

**AGENDA**  
**FOR THE REGULAR MEETING OF THE GOVERNING BOARD**  
**TO BE HELD February 5, 2013**

The regular meeting of the Governing Board will be held commencing at 5:30 p.m. The location of the meeting is at 5300 Sixth Street, Carpinteria, California.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**BOARD APPROVAL OF AGENDA** AS [SUBMITTED] [MODIFIED]  
Board President asks the Board, public, staff, and legal counsel if there are any additions and/or modifications to the Agenda.

**I. APPROVAL OF MINUTES**  
January 15, 2013

AS [SUBMITTED] [MODIFIED]

**II. PUBLIC FORUM**

The public may address the Governing Board on items of interest to the public which are not already on this evening's agenda and are within the subject matter jurisdiction of the Board. The time allotted for this discussion shall be pursuant to Board Bylaws.

**III. MATTERS BEFORE THE BOARD**

**A. GENERAL REPORTS:**

**1. General Manager's Status Report (Pages 1-37)**

Description: General Manager to review his written report regarding the following issues:

- CASA Mid-Year Conference Report
- Sanitary Sewer System WDR – Comments on MRP Revisions
- Rincon Septic to Sewer Project Update
- Operations Update

**2. Board Workshop Planning (Pages 38-74)**

Description: The Board to discuss and provide direction to staff regarding an upcoming Board Workshop.

Staff Recommendation: Staff recommends that the Board provide direction to staff regarding development of a Board Workshop.

3. **Santa Claus Lane Freeway Undercrossing** (Pages 75-79)

Description: The Board to review information presented from District staff regarding the Santa Claus Lane freeway undercrossing pipeline.

Staff Recommendation: None. Informational update and discussion.

4. **Update Authorized Individuals for District Accounts at Union Bank to Include Finance Director** (Pages 80-81)

Description: That the Board review and consider adopting an updated List of Authorized Signatories for District account at Union Bank following merger with Santa Barbara Bank and Trust.

Staff Recommendation: Staff recommends that the Board approve a motion to include the Board of Directors, the District General Manager, and the District Finance director as authorized signers on District accounts at Union Bank.

5. **Carpinteria Sanitary District Tablet Device Use Guidelines** (Pages 82-83)

Description: The Board to review and consider adopting the Carpinteria Sanitary District Tablet Device Use Guidelines.

Staff Recommendation: Staff recommends that the Board approve the Carpinteria Sanitary District Tablet Device Use Guidelines.

6. **2013 CASA Washington D.C. Conference** (Pages 84-87)

Description: Information is being presented to the Board regarding the 2013 CASA Washington D.C. Conference to be held at the Renaissance Mayflower Hotel on February 25-27, 2013. The Board may consider approving attendance by interested Board members.

Staff Recommendation: None. Board Decision.

#### IV. BOARD ITEMS

##### A. **COMMITTEE REPORTS**

Description: Verbal reports by the committee chairperson(s) of the following committees:

- Standing Finance Committee
- Standing Personnel Committee
- Standing Public Relations Committee

**B. GENERAL ITEMS**

1. CASA Legislative Committee Report (Jeff Moorhouse)
2. LAFCO Report (Jeff Moorhouse)
3. SBCSDA (Santa Barbara – California Special Districts Association) Report
4. CSRMA Report (Jeff Moorhouse)
5. Board Member Vacation Dates
6. Future Agenda Items

**V. ADJOURNMENT**

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**FURTHER INFORMATION AVAILABLE**

A staff report providing more detailed information is available for most agenda items and may be reviewed in the District office during regular hours (Monday - Friday from 8:00 a.m. to 12:00 p.m. and/or 1:00 p.m. to 5:00 p.m.). Copies of individual reports may be requested at this office. Call (805) 684-7214 extension 10 for more information.

In compliance with the Ralph M. Brown Act and the Americans with Disabilities Act, if you need a disability-related modification, accommodation, or other special assistance to participate in this meeting, please contact the District's Board Secretary at (805) 684-7214, extension 10, at least 48 hours prior to the start of the meeting.

