



**SOUTH SAN LUIS OBISPO COUNTY
SANITATION DISTRICT**

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**AGENDA
BOARD OF DIRECTORS MEETING**

Grover Beach City Hall Chambers
154 South 8th Street
Grover Beach, California 93433

Wednesday, May 3, 2017, at 6:00 p.m.

Board Members

John Shoals, Chair
Linda Austin, Vice Chair
Jim Hill, Director

Agencies

City of Grover Beach
Oceano Community Services District
City of Arroyo Grande

Alternate Board Members

Karen White, Director
Tim Brown, Director
Barbara Nicolls, Director

Oceano Community Services District
City of Arroyo Grande
City of Grover Beach

-
- 1. CALL TO ORDER AND ROLL CALL**
 - 2. PLEDGE OF ALLEGIANCE**
 - 3. AGENDA REVIEW**
 - 4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA**

This public comment period is an invitation to members of the community to present comments, thoughts or suggestions on matters not scheduled on this agenda. Comments should be limited to those matters which are within the jurisdiction of the District. The Brown Act restricts the Board from taking formal action on matters not published on the agenda. In response to your comments, the Chair or presiding Board Member may:

- Direct Staff to assist or coordinate with you.
- Direct Staff to place your issue or matter on a future Board meeting agenda.

Please adhere to the following procedures when addressing the Board:

- Comments should be limited to three (3) minutes or less.
- Your comments should be directed to the Board as a whole and not directed to individual Board members.
- Slanderous, profane or personal remarks against any Board Member, Staff or member of the audience shall not be permitted.

Any writing or document pertaining to an open-session item on this agenda which is distributed to a majority of the Board after the posting of this agenda will be available for

public inspection at the time the subject writing or document is distributed. The writing or document will be available for public review in the offices of the Oceano CSD, a member agency located at 1655 Front Street, Oceano, California. Consistent with the Americans with Disabilities Act (ADA) and California Government Code §54954.2, requests for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires modification or accommodation in order to participate at the above referenced public meeting by contacting the District Administrator or Bookkeeper/Secretary at (805) 481-6903. So that the District may address your request in a timely manner, please contact the District two business days in advance of the meeting.

5. CONSENT AGENDA:

The following routine items listed below are scheduled for consideration as a group. Each item is recommended for approval unless noted. Any member of the public who wishes to comment on any Consent Agenda item may do so at this time. Any Board Member may request that any item be withdrawn from the Consent Agenda to permit discussion or to change the recommended course of action. The Board may approve the remainder of the Consent Agenda on one motion.

- 5A. Approval of Warrants**
- 5B. Approval of Minutes of Meeting of April 5, 2017**
- 5C. Approval of Minutes of Meeting of April 19, 2017**

6. ACTION ITEMS:

6A. REQUEST APPROVAL TO PURCHASE A REPLACEMENT SIGHT GLASS FOR PRIMARY DIGESTER NO. 1

Consider and approve the purchase of a replacement dual view flanged sight glass for the District's Primary Digester No. 1 from Papailias Inc. in the amount of \$15,639.00.

6B. NEW DISTRICT RECORDS RETENTION SCHEDULE

Consider a New District Records Retention Schedule (Exhibit "A") through adoption of Resolution No. 2017-367.

6C. UPDATE ON COASTAL DEVELOPMENT PERMIT FOR DISTRICT'S WASTEWATER REDUNDANCY PROJECT

Review and File Report.

6D. UPDATE TO ATTORNEY CONTRACT

- 1. Consider a request by District Legal Counsel to update its contract; and
- 2. Consider and adopt Resolution No. 2017-368 (Attachment No. 1) authorizing the Chairman to execute an amended attorney contract.

6E. DISTRICT ADMINISTRATOR AND PLANT OPERATION'S REPORT

Receive and File Report.

7. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraphs (2) of subdivision (d) and (5) of subdivision (e) of Section 54956.9: (two potential cases).

8. ADJOURN MEETING

The next regularly scheduled Board meeting on May 17, 2017, 6 pm at the Grover Beach City Hall Chambers, 154 South 8th Street, Grover Beach, California 93433

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
WARRANT REGISTER

05/03/2017 FY 2016/17

VENDORS	BUDGET LINE ITEM	DESCRIPTION	WARRANT NO.	ACCT	ACCT BRKDN	TOTAL
AMERICAN BUSINESS MACHINES	OFFICE SUPPLIES	321843	05032017-2095	8045	242.48	242.48
APPLIED INDUSTRIAL TECH	EQUIPMENT MAINTENANCE	7010339312	2096	8030	18.04	18.04
ARAMARK	UNIFORMS	7373;4461;1546;8622	2097	7025	857.89	857.89
ATLAS PERFORMANCE IND.	ADMIN OFFICE SPACE	RI97834	2098	7040	450.00	450.00
AT&T	COMMUNICATIONS	APR 8-MAY 7,2017	2099	7013	296.64	296.64
B&B STEEL & SUPPLY	EQUIPMENT MAINTENANCE	533791	2100	8030	36.20	36.20
BRENNTAG	PLANT CHEMICALS	BPI719800;BPI722644	2101	8050	9,756.78	9,756.78
CENTRAL COAST TECHNOLOGY	COMPUTER SUPPORT	969	2102	7082	160.00	160.00
CHARTER	COMMUNICATIONS	4/24-5/20/2017	2103	7013	55.88	55.88
CITY OF AG	BILLING	JAN 2017-MAR 2017	2104	7073	5,623.50	5,623.50
CA WATER ENVIRON. ASSOC.	MEMBERSHIPS	ARIAS	2105	7050	172.00	344.00
		CLEMONS			172.00	
FEDEX	CHEMICAL ANALYSIS	1714-8721-8	2106	7080	155.57	155.57
FLUID RESOURCE MANAGEMENT	MECHANICAL BAR SCREEN/ HEADWORKS	C15826/ 2016-B1-11	2107	26	362,927.26	362,927.26
GILBERT TRUIJLLO	LEGAL COUNSEL	MARCH 2017	2107	7071	11,690.00	11,690.00
I.I. SUPPLY	EQUIPMENT MAINTENANCE	45035	2108	8030	125.38	125.38
INTERSTATE BATTERIES	UNSCHEDULE MAINTENANCE	91927;91932	2109	29	430.76	430.76
JB DEWAR	FUEL	162325/843465/	2110	8020	154.72	154.72
LIEBERT, CASSIDY WHITMORE	OUTSIDE COUNSEL	1438561;1438560;1438556;1438557;1438558;1438559	2111	7070	16,590.00	16,590.00
MINERS	EQUIPMENT MAINTENANCE	MARCH 2017	2112	8035	205.78	205.78
NOBLE POWER EQUIPMENT	EQUIPMENT MAINTENANCE	331391	2113	8035	20.88	20.88
OILFIELD & ENVIRO. COMPLIANCE	CHEMICAL ANALYSIS	1701369/1701411	2114	7078	228.00	228.00
PG&E	ELECTRICITY	3/10-4/9/2017	2115	7091	11,916.06	11,916.06
POLYDYNE INC	PLANT CHEMICALS	1130397	2116	8050	6,738.52	6,738.52
SAFETY KLEEN	CHEMICAL ANALYSIS	73168639	2117	7078	371.19	371.19
SPRINT	COMMUNICATIONS	205201234-141	2118	7013	219.29	219.29
STATE WATER RES CONT. BOARD	PROF. CERTS/LICENSES	CLEMONS/RENEWAL	2119	7055	340.00	340.00
WINEMA	SAFETY	1094/ DEFIBRILATOR BATTERIES	2120	8056	262.30	262.30
WSC	RECYCLED WATER FACILITIES	2485	2121	2056	1,502.75	1,502.75
SUB TOTAL					\$ 430,217.12	\$ 430,217.12
SO. SLO CO. SANITATION DISTRICT	PAYROLL 04.14.2017		2122		30,516.51	49,050.17
	CALPERS RETIREMENT				18,380.26	
	WEBHOSTING				153.40	
GRAND TOTAL					\$ 479,267.29	\$ 479,267.29

We hereby certify that the demands numbered serially from 05032017-2095 to 05032017-2122 together with the supporting evidence have been examined, and that they comply with the requirements of the SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT. The demands are hereby approved by motion of the SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT, together with warrants authorizing and ordering the issuance of checks numbered identically with the particular demands and warrants.

BOARD OF DIRECTORS:

DATE: _____

Chairman

Board Member

Board Member

Secretary

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Grover Beach City Council Chambers
154 South 8th Street,
Grover Beach, CA

Action Summary Minutes of the
Meeting of Wednesday April 5, 2017
6:00 P.M.

1. CALL TO ORDER AND ROLL CALL

Chairman Shoals called the meeting to order and recognized a quorum.

Present: Chairman John Shoals, City of Grover Beach; Director Jim Hill, City of Arroyo Grande; Director Linda Austin, Oceano Community Services District

District Staff in Attendance: Gerhardt Hubner, District Administrator;
Gilbert Trujillo, District Legal Counsel

2. FLAG SALUTE

3. AGENDA REVIEW

Upon motion of Director Hill seconded by Director Austin the Agenda was approved as presented.

4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Chairman Shoals opened the public comment period.

Andrew Burnett commented on Administration and legal and Human Resources expenses.

Lindsey Westbrook commented on Administration and training.

Leland Simpson commented on decline in plant operations.

Kristie Victorine spoke about follow up on the Knudson report, stewardship and hostile work environment.

Colleen Koogler asked about proper procedures and requirements for administrative leave.

Joe Schacker commented on lack of cleanup of vagrants and garbage around the District property.

Julie Tacker spoke about employing a full-time Administrator versus a part-time Administrator, the Administrator Report and use of consultants.

Ron Holt commented on Administration, Director Hill's investigation, legal counsel advice, conflict of interest and employee relations.

Ron Arnoldson commented on Administration, leadership, lack of projects and plant operations.

Mary Lucey spoke about the fine, deferring maintenance and working with the Coastal Commission and State.

David Nichols agreed with comments made by another speaker.

Shelly Cochran commented on Administration and the Knudson Report.

Patricia Price commented on Administration, the Knudson Report, the sewage spill of 2010 and the plant formally being on the brink of bankruptcy

Debbie Peterson commented on secrecy and fear.

Patty Welsh commented on personnel, basic equipment maintenance, plant shut down and plant operations.

David Odell questioned costs of plant operations today versus one year ago.

Shirley Gibson commented on unfair criticism of new personnel.

Chairman Shoals closed public comment.

5. CONSENT AGENDA

5A. Approval of Warrants

5B. Financial Review at February 28, 2017

5C. Approval of Minutes of Meeting of March 1, 2017

Director Hill spoke on dates being coded in error on the Warrant Register, the March 1st meeting and legal fees.

Chairman Shoals opened the public comment period on Items 5A, 5B and 5C.

Kris Victorine commented on approving warrants with no review of supporting documents and Phase 1 mediation.

Julie Tacker spoke on approval of the Mediator, the Oakes contract and expanding the Action Minutes.

Ron Arnoldson commented on the minutes.

District Legal Counsel Gilbert Trujillo advised that discussion on the Mediator falls under personnel privacy rights and therefore he is unable to give further information.

Director Hill noted that backup documents to verify expenses are available.

Chairman Shoals closed public comment.

Motion: Director Austin made the motion to approve 5A, 5B and 5C with corrections to the dates on the Warrant Register.

Second: Director Hill

Action: Approved unanimously by roll call vote.

6. ACTION ITEMS:

6A. Approval of Minutes of Meeting of December 21, 2016

Chairman Shoals opened the public comment period.

Patricia Price, Lindsey Westbrook and Julie Tacker asked about letters being included in the Board packet and attached to Minutes.

Chairman Shoals closed the public comment period.

Motion: Director Austin made a motion to approve the Minutes of December 21, 2016 and not attaching the letters to these minutes.

Second: Director Shoals

Action: Motion passed 2 – 1. Director Hill Voted no.

6B. Purchase of Crane for Flatbed Truck

Approval to purchase a replacement crane the District's flatbed truck in the amount of \$19,401 from Industrial Truck Bodies.

Administrator Hubner reported on the need to purchase a crane for the flatbed truck.

Chairman Shoals opened the public comment period.

Mary Lucey spoke on the age of the crane.

Chairman Shoals closed the public comment period.

Motion: Director Hill made a motion to approve staff recommendation.

Second: Director Austin

Action: Approved unanimously by roll call vote.

6C. Request for Proposal to Clean Primary Digester No. 1, and Allow the District Administrator to Proceed to Execute a Contract for Digester Cleaning not to exceed \$380,000

1. Release of Request for Proposal for Cleaning of Primary Digester No. 1;
2. District Administrator to Execute Contract Not to Exceed \$380,000; and
3. For Fiscal Year 2016-17 utilize \$201,200 from Fund 20, Project No. 2016-B1-01 (AG Sewer Bridge Repair) & \$178,800 from Fund 20 fund balance.

Administrator Hubner gave a presentation on the need for clean out and maintenance on the Primary Digester No. 1. He advised the Board Digester No. 1 was well overdue for cleaning and that it was standard industry practice to clean a wastewater facilities' digester every 8 to 10 years. Administrator Hubner gave a list of potential negative effects that can occur due to failure to clean the digester.

Administrator Hubner advised the Board the cleaning of the Primary Digester No. 1 was not included in the adopted Fiscal Year 2016/17 Budget but the funds were available in Fund 20. He further advised the Board the project may extend into the next Fiscal Year.

Director Hill stated concerns about issues in the coming year by delaying the Arroyo Grande Sewer Bridge project.

Discussion was held regarding where the funds would come from for the cleaning of Primary Digester No. 1, upcoming projects, the 2013 CIP List and the replacement list.

Chairman Shoals opened the public comment period.

Julie Tacker, Patty Welsh, Mary Lucey, Ron Arnoldson and Ron Holt commented on cleaning the Primary Digester No. 1 project, funds to also do the Arroyo Grande Sewer Bridge project, reserves if there should be future crisis and a priority list for future projects.

Chairman Shoals closed the public comment period.

Motion: Director Hill made a motion to approve staff recommendations, use funds from Fund 20 and not impact the Arroyo Grande Sewer Bridge Project.

Second: Director Austin

Action: Approved unanimously by roll call vote.

6D. Rental of a Dewatering Centrifuge to Assist with District's Digester Cleaning and Rehabilitation Project

1. Approval to enter into a rental contract with Pace DS for a dewatering centrifuge for a minimum 6-month time period or longer; and
2. For Fiscal Year 2016-17 utilize \$36,000 from Fund 19 & Fund 19/Schedule A-1, and include funds in the Fiscal Year 2017-18 draft Budget to support this rental.

Administer Hubner gave a presentation on the need of a temporary dewatering Centrifuge to assist with the District's Digester cleaning and rehabilitation project. He advised the Board that they had received three quotes based on a six-month period with the lowest overall quote coming from Pace DS.

Motion: Director Hill made a motion to approve staff recommendations awarding the contract to Pace DS as discussed.

Second: Director Austin

Action: Approved unanimously by roll call vote.

6E. District Administrator & Plant Operation's Report

District Administrator Hubner provided an update on the Sewer Bridge Project, Grit Removal Project, change orders to support implementation of the headworks project, request for revisions from the Coastal Commission on the Redundancy Project, Recycled Water Planning Facilities Study Grant, District Control building and office, Inflow & Infiltration Study, migration and transfer of old audio tapes to the new website, the Record Retention Policy, Personnel Policy Manual updates, completion and submittal of the SDMA questionnaire, the Cambria CSD plan to truck brine to the District's facility, the Plant's Report, staff trainings and call outs.

Director Hill noted the plant data does not include prior years and there is some movement on the I&I Study.

Chairman Shoals spoke on collaboration on the EIR and cost sharing, and stated the need for cost share in an MOU or another form of legal document.

Julie Tacker spoke about the migration of audio tapes being relevant to the Wallace investigation, cost sharing with the City of Pismo Beach, attendance at the water conference in San Diego, and Cambria brine limits.

Mary Lucey questioned if projects tied up with SGMA funds will have an impact on any of the District's projects.

Patricia Price spoke about the old audio tapes no longer being available and asked if there could be a link from the District's website to SLO Span.

Administrator Hubner advised the audio tapes are gone with no ability to retrieve them and streaming of the video or hosting of the video to SLO Span would be very costly.

Director Hill stated he would be interested to see if there is a way to recover the tapes.

Administrator Hubner was directed to bring back to the Board a cost for a link from the District's Website to SLO Span and to see if there is a way to recover the old audio tapes. He was further directed if the audio tapes are not recoverable to provide a document from the Webmaster stating why they are not recoverable.

7. CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6. Agency designated representative: District Administrator

Employee Organizations: Service Employees International Union (SEIU) Local 620, Non-represented Management and Non-Represented Employees.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (two potential cases).

Julie Tacker spoke to mediator, paid administrative leave and performance review.

Terry Clare spoke favorably of John Clemons

Debbie Peterson posed question of which staff decided to delete audiotapes.

8. RECONVENE TO OPEN SESSION

At 9:54 pm. the Board reconvened to Open Session.

There was no reportable action from Closed Session.

9. ADJOURNMENT

The meeting adjourned at 9:54 pm

The next regularly scheduled Board meeting on April 19, 2017, 6 p.m. at the Grover Beach City Council Chambers, 154 South 8th Street, Grover Beach, California 93433

THESE MINUTES ARE DRAFT AND NOT OFFICIAL UNTIL APPROVED BY THE BOARD OF DIRECTORS AT A SUBSEQUENT MEETING.

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Grover Beach City Council Chambers
154 South 8th Street,
Grover Beach, CA

Action Summary Minutes of the
Meeting of Wednesday April 19, 2017
6:00 P.M.

1. CALL TO ORDER AND ROLL CALL

Chairman Shoals called the meeting to order and recognized a quorum.

Present: Chairman John Shoals, City of Grover Beach; Director Jim Hill, City of Arroyo Grande; Director Linda Austin, Oceano Community Services District

District Staff in Attendance: Gerhardt Hubner, District Administrator;
Gilbert Trujillo, District Legal Counsel

2. FLAG SALUTE

3. AGENDA REVIEW

Director Hill commented on various items not on the Agenda.

The Agenda was approved as presented.

4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Chairman Shoals opened the public comment period.

Patricia Price commented on items not on the Agenda, lack of answers to her questions, personnel placed on administrative leave, employee grievances, job descriptions, employee promotional process, and lack of promotions.

District Counsel Trujillo explained why the Board of Directors is unable to comment on personnel during open session.

Ron Arnoldson spoke about comments made at the Grover Beach City Council meeting regarding the Knudson Report.

Patty Moran commented on miscellaneous correspondence and oral comments.

Cinnamon Lofton wants everyone to play nice.

Shelly Cochran stated the Knudson Report recommendations need to be reviewed and commented on failure to recognize the role of the Superintendent.

Colleen Koogler asked about the authority of the Board of Directors and their lack of action.

Terry Clare commented on the Sanitation District, the Knudson Report, lack of accomplishments, off site meetings and accountability of Administration.

John Clemons spoke regarding the verbal exchange that occurred between Directors Hill and Shoals at the beginning of the meeting.

Julie Tacker commented on the treatment of Director Hill by Director Shoals, lack of agenda items, 2015/16 Audit, administrations payroll data and performance evaluation, administrations report, disposition of the Coastal Commission, the Redundancy Project, strategic plan, written communication and lack of items on the agenda.

Patty Welsh commented on the previous speaker's resume.

Mary Lucey spoke regarding how the District operated in 2010 and personnel documents with confidential information being published, by a previous speaker, on the Scrib website.

Kevin Rice commented on administration, hostile work environment, district litigation and lost audio files.

Chairman Shoals closed public comment.

Chairman Shoals clarified comments made at the Grover Beach City Council meeting.

Director Hill commented on there being no place on the agenda for Board Member comments or discussion.

District Counsel Trujillo advised of the Board's authority regarding personnel.

District Administrator Hubner commented on personal attacks and invited people to come to the plant and speak with him personally.

Director Austin asked for an update on the upcoming Coastal Commission meeting.

District Administrator Hubner advised the Coastal Commission is on track for the May meeting and that he will bring an item before the Board when the Coastal Development Permit Hearing (CDP) becomes available. He further advised the Board the 2015/16 Audit was close to completion.

5. CONSENT AGENDA

Upon request of Director Hill items 5B, 5C and 5D were pulled from the Consent Agenda.

5A. Approval of Warrants

Director Hill expressed concerns about the cost of legal and associated expenses based on historical records.

Chairman Shoals opened the public comment period.

Julie Tacker commented on legal bills, the OCSD service settlement reimbursement, water conference training costs, plant projects and the headworks change order.

Kris Victorine stated the warrant documents needed to be examined before approved, she further commented on Wallace, the final audit, changes from the Budget, and charges for the State report and legal expenses.

Chairman Shoals closed the public comment period.

Administrator Hubner advised the Board the settlement reimbursement was for an OCSD ratepayer that had been charged for years of wastewater service he had not received. He further advised the Moss, Levy & Hartzheim LLP invoice was paid to complete the delinquent State Controller report and avoid fines.

Motion: Director Austin made a motion to approve the Warrant Register.
Second: Director Hill
Action: Approved unanimously by roll call vote.

5B. Approval of Minutes of April 5, 2017 Meeting

Director Hill commented the minutes named individuals that spoke but did not state if they had spoken for or in opposition of anything.

Chairman Shoals opened the public comment period.

Kris Victorine stated the minutes do not accurately state what comments were made.

Leland Simpson spoke on unfair criticism.

Julie Tacker had questions on the Liebert Cassidy Whitmore contract and speaker respect.

Chairman Shoals closed the public comment period.

District Counsel advised the Board the minutes were Action Summary Minutes intended to be a brief consistent summary of the meeting.

Motion: Director Hill moved to table the minutes and bring them back with amendments to include more detail.
Second: Director Shoals
Action: Motion passed 2 – 1. Director Austin Voted No.

5C. Financial Report for March 2017

Chairman Shoals opened the public comment period.

John Clemons stated an account showing on the report had been closed and commented on inaccuracies in the report.

Chairman Shoals closed the public comment period.

Administrator Hubner stated that based on past reports staff believed the overall report to be accurate. He further advised the Board staff was aware of the closed account and would verify the transfer of funds.

Motion: Director Austin made a motion to approve the Financial Report.

