6.00
18120 PGE 10.05

VOIDS

10614
10706
2662

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CK# 2663-2670 \$11,743.10

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10689	02/17/99	ADB SYSTEMS	\$1,181.11
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