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Next Ordinance Available.....#14  
Next Resolution Available.....R-259  
Posting Date.....02/01/13

**CARPINTERIA SANITARY DISTRICT  
IN THE  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**MINUTES**

These are the **minutes** of the **regular** meeting of the Governing Board of the Carpinteria Sanitary District in the City of Carpinteria, County of Santa Barbara, and State of California.

The Governing Board of the Carpinteria Sanitary District held a regular meeting on **January 15, 2013**, at 5:30 p.m. at its District administrative office located at 5300 Sixth Street, Carpinteria, California.

Directors Present: Jeff Moorhouse – President  
Mike Modugno – President Pro-Tem  
Michael Damron – Treasurer  
Lin Graf – Secretary  
Gerald Velasco – Secretary Pro-Tem

Staff Present: Craig Murray – General Manager  
Kim Garcia – Board Clerk  
Hamid Hosseini – Finance Director

Legal Counsel  
Present: Anthony Trembley – Musick, Peeler & Garrett, LLP

Public Present: None

President Moorhouse called the meeting to order and asked Director Damron to lead those present in the Pledge of Allegiance.

President Moorhouse noted for the record that Director Velasco had not arrived, but would be arriving shortly.

**Board Approval of Agenda** - President Moorhouse asked if there were any modifications and/or changes to the agenda. Hearing none, President Moorhouse said the agenda was approved as submitted.

**Board Approval of Minutes of the Meeting of December 18, 2012** – Director Modugno made a motion that the Minutes of the December 18, 2012 Regular Board meeting be approved as submitted; Director Graf seconded the motion, and the motion was approved by a 4-0 vote.

President Moorhouse noted for the record that Director Velasco had just arrived to the meeting.

**Public Forum** – None.

**General Manager's Status Report** – General Manager reported on the following: **Quarterly Incident Report** – The Quarterly Incident Report for the period October – December 2012 was presented to the Board. This report detailed incidents, complaints and other customer interactions received during this period. **Staff Professional Certifications** – General Manager reported that Paul Sweningson successfully passed the SWRCB Grade III Operator Certification exam. Casey Balch successfully passed the Grade II Operation Certification exam, as well as the Grade I Treatment Plant Maintenance and Collection System Maintenance exams offered through CWEA's Technical Certification Program. Copies of recognition letters from the Board President were attached to the Board packet for review. **SAMA Meeting Report** – General Manager said he and Mark Bennett attended the January meeting of the Sanitation Agency Managers Association held at the City of Santa Barbara's El Estero WWTP on January 9<sup>th</sup>. The speaker was Larry Fay, the new Environmental Health Director for the County of Santa Barbara. A good discussion followed on coordination with wastewater agencies on on-site wastewater issues, SSO reporting, and beach closure posting. Montecito Sanitary District reported on testimony given by Dr. Edo McGown at the Regional Water Quality Control Board hearing held on their NPDES renewal. His concerns related to contaminants of emerging concern in wastewater discharges to the marine environment were heard by the Board but did not affect the permit renewal process. **Solar Project Opportunities** – General Manager said he and Director Modugno met with representatives from Chevron Energy Solutions to discuss potential for solar energy projects at District facilities. The breakpoint seems to remain at around 5 acres to fully leverage financial incentives and generate sufficient power during peak periods. There is insufficient space at the District facility to really make a solar project pencil out. **Digester Replacement Project Update** – General Manager said a half-day workshop was held with Carollo's project manager and project coordinator. The goal was to address a number of critical site layout issues and project parameters. We expect to receive the Preliminary Design Report within the next 6 six weeks and which will presented to the Board. **Paperless Agenda Process Update** – General Manager said based on previous direction, tablet devices were procured for those Board members electing to use a District owned reader for Board and committee agenda packets. The District's Office Manager distributed the iPads to the three Board members. A device use policy will be considered at the next regularly scheduled meeting of the Board. **Operations Update** – General Manager said the operations staff has been responding to recurring problems with the sodium bisulfite chemical used to dechlorinate treated effluent prior to discharge. The collections system is operating well. No SSOs or other significant problems have occurred since the last Board meeting. Collection staff completed CCTV inspection and an extensive effort to clean the line crossing under Carpinteria Creek from the Concha Loma neighborhood. Operations staff completed installation of the polymer blending unit and associated plumbing. This capital project, completed within budget, provides operational flexibility and system redundancy. Staff is working to finalize an update to the District's standard construction specifications and standard details. Grease interceptor inspections were conducted recently, and for the most part the restaurants are doing a good job on maintenance. Several new residential connections have been made or are in progress, including dwelling units on Serafin Way, Dorrance Way, Third Street and Padaro Lane.