Second: Director Shoals

Action: Approved unanimously by roll call vote.

5D. Plant Operation's Report

Director Hill stated that prior years' data had been included in past reports but the historical data was missing from the current report.

Chairman Shoals opened the public comment period.

Julie Tacker commented on the historical data, current numbers compared to a year ago, the Shannon Sweeney contract, who wrote the report, who signed off on the report and who is running the plant.

Mary Lucey commented on the numbers and signatures on the reports.

Chairman Shoals closed the comment period.

Director Hill commented on the influent/effluent numbers, eliminating a 2 year backlog of maintenance work and historical data being included in the Report.

Administrator Hubner advised the Board staff had begun work on eliminating 269 backlog of work orders recorded in early March dating back to 2015. He further advised the Board work orders are the backbone of the District's preventative maintenance program.

The Plant Operation's Report was received and filed.

6. ACTION ITEMS:

6A. PROPOSED RESOLUTION NOS. 2017-364, 365 AND 366, AUTHORIZING RESOLUTIONS FOR THE DISTRICT TO SUBMIT A FINANCIAL PACKAGE IN SUPPORT OF A STATE WATER RESOURCES CONTROL BOARD STATE REVOLVING LOAN APPLICATION FOR THE WASTEWATER REDUNDANCY PROJECT

1. Consider and adopt Resolution No. 2017-364, a Resolution designating the District Administrator as the representative to sign and file a Financial Assistance Application for the Wastewater Redundancy Project.
2. Consider and adopt Resolution No. 2017-365, a Resolution stating the District's intent to reimburse itself for expenditures advanced for the Wastewater Redundancy Project; and authorizing and directing the District Administrator to Implement the Resolution.

3. Consider and adopt Resolution No. 2017-366, a Resolution pledging revenues and funds as specified for the Wastewater Redundancy Project; and for the District Administrator to Implement the Resolution.

Administrator Hubner gave a presentation on submittal of a financial package in support of a State Water Resources Control Board State Revolving Loan for the wastewater redundancy project, the Resolutions and updated wastewater rates plan by Bartle Well Associates (BWA).

Alex Handlers, representative from Bartle Wells Associates, spoke on the State Revolving Loan process.

Chairman Shoals asked about the timing of the application.

Administrator Hubner advised the Board that staff is trying to get the application in the State Water Resources Control Board State Revolving Loan queue. He stated that the District is small enough State Board may find funds or issue their own bonds and free up funds.

Chairman Shoals opened the public comment period.

Julie Tacker questioned the reference to the project manager and commented about the scope of work not yet being defined, waiting to submit the application until after the upcoming Coastal Commission meeting, 10-year authorization to use the plant and the hiring of Bartle Wells.

Mary Lucey spoke regarding the good rate, being in partnership with a disadvantage community and the potential of receiving a USDA loan.

Debbie Peterson commented on cash flow and legal fees.

Chairman Shoals closed the public comment period.

Alex Handlers, representative from Bartle Wells Associates, advised the Board the reference to project manager was someone who he spoke to at the State Board who does project management on the State Revolving Fund loans.

Motion: Director Hill made a motion to approve staff recommendations for Item 6A 1, 2 and 3 with correction to the agency name on Resolution Nos. 2017-365, 365 and 366.

Second: Director Austin

Action: Approved unanimously by roll call vote.

6B. UPDATE ON DEPOSITION OF AUDIOTAPES THROUGH WEBSITE DEVELOPMENT

1. Receive and File Report

Administrator Hubner advised the Board that Ted Kapner, website designer, had provided a link from the District Website to SLO Span. He further provided

a letter from the web designer explaining what happened with the migration of the old audio tapes to the new website.

Chairman Shoals opened the public comment period.

Amy Simpson read a letter denying her authorizing the web designer to not migrate the old audio tapes to the new website.

John Clemons spoke in defense of Amy Simpson.

Ron Arnoldson commented on dogs and busses.

Terry Clare commented on concerns regarding the web designers notes and insinuations that Amy Simpson was responsible for the old audio tapes not migrating over to the new website.

Kris Victorine commented on who directed the web designer to not migrate the old audio files.

Julie Tacker questioned why the web designer was giving the report, she stated that record retention items should be brought to the Board prior to destruction, Administration should be bringing solutions on how to resolve the issue to the Board and the DA would like to have the tapes.

Chairman Shoals closed the public comment period.

Ted Kapner, web designer, stated that the information in the letter he provided was truthful and factual. He advised the Board he did not do a backup of the old website and the change order was to address the pdf files. Mr. Kapner further advised the Board the files were kept for 30 days before the contents of the server were deleted. He stated a computer specialist would need to be hired to do a forensic audit of the District computers.

Upon unanimous consensus of the Board staff was directed to pursue recovery of the old audio files. Staff was further directed to bring back an estimate of the cost for pursuing recovery of the audio files on the District's existing IT network.

7. CLOSED SESSION

Chairman Shoals opened the public comment period.

John Clemons commented on personnel and paid leave.

Terry Clare commented on release of employees.

Colleen Koogler spoke on personnel and due process.

Shannon Brown questioned why the Board was considering personnel.

Julie Tacker commented on personnel and stated the Board needed to expedite the process.

Ron Arnoldson commented on personnel.

Chairman Shoals closed the public comment period.

District Counsel explained what the Board can discuss in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (three potential cases).

8. RECONVENE TO OPEN SESSION

At 8:51 p.m. the Board reconvened to Open Session.

There was no reportable action from Closed Session.

9. ADJOURNMENT

The meeting adjourned at 8:54 p.m.

The next regularly scheduled Board meeting on May 3, 2017, 6 p.m. at the Grover Beach City Council Chambers, 154 South 8th Street, Grover Beach, California 93433

THESE MINUTES ARE DRAFT AND NOT OFFICIAL UNTIL APPROVED BY THE BOARD OF DIRECTORS AT A SUBSEQUENT MEETING.



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Post Office Box 339 Oceano, California 93475-0339

1600 Aloha Oceano, California 93445-9735

Telephone (805) 489-6666 FAX (805) 489-2765

www.sslocsd.org

Staff Report

Date: May 3, 2017
To: Board of Directors
From: Gerhardt Hubner
Via: Mychal Jones, Interim Plant Superintendent
Subject: **REQUEST TO PURCHASE A REPLACEMENT SIGHT GLASS FOR
PRIMARY DIGESTER NO. 1**

RECOMMENDATION

Consider and approve the purchase of a replacement dual view flanged sight glass for the District's Primary Digester No. 1 from Papailias Inc. in the amount of \$15,639.00.

BACKGROUND

The current sight glass on Primary Digester No.1 is cracked. Over time this condition will likely worsen. The purpose of this piece of equipment is to allow staff to inspect the inside condition of the digester bio-solids, and ensure proper mixing of bio-solids. At the April 5, 2017 Board meeting the Board approved funds to initiate the Primary Digester No.1 cleaning project. Thus, this upcoming project, and shut down of this Digester for cleaning gives staff the opportunity to replace the damaged sight glass.

DISCUSSION

Staff solicited quotes from three different vendors. Papailias Inc. was the only vendor to respond. The District has previously purchased a sight glass for Primary Digester No.2 from Papailias Inc. which is presently still functioning. The received quote from Papailias meets the specifications needed for this equipment by the District.

FISCAL CONSIDERATIONS

This piece of equipment was scheduled to be replaced during Fiscal Year 2016-2017. A line item of \$16,000.00 was included in the Adopted Budget for Fiscal Year 2016-2017, under Fund 26, Schedule B1, Project No. 2016-B1-06. Staff recommends that the budgeted funds be used for the purchase of this Digester No.1 Sight Glass.

ATTACHMENT - Quote from Papailias Incorporated



245 PEGASUS AVENUE, NORTHVALE, NEW JERSEY, 07647
(201) 767-4027, FAX: (201) 767-7870, SALES@PAPAILIAS.COM

Q U O T E

Date	Quote #
04/29/16	PAPQ7873-01

PROCESS OBSERVATION EQUIPMENT & ALLIED PRODUCTS FOR INDUSTRY!

~ Since 1976 ~

Sold To: South San Luis Obispo

Billy Romhild
County Sanitation District
1600 Aloha Pl
Oceano, CA 93445

Phone: (805) 489-6666

Fax: (805) 489-2765

NEW PRODUCT ALERT

HIGH-INTENSITY LED LIGHTING FIXTURES

PAPAILIAS CO. SERIES HI-LED

****22% BRIGHTER THAN 100W HALOGEN***

35,000-40,000 HOUR LIFE

VERY LOW HEAT OUTPUT

VIBRATION & SHOCK RESISTANT

Thank you for your inquiry. Please contact me at anytime if you have any questions regarding this proposal or if I can be of assistance in anyway.

Reference	FOB	Ship Via	Terms	Rep	P.O. Number	Est. Ship Date
Dual view Flanged sightglass	Factory	BW	Net30	G.C.P.	N/A - Proposal	3~4 Wks ARO
Ln #	Qty	Description	Unit Price		Ext. Price	

1	4	P/N: NW200/316L/304/TSL/TFE/A182: 8-13/16" DDiameter View Weld Pad Style Sight Glass Series NW. SA182 Type F316/316L Stainless Steel Weld Pad and SA182 Type F304/304L Lens Retainer. Tempered Soda Lime Glass Lens with an Expanded PTFE Seal Gasket. Supplied Complete with a Compressed Non-Asbestos Inorganic Fiber Lens Cushion and Code Compliant SA193 B8 SST Studs and A194 Grade 8 SST Nuts.	\$1,944.50	\$7,778.00
2	2	T316 Stainless Steel Mounting Plate [approx 36" x 20"] IAW Pattern Provided By Client. 1/4" ASTM A240 Type 316 Stainless Steel Plate. Includes Labor and Materials to Weld Sightglass Above [Item 1]	\$3,698.00	\$7,396.00
3	1	Lot - Freight	\$465.00	\$465.00
4		Notes: [1] Flanges Stamped w. Heat No. & Material Type. [3] CMTR's are included for Flanges [3] ASME Section VIII Acceptable SST Forgings or Plate [4] Maximum Temperature: 300°F [5] Maximum Pressure: 125PSI/FV		

WARNING: ASME or other code calculations and any resulting additional material needed to reinforce the sight glass opening to meet ASME code or other applicable code requirements is the responsibility of the vessel manufacturer.

Ln #	Qty	Description	Unit Price	Ext. Price
			SubTotal	\$15,639.00
			Sales Tax	\$0.00
			Shipping	\$0.00
			Total	\$15,639.00

Quotation Prepared by: GEORGE C. PAPAILIAS - (201) 767-4027 EXT. 204

This is a quotation is for the goods described above and is subject to any conditions noted. [Price and lead-time is based on current costs and shop loads please re-confirm both price and delivery time on the date of order. Prices Valid for 10 days from the date of the quote.] This offer is contingent upon Buyer's acceptance of the J.G. Papailias Company's Terms and Conditions of Sale. All products are warranted for a period of 12 Months from the date of delivery. WARRANTEE LIMITATION: THE J.G. PAPAILIAS CO. LIMITS IT'S LIABILITY TO THE REPLACEMENT OF THE GOODS SOLD, EXCLUDING ANY INSTALLATION, REMOVAL AND OR OTHER LABOR COSTS, LOST PROFITS, CONSEQUENTIAL DAMAGES OR OTHER CHARGES. NO OTHER TERMS AND CONDITIONS FROM PURCHASER, INCLUDING THOSE STATED ON ANY PURCHASE ORDER OR OTHER COMMUNICATION SHALL APPLY. THE J.G. PAPAILIAS CO. DOES NOT TO AGREE TO SELL THE ABOVE GOODS UNDER ANY OTHER TERMS AND CONDITIONS OF SUPPLY. Please call George Papailias at (201) 767-4027 with any questions.

SIGHTGLASSES-SIGHTFLOW INDICATORS-LIQUID LEVEL GAUGES-LIGHTING FIXTURES-ACCESSORIES



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Post Office Box 339 Oceano, California 93475-0339

1600 Aloha Oceano, California 93445-9735

Telephone (805) 489-6666 FAX (805) 489-2765

www.sslocsd.org

Staff Report

Date: May 3, 2017
To: Board of Directors
From: Gerhardt Hubner
Subject: **NEW DISTRICT RECORDS RETENTION SCHEDULE**

RECOMMENDATION

Consider a new District Records Retention Schedule, Exhibit "A", through Adoption of Resolution No. 2017-367.

BACKGROUND

The District retains a number of documents and records at its facility both in electronic and written form. These records are housed at various places at our facility, including the Administration Control Building, C-Train and Administrative Trailer, computers/server and website. Examples of records are in the categories of Board Administration (Ordinances, Resolutions, minutes, policies, etc.), Customer Service, Development, Engineering, Finance, General Administration, Human Resources, IT/Communications, Maintenance, Operations, & Risk Management.

Currently the existing Records Retention Schedule (Attachment No. 1) contained in our Operations and Maintenance Manual (O&M Manual) which is wholly out of date, is not comprehensive, or inclusion of our universe of documents. In addition, the District maintains a large number of records, drawings and data in boxes contained in the C-Train, that to a certain degree are not very well indexed or catalogued.

Therefore, as part of this year's District Records Management Initiative, District staff embarked on developing a new Records Retention Schedule.

As a first step, staff researched and compiled several other agencies' Records Retention policies and schedules. We evaluated and compared them to the District's existing Records Retention schedule. We found the Oceano Community Service District's recently adopted Retention Schedule to be comprehensive, with supporting legal citations. The Oceano CSD General Manager was kind enough to allow us a working copy of the file, which we modified for our use. For example, since we are not a water utility we do not have or retain files that would pertain to water purveyors. Therefore, we deleted those rows from our draft Retention Schedule. We also added in any type of records that might be unique to a sanitation district or to our District.

DISCUSSION

The purpose of this new Records Retention Schedule is to ensure retention periods are reflected of any changes in law, to reduce current and future records storage costs, eliminate duplication of effort, increase efficiency and take advantage of current technology.

The development of a records retention schedule is driven by many factors, including:

- Filing and storing copies of the same records;
- District produces and manages many permanent records;
- Escalating records storage expenses;
- Technology advancements; and
- Changes in law, pertaining to special district records.

In order to provide increased transparency to the public, District staff proposed a 10-year retention period for videos of Board Meetings (state law mandates only a 90-day retention, and the District's current retention policy is also 90 days).

Records that are the subject of any claim, litigation, investigation, pending records request, or audit will NOT be destroyed, and this is indicated at the top of each page of the schedule.

Upon completion of our new Records Retention Schedule we sought out expert consultant services to assist with us with review of our Schedule, our past and current records and files, and to provide us with recommendations. We entered into a contract with Gladwell Governmental Services, Inc. (GGS) earlier this year. GGS has assisted over 150 California municipal governments with their records management, records retention and/or document imaging programs, including many special districts, and agencies. On April 18th, Ms. Gladwell visited our facility and spent time with staff evaluating our records. Prior to, she was provided a copy of our new draft Records Retention Schedule. GGS reviewed our new Schedule, found it within "Best Practices" of other Special Districts, and legally sufficient. Any edits that GGS provided were incorporated in the version proposed today (Attachment No. 2).

As noted previously, the District's current retention schedule is incorporated in our O&M Manual in Chapter VII. Resolution No. 2017-367 (Attachment No. 3) would rescind those pages, and supersede them with this more comprehensive Records Retention Schedule.

Note, it is a standard business practice for local governments in California to destroy records in accordance with the Records Retention policies, with the approval of the employee preparing the Records. In this case the District Administrator, and District Counsel, would be authorized as provided for in Section 4 of Resolution No. 2017-367. The District has been provided a form from GGS (Attachment No. 4) to ensure there is proper written authorization (via signatures of the employee, District Administrator, and District Counsel) before any official record of the District is destroyed.

Conclusion

The preparation and adoption of a new Records Retention Schedule is an important first step in managing the District's records and files now and into the future. We have drafted a new Records Retention Schedule, and had it reviewed by a Records expert that incorporates the latest record retention policies and laws. Resolution No. 2017-367 was prepared for consideration to approve this new Records Retention Schedule.

FISCAL CONSIDERATIONS

The District should realize significant savings over time in labor costs, storage costs, free up filing cabinet and office space, and realize operational efficiencies when the Records Retention Schedule is fully implemented.

ATTACHMENT

1. Current Records Retention Schedule, O&M Manual
2. Exhibit A – New Record Retention Schedule
3. Resolution No. 2017-367
4. Authorization Form

Introduction

The purpose of the SSLOCSD's Records Management System is to facilitate reference to and preservation of District records.

The real goal of Records Management is making the desired information available at the required time with the least expense. This depends solely on the strength of the records foundation: the retrieval system.

The measure of an effective records management program is not how much is discarded, but the ease with which a record may be reproduced when needed. A well structured sort-as-you-go file system can put the burden of data retirement, microfilming and destruction where it belongs – with the clerical staff who operate the files. A base must be developed to gain more from the filing staff, reduce time lost in document searches, facilitate file purging and improve clerical morale.

All records have a life cycle: Active Records, Inactive Records and Obsolete Records. Every office manager recognizes this life cycle but records do accumulate because no one wants to move files to microfilm or storage because of lack of authority, system and equipment to do the job.

Records retention procedures and standards have been established in accordance with Government Code § 60200 et seq. and other statutory requirements and sound records management practices.

Operating Records

Adequate records of operating and maintenance are necessary, not only to evaluate plant performance, but to minimize expenditures for labor, power and replacement parts. Daily records provide a detailed reporting of operations and events which are summarized on the monthly records. From the latter, trends which may cause malfunctioning of the plant can be detected and the effects of changes in operating procedures may be evaluated. Standard forms for these purposes have been developed and are presently in use.

Records of lubrication and other preventive maintenance services for each item of equipment are also a necessity. These records reduce the possibility of oversight or neglect, and serve as guides in determining causes of abnormal wear and breakdown. Preventive maintenance records are discussed in the maintenance section of this manual.

The Daily Rounds Sheet should be completed at a specific time during each shift. The responsibility for preparing the information is assigned to the operator in charge of each shift. In general, the information indicates daily observations and recordings made of weather conditions; sewage flows; facilities in operation; the occurrence of odors; the time and duration of the isolation of process units; and the handling of solids. A record is also kept of any unusual occurrences, such as the presence of excessive oil or grease or other deleterious or toxic substances.

The data on monthly analytical forms shall be logged by the plant chemist or the operators, on a routine basis in accordance with the sampling and testing priority schedules. The information should be summarized on a monthly basis and copies should be prepared and sent to the District Administrator's office for his information and files.

Schedule

The schedule is arranged in alphabetical order according to record type. The schedule only covers records and does not provide a retention for non-records. All records need approval for destruction. Non-records, on the other hand, do not need formal approval for destruction and may be destroyed when they are no longer of value and have served their purpose. Non-records are reference papers, notes, working papers, publications, catalogs, outdated forms and other similar materials which are of no use to the District in relation to the duties which it performs and is not required to support or substantiate any District transactions or reporting requirements. Duplicate copies of records may be destroyed without formal approval provided the information is contained on original copies which are retained; the only exceptions to this are noted on the schedule. All other documents are records. Any doubt as to whether a document is a record or not should be resolved by describing the document as a record or, if many similar documents are in question, the District's Legal Counsel's office should be asked for advice.

Retention

The retention represents that amount of time the record is required to be kept after it has become inactive. For example, if a record of a project begun in 1999 and completed in 2003 was required to be kept for two (2) years, it could be destroyed after 2005. All numbers refer to years unless otherwise indicated. The retention periods are as follows:

Legal Minimum: Number of years the record is required to be retained under State law and for legal purposes. Generally, the minimum is as follows:

<u>Type of Record</u>	<u>Legal Minimum</u>
The originals of ordinances, resolutions and minutes of the Board of Directors, Boards, and Commissions:	Permanent
Records affecting the title to real property, easements or liens thereon:	Permanent
Court records:	Permanent
Bonds and coupons that have been previously paid or cancelled:	5 years
Other original records:	2 years
Federal and State financed projects:	5 years

The above guidelines establish the minimum legal retention time as required by state law, however, the District may have additional requirements for inactive records imposed by state law. Retention beyond the legal limitation is a matter of District policy to be based on the continuing need for the document.

District Minimum: Number of years or other time as stated that the records must be retained before it can be destroyed as determined by the District Staff in consultation with the District Administrator.

Administration - Board File Plan

Permanent Records:

1. Ordinances
2. Resolutions
3. Agendas
4. Board Minutes
5. District Code
6. Conflict of Interest Code
7. Board Bylaws
8. Board of Directors - Statements of Economic Interests
9. Claims against the District - Releases and Settlements
10. Lawsuits - Releases and Settlements
11. Statement of Facts - Roster of Public Agency Filing
12. Recorded documents
13. Deeds/Leases (all finalized property acquisition/disposition records)
14. Annexations/De-Annexations
15. Policies and Procedures
16. Confidential and attorney-client privileged documents

Records to be retained for specific period (years)

	Legal Minimum	SSLOCSD
Administration	2	2
Staff Reports and Agenda	2	5

packets		
Audio/Video Electronic Recording of Meetings	90 days	90 days

Administration - District File Plan

Permanent Records

1. Policy and Procedures – what type
2. Confidential and attorney-client privilege documents
3. Record Retention and Destruction Notices

Records to be retained for specific period (years):

	Legal Minimum	SSLOCSD
Administration	2	2
Telephone Call Logs – we don't do this	2	2
Public Document Requests	2	2

Wastewater Treatment File Plan

Permanent Records

1. Waste Discharge Permits and Related Documents
2. District Constructed/Installed Improvements
3. Operation & Maintenance Manuals (current version)
4. Collection System – As-Builts, Topography and Aerial Maps
5. Agency Agreements
6. Policies and Procedures (current version)
7. MOP and SOPs (current version)
8. Confidential and Attorney/Client Privileged Documents

Records to be retained for specific period (years):

	Legal Minimum	SSLOCSD
Administration	2	2
Maintenance Records	3	3
Influent and Effluent Sampling Results and Reports	3	3
Sludge sampling results and disposal records	5	5
Annual Discharge Reports	3	3
Rate Surveys	2	5
SCADA Reports	3	3

Utility Equipment/Fleet File Plan

Permanent Records

1. Policies and Procedures
2. Confidential and Attorney/Client Privileged

Documents Records to be retained for specific period (years)

	Legal Minimum	SSLOCSD
Purchase Records	2	Life of ownership of vehicle
Administration	2	2
Safety Checks	2	Life of ownership of vehicle
Maintenance Logs	2	Life of ownership of vehicle
Smog Checks	2	Life of ownership of vehicle

Customer Utility Billing File Plan

CUSTOMER RECORDS

Permanent Records

1. Service Application
2. Work Orders
3. Cash Receipts other than utility billing (i.e. capacity fees)
4. Policies and Procedures
5. Confidential and Attorney/Client Privileged

Documents Records to be retained for specific period (years)

	Legal Minimum	SSLOCSD
Administration	2	2
Sewer Utility Billing Stubs	2	2
Liens & Releases	2	2
Customer Complaints/Resolutions	2	2

ACCOUNTS RECEIVABLE

Permanent Records

1. Policies and Procedures
2. Confidential and Attorney/Client Privileged

Documents Records to be retained for specific period (years)

	Legal Minimum	SSLOCSD
Administration	2	2
Accounts Receivable-computer generated ledgers and reports	5	5

FINANCE FILE PLAN

Permanent Records

1. Audits-Annual Audit of District Records
2. Insurance Policies
3. Investment Policies
4. Bank Contracts
5. Deferred Compensation - 457 Plan
6. Inventory of Fixed Assets (current)
7. Policies and Procedures
8. Confidential and Attorney/Client Privileged Documents

Records to be retained for specific period (years).

	Legal Minimum	SSLOCSD
Administration	2	2
Accounting Records including Financial Statements, General Ledger, Adjusting Journal Entries and all other working papers used in preparation of the Financial Statements	2	5
Accounts Payable Invoices	2	5
Annual Budgets and working papers	2	5
Payroll including timesheets, reports, deductions and registers	5	5
Forms W-2, 1099, 941, DE3	5	5
Bank Statements and canceled checks	5	5
Assessment Districts		Duration of the Assessment
State Revolving Fund Loans		Duration of the Loan

Rate Studies, Replacement Studies and Capital Improvement Plans	2	5
Bids and agreements for purchase/surplus of equipment or services	5	5

Human Resources File Plan

Permanent Records

1. Employee Personnel Records (Active) (See listing below)
2. Personnel Rules and Regulations
3. Salary Step Plan
4. Contracts for PERS and 457 Deferred Compensation Plan
5. Policies and Procedures
6. Confidential and Attorney/Client Privileged Documents
7. Personnel Policies

Records to be retained for specific period (years)

	Legal Minimum	SSLOCSD
Administration	2	2
Employee Personnel Records (Inactive from date of separation) (See listing below)	5	5
Recruitment	2	2
Safety including Accident Reports Safety Committee Meetings and Minutes	5	5

ITEMS TO BE INCLUDED IN THE EMPLOYEE PERSONNEL RECORDS

- ☐ Application Form
- ☐ W - 4
- ☐ Form I-9
- ☐ Employee Acknowledgements

- PERS Enrollment Form (if applicable)
- Medical/Dental Enrollment Forms (if applicable)
- Employment Contract (if applicable)
- Copy of Drivers License
- DMV Pull Program
- Copies of Certifications (if required for employment)
- Salary History
- Safety Awards
- Injury and Illness (Workman's Compensation)
- Letters of commendation
- Vacation and Sick Accruals
- Employee Evaluations and responses
- Employee Grievances and/or appeals
- Verifications of Employment
- Exit Interview

SSLOCSO Records Retention Schedule
Exhibit “A”

Excludes records that are the subject of any claim, litigation, investigation, pending records request, or audit.

Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Board Administration	Affidavits of Publication / Posting	Records documenting compliance with laws requiring public notice of governmental activities. May include: public or legal notices, certificates, affidavits or publication, and similar documents.	Calendar Year End+2 Years	GC 60201 CCP 343
Board Administration	Agenda reports (staff reports)	Paper copies of agenda packets should be maintained for 1 year as complete packets. Originals should be imaged immediately for permanent retention. The filmed record may serve as a permanent record.	Permanent	GC 60201
Board Administration	Agenda / Agenda Packets	Agendas and packets should be imaged immediately. A paper copy should be maintained for one year only	Permanent	GC 60201
Board Administration	Agreements / Contracts – Grants, Intra-Agency Agreements, Property Agreements, Leases, etc.	A written agreement between a grantee and a third party to acquire routine goods and services. A grant is a Financial assistance mechanism providing money, property, or both to an eligible entity to carry out an approved project or activity	Permanent	CCP 337 GC 60201
Board Administration	Articles of Incorporation	A written instrument that creates and defines the rights and privileges of a corporation. May include, but is not limited to original charter, petitions for incorporation, constitution, by-laws, amendments	Permanent	GC 60201(d)(1)
Board Administration	Closed Session Material		Calendar Year End+10 Years	GC 60201

Legal Authority Abbreviations

CCP	Code of Civil Procedure (California)	GC	Government Code (California)	LC	Labor Code (California)	VC	Vehicle Code (California)
CCR	California Code of Regulations	H&S	Health & Safety Code	PC	Penal Code (California)		
CFR	Code of Federal Regulations	IRC	Internal Revenue Code	R&TC	Revenue & Taxation Code (California)		
EC	Elections Code (California)	IRS	Internal Revenue Service	USC	United States Code		

SSLOCD Records Retention Schedule
Exhibit “A”

Excludes records that are the subject of any claim, litigation, investigation, pending records request, or audit.

Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Board Administration	Comments & Correspondence – BOARD MEMBERS	Letters, memoranda, other types of correspondence authored by, or received by, the Board members	Calendar Year End+2 Years	GC 60201
Board Administration	Economic Interest Statements – Form 700 (copies) (elected officials)	Copies of original statements of elected officials forwarded to Fair Political Practices Commission	Calendar Year End+4 Years (can image after 2 Years)	GC 81009(f), (g)
Board Administration	Economic Interest Statements – Form 700 (originals) (non-elected)	Originals of statements of designated employees	Calendar Year End+7 Years (can image after 2 Years)	GC 81009(e), (g)
Board Administration	Proposition 218 Ballots & Protest Letters (Assessment Districts)	Property related fees (Assessment Ballot proceeding)	Calendar Year End+2 Years	GC 53753(e)(2) CA Constitution Art. XIII
Board Administration	Ethics Training	Records that indicate both the dates of training and the entity that provided the training	5 Years after receiving training	GC 53235.2(b)
Board Administration	FPPC Form 801 / 802	Gift to Agency Report / Tickets Provided to Agency Report	7 Years	2 CCR 18944.1 GC 81009(e)
Board Administration	Minutes	Minutes of District Board meetings; documents the proceedings of public bodies. Documents are to be imaged immediately. Paper records are to be maintained permanently by the Board	Permanent	GC 60201(d)(3)

Legal Authority Abbreviations

CCP	Code of Civil Procedure (California)	GC	Government Code (California)	LC	Labor Code (California)	VC	Vehicle Code (California)
CCR	California Code of Regulations	H&S	Health & Safety Code	PC	Penal Code (California)		
CFR	Code of Federal Regulations	IRC	Internal Revenue Code	R&TC	Revenue & Taxation Code (California)		
EC	Elections Code (California)	IRS	Internal Revenue Service	USC	United States Code		

**SSLOCSO Records Retention Schedule
Exhibit “A”**

Excludes records that are the subject of any claim, litigation, investigation, pending records request, or audit.

Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Board Administration	Oaths of Office	Elected and public officials – Board Members	Current+6 Years	GC 60201; 29 USC 1113
Board Administration	Policies, District Board	Original policies adopted by the District Board	Until Superseded+2 Years	GC 60201
Board Administration	Public Records Request	Requests from the public to inspect or copy public documents	2 Years	GC 60201(d)(5)
Board Administration	Records Management Disposition Certification	Documentation of final disposition of records	Permanent	GC 60201
Board Administration	Records Retention Schedules	After Adoption / Approval	Permanent	GC 60201 CCP 343
Board Administration	Recordings, video / livestream video – meetings of legislative bodies	Video Tapes, CDs or DVDs of public meetings made by or at the direction of the District (e.g., Board meetings)	2 Years	GC 53161 GC 54953.5
Board Administration	Resolutions	Vital records. Originals may never be destroyed. Image immediately.	Permanent	GC 60201
Board Administration	Statement of Facts – Roster of Public Agencies Filing (State of California)	Form #SEC/STATE NP/SF 405	Calendar Year End+2 Years	GC 60201
Customer Service	Direct Pay Forms	Request for reimbursements, etc.	After Audit+4 Years	GC 60201
Customer Service	Service Orders	Requests from customers for services to be performed.	After Audit+5 Years	GC 60201

Legal Authority Abbreviations

CCP	Code of Civil Procedure (California)	GC	Government Code (California)	LC	Labor Code (California)	VC	Vehicle Code (California)
CCR	California Code of Regulations	H&S	Health & Safety Code	PC	Penal Code (California)		
CFR	Code of Federal Regulations	IRC	Internal Revenue Code	R&TC	Revenue & Taxation Code (California)		
EC	Elections Code (California)	IRS	Internal Revenue Service	USC	United States Code		

SSLOCSO Records Retention Schedule
Exhibit “A”

Excludes records that are the subject of any claim, litigation, investigation, pending records request, or audit.

Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Development	Annexations / Reorganizations	Notices, Resolutions, Certificates of Completion	Permanent	GC 60201 GC 60201(d)(1)
Development	Benchmark Data	Horizontal, vertical & control	Permanent	GC 60201
Development	Environmental Quality Soil Reports	Final Reports	Permanent	GC 60201
Development	Property Acquisition/ Disposition	District owned. Supporting documents regarding sale, purchase, exchange, of property by District	Permanent	GC 60201(d)(8)
Engineering	Annexations / Boundary Changes		Permanent	GC 60201(d)(1)
Engineering	Appraisals	For real property owned by District – Not a public record (i.e. exempt from disclosure) until real estate transaction is complete	After Audit+5 Years	GC 60201; GC6254(h)
Engineering	Bids, Notices & Affidavits, Accepted	Accepted Bids	2 Years	GC 60201 CCP 337
Engineering	Bonds, Surety	Documentation created and/or received in connection with the performance of work/services for the District	Close/Completion +10 Years	CCP 337.15 GC 60201

Legal Authority Abbreviations

CCP	Code of Civil Procedure (California)	GC	Government Code (California)	LC	Labor Code (California)	VC	Vehicle Code (California)
CCR	California Code of Regulations	H&S	Health & Safety Code	PC	Penal Code (California)		
CFR	Code of Federal Regulations	IRC	Internal Revenue Code	R&TC	Revenue & Taxation Code (California)		
EC	Elections Code (California)	IRS	Internal Revenue Service	USC	United States Code		

SSLOCD Records Retention Schedule
Exhibit “A”

Excludes records that are the subject of any claim, litigation, investigation, pending records request, or audit.

Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Engineering	California Environmental Quality Act (CEQA) / National Environmental Policy Act (NEPA)	Exemptions, Environmental Impact Report, Mitigation monitoring, negative declaration, notices of completion and determination, comments, statements of overriding consideration	Permanent	GC 60201 14 CCR 15095(c);
Engineering	Capital Improvements, Construction / Job Files – PERMANENT FILE	For Disaster Recovery Purposes: Agreements/Contracts, Bid Package (Winning), Board Letters (copy), Change Orders, Consultant Proposals (Successful), Environmental, Final As-Built Drawings (Record Drawings), Inspection Pictures, Inspection Reports, Material Testing. Permits (Design, Environmental), Preliminary Design Report, Rights of Way / Easements, Soils, Geotechnical Reports, Specifications, Submittals, Surveys, CAD files, Engineer's Calculation Files	Permanent	GC 60201
Engineering	Capital Improvements, Construction / Job Files – ADMINISTRATIVE FILE / INSPECTION FILE	Project Administration: Bid Summary, Bonds, Certified Payroll, Grant Documents, Errors & Omissions, Insurance Certificates, Notifications. Progress Payments, Punch Lists, Videos Post-Construction & Pre-Construction. Correspondence (Transitory / Preliminary Drafts), Engineer's Estimates, Memoranda, NPDES, Permits (Construction & Street Opening)	Close/Completion+ 10 Years	CCP 337.15, GC 60201
Engineering	CCTV Inspections / Sewer	Video Documentation of Inspection with Field Notes	10 Years	GC 60201

Legal Authority Abbreviations

CCP	Code of Civil Procedure (California)	GC	Government Code (California)	LC	Labor Code (California)	VC	Vehicle Code (California)
CCR	California Code of Regulations	H&S	Health & Safety Code	PC	Penal Code (California)		
CFR	Code of Federal Regulations	IRC	Internal Revenue Code	R&TC	Revenue & Taxation Code (California)		
EC	Elections Code (California)	IRS	Internal Revenue Service	USC	United States Code		

SSLOCD Records Retention Schedule
Exhibit “A”

Excludes records that are the subject of any claim, litigation, investigation, pending records request, or audit.

Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Engineering	Easements, Maps of Easements	File with recorded documents, originals may not be destroyed	Permanent	GC 60201(d)(8)
Engineering	Encroachment Permits	For continuing encroachments over District easements, etc.	Permanent	GC 60201
Engineering	Encroachment Permits – Annual Blanket	CalTrans, Health Department, County, etc. (for Street Openings, Road Use, Construction purposes, etc.)	Permanent	GC 60201
Engineering	Grants / Community Development Block Grant (CDBG); Urban Development; other Federal and State grants and Loans	Grants documents and all supporting documents: applications, reports, contracts, project files, proposals, statements, sub-recipient dockets, environmental review, grant documents, inventory, consolidated plan, etc.	Close/Completion+5 Years (but refer to grant for any close-out procedures)	GC 60201 24 CFR 570.502 24 CFR 85.42
Engineering	FEMA Claims	Storm Damage, etc. * Or three years after date of final Financial Status Report whichever is later.	10 Years *	GC 60201 FEMA Guidelines
Engineering	LAFCO Correspondence	Municipal service review and other documentation / correspondence	Calendar Year End+2 Years	GC 60201
Engineering	Master Plans & Reports	Sewer and wastewater facilities master plans; hydraulic computer models	Permanent	GC 60201
Engineering	Offers of Dedication / Conveyance Agreements	Sewer and wastewater offers of dedication from Developers	Permanent	GC 60201

Legal Authority Abbreviations

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SSLOCD Records Retention Schedule
Exhibit “A”

Excludes records that are the subject of any claim, litigation, investigation, pending records request, or audit.

Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Engineering	Pipeline Installations / Pipeline Connections	Job Files for in-house and contract sewer and wastewater pipeline installations; Connections into the District’s system.	Permanent	GC 60201, CCP 337.15
Engineering	Record Drawings / Plans / Maps / “As Builts”	All originals should be maintained in Engineering, with copies at the various facilities	Permanent	GC 60201
Engineering	Regulatory Agencies	CCRWQCB, etc.	Permanent	GC 60201
Engineering	Rules & Regulations	Rules and regulations authored by the District	Permanent	GC 60201
Engineering	Studies & Reports	Various Engineering Studies & Reports, including Feasibility Studies	Permanent	GC 60201
Engineering	SSMP (Sewer System Management Plans)	SSMP and audits	5 years	SWRCB Order 2006-03; 40 CFR 122.41(j)(2); GC 60201

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SSLOCS D Records Retention Schedule
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Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Finance	Annual Financial Report	Independent auditor analysis	Permanent	GC 60201
Finance	Audit Reports	Financial services; internal and/or external reports; independent auditor analysis	Permanent	GC 60201
Finance	Bonds / COPs (Debt)	Certificates / Notices / Transcripts / Registers / Statements / Reconciliations, Paid or cancelled bonds / Monthly Statements	Close/Completion+ 10 Years	CCP 336(a)(1) & (2), CCP 337.5; GC 43900, 60201
Finance	Budget, Annual		Permanent	GC 60201
Finance	California State Tax Records	Forms filed annually; quarterly and year-end reports	After Audit+4 Years	R&TC 19530 R&TC 19704 GC 60201
Finance	Federal Tax Records	May include Forms 1096, 1099	After Audit+4 Years	26 CFR 1.6001-1e IRS Reg 31.6001-1(e)(2), GC 60201

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Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
General Administration	Citizen Feedback	General correspondence.	2 Years	GC 60201
General Administration	Correspondence	General correspondence, including letters and e-mail; Various files, not otherwise specifically covered by the retention schedule	2 Years	GC 60201
General Administration	Legal Opinions	Confidential – not for public disclosure (attorney-client privilege)	Until Superseded+2 Years	GC 60201
General Administration	Litigation / Lawsuits	Case files	Close/Completion+10 Years	GC 60201
General Administration	Policies, Administrative	All policies and procedures, directives rendered by the District not assigned a resolution number	Until Superseded+2 Years	GC 60201
General Administration	Procedure Manuals	Administrative	Until Superseded+2Years	GC 60201
General Administration	Strategic Plans		Permanent	GC 60201

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SSLOCD Records Retention Schedule
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Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Human Resources	Accident/Illness Reports / SDI (State Disability Insurance)	Not a public record; For Employee Medical Records & Employee Exposure Records regarding exposure to toxic substances or harmful physical agents – includes Material Safety Data Sheets (MSDS) Does NOT include: health insurance claims; first aid records of one-time treatments for minor injuries; records of employees who worked less than one (1) year if records are given to employee upon termination	Length of Empl.+30 Years	8 CCR 3204(d)(1)(A); 8 CCR 10102 8 CCR 15400.2, GC 12946, GC 60201 CCP 337 et seq.
Human Resources	Benefit Policies		Termination +2 Years	29 CFR 1627.3(b)(2); GC 12946, GC 60201
Human Resources	Cal-OSHA Logs (200, 300, 300A, 301, etc.), Citations, Violations		Calendar Year End+5 Years	8 CCR 14300.33(a); 29 CFR 1904.33, 29 CFR 1904.44; GC 60201; LC 6429c
Human Resources	DMV Driver Information Reports / DMV Pull Notices	Personnel – Not a public record	Superseded	GC 60201, GC 12946 8 USC 1324(a)

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Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Human Resources	Drug Tests	Records of driver alcohol test results, records of driver verified positive controlled substance test results, documentation of refusal to take tests; driver evaluation and referrals; calibration documentation; records related to the administration of the testing programs; copy of calendar year summary.	5 Years	29 CFR 1627.3(b)(v), 49 CFR 382.401; GC 12946, 60201,
Human Resources	Employee Bonds / Public Official Bonds	Personnel fidelity bonds	Length of Empl.+4 Years	GC 60201, PC 801.5,803(c)
Human Resources	Employee Files – Official Personnel File	Personnel – Application, release authorizations, certifications, reassignments, outside employment, disciplinary actions, terminations, evaluations Not a public record (Not Medical Files)	Length of Empl.+10 Years	GC 12946 29 CFR 1602.31 & 1627.3(b), GC 60201; 29 USC 1113
Human Resources	Employee Files – Medical File	Medical records are part of personnel file – not a public record. Includes Respiratory Fit Tests Includes medical records made or maintained by a physician, nurse, or other health care personnel, or technician pertaining to employees exposed to toxic substances or harmful physical agents. It does not include first-aid records of one-time treatment made on-site by a non-physician or observation of minor scratches, cuts, burns, splinters, which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job	Length of Empl.+30 Years	29 CFR 1910.1020; 8 CCR 3204 (d)(1)(A)(B); GC 60201

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SSLOCSO Records Retention Schedule
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Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Human Resources	Employee Handbook		Until Superseded+2	GC 60201
Human Resources	Employment Applications / Recruitment Files – Not Hired	Applications submitted for existing or anticipated job openings, including any records pertaining to failure or refusal to hire applicant	Close/Completion+3 Years	GC 60201 GC 12946, 29 CFR 1602, 1627.3, 2 CCR 7287.0(c)(2), 8 CCR 11040(7(c))
Human Resources	I-9 Forms	Federal Immigration and Nationality Act; Immigration Reform/Control Act 1986	Length of Empl.+3 Years	Immigration Reform/Control Act 1986 Pub. L 99-603, Section 101(b)(3)(B)
Human Resources	Employment – Surveys and Studies	Includes surveys of classification, wage rates	Length of Empl.+2 Years	GC 60201, GC 12946, 29 CFR 516.6(2), 29 CFR 1602.14
Human Resources	Employment – Training Records (Not Ethics or Safety Training)	Sexual Harassment, etc.	Length of Empl.+7 Years	GC 60201 GC 12946
Human Resources	Insurance: Liability / Property	May include liability, property, general liability, auto liability, professional liability, excess liability	Permanent	GC 60201

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Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Human Resources	Insurance, Risk Management Reports	Federal OSHA Forms; Loss Analysis Report; Safety Reports: Actuarial Studies	Calendar Year End+5 Years	29 CFR 1904.44 8 CCR 14300.33 29 CFR1904.33,
Human Resources	MOUs, Negotiations, Work Papers		Permanent	GC 60201(d)(12)
Human Resources	PERS & Deferred Compensation (457) Plans-Employee Benefits	Retirement & Deferred Compensation Plans	Close/Completion+6 Years	29 USC 1027
Human Resources	Safety Manual	Human Resources maintains the originals of the Safety Manuals; Maintenance & Operations maintains the Safety Meetings, agendas, Safety training material, sign-in sheets-copies	Until Superseded+5 Years	GC 60201
Human Resources	Unemployment Claim Files		After Audit+7 Years	GC 60201(d)(12)
Human Resources	Workers Compensation Files	Work-injury claims (including denied claims); claim files, reports, etc.	After Settlement+30 yrs	8 CCR 10102 8 CCR 15400.2, 8 CCR 3204(d)(1), GC 12946, CCP 337

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SSLOCD Records Retention Schedule
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Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
IT/ Communications	Information Services, Internet/World Wide Web	Management policies and supporting documentation regarding Information Technology	Until Superseded+2 Years	GC 60201
IT/ Communications	Information Systems, Backup Tapes	System generation. Used for Disaster Recovery Purposes Only	(none)	GC 60201
IT/ Communications	Newsletter, District	May wish to retain permanently for historic reference	Permanent	GC 60201
IT/ Communications	Photographs and News Clippings	May contain photographs, newspaper or magazine clippings, commentaries and other items pertaining to the activities, actions of the District (Not records)	(none)	GC 60201
IT/ Communications	Press Releases	Related to District actions/activities	Calendar Year End+2 Years	GC 60201
IT/ Communications	Recordings, videotaped (Public Areas – Parking Lots, etc.)	Does not record “Regular and Ongoing Operations” of the District	2 Years	GC 53161