**FY 2012/13 Mid-Year Budget Review** – General Manager said a number of years ago, the District discontinued the practice of formally amending its annual operating budget at the mid-point of the fiscal year. At the request of the District's Finance Committee, staff has provided a summary report of year to date expenses for each individual account where a variance from the budgeted amount is expected.

General Manager said account 5241, Uniform Expenses, realized some unanticipated costs associated with staffing changes during the fiscal year that necessitated uniform purchases. An overage of about \$2,000 is expected.

General Manager said account 5521, Odor Control Chemical Expenses, had an approved budget for the current fiscal year of \$35,000. Recent testing of odor scrubber media has preliminary indicated that the media beds in both odor control units may need to be replaced entirely. Original budget projections anticipated replacement of only a portion of the scrubber media. If further testing confirms the need for complete replacement, staff anticipates a total cost overrun of approximately \$15,000.

General Manager said account 5831, Legal Counsel, had an approved budget for the current fiscal year of \$24,000. Although there are no significant ongoing legal matters, a straight-line projection through the end of the fiscal year would result in an overage of approximately \$2,000.

General Manager said in the first half of fiscal year 2012/13 the District has completed several capital improvements projects including the Bluffs Sewer Relocation Project, Lift Station 3 Pump Replacement, Polymer Blending System and Headworks Mechanical Bar Screen Overhaul Projects. Each of the projects was completed within the approved capital budget and no amendments or budget augmentations are proposed.

General Manager said District staff is confident that we will complete the 2012/13 fiscal year well within the total projected annual operating budget of \$3,208,100. The minor variances in individual accounts will be offset by more significant savings in other accounts.

**DOT Substance Abuse and Alcohol Testing Policy Update** - General Manager said the Omnibus Transportation Employee Testing Act of 1991 and the U.S. Department of Transportation Federal Motor Carrier Safety Administration require employers to establish, implement and maintain an effective DOT Substance Abuse and Alcohol Testing Policy. The policy applies to certain District staff members who possess a commercial driver's license who drive vehicles in excess of 26,000 pounds.

General Manager said attached to the Board packet for review is a copy of the revised District DOT Substance Abuse and Alcohol Testing Policy which has been updated to fully comply with current regulatory requirements and better reflects actual practice and procedures on the part of the District and its outside testing facility and administrator. Some of the changes include updates to the numerical testing cutoff values of each substance for which testing is required and elimination of sections related to a formalized rehabilitation and employee assistance program that is not currently in place.

Staff recommended that the Board adopt the updated version of the District's DOT Substance Abuse and Alcohol Testing Policy as submitted.

Director Graf made a motion that the Board adopt the revised Carpinteria Sanitary District DOT Substance Abuse and Alcohol Testing Policy. Director Damron seconded the motion, and the motion was approved by a 5-0 vote.

**Tiered CalPERS Retirement Benefits for New Employees** - General Manager said the California Public Employees' Pension Reform Act of 2013, known as PEPRA, was signed into law by Governor Brown late last year and became effective on January 1, 2013. PEPRA affects new CalPERS member who enroll on or after January 1, 2013. New provisions affect benefit formulas, the definition of what comprises pensionable earnings, limits on pensionable earnings and other matters. The new law also calls for new members to pay 50 percent of the normal cost of benefits and strengthens the rules involving pension forfeiture for public employees and elected officials who commit job-related felonies.