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Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Maintenance	CCTV Inspections / Sewer Videos & DVDs (Wastewater)	Video Inspections of pipelines, etc.	2 Years	GC 53161
Maintenance	Collections / Collection Repair Job Orders (Wastewater)	Records of repairs to collections system	Calendar Year End+4 Years	GC 60201
Maintenance	Log Books		Calendar Year End+4 Years	GC 60201
Maintenance	Maintenance Manuals	Equipment service/maintenance	Until Superseded	GC 60201
Maintenance or Operations	O&M Manuals / Manuals / Policies & Procedures		Until Superseded	GC 60201
Maintenance	On Call Log Sheets		Calendar Year End+3 Years	GC 60201
Maintenance	Sanitary Sewer Overflows (SSOs)	SSO Record	Calendar Year End+5 Years	SWRCB Order 2006-03
Operations	Hazardous Materials – Permits, Hazardous Materials Storage, Disposal, Manifests	[Permanent retention of environmentally sensitive materials is recommended]	Permanent	GC 60201

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Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Operations	Hazardous Waste Generator Permit & Disposal Records (EPA)		Permanent	GC 60201
Operations	Lab Reports / Worksheets / Sampling / Chains of Custody / Red Log Books: WASTEWATER	Wastewater & All Discharges from Treatment Plants	Calendar Year End+3 Years	40 CFR 122.21, 122.41
Operations	NPDES Discharge Monitoring (Treatment Plants)		Calendar Year End+3 Years	40 CFR 122.21, 122.41
Operations	Sanitary Surveys		Calendar Year End+10 Years	40 CFR 141.33(c)

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SSLOCSO Records Retention Schedule
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Department	Type of Record	Description or Example of Record	Retention Period	Legal Authority
Risk Management	Accidents / Damage to District Property		Close/Completion+ 5 Years	GC 60201 CCP 337.15
Risk Management	Claims Against the District	Paid/Denied	Close/Completion+5 Years	GC 60201; CCP 337
Risk Management	Potential Claims		Calendar Year End+3 Years	GC 60101

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RESOLUTION NO. 2017-367

A RESOLUTION OF THE BOARD OF SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT, ADOPTING A RECORDS RETENTION SCHEDULE AND AUTHORIZING DESTRUCTION OF CERTAIN DISTRICT RECORDS

WHEREAS, the maintenance of numerous records is expensive, slows document retrieval, and is not necessary after a certain period of time for the effective and efficient operation of the government of the South San Luis Obispo County Sanitation District; and

WHEREAS, Section 60200 of the Government Code of the State of California provides that the legislative body of a special district may authorize at any time the destruction or disposition of any duplicate record, paper, or document, the original or a permanent photographic record of which is in the files of any officer or department of the district; and

WHEREAS, Section 60201 of the Government Code of the State of California was amended effective January 1, 2005 to provide that district records which have served their purpose, which are not expressly required by law to be filed and persevered, and which will not adversely affect any interest of the district or public may be destroyed;

WHEREAS, the District has a procedure to maintain a list of the types of records destroyed or disposed of that reasonably identifies the information contained in the records in each category;

WHEREAS, the District has an adopted records retention schedule, incorporated in the Operations and Maintenance Manual (O&M Manual) in Chapter VII.

NOW, THEREFORE, IT IS HEAREBY RESOLVED by the Board of South San Luis Obispo County Sanitation District:

Section 1. The Board of Directors finds that the destruction or disposition of the records series that have exceeded the retention periods as set forth in the Records Retention Schedule Exhibit A will not adversely affect any interest of the District or the public.

Section 2. The current records retention schedule, incorporated in the Operations and Maintenance Manual (O&M Manual) in Chapter VII, is hereby rescinded.

Section 3. The records of the South San Luis Obispo County Sanitation District, as set forth in the Records Retention Schedule Exhibit A, attached hereto and incorporated herein by this reference, are hereby adopted.

Section 4. Records are hereby authorized to be destroyed as provided by Section 60201 et seq. of the Government Code of the State of California, with the consent of the and in accordance with the provision of said schedule and in accordance with District policies and procedures, and with the written approval of the District Administrator and District Counsel.

Section 5. The term "records" as used herein shall include documents, instructions, books, microforms, electronic files, magnetic tape, optical media, or papers;

as defined by the California Public Records Act.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED at a regular meeting of the South San Luis Obispo County Sanitation District Board of Directors held this 19th day of April, 2017.

On the motion of _____ seconded by _____, and after the following roll call vote:

AYES:
NOES:
ABSENT:
CONFLICTS:

John Shoals,
Chairman
Board of Directors
South San Luis Obispo County Sanitation District

APPROVED AS TO FORM:

BY: _____
DISTRICT COUNSEL

CONTENTS:

BY: _____
DISTRICT ADMINISTRATOR

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Board of Directors of South San Luis Obispo County Sanitation District held April 19, 2017.

Date:

Department:

Form RM-1: RECORDS DESTRUCTION AUTHORIZATION FORM

The records listed below (or on the attached list) are **scheduled to be destroyed**, as indicated on the **Records Retention Schedule**.

The records are not the subject of any claim, litigation, investigation, or audit (NOT subject to litigation hold.)

(List records here, or attach a list)

Records Description	From (Start Date)	To (End Date)	Box #	Retention Period

Check one option for destruction:

☒ Shredding is Required (Records contain private information) OR

☐ Recycle (Records do NOT contain private information)

DOCUMENTS HAVE BEEN REVIEWED FOR DESTRUCTION

Employee Preparing Records

Date

District Administrator

Date

District Counsel

Date

(Complete after destruction has been performed, if done by District Employees. If destruction is performed by a commercial vendor, have them provide you with a certificate.)

I HEREBY CERTIFY that the items listed above have been destroyed in accordance with District policies and procedures:

Employee Performing Destruction

Date



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Post Office Box 339 Oceano, California 93475-0339

1600 Aloha Oceano, California 93445-9735

Telephone (805) 489-6666 FAX (805) 489-2765

www.sslocsd.org

Staff Report

Date: May 3, 2017
To: Board of Directors
From: Gerhardt Hubner
Subject: **UPDATE ON COASTAL DEVELOPMENT PERMIT FOR DISTRICT'S
WASTEWATER REDUNDANCY PROJECT**

RECOMMENDATION

Receive and File Report.

BACKGROUND

Since early 2016, District staff, in conjunction with its consultant team (John Rickenbach, MKN, and Kennedy Jenks/ESA) has pursued a Coastal Development Permit (CDP) from the California Coastal Commission. On March 11, 2016, a CDP application was filed with the Coastal Commission.

A chronology of events is as follows:

- On April 15, 2016, Coastal Commission submits comments on District's March 2016 CDP application.
- April 2016 to August 2016, District staff and consultants initiate and complete studies, data and information requested by Coastal Commission staff.
- On August 5, 2016, responses to the Coastal Commission staff's April 15th letter to our Coastal Development Permit application were submitted. This submittal also included five attachments (site plans, biological surveys, sea level rise analysis, flood risk mitigation strategy, and site photos).
- On August 16, 2016, a one-page form from the County of San Luis Obispo on its permitting determination was transmitted.
- On September 9, 2016, our CEQA Addendum, and supplemental information requested by Coastal Commission staff, was transmitted via a cover letter.
- On October 13, 2016, a response from Coastal Commission staff to our September 8th submittal was received.
- On October 21, 2016, via cover letter, answers to questions posed, and updated project facility design plans were provided to Coastal Commission staff. The latter transmittal also included updated project descriptions, and further included project design plans on past and proposed projects at the District's facility.

- On January 24, 2017, a letter was sent to Coastal Commission staff requesting an update on the status of our CDP application.
- On January 26, 2017, District staff had a phone conversation with Coastal Commission staff. CC staff reported to us that the CDP is targeted for consideration at their May 2017 Commission meeting.
- February 2017 to April 2017, District staff and its consultant team continue to engage Coastal Commission staff in real time with any requests for information or project clarifications. Coastal Commission staff requested, and minor revisions were made to the facility site plan and project description.

DISCUSSION

On April 21, 2017, Coastal Commission staff released the staff report and CDP, including standard and special conditions, findings and declarations, project description, standard of review, hazards analysis, marine and water quality analysis, scenic and visual resources analysis, public resources analysis, environmentally sensitive habitat areas analysis, violation descriptions, and California Environmental Quality Act compliance (Attachment No. 1).

Coastal Commission staff are recommending to their Commission **CDP approval with conditions**.

A summary of the CDP's Special Conditions are described below:

1. Approved Project: Approves the installation of the District Redundancy equipment and other related development, including flood proofing, and past and near term improvement projects (grit removal system, headworks, biosolids concrete slab, CCT basins, etc).
2. Duration of Authorization: Authorized for 10 years from date of approval. In 10 years, the District will need to submit a complete CDP amendment request (with all necessary information identified by CC staff) to the CC prior to the expiration date of the CDP. This condition does not require the District to move its wastewater treatment plant nor its redundancy project equipment in 10 years; but rather requires the District to complete and submit plans and information to the CC evaluating the potential costs, benefits, options, and feasibility of a future off-site WWTP relocation.
3. Redundancy Project Plans: Submittal of Redundancy project design plans to the CC prior to issuance of CDP and construction.
4. Coastal Hazards Monitoring Plan: Preparation and submittal of monitoring plan to the CC within six months of approval. The Plan is to propose and implement regular monitoring of flood and other coastal hazards at the District's facility onsite and off-site, and report site and management responses to any impacts or hazards.
5. Life Expectancy Analysis: Preparation and submittal of a Life Expectancy Analysis to the CC within two years of approval. The Analysis will include an evaluation of the annual and long-term costs of maintaining the existing plant at its current location, including information of each component at the WWTP, date of installation, upgraded component dates, current condition, major upgrade events, expected lifespan and repair/maintenance and replacement costs. The Analysis will also include costs of any anticipated habitat mitigation requirements for impacts from potential flood control projects, and conclusions regarding a point in time when investments in infrastructure outweigh investing in a relocated plant.

6. Coastal Hazards Response Plan: Preparation and submittal of a Coastal Hazards Response Plan to the CC within five years of approval. The Plan is intended to build upon the District's Technical Memorandum of September 9, 2016, prepared on our behalf of the District by MKN Associates. The Plan is to provide a clear long-term planning document for addressing flooding and other coastal hazards, as well as coastal resource impacts, at the District's WWTP over the long-term. The Plan must include a detailed cost-benefit analysis; costs of any off-site land purchase; cost of decommission and restoration of the existing WWTP site; costs to upgrade the WWTP to full tertiary treatment and water recycling; and any other associated costs. The Plan must also include a timeline of relocation events, land acquisition, planning, permitting, design, construction and operation.
7. Construction Plan: Submittal of two sets of a Construction Plan to CC prior to CDP issuance. The Plan must include construction areas, construction methods and training, and construction requirements (hours of work, equipment servicing, good housekeeping, erosion control, advance notice to CC staff).
8. Construction Site Documents & Construction Coordinator: Requirements for having during construction signed copies of the CDP, and having the Construction Plan onsite at the construction job. A construction coordinator will need to be designated, with contact information and complaint information available and visible to the public.
9. Public View Camouflage Verification: Immediately following completion of construction, photographic evidence must be submitted to the CC demonstrating that all new and after the fact infrastructure are painted or stained green or an earth-tone color.
10. Assumption of Risk, Waiver of Liability, and Indemnity Agreement: Requirement that the District by acceptance of CDP, accepts certain risks and liabilities for construction and operation of the Redundancy Project.
11. Indemnification by Permittee/Liability for Cost and Attorney Fees: Requirement that the District by acceptance of the CDP agrees to reimburse the Coastal Commission for all Coastal Commission costs and attorney fees for defense of the CDP approval and issuance.

In anticipation of the May 2017 Coastal Commission hearing, District staff distributed to our member agencies (Cities of Grover Beach and Arroyo Grande, and Oceano CSD), the City of Pismo Beach and the County of San Luis Obispo, a comment support template letter, and information on our Redundancy Project. To date, all agencies have responded, and letters of support were approved by the City of Grover Beach and Oceano CSD (Attachment Nos. 2 and 3). Arroyo Grande and Pismo Beach's City Councils also approved support letters, but copies of those letters have not yet been received. Due to their Public Works Director being out of the country the County of San Luis Obispo was not able to timely process a letter, but staff indicated overall support for our project. The Regional Water Quality Control Board also submitted a support letter to the CC on April 5th (Attachment No. 4).

Conclusion

The District has reached a milestone with release of the CDP which is set for consideration/adoption at the Coastal Commission's meeting in San Diego on May 10th. In the near term, staff will continue to engage and work with Coastal Commission staff leading up to the May 10th hearing to fully understand the analyses contained in the staff report and all the Special conditions. Staff will also likely pose additional questions, comments and clarifications to best represent the District's interests. Finally, staff will also be preparing a short presentation, and

traveling down to the Coastal Commission hearing on May 10th to voice our support for the District's Redundancy Project CDP agenda item.

ATTACHMENTS

1. Coastal Commission Staff Report, & CDP, dated April 21, 2017
2. City of Grover Beach Support Letter to CC, dated April 19, 2017
3. Oceano CSD Support Letter to CC, dated April 26, 2017
4. RWQCB Support Letter to CC, dated April 5, 2017

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Staff Report: 4/21/2017
Hearing Date: 5/10/2017

STAFF REPORT: CDP HEARING

Application Number: 3-16-0233

Applicant: South San Luis Obispo County Sanitation District

Project Location: 1600 Aloha Place, Oceano, San Luis Obispo County.

Project Description: Installation of redundancy/backup infrastructure and other improvements, including minor flood-proofing, and recognition of after-the-fact development.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

The South San Luis Obispo County Sanitation District (SSLOCSD) ("the District") owns and operates a wastewater treatment plant (WWTP) that is permitted under National Pollutant Discharge Elimination System (NPDES) Permit No. CA0048003 and Regional Water Quality Control Board (RWQCB) Waste Discharge Requirements Order No. R3-2009-0046. The existing plant provides secondary treatment with disinfection to treat wastewater through the use of a system of mechanical screens, primary clarifiers, fixed film reactors, one secondary clarifier, and chlorination. The plant is designed and permitted to treat a peak dry weather flow of 5.0 million gallons per day (mgd).

Currently, the existing treatment plant cannot meet effluent limits at the permitted design flow if the fixed film reactors or the secondary clarifier are out of service because there is no backup, or redundant, system for either process. To address this issue, RWQCB Order R3-2009-0046 anticipated the addition of redundancy infrastructure to be installed at this WWTP so that major

wastewater facility components can be removed from service for routine maintenance or repairs, or be shut down in case of mechanical failure or emergency, without risking violation of effluent permit limits. The addition of redundancy infrastructure does not add capacity to handle higher flows than currently permitted, and no additional treatment capacity is intended to be pursued by the District based on current plans and policies adopted by the member agencies and within the service area. The project also includes other new development scheduled to be constructed in 2017,¹ as well as after-the-fact (ATF) recognition of development that has previously occurred at the WWTP site without proper authorization through a coastal development permit (CDP).² Finally, to ensure certain critical components of the WWTP are safe from potential flooding in the near-term, the project also proposes to improve/raise four existing critical components above the 100-year flood elevation level. All proposed redundancy components, the ATF and the new proposed development (including the flood-proofing improvements) will be, or have been, installed within the existing plant site on property that has been previously disturbed. No sensitive species or sensitive habitat is found on the site, which is enclosed by chain link fencing on all sides.

Commission staff believes the proposed redundancy infrastructure is necessary and warranted in the near term and critical to avoiding potential water quality problems, and notes that it is also anticipated by the RWQCB. The other new proposed development and ATF development is minor and provides needed improvements to ensure a functioning facility and one that helps to protect human health and the environment and prevent sewage spills due to aging infrastructure. Finally, the flood-proofing work ensures certain critical components are above the 100-year flood elevation. These are all appropriate approvals in the near-term.

However, staff believes adding new infrastructure to the site in the long term would be inappropriate and inconsistent with Coastal Act Section 30253, which requires new development to minimize risk to life and property from flooding. This project does not minimize risk, but substantially adds risk by placing new infrastructure in a high flood hazard area. Staff, including the Commission's senior coastal engineer and sea level rise team, has concluded (based on an analysis of submitted reports) that the WWTP is already impacted by flooding and that flooding impacts to the WWTP are likely to become even more frequent in the future at this location. The site is in a low-lying location, located between Arroyo Grande Creek, the Meadow Creek Lagoon complex and the Pacific Ocean. A range of flooding events has occurred in this area in the past, some of which have impacted the District's WWTP (including a major event in 2010). These flooding events are more likely to occur in the future because of changes in climate.

¹ In terms of other new development proposed, the project includes installation of a new biosolids concrete slab and improvements to the headworks facility building.

² Violations of the Coastal Act exist on the subject property including, but not limited to a) installation of a new chlorine contact chamber, including a new concrete basin tank and pump station completed in 2004; b) installation of a replacement floodwall and new flood gates to protect the headworks building completed in 2006; c) installation of a new dewatered sludge conveyor system completed in 2014; and d) installation of a new grit removal system completed in 2016. Approval of this application pursuant to the staff recommendation, issuance of the permit, and the Applicant's subsequent compliance with all terms and conditions of the permit will result in resolution of the above described violations.

Thus, in order to find consistency with Section 30253, staff is recommending a limited ten-year *temporary* authorization to both address shorter-term water quality and flood-proofing issues that require immediate attention, but also require a thorough evaluation of a long-term relocation option, to ensure minimized risk occurs in the long term. To better understand flooding and sea level rise impacts over time and over the life of the ten-year authorization provided here, the District is required to submit a Coastal Hazards Monitoring Plan within six months. In addition, the District is required to submit a Life Expectancy Analysis within two years in order to provide information on the expected costs of maintaining and upgrading the existing plant over time relative to the life expectancy of individual components and the plant as a whole. Finally, the District would be required to submit a Coastal Hazards Response Plan within five years to expand on prior work done by the District to study alternative site locations and feasibility issues and costs related to eventual total plant relocation.³ Additional conditions, including final plans, a construction plan, visual conditions to ensure new infrastructure is less visible from Highway 1, and an indemnity provision, all combine to result in an approvable project at this location for the specified term (ten years), consistent with the Coastal Act.

Therefore, as conditioned, the project is consistent with the Coastal Act, and staff recommends **approval** of the CDP. The motion is found on page 5 below.

³ The District has provided a preliminary analysis of three alternative locations and some preliminary information on projected relocation costs.

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APPENDICES

Appendix A – Substantive File Documents

Appendix B – Staff Contact with Agencies and Groups

EXHIBITS

Exhibit 1 – Project Location Maps

Exhibit 2 – Project Site Photos

Exhibit 3 – Project Site Plan, dated March 2017

Exhibit 4 – San Luis Obispo County LCP Flood Hazard Map

Exhibit 5 – 2015 Preliminary FEMA FIRM Map

Exhibit 6 – San Luis Obispo County Applicable LCP Hazard Policies

Exhibit 7 – Kennedy/Jenks Technical Memorandum, dated September 6, 2016

Exhibit 8 – MKN Technical Memorandum, dated September 9, 2016

Exhibit 9 – View of WWTP from Highway 1

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission **approve** Coastal Development Permit Number 3-16-0233 pursuant to the staff recommendation, and I recommend a **yes** vote.*

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number 3-16-0233 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

- 1. Approved Project.** This CDP authorizes: installation of South San Luis Obispo County Sanitation District (SSLOCSD) redundancy equipment and other related development, including flood-proofing, some of which is being authorized after the fact, all as described and shown on the plans titled “Site Plan – Proposed Development” prepared by Kennedy/Jenks Consultants dated March 2017 and dated received in the Central Coast District Office on March 22, 2017 (see **Exhibit 3**).

By acceptance of this CDP, the Permittee acknowledges and agrees that the intent of this approval is an interim, and thus temporary, authorization for the Approved Project in order to allow for the continued operation and function of the SSLOCSD wastewater treatment plant (WWTP) in the shorter term, including to protect water quality and public health, while simultaneously allowing time to plan and consider alternatives for future WWTP relocation away from coastal hazard risks in the longer term. Thus, this approval represents the appropriate amount and duration of development at this time, but which necessarily requires planning for long-term adaptation to coastal hazard risks, including future WWTP relocation, while also providing for continued function and operation of the WWTP in the short term. This approval additionally recognizes limited additional measures to ensure continuing function of the WWTP in the shorter term as may be necessary, including measures to address flooding and other coastal hazards (including as these hazards may be exacerbated by sea level rise) upon determination by the Executive Director that the limited additional measures fall within the scope of authorized development of this CDP or do not require a CDP amendment.

Any such additional measures shall be the minimum necessary to abate the identified problem, and only be allowed if they are required to ensure the continuous operation of the WWTP to protect water quality and public health, and shall be removed and the affected area restored to its pre-construction state or better upon WWTP relocation or expiration of this CDP. By acceptance of this CDP, the Permittee agrees to waive any rights that it may have under Coastal Act section 30235, the County’s LCP, or other applicable laws, to shoreline protection to protect the development authorized by this permit.

- 2. Duration of Authorization.** The Approved Project identified in Special Condition 1 is authorized for ten years from the date of approval (i.e., through May 10, 2027, the expiration date of this CDP). By acceptance of this CDP, the Permittee acknowledges and agrees that the project authorized pursuant to this CDP is thus interim and temporary, and is permitted for the time frame identified in order to provide a reasonable period of time for the Permittee to plan, develop, consider, and implement a long-term solution to address flooding and related coastal hazard threats to the SSLOCSD WWTP, and to address coastal resource impacts associated with maintaining the WWTP at this location (e.g., impacts associated with any coastal hazards protection measures, including potentially lagoon management or creek levee maintenance or expansion to protect the existing WWTP from coastal hazards risk, etc.). The long-term solution must include evaluation of the eventual relocation of the plant to an area that is safe from these and other coastal hazards, and to an area that does not

require protective devices or substantial alterations of rivers and streams, including lagoon breaching and other lagoon management.

The Permittee also acknowledges and agrees that it shall remove the approved development in its entirety and restore the affected areas to their pre-development condition or better within one year of the expiration date of this CDP or submit a complete (i.e., including all necessary information identified by Commission staff as required for filing purposes) CDP amendment request to the Commission prior to the expiration date of this CDP (i.e., before May 10, 2027) to extend the expiration date of this CDP as necessary to retain the approved development in its current location as part of that request. Any CDP amendment that includes retention of the approved development in its current location may not be approved without a showing of significant and diligent action taken in furtherance of the proposals recommended in the approved Coastal Hazards Response Plan (see **Special Condition 6**), and not just reliance on an expectation of long-term operation of the WWTP at the present location.

3. **Redundancy Project Plans.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two full-scale sets of Redundancy Project Plans to the Executive Director for review and approval. The Redundancy Project Plans shall be substantially in conformance with the overall site plan submitted to the Coastal Commission, dated March 2017 by Kennedy/Jencks Consultants and received in the Coastal Commission's Central Coast District office on March 22, 2017. The Redundancy Project Plans shall include site plans, elevations, grading plans, drainage plans, and plans showing how all new and after-the-fact infrastructure (tanks, buildings, equipment, etc.), and all other WWTP components if possible (e.g., such as the white "digester" tanks), that will be (or is) visible from Highway 1 will be painted or stained green or an earth-tone color to minimize visibility from Highway 1 and to blend into its surroundings. The Permittee shall undertake development in accordance with the approved Redundancy Project Plans. Minor adjustments to the approved Redundancy Project Plans may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
4. **Coastal Hazards Monitoring Plan.** WITHIN SIX MONTHS OF THE DATE OF THE APPROVAL OF THIS CDP (i.e., no later than November 10, 2017), the Permittee shall submit two copies of a Coastal Hazards Monitoring Plan to the Executive Director for review and approval. The Monitoring Plan shall establish the framework and parameters for: (1) regularly monitoring flood and other coastal hazards at the site and management responses to those hazards both on and off-site (e.g., lagoon management, levee expansion, etc.); (2) identifying how those hazards are impacting and affecting the operations of the wastewater treatment plant; (3) identifying changes necessary to allow continued appropriate and required functioning of the plant; and (4) identifying flood/hazard 'triggers' to establish when actions (such as retrofits, upgrades, and including plant relocation) need to be pursued in response to specific flood/hazard events or flood management activities. At a minimum, the Monitoring Plan shall include metrics for assessing site conditions and potential responses related to flooding of the site from Arroyo Grande Creek as it may be influenced by coastal flooding and sea level rise during both typical and extreme storm events, including in relation to emergency effluent discharge, violations of effluent discharge limits, emergency response measures (e.g., lagoon management, levee expansion, etc.), use of redundancy equipment, flood-required repairs, incidents where prior flood-proofing failed,

and other appropriate evaluation metrics. Upon Executive Director approval of the Monitoring Plan, the Permittee shall implement the monitoring and other measures identified in the Plan, and shall submit monitoring reports as established in the Plan at least annually for Executive Director review and approval, with the first monitoring report due by no later than May 10, 2019. Each such report shall include and describe changes since the prior year's report, as well as cumulatively describing changes over time. Extension to the six-month deadline for submittal of the Coastal Hazards Monitoring Plan may be granted by the Executive Director for good cause.

5. **Life Expectancy Analysis.** WITHIN TWO YEARS OF THE DATE OF THE APPROVAL OF THIS CDP (i.e., no later than May 10, 2019), the Permittee shall submit two copies of a Life Expectancy Analysis to the Executive Director for review and approval. The Analysis shall include an evaluation of the annual and long-term costs of maintaining the existing plant at its current location (including repairing/maintaining and replacing existing components, upgrading existing components to meet regulatory (RWQCB or other) requirements/specifications, and responding to coastal hazards risk (including flood-proofing existing and new components over time (including in relation to offsite flood-proofing mechanisms such as lagoon management and expansion of the Arroyo Grande Creek Levee), etc.). The primary purpose of such Analysis is to help determine when the plant cannot function without substantial investment in new infrastructure and protective measures, all serving to help define the point at a future date when it might be appropriate to relocate the existing WWTP.

The Analysis shall, at a minimum, include information on each component at the WWTP (e.g., headworks, clarifiers, digesters, etc.), the installation date of each component, upgraded component dates and the current condition of that equipment, major upgrade events, the expected lifespan and repair/maintenance and replacement costs of each component based on industry accepted sources, manufacturers' information, and the reports of other municipalities with similarly sized facilities, and remaining years for each component and the overall WWTP. The Analysis shall include costs of anticipated habitat mitigation requirements for impacts from potential flood control projects, and conclusions must be included regarding the expected point in time when investments in infrastructure (included continued flood protection measures) at the current plant location outweigh investing in a relocated plant at a location that is safe from flooding and other coastal hazards. All conclusions shall be supported by clear supporting documentation and evidence. Extension to the two-year deadline for submittal of the Life Expectancy Analysis may be granted by the Executive Director for good cause.

6. **Coastal Hazards Response Plan.** WITHIN FIVE YEARS OF THE DATE OF THE APPROVAL OF THIS CDP (i.e., no later than May 10, 2022), the Permittee shall submit two copies of a Coastal Hazards Response Plan to the Executive Director for review and approval. The Response Plan shall build upon the work completed to date as described in the document titled "Technical Memorandum" (by MKN dated September 9, 2016 and received in the Central Coast District Office on September 12, 2016 – see **Exhibit 8**), all of which shall be expanded to build upon the provisions of the approved Coastal Hazards Monitoring Plan (**Special Condition 4**) and the Life Expectancy Analysis (**Special Condition 5**), to provide a clear long-term plan for addressing flooding and other coastal hazards as well as

coastal resource impacts at the WWTP over the long-term. The Response Plan shall, at a minimum, include a detailed cost-benefit analysis comparing the costs and benefits of maintaining the plant at the present location (via **Special Condition 5** above) versus relocating the plant to an area safe from flooding and other coastal hazards at defined times (e.g., 2027, 2037, 2047, etc.) or in response to defined triggers (e.g., as identified in the approved Coastal Hazards Monitoring Plan (**Special Condition 4**)). Expected costs of purchasing land for a relocated plant must be included, as must expected costs to decommission the existing plant and to restore the site to its natural state, and costs to upgrade the plant (including a relocated plant) to full tertiary treatment (or better) and water recycling (including addressing the potential for joint satellite facilities and/or collaborations with nearby communities for water recycling). Any costs associated with new pumps or lift stations necessary (including rerouting of sewer pipes to the relocated plant, etc.) shall also be included. The Response Plan shall include a timeline of potential major relocation events, including expected timeframes for land acquisition, planning, permitting, design, construction and eventual operation, of a relocated plant. Extension to the five-year deadline for submittal of the Coastal Hazards Response Plan may be granted by the Executive Director for good cause.

7. **Construction Plan.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two sets of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:
 - (a) **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, and all construction access corridors (to the construction site and staging areas). All such areas within which construction activities and/or staging are to take place shall be minimized in order to have the least impact on public views and other coastal resources.
 - (b) **Construction Methods and Timing.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from adjacent sensitive habitats, including all methods to be used to protect adjacent waterbodies, such as Meadow Creek, Arroyo Grande Creek and the Pacific Ocean. All erosion control/water quality best management practices to be implemented during construction and their location shall be noted. These measures shall be designed to prevent erosion, sedimentation, and the discharge of pollutants during construction to the maximum degree feasible, and shall be selected and designed in accordance with the California Storm Water Best Management Practices Handbook.
 - (c) **Construction Requirements.** The Construction Plan shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
 - All work shall take place during daylight hours (i.e., from one hour before sunrise to one hour after sunset). Nighttime work and lighting of the work area are prohibited.
 - Construction (including but not limited to construction activities, and materials and/or

equipment storage) is prohibited outside of the defined construction, staging, and storage areas.

- Any equipment washing, servicing, and refueling activities on the site shall be located at least 50 feet from the perimeter fence, and shall only be allowed at designated locations as noted on the Plan. Appropriate best management practices shall be used to ensure that no spills of petroleum products or other chemicals take place during these activities.
- The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site; etc.).
- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday. At a minimum, silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into adjacent riparian areas and wetlands.
- The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction or maintenance activities, and immediately upon completion of construction or maintenance activities.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Construction Plan. Minor adjustments to the above construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

8. Construction Site Documents & Construction Coordinator. DURING ALL CONSTRUCTION:

- (a) Construction Site Documents.** Copies of the signed CDP and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- (b) Construction Coordinator.** A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the coordinator's contact information (i.e., address, phone numbers, email address, etc.) including, at a minimum, a telephone number and email address that will be made available 24 hours a day for the duration of

construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible, along with an indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

9. **Public View Camouflage Verification.** IMMEDIATELY FOLLOWING COMPLETION OF CONSTRUCTION OF THE APPROVED PROJECT, the Permittee shall submit photographic and any other appropriate evidence demonstrating that all new and after-the-fact infrastructure (tanks, buildings, equipment, etc.) and all other WWTP components if possible (e.g., such as the white “digester” tanks) that will be (or are) visible from Highway 1 has been painted or stained green or an earth-tone color as directed by **Special Condition 3** above.
10. **Assumption of Risk, Waiver of Liability, and Indemnity Agreement.** By acceptance of this CDP, the Permittee acknowledges and agrees on behalf of itself and all successors and assigns:
 - (a) **Coastal Hazards.** That the site is subject to extreme coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same;
 - (b) **Assume Risks.** To assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development;
 - (c) **Waive Liability.** To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards;
 - (d) **Indemnification.** To indemnify and hold harmless the Coastal Commission, its officers, agents, and employees with respect to the Commission’s approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and,
 - (e) **Property Owner Responsible.** That any adverse effects to property caused by the permitted project shall be fully the responsibility of the property owner.
11. **Indemnification by Permittee/Liability for Costs and Attorneys’ Fees.** By acceptance of this CDP, the Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys’ fees (including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys’ fees that the Coastal Commission may be required by a court to pay) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal

Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this CDP. The Coastal Commission retains complete authority to conduct and direct the Commission's defense of any such action against the Coastal Commission.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION, BACKGROUND, AND DESCRIPTION,

Project Location and Background

The proposed project site is at the South San Luis Obispo County Sanitation District's (District's) Wastewater Treatment Plant (WWTP), which is located at 1600 Aloha Place in the unincorporated community of Oceano, in southern San Luis Obispo County. The WWTP is located on a 10.84-acre parcel just south of and adjacent to the Oceano County Airport and just north of Arroyo Grande Creek and its associated levee (see **Exhibit 1** for location maps and aeriels). The surrounding area between the ocean and Highway 1 to the northeast is comprised of residential and industrial development, and visitor serving facilities. This area of Oceano is within the Commission's original (retained) permitting jurisdiction in a low-lying area (between 11 and 14 feet NAVD)⁴ near to the coast (i.e., about 1,200 feet inland of the beach).

The WWTP also sits at the confluence of Arroyo Grande Creek and the Meadow Creek Lagoon complex, which form a series of lagoons near the beach to the west of the site. Because of its location, the site currently experiences flooding events from primarily winter storms that produce flows that swell these nearby adjacent waterbodies. For this reason, and specifically due to the presence of Arroyo Grande Creek, the site is located wholly within the County's Flood Hazard (FH) zone. Oceano Dunes State Vehicular Recreation Area (ODSVRA) is located immediately to the southwest of the WWTP on the other side of Arroyo Grande Creek.

The WWTP was originally designed and built in the mid 1960's with an original flow capacity of 2.5 million gallons per day (mgd). Today the WWTP, which serves the communities of Oceano, Arroyo Grande, and the City of Grover Beach, has an overall flow capacity of 5.0 mgd,⁵ provides secondary treatment, and discharges into the Pacific Ocean via an ocean outfall west of the plant. The Commission has issued permits and waivers in the past for upgrades, new components, and improvements to the facility.⁶

⁴ NAVD refers to the North American Vertical Datum of 1988, a fixed reference for elevations determined by geodetic leveling.

⁵ A plant enlargement in 1986 increased capacity from the original 2.5 mgd to 3.3. mgd (CDP 4-86-129), and further improvements in 1990 increased the capacity to 5.0 mgd through design modifications and RWQCB approval.

⁶ For example, the Commission approved CDPs 152-31, 197-11, 417-34, 4-86-129, 3-02-028, and CDP waivers 3-95-095-W and 3-08-056-W

Project Description

The primary reason for the proposed project is to provide redundancy or backup infrastructure⁷ to the WWTP so that major wastewater facility components can periodically be removed from service for routine maintenance or repairs, or be shut down in case of mechanical failure or emergency, while maintaining operation of the WWTP and without risking violation of Regional Water Quality Control Board (RWQCB) effluent permit limits.⁸ The redundancy component of the project has been anticipated for some time by the RWQCB at this site through its Permit Order No. R3-2009-0046 (on file in the Commission's Central Coast District office).

The proposed project includes a number of different components, which will be installed within the existing WWTP site on previously disturbed surfaces.⁹ See **Exhibit 2** for photos of the project site and **Exhibit 3** for the project's site plan.

Redundancy

The proposed redundancy infrastructure includes the following:

- Installation of two new activated sludge aeration basins, one new secondary clarifier, one new fixed film reactor effluent pump station, one new waste activated sludge thickening centrifuge, and modifications to the existing dewatering platform to accommodate the new centrifuge.
- Installation of a new motor control center building, which includes a new blower and electrical equipment.
- Installation of associated development, including yard piping, instrumentation, power and control panels, electrical ducts, and control and power conduits.

Other New Development

The District also proposes to install a new biosolids storage slab adjacent to the existing centrifuge building on the far eastern edge of the WWTP, as well as make minor improvements within the headworks facility building (i.e., replacement of augers with mechanical bar screens, including some electrical panel relocation and bypass piping).

After-the-fact Development

The project also includes after-the-fact (ATF) recognition of development that has previously occurred on the project site without a CDP, including: a) installation of a new chlorine contact chamber, including a new concrete basin and pump station (completed in 2004); b) installation of a floodwall and flood gates to protect the headworks building (completed in 2006); c) installation

⁷ In July 2005, Kennedy Jencks Consultants completed a long range plan for the WWTP. The Plan determined that no expansion of capacity or flow is necessary and that the plant meets current discharge requirements. However, a lack of critical backup systems threatens the plant's ability to reliably meet discharge standards at all times, particularly during maintenance and repair operations. The Plan recommended improvements that will provide sufficient redundancy to ensure uninterrupted meeting of current and future wastewater treatment standards under all circumstances.

⁸ The addition of redundancy infrastructure does not add capacity to handle higher flows than currently permitted by the RWQCB (in terms of the volumetric discharges of wastewater), and thus the proposed project does not include an increase in wastewater treatment capacity.

⁹ Approximately 90% of the WWTP site is paved and/or built over with structures or equipment; the remaining 10% consists of undeveloped areas consisting of a mix of imported fill soils and disturbed native soils.

of a new dewatered sludge conveyor system (completed in 2014)¹⁰; and d) installation of a new grit removal system (completed in 2016).

Flood-Proofing

The project also includes elevation measures to move four existing critical WWTP components above the 100-year flood elevation level. Specifically, existing flood brackets would be raised at the standby power building, the power generation station, and the control building/office; and a new flood barrier would be installed around an existing transformer located northeast of the control building/office.

B. STANDARD OF REVIEW

The proposed project is located within the Commission's retained/original CDP jurisdiction area because it is in an area of historic tidelands that were filled, and thus the standard of review is Chapter 3 of the Coastal Act, with the San Luis Obispo County Local Coastal Program (LCP) policies and standards providing guidance.

C. HAZARDS

Coastal Act Section 30253 requires that new development minimize risk to life and property in areas of high flood hazard areas, and ensure long-term structural integrity, and states in relevant part:

Section 30253. New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Coastal Act Section 30253 requires that new development minimize risks to life and property from geologic and coastal hazards, such as flooding. Section 30253 also requires new development to assure stability and structural integrity, to not create or contribute to erosion or geologic instability, and not to rely on protective devices.

The San Luis Obispo County LCP, which acts as guidance for the proposed project, also includes a number of policies and standards designed to minimize risk of new development located in high flood hazard areas, including Hazards Policy 1, which requires that all new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) be located and designed to minimize risks to human life and property. The LCP also contains a Flood Hazard (FH) combining designation (zone) for areas where new development and associated uses may be subject to potential hazards to life and property from

¹⁰ The conveyor system will be removed upon completion and operation of the biosolids storage slab (see below).

potential inundation by a 100-year flood or for sites located within coastal high hazard areas.¹¹ If new development is to occur in such areas, certain siting, construction, and other requirements apply. For example, LCP Hazard Policy 1 requires that all new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Further, the LCP's Flood Hazard (FH) combining, or overlay, designation (see **Exhibit 4**) maps specific areas of the coastal zone where terrain characteristics present new development and associated uses with potential hazards to life and property from potential inundation by a 100-year frequency flood or from other coastal hazards. In these areas, which include the project site, to comply with the Coastal Act and relevant LCP policies regarding coastal hazards, new development must adhere to certain general hazard avoidance requirements (i.e., it must be located outside of the flood hazard areas to the maximum extent feasible) and, in situations where it is infeasible to site new development outside of the flood hazard area, must be constructed to certain construction standards, pursuant to LCP Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.066 (see **Exhibit 6** for the full construction standards required per Section 23.07.066 and all other relevant LCP policies and standards related to hazards).

Analysis

Coastal Act Section 30253 requires that new development minimize risks to life and property from geologic and coastal hazards, such as flooding. Section 30253 also requires new development to assure stability and structural integrity, and that it neither create nor contribute to erosion or geologic instability nor rely on protective devices. As stated above, the proposed project is located wholly within the Commission's original jurisdiction, which consists of an area of low-lying former tidelands, and is within the County's Flood Hazard (FH) zone due to the presence of a number of creeks and lagoons in the immediate vicinity of the WWTP. In addition, the project site is located about 1,200 feet inland from the beach.

The Applicant submitted a sea level rise analysis (SLR analysis) prepared by ESA, dated August 3, 2016, to evaluate the existing and future exposure of the WWTP to flooding. The ESA report indicates that the WWTP (and other development in this area) is subject to flooding in three main ways: 1) existing and future coastal flooding and erosion impacts associated with wave overtopping of the Arroyo Grande Creek levee and into the Meadow Creek Lagoon complex; 2) fluvial flooding on Arroyo Grande Creek, associated with extreme rainfall-runoff events, which overtops the levee; and 3) estuarine flooding caused by elevated water levels in Meadow Creek Lagoon, and associated with moderate fluvial flows in combination with a closed and elevated Arroyo Grande Creek Lagoon. According to the SLR analysis, the primary flood mechanism that will increase due to climate change will be the estuarine flood.

A major flooding event in the area occurred in December 2010, and primarily resulted from estuarine flooding (i.e., high water levels in Arroyo Grande Lagoon blocked drainage through a tide gate (between Arroyo Grande and the Meadow Creek Lagoon complex) and backed up

¹¹ The areas of special flood hazard are identified by the Federal Insurance Administration, through the Federal Emergency Management Agency, in a scientific and engineering report entitled "The Flood Insurance Study for San Luis Obispo County," dated July 18, 1985, with accompanying flood insurance rate maps and flood area boundary maps, as they may be subsequently revised from time to time. The flood insurance study is on file in the County's Public Works office.

water levels into the Meadow Creek Lagoon complex). The peak water level at that time was reported by the County and the District to be 12.3 feet NAVD. Floodwaters at that time flooded several low-lying residences in the area as well as the main access entrance¹² to the WWTP and also damaged the electrical system that powers the pumps, which resulted in a wastewater spill and operational failures. It should be noted that the County's flood threshold to implement measures to protect adjacent residential development in the area and the WWTP's main access point is 10.4 feet NAVD. Due to a limited record regarding flood events, this 2010 flood level was used as the "maximum" flood level in the modeling analysis for future flood conditions, as described in more detail below.

Current Site Characteristics

From the Applicant's SLR analysis, the WWTP ground elevations (excluding the access road), range from approximately 11 feet NAVD to over 14 feet NAVD, with most of the site located between 12 and 13 feet NAVD (see page 3 of **Exhibit 7** for topographic site elevations). The current FEMA Flood Insurance Rate Map (FIRM) for this area indicates that the 100-year Base Flood Elevation (BFE) at the WWTP site is approximately 2.5 feet *above* the existing ground elevations, but generally ranges from between 14 and 16 feet, or approximately 15 feet over the whole of the site (see **Exhibit 5**). Thus, the WWTP is currently vulnerable to extreme events, such as a large storm with a 100-year return period, as well as events comparable to the December 2010 flood.

However, the existing WWTP does include flood protection designed to ensure certain components, especially "critical" components,¹³ are protected during flood events (including through the use of flood brackets, floodwalls, floodgates, barriers, etc.). Per CZLUO Section 23.07.066, all non-residential development in the FH zone must be flood-proofed to a minimum of one-foot above the 100-year storm flood profile level. The Applicant has also provided a technical memorandum, by Kennedy/Jenks Consultants, dated September 7, 2016 and received on September 12, 2016 (and which uses data from the above SLR analysis), which identifies elevations of existing components on site. Based on the technical memorandum, the lowest elevation of existing flood protection for any component on the site is 12.8 feet¹⁴ (see **Exhibit 7** for a full list of WWTP components and their corresponding elevations).¹⁵ Commission staff's understanding is that certain existing facilities were installed with flood proofing measures as part of an improvement project in 1979 and that further flood protection measures were added more recently: some in 2006 (i.e., raising the flood protection wall height around the headworks

¹² The WWTP's main access entrance is at the intersection of Aloha Place and Honolulu Avenue at the northwest corner of the site. A secondary access point is located near the existing centrifuge building at the far southeastern end of the site. This secondary access is at elevation 13 feet NAVD.

¹³ Critical components are those components of the WWTP that must remain functioning at all times in order to continue to provide service without potentially causing unintended effluent discharges.

¹⁴ This is the transformer, which is one of four critical components of to be protected above the 100-year BFE as part of this project. The existing flood protection elevation of the standby power building is 13.81 and the centrifuge includes flood protection to 17.75 feet. The standby power building is proposed as part of this project to be raised from 13.81 to 15.75 feet NAVD, one-foot above (freeboard) the 100-year BFE.