General Manager said the District anticipated receipt of a new CalPERS contract that would detail the tiered benefit program. It now appears that the Tier II benefits for new members, which apply state-wide, will become effective automatically and has been reflected in the CalPERS on-line reporting system.

General Manager said current CalPERS members will now be termed as classic members and all District employees fit this description. Classic members will maintain their current benefit in the Tier I classification (2% @ 55 Miscellaneous benefit, final year compensation, compensation cap set by IRS guidelines, and Employer Paid Member Contribution) remains in effect and no normal cost contribution is required. All new hires after January 1, 2013, who don't meet the reciprocity guidelines, will fall into the Tier II benefit schedule. Tier II includes 2% @ 62 Miscellaneous benefit, three-year average final compensation, \$136,440 compensation cap for 2013 and is subject to CPI adjustments, PEPRA does not allow employers to pick up any portion of the employee share and mandates employees to pay 50% off the normal cost up to 8%.

General Manager said at this time, there is no Board action required to implement the tiered CalPERS benefit arrangement. District staff is in the process of updating the District's Personnel Rules and Regulations to reflect the mandated changes to the retirement benefit.

**Board Workshop Planning** - General Manager said in 2012 the District Board confirmed interest in pursuing a Board workshop. District staff is seeking direction with regards to workshop content and scheduling.

President Moorhouse asked members of the Board to provide input. There was discussion and ultimately a consensus to distribute, at the next regularly scheduled Board meeting, a copy of the report document that was prepared to summarize the outcome of the previous Board workshop which took place in 2008.

General Manager said District staff will also provide an array of potential items that may be discussed during the workshop for the Board to review and to determine priority levels.

**Finance Committee** - Director Damron reported that a meeting of the Finance Committee was held Friday, December 21, 2012 at 8:30 a.m. The committee reviewed the monthly reports.

**Personnel Committee** - Did not meet.

**Public Relations Committee** - Did not meet.

**CASA Legislative Committee Report** - Director Moorhouse reported that he would be attending the Legislative Committee meeting at the upcoming CASA conference.

**LAFCO Report** - None.

**SBCSDA Report** - None.

**CSRMA Report** - None.

**Board Member Vacation Dates** - None.

**Future Agenda Items** - None.

**Adjournment.** There being no further items to discuss, President Moorhouse adjourned the meeting at 6:27 p.m.

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Jeff Moorhouse  
President

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Lin Graf  
Secretary

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Mike Modugno  
President Pro-Tem

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Gerald Velasco  
Secretary Pro-Tem

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Michael Damron  
Treasurer



# Carpinteria Sanitary District

Board of Directors Meeting  
General Manager's Status Report

TO: Board of Directors  
FROM: Craig Murray, P.E. - General Manager  
SUBJECT: **General Manager's Status Report**  
DATE: February 5, 2013

**CASA Mid-Year Conference Report.** I attended the CASA Mid-Year Conference held January 16-18, 2013 in Indian Wells. The CSRMA Risk Management Seminar on Wednesday included a variety of risk control topics and presenters. Findings from a recent survey on administrative practices at member agencies were presented by Randy Musgraves. While the conference focused on energy issues, there were a number of excellent presentations that were pertinent to our operations. A copy of the conference newsletter is attached.

**Sanitary Sewer System WDR – Comments on MRP Revisions.** The District is an enrollee in the SWRCB's General Waste Discharge Requirements (WDRs). This regulatory program is akin to the NPDES permit for the treatment facility, but it applies to the wastewater collection system. In 2012 SWRCB staff proposed sweeping changes to this program that would have created onerous new requirements for collection system operators. The changes to the WDR were not accepted by the State Board, but they did direct staff to proceed with minor revisions to the Monitoring and Reporting Program (MRP), which is an appendix to the WDR. Staff later put forth very comprehensive changes to the MRP that attempt to incorporate regulatory changes and add significantly to the compliance burden. CASA, through Tri-Tac and the Clean Water Summit Partners, have provided comments to the SWRCB on the proposed MRP revisions. The issue of WDR compliance and reporting is serious concern for our agency. For reference, I am attaching a copy of the joint response letter.