¹⁵ The Applicant's SLR analysis states that "critical facilities have been protected with flood barriers and gates to elevation 14.4 feet NAVD. This statement from the SLR analysis is based on "personal communication with a former plant superintendent (John Clemmons)."

and pumping plant, and installing heavy-duty floodgates),¹⁶ and some soon after the 2010 flood event.¹⁷

Future Site Characteristics

The WWTP site will experience more frequent and more intense flooding episodes in the future due to expected sea level rise (SLR) and associated flooding of Arroyo Grande Creek and its lagoon and the Meadow Creek Lagoon complex. These episodes will be as a result of coastal flooding, fluvial flooding, or estuarine flooding, as described in the above section, with the estuarine flooding being the primary risk.

The SLR analysis uses the Commission's recently adopted Sea Level Rise Policy Guidance document (2015), which recommends using scenarios that represent a range of possible sea level rise amounts that may result from climate change and focuses specifically on the medium and high SLR projections.¹⁸ As stated above, because there is limited data on extreme flooding events for the site, the SLR analysis used the 2010 flood event (that peaked at 12.3 feet NAVD) as the "maximum" flood event in the modelling simulations. Based on this analysis, for the year 2050, the maximum flood elevation is expected to range from 12.7 to 13.2 feet NAVD, for medium and high sea level rise projections, respectively. For the year 2100, the maximum flood elevation is expected to be 13.9 to 15.6 feet NAVD, for medium and high projections, respectively. To reiterate, current flood thresholds related to the WWTP are as follows: 10.4 feet NAVD for the WWTP's main access point and adjacent residential development in the area; 12.3 feet NAVD represents the peak flood elevation reached by the 2010 flood event; and 12.8 feet NAVD represents the lowest critical component currently flood proofed to. Thus, by 2050, the maximum flood elevation will be above the 2010 peak flood elevation and well above the flooding threshold of the WWTP's main access point.

To better understand how the site and WWTP infrastructure may be impacted in the future, the Applicant's SLR analysis identifies how often flooding events may occur on the site in the future. Due to the limited flood record, the analysis could not evaluate the return periods of extreme events with sufficient confidence. Instead, the analysis uses a semi-quantitative method that identifies generalized event frequencies (as defined below) to describe how often a given

¹⁶ This development project is one of the four ATF components of the proposed project requested by the District to be recognized as part of this project.

¹⁷ For example, Gerhardt Hubner, District Manager, has stated (in an email dated April, 11, 2017) that silt gates were installed around certain building/areas prior to the 2010 event, which are designed to prevent debris or mud from entering a critical piece of equipment or room. In addition, after 2010, the WWTP relocated electrical wires/wiring to eliminate vulnerability, constructed a v-ditch in front of the standby generator area to divert stormwater (one area that had standing water in 2010 event), and routinely runs and checks the bypass pump at the headworks and other pumps for functionality.

¹⁸ Sea level rise projections are typically presented in ranges due to several sources of uncertainty regarding future greenhouse gas emissions and the physical responses of earth systems (such as ice sheet loss) to climate change. Here, the range in SLR projections for both 2050 and 2100 represent possible sea level rise based on two specific scenarios of future greenhouse gas emissions (so four scenarios total). The high SLR projection relates to the high emissions scenario which assumes continued fossil-fuel intensive energy use, along with population growth that peaks mid-century, high economic growth, and development of more efficient technologies. The medium scenario assumes the same population, economic, and technological growth as the high scenario, but also assumes that energy would be derived from a balance of sources, thereby reducing greenhouse gas emissions.

water level would occur at the WWTP. Event frequencies are described as follows where the “% exceedance” refers to the percentage of time that the water level (or flood event) would be greater than a certain elevation:

- **Rare (extreme) water levels:** less than 1% exceedance, expected to have a 10-year return period or greater and occur during a relatively large storm.
- **Nuisance water levels:** between 1% and 10% exceedance, expected to have approximately a 1-year return period.
- **Typical water levels:** greater than 10% exceedance, expected to be representative of typical conditions and daily water levels.¹⁹

The current frequency of a flood that is comparable to the 2010 event benchmark of 12 feet NAVD at the site is defined as rare (specifically, a less than 0.01% exceedance value), as is the flooding frequency for the County’s threshold for residences and WWTP main access at 10.4 feet NAVD (a 0.2% exceedance value). Based on the SLR analysis for the project that includes the proposed flood protection, the risk that the WWTP infrastructure would be flooded by a somewhat large storm (such as a storm with a 10-year return period) is reduced to almost zero in the short term.

In the future, the Applicant’s analysis concludes that by 2050 (33 years from now), under the “high” SLR scenario (24 inches of SLR), adjacent residential areas and the WWTP’s two access points would be routinely flooded by “typical” water levels, even though the WWTP itself may still be safe from relatively large storms (those with a 10-year return period) due to its existing and proposed flood protection measures. By 2100 (83 years from now), however, under the “high” SLR scenario (66 inches of SLR), adjacent residential areas and the WWTP’s two access points would again be routinely flooded, and the WWTP itself would see “nuisance” flooding from even moderate-size storms, such as those with an annual (or even more common) return period.

Thus, based on the Applicant’s analysis, the WWTP site and several of the existing buildings and critical facilities are currently at elevations where they may be subject to rare flooding currently, and flooding could increase in frequency with rising sea level. The elevation of some of the WWTP components (and as part of this project, four critical facilities at the WWTP are to be elevated at least up to 15.75 feet NAVD) will avoid or minimize flood impacts from somewhat large storms (those with a 10-year return period) for current conditions and as influenced by SLR until approximately 2070 (53 years from now) under the high SLR scenario.

However, the existing access to the WWTP is at a low elevation and it is likely to be regularly impacted by 2050.²⁰ Also, the 12-foot NAVD flood thresholds, based on the 2010 event, will

¹⁹ These terms are defined relative to existing site grades at the WWTP and the associated potential flood consequences.

²⁰ The typical water levels in the Meadow Creek Lagoon will be greater than 10 feet NAVD by 2050, and greater than 12 feet NAVD by 2100. Changes in the typical water levels represent permanent inundation and imply that land use changes will need to be implemented.

continue to be exceeded somewhat *rarely* by 2050, but by the end of the century will be exceeded on a *typical* basis. The secondary access point will be relied on more heavily as the main access point is routinely flooded; however, at 13 feet NAVD, this access will also be flooded (albeit rarely) by 2050, and routinely flooded earlier than the WWTP itself. Importantly, in addition to increasing flood risk from the smaller events (10-year return periods or less) included in the SLR analysis, the site would also be expected to flood from more extreme events, such as a 100-year event, which were not explicitly included in the SLR analysis.

Preliminary Inconsistency with 30253

Even though the frequency of flooding of the WWTP itself is not expected to be significant for several decades, adding any new development to a low-lying flood prone area, particularly for critical infrastructure like redundancy or backup infrastructure (within the County's FH zone) does not minimize risk to life and property, as required by the first part of Coastal Act Section 30253. In fact, adding any new development, especially development that adds significant infrastructure and investment to the site (including in terms of size, scope, and cost, etc.) actually *increases* risk to life and property at an already inherently risky location. The WWTP also *currently* suffers from periodic flooding events, and is only able to function adequately and safely at this location because of its existing flood protection measures. Thus, the long-term allowance of the development approved here would be inconsistent with 30253 on the basis that it does not minimize risk to life and property.

Consistency with 30253 s Conditioned

While it would be inconsistent with the Coastal Act and the Commission's Sea Level Rise guidance to approve critical infrastructure in a location that is subject to the above-described SLR and flooding hazards, the proposed project is ancillary to existing critical infrastructure and is needed to ensure the existing development operates safely, even in the short term. This is because the WWTP would be without redundancy, or backup, infrastructure that are critically needed so that major wastewater facility components can periodically be removed from service for routine maintenance and repairs, or be shut down in case of mechanical failure or emergency, while maintaining operation of the WWTP. And specifically, the flood-proofing (i.e., "elevation") components of the proposed project are necessary to prevent recurrence of a wastewater spill in case of flooding of magnitude such as the one that occurred in 2010 and to ensure compliance with the RWQCB's effluent permit limits. Thus, the proposed project is necessary to ensure proper functioning of the WWTP to current standards and measures at this time, when the flooding risks discussed above are not yet significant. In addition, the proposed project has been anticipated by the RWQCB at this site through its Permit Order No. R3-2009-0046. Furthermore, the RWQCB strongly supports this project because the upgrades will presently protect human health and the environment and prevent sewage spills due to aging infrastructure.

The Commission concurs that the project is needed in the *immediate* term. However, adding new permanent infrastructure to the site is inappropriate and inconsistent with Section 30253(a) of the Coastal Act over the long term, given the conclusions based on the technical review of projected SLR and future flooding data for this site, as described above. As mentioned, the site is in a low-lying location (former tidelands that have been filled), located between the Arroyo Grande Creek and Lagoon to the south and Meadow Creek and Lagoon to the north, and the Pacific Ocean to

the west. Flooding events have occurred in this area in the past which have impacted the WWTP, including a major flooding event in 2010 that resulted in a wastewater spill. The Commission's senior engineer, Dr. Lesley Ewing, has concluded that without efforts to elevate or flood proof portions of the WWTP, site flooding and resultant damage to the facilities is likely to occur more frequently at the WWTP in the future with more serious consequences due to changes in climate and associated sea level rise.

Coastal Act Section 30253 requires the project to minimize future risk, assure long-term stability and structural integrity, and not require protective measures in the future that would substantially alter natural landforms along bluffs and cliffs. For the proposed project, the main concern under Section 30253 of the Coastal Act is minimizing risk to life and property. This is particularly critical given the dynamic estuarine and coastal environment within which the proposed project would be surrounded. The Commission finds that the approval of the proposed redundancy system, other minor development to improve the functioning of the facility, ATF recognition of previous work done on site, and flood-proofing improvements, are appropriate *interim* measures to provide continuing wastewater services to the Oceano community while the District explores long-term solutions for the WWTP given future increased flooding scenarios, including options for future relocation of the entire WWTP.²¹

Thus, **Special Condition 1** authorizes the proposed project on a *temporary* basis to allow for the continued operation and function of the WWTP, including to presently protect water quality and public health, while simultaneously allowing time to plan for future WWTP relocation away from coastal hazard risks when the time is right. **Special Condition 1** also recognizes that limited measures to ensure continuing function of the WWTP may be necessary in the interim, including measures to address flooding and other coastal hazards (including as these hazards may be exacerbated by sea level rise), that they shall be the minimum necessary to abate the identified problem, shall only be allowed if they are required to ensure the continuous operation of the WWTP to protect water quality and public health, and shall be removed and the affected area restored to its pre-construction state upon WWTP relocation or expiration of this CDP. **Special Condition 2** authorizes the project for 10 years to both address present-term water quality and flood-proofing issues that require immediate attention, and to allow for a thorough evaluation of the relocation option to an area that is safe from flooding and other coastal hazards and does not require protective devices or substantial alterations of rivers and streams.

Critical to the task of minimizing risk and ensuring long-term stability, as required by Section 30253, is a formal long-term monitoring program for the WWTP. If the approved project is damaged in the future (e.g., as a result of flooding), this could lead to potentially serious water quality impacts, similar to that which occurred as a result of the 2010 flooding event. Such

²¹ It is worth noting that although expiration of the authorization for the development approved by this CDP may not necessarily require SSLOCSD to remove the portions of the WWTP which are authorized by prior CDPs with continuing validity, as a practical matter continuing future operation of the WWTP may depend on authorization of this CDP. Or, the District may need to seek a permit amendment for those prior CDPs in order to address future SLR-related flooding hazards (which may not be found consistent with Section 30253(a) of the Coastal Act for substantially the same reasons discussed herein, although that would be evaluated at the time of a future application). Therefore, it is incumbent on the District to consider future relocation of the entire WWTP, and the District should not assume that long-term operation of the WWTP at its present location can necessarily be found Coastal Act consistent.

damages could adversely affect nearby beaches resulting from sewage spills and/or create a health hazard to the public using the beaches. Thus, in order to ensure that the Applicant and the Commission understand how flooding impacts are affecting the WWTP over time, the Applicant is required to submit a Coastal Hazards Monitoring Plan (**Special Condition 4**) to establish the framework and parameters for: (1) regularly monitoring flood and other coastal hazards at the site and management responses to those hazards both on and off-site (e.g., lagoon management, levee expansion, etc.); (2) identifying how those hazards are impacting and affecting the operations of the WWTP; (3) identifying changes necessary to allow continued appropriate and required functioning of the plant; and (4) identifying flood/hazard ‘triggers’ to establish when WWTP changes (including up to and including plant relocation) need to be pursued in response to specific flood/hazard events or flood management activities.

Further, to ensure that the District and the Commission fully understand the annual and long-term costs of maintaining the existing plant at its current location, **Special Condition 5** requires a Life Expectancy Analysis to be submitted within two years of approval. The primary purpose of such an analysis is to determine when the WWTP cannot function without substantial investment in new infrastructure and protective measures, at which point it might be appropriate to relocate the existing WWTP. The Life Expectancy Analysis shall include information on each component at the WWTP (e.g., headworks, clarifiers, digesters, etc.), the installation date of each component, upgraded component dates and the current condition of that equipment, major upgrade events, the expected lifespan and repair/maintenance and replacement costs of each component based on industry accepted sources, manufacturers’ information, and the reports of other municipalities with similarly sized facilities, and the expected remaining years of use for each component and for the overall WWTP. Conclusions must be included regarding the expected point in time when investments in infrastructure (including continued flood protection measures) at the current WWTP location outweigh investing in a relocated plant at a location that is safe from flooding and other coastal hazards.

Finally, to ensure that the District is planning for a relocated WWTP in order to ensure consistency with Section 30253(a) of the Coastal Act, **Special Condition 6** requires a Coastal Hazards Response Plan to build upon the work completed to date as described in the document titled “*Technical Memorandum, Evaluation of Wastewater Treatment Plant Site Alternatives and Conceptual Costs for CDP Application*” by MKN and dated September 9, 2016 (see **Exhibit 8**), which provides initial information on conceptual costs for a relocated WWTP that meets current effluent requirements and provides a similar level of treatment to the existing facility. This memorandum identified three offsite locations that have at least 12 acres of area, are located outside of the flood hazard designation, and are an allowed use in the applicable land use zone (see page 6 of **Exhibit 8** for the three identified sites).²² The Coastal Hazards Response Plan is intended to also expand upon the required Coastal Hazards Monitoring Plan (**Special Condition 4**) and the Life Expectancy Analysis (**Special Condition 5**) to provide a clear long-term plan for addressing flooding and other coastal hazards as well as coastal resource impacts at the WWTP over the long-term, including total relocation of the WWTP. The Coastal Hazards Response Plan

²² Costs for relocation to any of the three sites range from \$110 million to \$130 million in 2016 dollars, and \$130-\$160 million in 2026 (at anticipated midpoint of construction), but does not include costs for property acquisition, easement acquisition or other categories that cannot be reasonably estimated. The memorandum also anticipates a timeline of seven to 11 years for planning, permitting, design, and construction of such a new facility.

would build upon the costs of maintaining the plant at the present location (via **Special Condition 5**), by requiring an assessment of costs and benefits of relocating the plant to an area safe from flooding and other coastal hazards over time. The analysis would include expected costs of purchasing land for a relocated plant, as well as expected costs to: decommission the existing plant and to restore the site to its natural state; upgrade the plant (including a relocated plant) to full tertiary treatment (or better); provide for water recycling (including addressing the potential for joint satellite facilities and/or collaborations with nearby communities for water recycling); and include a timeline of potential major relocation events, including expected timeframes for land acquisition, planning, permitting, design, construction and eventual operation, of a relocated plant. The intent would then be for the District to eventually submit a CDP amendment request or new CDP application to the Commission to authorize implementation of the approved Coastal Hazards Response Plan. **Special Condition 3** also requires submittal of full-scale project plans for the redundancy project.²³

In addition, in terms of recognizing and assuming the hazard risks for shoreline development, the Commission's experience in evaluating proposed developments in areas subject to hazards has been that permittees continue to pursue development despite periodic episodes of heavy storm damage and other such occurrences. Development in such dynamic environments is susceptible to damage due to such long-term and episodic processes. Past occurrences statewide have resulted in public costs (through low interest loans, grants, subsidies, direct assistance, etc.) in the millions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden for damages onto the people of the State of California, applicants are regularly required to acknowledge site hazards and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, this approval is conditioned for the Applicant to assume all risks for developing at this location (see **Special Condition 10**).

Lastly, Coastal Act Section 30620(c)(1) authorizes the Commission to require Applicants to reimburse the Commission for expenses incurred in processing CDP applications. Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application in the event that the Commission's action is challenged by a party other than the Applicant. Therefore, consistent with Section 30620(c), the Commission imposes a condition requiring reimbursement for any costs and attorneys' fees that the Commission incurs in connection with the defense of any action brought by a party other than the Applicant challenging the approval or issuance of this CDP (**Special Condition 11**).

Hazards Conclusion

The existing WWTP is currently threatened with flooding events. The proposed project has been designed to ensure that critical WWTP components are located above the 100-year base flood elevation. Even so, the site is in an area of high flood hazard that will be flooded more frequently

²³ 100% project plans have not been produced yet for the redundancy portion of the proposed project, based on an expected timeline provided by the District for this project. Plan sets for other proposed and ATF development as part of this project, including the: 1) Biosolids Storage Slab 2) Grit Removal Equipment; 3) Headworks Improvements; 4) Chlorine Contact Chamber Improvements; 5) Floodwall Replacement and Flood Gates; and 6) Dewatered Sludge Conveyor System, have all been received in the Commission's Central Coast District Office. Finally, flood-proofing components must be in substantial conformance with the Site Plan, pursuant to Special Condition 3.

over time due to sea level rise. However, the proposed project includes redundancy/backup components that are critically needed at the present time so that major wastewater facility components can periodically be removed from service for routine maintenance and repairs, or be shut down in case of mechanical failure or emergency, while maintaining operation of the WWTP. And specifically, the flood-proofing (i.e., the “elevation” measures) components of the proposed project are necessary to help prevent recurrence of a wastewater spill such as the one that occurred in 2010 and to ensure compliance with the RWQCB’s effluent permit limits. Thus, the proposed project is necessary to ensure proper functioning of the WWTP to current standards and measures, in the near term. Special Conditions are included to ensure that the project is allowed in the near-term for these purposes, and that a long-term solution to the WWTP is initiated. Therefore, with respect to coastal hazards, the project, as conditioned, can be found consistent with Coastal Act Section 30253.

D. MARINE RESOURCES/WATER QUALITY

The Coastal Act protects the marine and freshwater resources and offshore habitat located in the vicinity of this site. Coastal Act Sections 30230 and 30231 specifically state:

Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Analysis

The project site is located in a low-lying area, which currently experiences flooding events primarily during winter storms that produce flows that swell and overtop nearby waterbodies such as Arroyo Grande Creek and Lagoon, and Oceano and Meadow Creeks and Lagoons. For this reason, the site is located wholly within the LCP’s Flood Hazard (FH) zone.

As discussed above, the primary purpose of the proposed project is to install redundancy or backup infrastructure to the WWTP so that major wastewater facility components can periodically be removed from service for routine maintenance or repairs, or be shut down in case of mechanical failure or emergency, while maintaining operation of the WWTP and without risking violation of RWQCB effluent permit limits. The District is also proposing to elevate four existing critical WWTP components above the 100-year flood elevation level. Thus, as proposed, the project, as operational, will protect marine and freshwater resources and water quality by

helping to prevent wastewater spills into nearby creeks that flow into the ocean.

However, with respect to construction impacts, this project will require the movement and placement of large equipment, workers, materials, and supplies. To protect the water quality of nearby creeks (which flow into the ocean) during construction, **Special Condition 7** requires submission of a Construction Plan that includes the methods typically required by the Commission to protect water quality and marine resources during construction (including maintaining good construction site housekeeping controls and procedures, the use of appropriate erosion and sediment controls, requiring any equipment washing, refueling, or servicing at the site to be done at least 50 feet from the site's perimeter fence, etc.). To further protect marine resources and offshore habitat, **Special Condition 8** requires construction documents to be kept at the site for inspection, and also requires a construction coordinator to be available to respond to any inquiries that arise during construction. Thus, as conditioned, the project is consistent with Coastal Act Sections 30230 and 30231 regarding protection of marine and freshwater resources and offshore habitat.

E. SCENIC AND VISUAL RESOURCES

Coastal Act Section 30251, cited below, protects the aesthetic and visual quality of coastal areas.

***Section 30251.** The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Analysis

Coastal Act Section 30251 requires that scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. New development must be sited and designed to protect views to and along the ocean and scenic coastal areas and where feasible to restore and enhance visual quality in visually degraded areas. The proposed project includes new development located within the existing WWTP site. The project site is located less than half a mile from Highway 1. Currently, the view from Highway 1 includes dense vegetation with the ocean in the distance. The tops of certain components of the existing WWTP extend up from the dense surrounding vegetation and are visible from Highway 1, specifically the WWTP's white-colored tanks (see **Exhibit 9**). Some of the proposed redundancy infrastructure, the ATF infrastructure, as well as some of the proposed flood-proofing components, may be visible from Highway 1.

Thus, the proposed project will likely have new impacts on public views in a scenic coastal area. To ensure consistency with Coastal Act Section 30251, **Special Condition 3** and **9** requires that all new infrastructure, as well as the ATF infrastructure authorized by this CDP, that is visible

from Highway 1, is to be painted or stained green or an earth-tone to blend in with the dense vegetation that surrounds the WWTP. In addition, this condition also authorizes the Applicant to paint the existing non-ATF infrastructure these same colors in order to achieve enhanced consistency with Section 30251 of the Coastal Act at the site. Thus to mitigate for new impacts, which can be limited with conditions but not completely avoided, enhancement of public views from Highway 1 and other public areas can be achieved through the painting and/or staining of existing infrastructure. As conditioned, the proposed project is consistent with the visual protection requirements of Coastal Act Section 30251.

F. PUBLIC ACCESS AND RECREATION

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea “shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3.” The proposed project is located seaward of the first through public road (Highway 1). Coastal Act Section 30210 requires maximization of public access consistent with public safety needs, etc., Coastal Act Sections 30212(a)(1) and (a)(2) require new public access in development projects located between the nearest public roadway to the shoreline and along the coast except where it is inconsistent with public safety, etc., and where adequate access exists nearby:

***Section 30210.** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

***Section 30212(a)(1)(2).** Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby...*

The proposed project is located between the nearest public road and the sea and within an existing, fenced wastewater treatment facility. Providing for public access through this industrial site, however, would be inconsistent with public safety due to the presence of substantial industrial wastewater equipment and materials. In addition, public access to the shoreline in the Oceano area is readily available, including south of the WWTP along the Arroyo Grande Creek levee and to the northwest at the ends of Juanita Avenue, Pier Avenue, and a number of other roads that terminate at the beach in Oceano. Thus, adequate public access exists nearby the WWTP and the project, as proposed, is consistent with Coastal Act Section 30210 and 30212(a)(1)(2).

G. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Coastal Act Section 30240(b) requires that development adjacent to ESHA be sited and designed to prevent impacts to such areas, and states:

Section 30240(b). Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed project includes development adjacent to riparian and wetland habitats, which are located just outside of the project site (see aerial photos and on-site photos in **Exhibits 1 and 2**, respectively). However, all proposed and ATF development would be located and constructed on existing paved or previously disturbed soils located within the fenced-in boundary of the WWTP site. Furthermore, **Special Condition 7** includes adequate protections of the adjacent habitats during construction through the use of erosion and sediment controls (such as silt fencing), construction site housekeeping controls and procedures, and a prohibition on equipment washing, servicing, and refueling within 50 feet of the WWTP's perimeter fence. As conditioned, the project is consistent with Coastal Act Section 30240(b).

H. VIOLATION

Violations of the Coastal Act exist on the subject property including, but not limited to the following unpermitted development: a) installation of a new chlorine contact chamber, including a new concrete basin tank and pump station completed in 2004; b) installation of a replacement floodwall and new flood gates to protect the headworks building completed in 2006; c) installation of a new dewatered sludge conveyor system completed in 2014; and d) installation of a new grit removal system completed in 2016. Issuance of the CDP and compliance with all of the terms and conditions of this permit will result in resolution of the aforementioned violations of the Coastal Act on the subject property.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission's position regarding the legality of development, other than the development addressed herein, undertaken on the subject site without a coastal permit. In fact, approval of this permit is possible only because of the conditions included herein and failure to comply with these conditions would also constitute a violation of this permit and of the Coastal Act. Accordingly, the Applicant remains subject to enforcement action just as it was prior to this permit approval for engaging in unpermitted development, unless and until the conditions of approval included in this permit are satisfied.

Failure to comply with the terms and conditions of this permit may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act. Only as conditioned is the proposed development consistent with the Coastal Act.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be

consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Applicant, South San Luis Obispo County Sanitation District (SSLOCSD), acting as the CEQA lead agency, adopted a Mitigated Negative Declaration (MND) for the proposed project on July 7, 2010. The SSLOCSD also prepared an Addendum to the adopted MND, dated September 7, 2016, to bring the existing MND documentation up to date as appropriate. This Addendum updated sections related to Biological Resources and Sea Level Rise and Flooding. The Coastal Commission's review and analysis of coastal development permit applications has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. (14 CCR Section 15251(c).) The preceding coastal development permit findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. *SSLOCSD Wastewater Treatment Facility Redundancy Project, Sea Level Rise Analysis*, Environmental Science Associates (ESA), dated August 3, 2016.
2. *Long Range Plan Wastewater Treatment Plant Improvements, South San Luis Obispo County Sanitation District*, Kennedy Jenks Consultants, July 2005.
3. *Technical Memorandum, Evaluation of Wastewater Treatment Plant Site Alternatives and Conceptual Costs for CDP Application*, MKN, September 9, 2016.
4. *Technical Memorandum, Redundancy Project – Flood Risk Mitigation Strategy*, Kennedy/Jenks Consultants, September 7, 2016.
5. *Mitigated Negative Declaration*, July 7, 2010, and Addendum, September 7, 2016
6. *Delineation of Waters of the United States and State of California, South San Luis Obispo County Sanitation District Wastewater Facility Redundancy Project*, Kevin Merk Associates, LLC (KMA), August 2016.

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

South San Luis Obispo County Sanitation District (Gerhardt Hubner, District Manager)

Regional Water Quality Control Board (Katie DiSimone)

Northern Chumash Tribal Council (Fred Collins)



City of Grover Beach

Mayor John P. Shoals

Mayor Pro Tem Mariam Shah

Council Member Jeff Lee, Council Member Barbara Nicolls, Council Member Debbie Peterson

Matthew Bronson
City Manager

April 19, 2017

John Ainsworth, Executive Director
California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

SENT VIA EMAIL and FIRST CLASS MAIL
Email: John.Ainsworth@coastal.ca.gov

**Subject: COASTAL DEVELOPMENT PERMIT (CDP) APPLICATION NO. 3-016-0233 –
SSLOCSD WASTEWATER SECONDARY TREATMENT FACILITY REDUNDANCY
PROJECT – LETTER OF SUPPORT**

Dear Mr. Ainsworth:

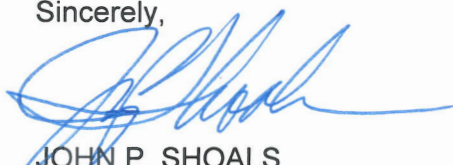
On behalf of the City of Grover Beach, I am pleased to submit this letter of support for the South San Luis Obispo County Sanitation District's (District) Redundancy Project. We urge the Coastal Commission to approve the Coastal Development Permit that would allow this important project to move forward.

As you know, the existing Wastewater Treatment Plan (WWTP) operated by the District is a critical facility that processes wastewater generated from our community, as well as other municipalities in the region. Its continued safe operation is crucial to the maintenance of public health and safety within our community and in much of the greater Five Cities region. Completion of the Redundancy Project is a critical component of the continued operation of the WWTP and the 37,000 customers served and is necessary to maintain public health and safety.

The intent of the project is to provide redundant facilities within the framework of the existing WWTP to allow for ongoing maintenance without interrupting ongoing operations. These redundant facilities are also important in the context of the long-term operation of the WWTP, in case of potential failure of the facilities for which they are intended to provide redundancy. The Redundancy Project would help safeguard the existing operations that are necessary to each community that it serves, including our community. The District has our full support in moving this project forward as quickly as possible, and we urge the Coastal Commission to approve the Coastal Development Permit needed to facilitate this action.

We appreciate your diligent efforts related to this project. Please don't hesitate to call if you would like to discuss our perspective on this matter.

Sincerely,



JOHN P. SHOALS
Mayor, City of Grover Beach

c: Daniel Robinson, Coastal Planner, Coastal Commission - Daniel.Robinson@coastal.ca.gov
Gerhardt Hubner, District Administrator, SSLOCSD - Gerhardt@sslocsd.us

154 South Eighth Street ♦ Grover Beach, California 93433 ♦ FAX (805) 489-9657 ♦ www.groverbeach.org

Administrative Services/Water (805) 473-4550 ♦ City Council/City Manager (805) 473-4567 ♦ City Clerk (805) 473-4568
Community Development - Building, Planning & Economic Development (805) 473-4520 ♦ Human Resources (805) 473-4564
Parks & Recreation (805) 473-4580 ♦ Police/Non-Emergency (805) 473-4511 ♦ Public Works (805) 473-4520



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

John Ainsworth
Executive Director
California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

Email: John.Ainsworth@coastal.ca.gov

April 26, 2017

Subject: **COASTAL DEVELOPMENT PERMIT (CDP) APPLICATION NO. 3-016-0233 –
SSLOCSD WASTEWATER SECONDARY TREATMENT FACILITY
REDUNDANCY PROJECT – LETTER OF SUPPORT**

Dear Mr. Ainsworth:

On behalf of the Oceano Community Services District (OCSD), I am pleased to submit this letter of support for the South San Luis Obispo County Sanitation District's (District) Redundancy Project. We urge the Coastal Commission to approve the Coastal Development Permit that would allow the project to move forward.

As you know, the existing Wastewater Treatment Plan (WWTP) operated by the District is a critical and necessary facility that processes wastewater generated from our community as well as other municipalities in the region. Its continued safe operation is crucial to maintenance of public health and safety not only within our community, but within much of the greater Five Cities region.

The intent of the project is to provide redundant facilities within the framework of the existing WWTP to allow for ongoing maintenance without interrupting ongoing operations. These backup facilities are also important in the context of the long-term operation of the WWTP and in the event of potential failure of the facilities for which they are intended to provide redundancy. The Redundancy Project would in no way increase the plant's capacity that could potentially induce population growth and development. Instead, it would help safeguard the existing operations that are necessary to each community that it serves, including our community. The District has our full support in moving this project forward as quickly as possible, and we urge the Coastal Commission to approve the Coastal Development Permit needed to facilitate this action.



Oceano Community Services District

Board of Directors Meeting

We appreciate your diligent efforts related to this project, and please don't hesitate to contact us to further discuss our perspective on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Karen M. White".

Karen M. White, Board President

A handwritten signature in cursive script that reads "Linda M. Austin".

Linda M. Austin, Board Vice President

cc: Daniel Robinson, Coastal Planner, Coastal Commission,
Daniel.Robinson@coastal.ca.gov

Central Coast Regional Water Quality Control Board

April 5, 2017

Dayna Bochco, Chair
California Coastal Commission

Email: dayna.bochco@coastal.ca.gov

Dear Ms. Bochco:

LETTER OF SUPPORT, SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT REDUNDANCY PROJECT

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) has been working with South San Luis Obispo County Sanitation District on the District's Long Range Secondary Treatment Process Redundancy Project (Project) for its wastewater treatment plant in Oceano. The District submitted California Environmental Quality Act documentation in early 2016 and determined that the Project would not have a significant effect on the environment. In September 2016, the District's adopted a resolution approving the Project. We understand that California Coastal Commission staff intends to put the District's permit application for the Project on the Commission's agenda for its May 2017 meeting.

The Central Coast Water Board strongly supports this project because upgrades at the District's wastewater treatment plant will help protect human health and the environment and prevent sewage spills due to aging infrastructure. The Central Coast Water Board asks that the Commission approve the District's Project permit application.

If you have any questions, please call or e-mail **Katie DiSimone** at (805) 542-4638 or Sheila Soderberg (805) 549-3592.

Sincerely,

John M. Robertson Digitally signed by John M. Robertson
Date: 2017.04.04 17:52:20 -07'00'

John M. Robertson
Executive Officer

cc:

Mr. Gerhardt Hubner, SLOCSO Gerhardt@sslocsd.us
Mr. Daniel Robinson, California Coastal Commission Daniel.Robinson@coastal.ca.gov
Mr. John Ainsworth, California Coastal Commission John.Ainsworth@coastal.ca.gov
Ms. Katie DiSimone, RWQCB Katie.DiSimone@waterboards.ca.gov
Ms. Sheila Soderberg, RWQCB Sheila.Soderberg@waterboards.ca.gov

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DR. JEAN-PIERRE WOLFF, CHAIR | JOHN M. ROBERTSON, EXECUTIVE OFFICER

895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401 | www.waterboards.ca.gov/centralcoast



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Post Office Box 339, Oceano, California 93475-0339

1600 Aloha Oceano, California 93445-9735

Telephone (805) 489-6666 FAX (805) 489-2765

www.sslocsd.us

STAFF REPORT

Date: May 3, 2017
To: Board of Directors
From: Gerhardt Hubner, District Administrator
Subject: **UPDATE TO ATTORNEY CONTRACT**

RECOMMENDATION

1. Consider a request by District Legal Counsel to update its contract; and
2. Consider and Approve Resolution No. 2017-368 (Attachment No. 1) authorizing the Chairman to execute an amended attorney contract.

BACKGROUND AND DISCUSSION

The Board retained Mr. Gil Trujillo and Ms. Wendy Stockton to provide attorney services to the District in November, 2015. Similarly, to the agreement (Attachment No. 2) between the District and its former attorney, the legal services agreement required the District to pay for expenses such as continuing education, large photocopying and electronic research. The agreement also contains an automatic, annual pay adjustment which the District has not implemented.

The attorneys have requested (Attachment No. 3) that the current agreement be modernized. The requested changes would clarify their status as part-time independent consultants and require them to pay for all expenses (reflecting current practice). The updated contract agreement (Attachment No. 4) would raise attorney rates to \$185/hour¹ and provide for future adjustments on 30 days' notice. The updated contract would also allow the District to terminate the agreement on 30 days' notice. All other material terms of the original Legal Services Agreement remain unchanged.

FISCAL CONSIDERATIONS

The proposed update would raise the attorney billing rate from \$175 to \$185 per hour and require attorneys to pay for all expenses. Assuming the District will require attorney services according to already budgeted amounts, the proposed update should not result in significant increased costs

¹ For reference, on February 17, 2017 Nipomo Community Services District approved a contract with Richards Watson and Gershon requiring payment for general legal services at the rate of \$210/hour.

since the District will not be obligated to pay for continuing education, photocopying and electronic research. The increased rate appears to remain significantly below going market rates for general counsel services.

ATTACHMENTS:

1. Resolution No. 2017-368
2. Agreement for Legal Services dated November 4, 2015
3. Letter to Board from Legal Counsel dated April 11, 2017
4. Update No. 1 to Legal Services Agreement

RESOLUTION NO. 2017-368

**A RESOLUTION OF THE BOARD OF SOUTH SAN LUIS OBISPO
COUNTY SANITATION DISTRICT AUTHORIZING AND DIRECTING
THE CHAIR TO ENTER INTO UPDATE #1 TO AGREEMENT FOR
LEGAL SERVICES, SOUTH SAN LUIS OBISPO COUNTY
SANITATION DISTRICT, GIL TRUJILLO, ESQ. AND WENDY
STOCKTON, ESQ.**

WHEREAS, District entered into an Agreement on November 4, 2015 for legal services with Gilbert A. Trujillo, Esq. and Wendy Stockton, Esq. ("Attorneys"); and

WHEREAS, Attorneys have requested that the Agreement be modernized to clarify their status as independent contractors, to require them to pay for all expenses, to raise their rates to \$185 per hour, and to provide for future rate adjustments and termination on 30 days' notice; and

WHEREAS, the request appears to be in the District's best interest as it should not result in significant increased costs compared to already budgeted amounts and the rate appears to remain below going market rates for general counsel services.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of South San Luis Obispo County Sanitation District as follows:

1. Update #1 to Agreement for Legal Services, South San Luis Obispo County Sanitation District, Gil Trujillo, Esq. and Wendy Stockton, Esq. is hereby approved; and
2. The Chair is authorized and directed to sign the update.

PASSED AND ADOPTED at a regular meeting of the South San Luis Obispo County Sanitation District held May 3, 2017.

Board Chair

ATTEST:

Approved As to Contents:

DISTRICT SECRETARY

District Administrator

AGREEMENT FOR LEGAL SERVICES
SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
GIL TRUJILLO, ESQ. AND WENDY STOCKTON, ESQ.

This Agreement is made by and between the SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT ("District") and Gil Trujillo, Esq. and Wendy Stockton, Esq. ("Attorneys").

RECITALS

- A. District requested proposals for District Counsel on June 17, 2015.
- B. Attorneys submitted a proposal dated July 16, 2015 to provide legal services as District Co-Counsel.
- C. District wishes to employ Attorneys to act as part-time District Legal Co-Counsel, as part-time independent contractors.

Now, therefore, District and Attorneys agree:

- 1. District hereby hires Attorneys to act as District Legal Co-Counsel, as part-time independent contractors.
- 2. Attorneys shall be paid at the hourly rate of \$175 for legal services. These services include:
 - a. Attendance at District Board of Director meetings. Gil Trujillo will serve as lead for these services, and as lead for Board contacts, with Wendy Stockton as alternate.
 - b. Other non-litigation general services including, but not limited to, document drafting, document review, attendance at meetings and hearings other than District Board meetings, and rendering legal opinions to the District Board or District Administrator. Wendy Stockton will serve as lead for these services, with Gil Trujillo as alternate.
 - c. Litigation services not requiring special counsel. Either Gil Trujillo or Wendy Stockton may serve as lead for these services.
- 3. Attorneys shall provide the services referred to in Paragraph 2 only as requested by the District Board or District Administrator.
- 4. Attorneys are employed at the pleasure of the District Board and shall at all times hold themselves ready to perform District's duties under this Agreement. However, it is understood that Attorneys are free to engage in full-time employment (Mr. Trujillo) or part-time employment (Ms. Stockton) elsewhere and it will be necessary to provide adequate notice to Attorneys of the need for services referenced in Paragraph 2 above.
- 5. Attorneys will prepare monthly billing statements for services. The District Board will approve legal fees as part of the general warrant approval process prior to payment.

6. Attorneys will be responsible to communicate with the Board or District Administrator to request clarification relating to services to be performed under this agreement.

7. Beginning July 1, 2016, the hourly rate for services referenced in Paragraph 2 above shall be subject to annual adjustment based on the Consumer Price Index, All Urban Consumers, for the Los Angeles-Riverside-Orange County Area ("Index")—as determined by the United States Department of Labor, Bureau of Labor Statistics or successor agency. The adjustment will raise the rate to be paid to Attorneys by a minimum of 2% and a maximum of 5%. The District Manager will compute the adjustment based on the percentage difference between the Indexes from February to February. If the Index is not available the District Manager shall use a comparable system for determining fluctuation in the cost of living to calculate the adjustment in hourly rate.

8. Attorneys will not expense the District for long distance phone calls, in-office photocopying, emailing or secretarial time. Attorneys will expense the District at their direct cost for bulk photocopying and mailing (overnight or large items). Travel expenses will be billed according to District's policy for Director and employee travel expenses. Attorneys will not charge for time or travel to District meetings, offices or travel within San Luis Obispo County.

9. Attorneys will bill their hourly rate referenced in Paragraph 1 above, one way, for travel outside San Luis Obispo County.

10. Attorneys will expense the District of out-of-pocket costs for (a) continuing education that relates to government agency representation; (b) specialized computer program (relating to government services or obtained at government rate); and (c) books and other materials on the subject of Special District representation. By agreement with other special districts or public entities, these costs would be split with other special districts/public entities that Attorneys represent.

11. District to provide access to, and make available, District office, equipment and employees when needed to provide legal services to District.

12. Upon Attorneys' recommendation and authorization from the District Board and/or District Administrator, the District will retain Special Counsel to associate with or supplement the services of District Legal Counsel. The District also retains its authority to retain Special Counsel at its sole discretion, with or without recommendation from current District Legal Counsel and/or the District Administrator.

13. Attorneys will comply with Federal, State and District conflict-related rules and regulations. Attorneys agree to at all times avoid conflicts of interest, with the interests of the District in the performance of legal services. Attorneys further agree to avoid personal involvement in situations which are inconsistent or incompatible with the position of District Legal counsel. Attorneys will file form 700 Statements of Economic Interest.

14. The District Board shall evaluate Attorneys' performance annually during the months of May or June. The Board of Directors reserves the right to review Attorneys' performance at any time.

15. This Agreement can be terminated by District at any time by providing written notice to Attorneys. Unless otherwise agreed to in writing, Attorneys may terminate this Agreement by providing 90 days' prior written notice to District.

16. Notices required under this Agreement shall be sent to the following:

DISTRICT: SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
P.O. Box 339
Oceano, CA 93445
Attn: District Manager
with a copy to: amy@sslocsd.us

GIL TRUJILLO
P.O. Box 2305
Avila Beach, CA 93424
with a copy to: gat1848@comcast.net

WENDY STOCKTON
P.O. Box 629
Grover Beach, CA 93483
with a copy to: wendylegal55@gmail.com

Notices given pursuant to this Agreement shall be deemed received as follows:

- (a) If sent by United States Mail – 5 calendar days after deposit into United States Mail, first-class postage prepaid.
- (b) If by express courier service or hand-delivery – on the date of receipt by the receiving party.

Addresses set forth for notices may be changed upon written notice to District or Attorneys, as appropriate.

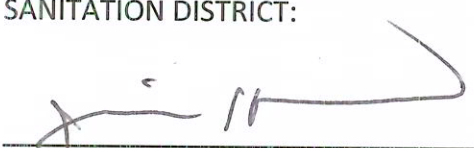
17. Attorneys agree to maintain malpractice insurance throughout the term of this contract.

18. Attorneys agree to cooperate with District and prior interim District Legal Counsel to assist in an orderly transition of legal services, including providing files to succeeding District Legal Counsel. Attorneys will charge District for services referenced in this paragraph according to paragraphs 2 and 7-9, above.

19. Indemnification. Except in the event of reckless or intentional misconduct by Attorneys, and excluding any motor vehicle accidents or professional liability claims, District agrees to indemnify, hold harmless, and defend Attorneys from any and all charges, complaints, claims, liabilities, obligations, demands, suits, actions, damages, debts and expenses (including attorney's fees and costs actually incurred), hereinafter made, or brought, arising out of the attorney services performed by Attorneys within the scope of this Agreement.

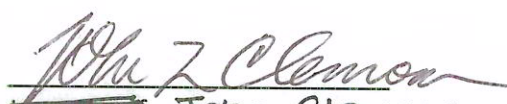
20. This Agreement is effective on the date executed by District.

SOUTH SAN LUIS OBISPO COUNTY
SANITATION DISTRICT:


By: Jim Hill, Chairman
SOUTH SAN LUIS OBISPO COUNTY
SANITATION DISTRICT Board of Directors

Date: November 4, 2015

~~Approved as to form~~


~~John Clemons~~ John Clemons
~~Brownstein Hyatt Farber Schreck~~ South San Luis
~~Interim District Administration~~ obispo County
Interim District Administration Sanitation
District

Date: November __, 2015

ATTORNEYS:


Gil Trujillo, Esq.

Date: November 4, 2015


Wendy Stockton, Esq.