**Rincon Septic to Sewer Project Update.** The Rincon Point S2S project is moving into high gear. A meeting was held on January 28<sup>th</sup> with Supervisor Carbajal and management level staff at the County of Santa Barbara to discuss final hurdles and timing for Board of Supervisors action to grant a permanent easement to the District. Other permit related issues were discussed concurrently. I met with the project archaeologist from Dudek to finalize the scope of services required for the pre-construction and construction phase cultural resource investigations. A contract will come to the Board for consideration in the next month or two. A site meeting was held with the Rincon Colony HOA to address remaining concerns and execute easements for common roadways. We are still awaiting final approval from CalTrans, but the technical details have been worked out and an encroachment permit is forthcoming. The project team is busy completing the bid documents for two discrete projects. District staff is contacting individual homeowners who have not provided their easement and user agreement documents.

**Operations Update:** WWTP and Collection System operations updates are as follows:

- The NPDES Annual Report was finalized and submitted. We attached to the report a letter in response to the Compliance Evaluation Inspection Report that was received in

early 2012 following a December 2011 inspection by an EPA Contractor. The letter objected to several findings and was considered important to get into the record. Other annual reporting has been completed or in progress.

- The treatment plant is operating well and in full compliance with our NPDES discharge permit.
- The collection system is operating well. No SSOs or other significant problems have occurred since our last meeting.



California Association of Sanitation Agencies

# MID-YEAR CONFERENCE NEWSLETTER

Ensuring Clean Water for California



January 2013

## LEGAL AFFAIRS REPORT

# CASA Succeeds in Securing Revisions to Conflict of Interest Rules

In December 2012, the California Fair Political Practices Commission (Commission) amended its regulations relating to conflicts of interest to address an issue raised by the CASA Attorneys Committee. The Commission rules, adopted in March 2012, are designed to allow public officials to vote on their appointments to ad hoc and internal standing committees of their agencies, as long as those officials follow prescribed disclosure requirements. In the course of advising their clients on implementation of these regulations, attorneys for CASA member agencies identified an unintended distinction between the ability of a local public official to be involved in his or her appointment to an outside agency as required by law, which is what those amendments were specifically designed to authorize, and the ability of a public official to be involved in his or her appointment to an internal ad hoc or standing committee of his or her own agency.

Prior to the amendment sought by CASA, the Commission rules authorized public officials to make, participate in making, or use their official position to influence or attempt to influence, a government decision provided:

- (1) The decision is on his or her appointment as an officer of the body of which he or she is a member (e.g., mayor or deputy mayor), or to a committee, board, or commission of a public agency, a special district, a joint powers agency or authority, a joint powers insurance agency or authority, or a metropolitan planning organization.
- (2) The appointment is one required by state law, local law, or a joint powers agreement to be made by the body of which the official is a member.
- (3) The body making the appointment adopts and posts on its website a list that sets forth each appointed position for which compensation is paid, the salary or stipend for each appointed position, the name of the public official who has been appointed to the position and the name of the public official, if any, who has been appointed as an alternate, and the term of the position.

The original regulations would allow public officials to participate in their individual appointments to outside boards when such appointments are required by law or a joint powers agreement.

This represents a limited exception to the Commission's conflict of interest rules, and provides for specified disclosure requirements. However, the Commission later indicated that internal ad hoc and standing committee appointments were not covered by the regulation (and thus, represent a potential conflict of interest) because such appointments are not "required by law." In response, CASA requested a proposed amendment to the second criterion noted above that specifically identifies internal committee appointments as being covered by the conflict of interest exception:

*The appointment is to a standing or ad hoc committee of the public agency of which the public official is a member or one required to be made by the body of the which the official is a member pursuant to either state law, local law, or a joint powers agreement.*

The Commission approved the requested change to the regulation after considering an analysis of the amendment by its staff that generally concurred with CASA's assessment that the regulatory change would increase efficiency and transparency as it relates to these types of appointments, and a majority of the Commission agreed to adopt the proposed amendments.