Date: November 4, 2015

Gilbert A. Trujillo, Esq.
P.O. Box 2305
Avila Beach, CA 93424
Gat1848@comcast.net

Wendy Stockton, Esq.
P.O. Box
Grover Beach, CA
Wendylegal55@gmail.com

April 11, 2017

Board of Directors
South San Luis Obispo County Sanitation District
1600 Aloha Place
Oceano, CA 93445

Re: Legal Services

Dear Board of Directors:


The purpose of this correspondence is to inform you that our attorney rate for ordinary legal services will be increasing to One Hundred and Eight-Five Dollars (\$185.00) per hour. In addition, the Legal Services Agreement has been amended to address certain necessary revisions to ensure we are retained as part-time independent contractors while reducing the District's legal costs. Specifically, provisions providing that the Attorneys will expense the District for out-of pocket costs for continuing education, specialized computer programming and books and other materials have been eliminated.

We were retained by the District in November 2015, and have not had a rate adjustment as specified in our original contract. We have held off as long as possible, but as our costs of operation have increased significantly, we find it necessary to implement this rate adjustment. The increased rate will take effect beginning on May 1, 2017, and will be reflected in the May billing cycle.

Enclosed, please find the amended Legal Services Agreement reflecting the changes in rates and provisions outlined herein. If approved, please sign and return to our office at your earliest convenience.

We genuinely enjoy serving the South San Luis Obispo County Sanitation District and hope that we can continue working together for many years to come. Please contact us if you have any questions or comments. Thank you.

Sincerely,



Gilbert A. Trujillo
Wendy Stockton
District Co-Counsel

cc: District Administrator

UPDATE NO. 1 TO AGREEMENT FOR LEGAL SERVICES
SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
GIL TRUJILLO, ESQ. AND WENDY STOCKTON, ESQ.

This Update No. 1 to Agreement is made by and between the SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT ("District") and Gil Trujillo, Esq. and Wendy Stockton, Esq. ("Attorneys"), in San Luis Obispo County, California.

RECITALS

- A. The District operates a wastewater treatment plant and related equipment and works. Legal services are not a regular part of the operation of a wastewater plant; however, the District needs prompt access to legal services from attorneys whose qualifications have been reviewed and approved by Entity according to terms which have been agreed in advance; and
- B. District requested proposals for District Counsel on June 17, 2015; and
- C. Attorneys submitted a proposal dated July 16, 2015 to provide legal services to District;
- D. District wishes to continue to hire Attorneys to provide legal services as independent contractors.

Now, therefore, District and Attorneys agree:

- 1. District hereby hires Attorneys to provide legal services as specified in this Agreement.
- 2. Attendance at District Board of Director meetings. Gil Trujillo will serve as lead for these services, and as lead for Board contacts, with Wendy Stockton as alternate.
 - a. Other non-litigation general services including, but not limited to, document drafting, document review, attendance at meetings and hearings other than District Board meetings, and rendering legal opinions to the District Board or District Administrator. Wendy Stockton will serve as lead for these services, with Gil Trujillo as alternate.
 - b. Litigation services not requiring special counsel. Either Gil Trujillo or Wendy Stockton may serve as lead for these services,
- 3. Attorneys shall provide the services referred to in Paragraph 2 only as requested by the District Board or District Administrator. However, neither the District Board nor the District Administrator may supervise, direct or control the Attorneys in their providing of services.
- 4. Attorneys agree to provide services in a prompt and competent fashion and will determine the order and sequencing of the services. It is understood that Attorneys are free to engage in employment or to serve as independent consultants elsewhere and it will be necessary to provide adequate notice to Attorneys of the need for services referenced in Paragraph 2 above.
- 5. Attorneys will prepare monthly billing statements for services. The District Board will approve legal fees as part of the general warrant approval process prior to payment.

6. Attorneys will be responsible to communicate with the Board or District Administrator to request clarification relating to services to be performed under this agreement.
7. Attorneys will provide, at their expense, all assistants, office space, tools, equipment, training, licensing, malpractice insurance, and legal libraries necessary to complete services under this Agreement. Attorneys will not expense the District for long distance phone calls, photocopying, emailing or secretarial time.
8. Attorneys will bill their hourly rate referenced in Paragraph 1 above, one way, for travel outside San Luis Obispo County.
9. Upon Attorneys' recommendation and authorization from the District Board and/or District Administrator, the District will retain Special Counsel to associate with or supplement the services of District Legal Counsel.
10. Attorneys will comply with Federal, State and District conflict-related rules and regulations. Attorneys agree to at all times avoid conflicts of interest, with the interests of the District in the performance of legal services. Attorneys further agree to avoid personal involvement in situations which are inconsistent or incompatible with providing legal services to the District. Attorneys will file form 700 Statements of Economic Interest as consultants.
11. Any modifications to this Agreement must be in writing and signed by the party to be charged. District shall have no power to immediately terminate either Mr. Trujillo or Ms. Stockton for failure to complete a job; however, this Agreement may be terminated by District providing 30 days' written notice to Attorneys. Attorneys may terminate this Agreement by providing 30 days' prior written notice to District.

Notices required under this Agreement shall be sent to the following:

DISTRICT: SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
P.O. Box 339
Oceano, CA 93445
Attn: District Administrator
Email: gerhardt@sslocsd.us

GIL TRUJILLO
P.O. Box 2395
Avila Beach, CA 93424
With a copy to: gat1848@comcast.net

WENDY STOCKTON
P.O. Box 629
Grover Beach, CA 93483
With a copy to: wendylegal55@gmail.com

Notices given pursuant to this Agreement shall be deemed received as follows:

- (a) If sent by United States Mail – 5 calendar days after deposit into United States Mail, first-class postage prepaid.

(b) If by express courier service or hand-delivery – on the date of receipt by the receiving party.

Addresses set forth for notices may be changed upon written notice to District or Attorneys, as appropriate.

12. Attorneys agree to cooperate with District and subsequent District Legal Counsel to assist in an orderly transition of legal services, including providing files to succeeding District Legal Counsel. Attorneys will charge District for services referenced in this paragraph according to paragraphs 2 and 8, above.

13. Indemnification. Except in the event of reckless or intentional misconduct by Attorneys, and excluding any motor vehicle accidents or professional liability claims, District agrees to indemnify, hold harmless, and defend Attorneys from any and all charges, complaints, claims, liabilities, obligations, demands, suits, actions, damages, debts and expenses (including attorney's fees and costs actually incurred) hereinafter made, or brought, arising out of the attorney services performed by Attorneys within the scope of this Agreement.

14. This Agreement is effective on the date executed by District.

SOUTH SAN LUIS OBISPO COUNTY
SANITATION DISTRICT:

By: John Shoals, Chairman

SOUTH SAN LUIS OBISPO COUNTY
SANITATION DISTRICT Board of Directors

ATTORNEYS:

Gil Trujillo, Esq.

Date: _____

Wendy Stockton, Esq.

Date: _____



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

1600 Aloha Oceano, California 93445-9735
Telephone (805) 489-6666 FAX (805) 489-2765

Date: May 3, 2017
To: Board of Directors
From: Gerhardt Hubner, District Administrator, Mychal Jones, Interim Plant Superintendent, & Fanny Mui, Laboratory Technician
Subject: **DISTRICT ADMINISTRATOR AND PLANT OPERATION'S REPORT**

Today's report presents ongoing information on latest District staff activities of possible interest to the Board and members of the public, major capital project and studies updates, programmatic initiatives, regional collaboration, NPDES discharge permit renewal, our regular Superintendent report, and operation and maintenance activities. *Updates since the last report are provided in italics below:*

Major Capital Projects and Studies:

- **Cherry Ave. Arroyo Grande Sewer Bridge Project:**

CEQA: Status: Complete. Board approved MND at its September 7, 2016 meeting.

Regulatory permits: Complete. All Regulatory permits received.

Final Design and Bid Package: *Final design, specifications and bid package are complete. The project went out to bid on Tuesday, April 25th with a pre-bid walk through on May 15th. Bids are due by May 22nd.*

- **Grit Removal System:** *Status: Operational and Complete.*
- **Mechanical Bar Screen** – Status: *Underway and on Schedule*

A contract was awarded to FFR, with a notice to proceed issued on November 8, 2016 (contract allows 140 working days to complete). *Equipment has arrived and is being installed. Fabrication and Electrical will occur the week of May 15th. Start up and testing of the bar screens is expected the week of May 22nd, with final demobilization by the end of May.*

- **Redundancy Project:**

Design: On March 16, 2016, the Board approved a design contract with Kennedy Jenks for Phase I of this project. Phase I includes: assistance with CEQA, permitting, special studies, geotechnical and surveying. Later design phases are on hold until project permitting is completed.

Coastal Commission Permitting:

- On August 5, 2016, responses to the Coastal Commission staff's April 15th letter to our Coastal Development Permit application were submitted. This submittal also included five attachments (site plans, biological surveys, sea level rise analysis, flood risk mitigation strategy, and site photos).
- On August 16, 2016, a one-page form from the County of San Luis Obispo on its permitting determination was transmitted.
- On September 9, 2016, our CEQA Addendum, and supplemental information requested by Coastal Commission staff, was transmitted via cover letter.
- On October 13, 2016, a response from Coastal Commission staff to our September 8th submittal was received.
- On October 21, 2016, via cover letter, answers to questions posed, and updated project facility design plans were provided to Coastal Commission staff. The transmittal also included updated project descriptions, and further included project design plans on past and proposed projects at the District's facility.
- On January 24, 2017, a letter was sent to Coastal Commission staff requesting an update on the status of our CDP application.
- On January 26, 2017, District staff had a phone conversation with Coastal Commission staff. CC staff reported to us that the CDP is targeted for consideration at their May 2017 Commission meeting.

A separate item to discuss the draft CDP, conditions and staff report are on today's agenda.

CEQA: Status: Complete. At the September 7, 2016 Board meeting, the Board approved a CEQA Addendum to the 2010 Mitigation Negative Declaration.

Financing: At the October 5, 2016 Board meeting, the Board approved authorization to proceed with a contract with Bartle Wells Associates for assistance in preparing the financial package and evaluating other financial options. *On April 19th, the Board approved Resolutions Nos. 364, 365, 366, all necessary elements for our SRF loan application. On April 21st, the entire SRF loan package application was submitted to SWRCB.*

- **Recycled Water Planning Facilities Study Grant:** On January 4, 2017, the Board held a workshop and presented the highlights on the Draft Study. On January 24, 2017, District staff jointly presented with City of Arroyo Grande staff, and WSC consultants the Draft Study. The completion of this Study and Report is considered a major milestone in this multi-year effort. On January 11, 2017, per Board feedback and directive, District staff submitted the Draft Study to the SWRCB for their review. SWRCB staff's main comment was to request a recommendation section be added to the Study. District and Arroyo Grande staff are amenable to this request and have directed WSC to draft this section. *SWRCB submitted a letter to the District stating that the District is eligible for a 50% reimbursement now with*

submittal of the Draft, and the remaining amount upon completion of the Final. We anticipate submittal of the Final by the end of May.

- **District Control Building and Office:** Significant issues and problems are evident in the District's Operational and Administrative Building. Identified issues include: Strong and persistent odors, noise and disruption from brine disposal trucks, multiple leaks in the ceiling/roof, mold, old desks and chairs (some decades old), old and stained carpets and flooring, infestation of pests, bubbling and peeling paint, break room/kitchen deterioration, identified leaks in the indoor plumbing, insufficient and overlapping utilization of space for administration vs. operations, IT integration, file storage, and others.

District staff executed a contract with an architectural firm for an audit/assessment of the existing building for disabled access and 2016 Building Code compliance. The initial assessment was conducted on March 27th. *On April 27th, the architect from the firm and myself walked the Administration Building and discussed the findings from his Audit Report. The Report identifies a number of deficiencies that will need major and minor corrective actions. As a follow-up, we have asked the consultant to prepare a follow-up scope to determine the relative cost of each corrective action.*

- **New Capital Projects:** Staff has initiated several new capital projects including:
 - **Biosolids Concrete Slab:** Contained within the FY 2016-2107 Adopted Budget (\$60,000), preliminary engineering and design work is complete, and now awaiting Coastal Commission permitting approval. Final award of contract will still need Board approval before proceeding to construction.
 - **Primary Digester No. 1 Cleanout and Structural Evaluation:** The District has two primary digesters at its facility. Primary Digester No. 1 (constructed in 1965) is long overdue for its regular clean out and inspection (last completed in 2005). In addition, staff and our consultant engineering firm MKN, are concerned with its structural integrity. The first phase is for the cleanout of the digester. The second phase will involve, after cleanout, an inspection and structural survey to determine the digester's structural integrity. Recommendations for any repairs are also proposed as part of this second phase. *At the April 5th Board meeting, the Board approved funding for the 1st phase of this project. A bid package was released, and bids are due on April 28th.*
 - **Inflow & Infiltration (I &I) Study:** As reported at the last Board meeting, the District's plant received significant increased flow this year as a result of the recent wet weather season. Staff is investigating this inflow and infiltration into our collection system with the goal of ultimately determining the source. MKN has submitted a draft study proposal. We believe a multiple phase study approach is best, first with the installation of new flow meters to measure any increase flow from our member agencies collection system. The proposal is intended to be included as part of next year's Fiscal Year Budget.

Programmatic Initiatives

- **Outreach Initiative:** Future public outreach efforts include drafting the next edition of our newsletter with focus on the District's capital projects. *Staff participated in the following presentations to solicit a support letter for permitting at the Coastal Commission for the District's Redundancy Project: City of Grover Beach (April 17th), City of Pismo Beach (April*

18th), and Oceano CSD (April 26th). Staff was unable to attend the City of Arroyo Grande's Council meeting that considered our support letter due to jury duty.

- Records Management Initiative: Staff has completed an administrative draft (which completely revamps our existing Records Retention Policy). Our expert in sanitation district records, came to our facility on April 18th to evaluate the current state of our files and records. We have a separate item on today's agenda to consider an updated Records Retention Schedule.
- Human Resources/Personal Policy Manual Update: All Sections of PPM have now been reviewed (including legal input), updated with significant and comprehensive revisions. Subsequently, the entire revised and updated Manual was sent on April 28th to SEIU employee union representatives. This will begin the "meet and confer" for the PPM. Staff continues to meet (latest on April 20th) with SEIU representatives to discuss and negotiate a Memorandum of Understanding.
- Strategic Planning Initiative: In preparation for an upcoming Strategic Planning Workshop Board members, staff, City and General Managers from our member agencies were interviewed and/or surveyed. These interviews and surveys were captured through written input on questions such as what is the future mission of the District, long term vision, strengths, weaknesses (or limitations), opportunities and threats to the District, most important guiding values, priority goals and key outcomes to achieve in the next five years. The Workshop has been postponed to July.
- Financial Initiative:
Annual Fiscal Year 2015-2016 Audit: Auditors from Glenn Burdette, under contract to the District, were at our office February 21st. Subsequently our auditors informed us that several action items required additional staff follow-up, including: completing an IT questionnaire, drafting and submittal of District legal and assignment letters, and questions regarding our fixed assets. We have submitted all the above, and are working to complete the last item, revolving questions around fixed assets purchased from FY 15-16.

We completed (with assistance from our past auditor Moss, Levy and Hartzheim, LLP) and submitted the required Special District Financial Transactions Report to the State Controller's Office to avoid delinquency penalties. In addition, we completed and submitted the required SDMA questionnaire by its deadline.

GASB 68 Accounting Report/Pension: The District completed and submitted its GASB 68 Report to our Auditor, which evaluates and reports our pension obligations and liabilities.

Financial Review as of March 31, 2017 – At the last Board meeting a question was raised as to information listed under "the Account for the Oceano Community FY 15/16 Revenue". Upon review, we found the information was outdated. Internal review and forensics of District financial documents indicate the account was closed by the Plant Superintendent on February 23rd, with funds deposited in our account with the County of SLO. However, the balances shown on the rest of this Financial Review are correct and reflect/include the entire amount of \$898.

Regional Collaboration

- Regional Groundwater Sustainability Project (RGSP): This project consists of a potential future regional recycling project in the South San Luis Obispo County area in conjunction with the City of Pismo, and the District (which participation of our member agencies: Cities of Arroyo Grande, Grover Beach, and Oceano CSD. *On April 10, 2017, District staff participated in a meeting with various City staff to continue discussions on cost sharing formulas for a joint EIR and preliminary engineering with the City of Pismo Beach. On April 24th, District staff participated in the Stakeholder Meeting No. 4 for the RGSP via teleconference.*
- North Cities Management Area Technical Group - The NCMA TG, which includes representatives from the Cities of Arroyo Grande, Grover Beach, Pismo Beach, and the Oceano Community Services District, was formed as a result of the Santa Maria Groundwater Basin (SMGB) Adjudication. This group is exploring various ways to protect and enhance future water supplies in the basin through groundwater monitoring, and the collection and analyzing of data pertinent to water supply and demand. Recent focus has been on the development of a groundwater model using District's SEP funds, and RWQCB buy-in on the model development workplan. *The most recent meeting was April 10th (staff was unable to attend).*
- Water Reuse, Central Coast Chapter - The Association is a not-for-profit association (501c6) of utilities, government agencies and industry that advocates for laws, policies and funding to promote water reuse and reclamation.
- Zone 1-1A Flood Control Advisory Committee – The Committee focus is to provide input and coordination on proposed improvements and maintenance of the Zone 1/1A flood facilities, working with the Coastal San Luis Resource Conservation District. At the June 15, 2016 Board meeting, the Board approved District staff participation. *The most recent meeting was April 18th (staff was unable to attend).*
- Integrated Regional Water Management (IRWM). IRWM is a collaborative effort with the County of San Luis Obispo to manage all aspects of water resources on a region wide scale. At the July 6th Board meeting the Board approved the District's participation in the IRWM program. *A notice to all IRWM Stakeholders was received notifying us that solicitation was open for local projects/programs. This may be a good opportunity for the District to submit one or more of its projects for inclusion into the IRWM's updated project list. The next scheduled meeting is June 7th with a focus on updating the IRWM Plan to DWR's 2016 Standards.*
- San Luis Obispo County Flood Control and Water Conservation District Water Resources Advisory Committee (WRAC) – *The next scheduled meeting is May 3rd.*
- Countywide Water Action Team/Water Management Efforts: Water managers throughout San Luis Obispo County meet quarterly to discuss and collaborate on water supply management solutions. *The meeting is set for May 5th.*
- County of SLO Multi-Jurisdictional Hazard Mitigation Plan: Staff have received an invitation by the County of San Luis Obispo to participate in the development of a multi-jurisdictional Hazard Mitigation Plan. *One of our operators attended an informational session on the topic on April 12th.*

RWQCB NPDES Permit Renewal

On December 15, 2016, District and RWQCB staff met at the RWQCB's office to discuss the District permit renewal process and schedule. A draft permit is not likely to be released for public review sooner than mid to late 2017.

District's Brine Disposal Program:

Per a request from RWQCB staff, District staff participated in a meeting on February 17th at their office to discuss the current District's Brine Disposal Program, and potential changes to the Program. District staff is revising its Brine Disposal Plan, and evaluating ways it can accommodate changes regarding its final effluent sampling location. As to the District's most recent enrolled Permittee (Cambria CSD), it is our understanding that the earliest Cambria CSD plan to truck brine to the District's facility is in September.

Plant Operation's Report

During this reporting period (April 12th - April 26th, 2017) the District's facility continues to regularly meet its Permit Limitations as required under the State of California's National Pollution Elimination Discharge (NPDES) Permit issued to the District. *All process values (lab test results) were within permit limits.*

Plant Data (Monthly Data as of April 26th, 2017)

April 2017	INF Flow MGD	INF Peak Flow MGD	INF BOD mg/L	EFF BOD mg/L	BOD % Removal	INF TSS mg/L	EFF TSS mg/L	TSS % Removal	Fecal Coliform MPN/100mL	Chlorine Usage lbs/day
Low	2.28	3.3	445	20.2		438	20		2	0*
High	2.76	4.5	526	35.1		500	41.8		540	250
Average	2.45	3.85	490	25.6	94.8	458	27.6	94	35.6	171
April 2016 AVG	2.1	3.3	516	30.1	92.9	520	30.3	92.7	6.5	202
Limit	5.0			40/60/90	>80		40/60/90	>80	2000	

*The 0 lbs/day of chlorine usage was caused by the chlorine system not operating correctly. Operations Staff has placed the system in manual mode until replacement parts have been received to resolve the issue. Operations Staff also took lab samples for chlorine residual and fecal coliform the day of the 0 lbs/day reading. Lab test results were within the District's NPDES Permit limits.

**Limit – 40/60/90 represent NPDES Permit limits for the monthly average, weekly average, and instantaneous value for plant effluent BOD and TSS.

Note at the last Board meeting, a question was raised as to why the Influent BoD values were the same for low, high and average. As a follow-up, we checked with our lab technician. Only one BoD sample was collected and analyzed for that time period. Thus, the BoD influent value represented in the table for the April 19th meeting was correct.

Operation and Maintenance Projects

- Centrifuge
 - Removed, repaired, and replaced centrifuge conveyor belt rollers;
 - Removed conveyor belt discharge shoot to shorten and improve run off of dewatered bio-solids into sludge bed; and
 - Made scraper for centrifuge conveyor.
- Troubleshoot boiler “Flame Failure”. Replace butterfly valve and cleaned out condensate neutralizer.
- Remove and replace damaged headworks “Low Level” alarm float with new float.
- Reviewed set-up and implementation of rental centrifuge during Digester No.1 Cleaning project.
- Initiated work on plant necessities and draft budget for Fiscal Year 17-18.
- Thoma Electric replaced breaker switches for Secondary Clarifier Center Drive.
- Work Orders:
 - Monthly Plant Safety Walkthrough;
 - Changed out ISCO sampler pump tubing and disinfecting suction tubing;
 - Continue process of prioritizing 260+ backlog of past maintenance work orders.
- Contacted Endress Hauser technical support to continue troubleshooting of chlorine system.
- Continue review and update of Capital Improvement and Replacement Projects List, with contract engineer.
- Removed and replaced sludge recirculation pump in Heating & Mixing building.

Training

- No staff trainings to report this reporting period.

Call Outs

- April 13th, 2:29am – Wet Well Low Level alarm. Operator Arias responded and visually inspected headworks wet well level, HydroRanger level sensor reading at Headworks and MCC level reading. Wet well and level readings were all normal.
- April 19th, 1:47am- Wet Well Low Level alarm. Operator Mui responded and visually inspected Headworks wet well level and HydroRanger level sensor reading. Everything appeared to be running normal.