*continued on page 3*

## Inside

<b>Legal Affairs Report</b>	<b>1</b>
<b>Executive Director's Message</b>	<b>2</b>
<b>State Legislative Report</b>	<b>5</b>
<b>Washington Report</b>	<b>8</b>
<b>CASA Corner</b>	<b>11</b>
<b>Regulatory Report</b>	<b>12</b>
<b>Biosolids Bulletin</b>	<b>14</b>

## CASA EXECUTIVE BOARD

**John E. Hoagland - President**  
Rancho California Water District

**Stephen A. Hogg - 1st Vice President**  
City of Fresno

**David R. Williams - 2nd Vice President**  
East Bay Municipal Utility District

**Tom Selfridge - Secretary-Treasurer**  
Truckee Sanitary District

**Timothy P. Becker - Director-At-Large**  
Oro Loma Sanitary District (Director)

**Paul Bushee - Director-At-Large**  
Leucadia Wastewater District

**Kevin M. Hardy - Director-At-Large**  
Encina Wastewater Authority

**Vivian Housen - Director-At-Large**  
V.W. Housen & Associates

**Jeff Moorhouse - Director-At-Large**  
Carpinteria Sanitary District (Director)

**Margie L. Rice - Director-At-Large**  
Midway City Sanitary District (Director)

**E. J. Shalaby - Director-At-Large**  
West County Wastewater District (Director)

**Gary W. Darling - Past President**  
Delta Diablo Sanitation District

**Harry T. Price - Past President**  
City of Fairfield/Fairfield-Suisun Sewer District

## COMMITTEE CHAIRPERSONS

**Dave Bechtel**, Associates Chair

**Bradley R. Hoggin**, Attorneys Chair

**E.J. Shalaby**, Awards Chair  
*Vacant*, Bylaws Chair

**Jeff Reinhardt**, Communications Chair

**Peer Swan**, Directors Chair

**Traci Minamide**, Managers Chair

**Michael Gold**, Federal Legislative Chair

**Terrie Mitchell**, State Legislative Chair

**Ed McCormick**, Program Planning Chair

**Joyce Gwidt**, Conference Arrangements Chair

**John E. Hoagland**, Evaluation Chair

**Gary W. Darling**, Nominations Chair

**Tom Selfridge**, Budget & Audit Chair

**Lisa Rothbart**, Air Quality Forum Chair

**Mike Sullivan**, Land Quality Forum Chair

**Laura Pagano**, Water Quality Forum Chair

**Richard Aithouse**, SWRCB - WW Treatment  
Plant Operator Certification Advisory  
Committee Representative

**Dave Heinz**, SWRCB - WW Treatment  
Plant Operator Certification Advisory  
Committee Representative

**Terrie Mitchell**, Tri-TAC Chair

## CASA STAFF

**Roberta L. Larson**, Executive Director

**Mike Dillon**, State Legislative Lobbyist

**Greg Kester**, Biosolids Program Manager

**Justin Lewis**, IT Manager

**Adam D. Link**, Legal & Regulatory Affairs

**Deedra Lonquist**, Communications Manager

**Simone Parker**, Conference Staff

**Eric Sapirstein**, Federal Legislative Advocate

**Catherine A. Smith**, Association  
Services Director

**Debbie Welch**, Conference Coordinator/  
Executive Assistant



A key milestone in our strategic progress was the development of the 2012-2014 Strategic Plan.

## Executive Director's Message

**Roberta L. Larson**



The new year has arrived, and with it a renewed sense of energy and purpose for addressing the challenges and opportunities that lie ahead. It hardly seems possible that I have been in the post of CASA's Executive Director for six months now. Time has passed quickly as the professional service providers and I work with the Executive Board to chart CASA's course for the future while continuing to implement the ongoing legislative, regulatory, legal and communication programs our members rely upon. A key milestone in our strategic progress was the development of the 2012-2014 Strategic Plan, which grew out of the annual planning session last September.

The Strategic Plan affirms CASA's vision: CASA is the most trusted and valued influence on clean water and renewable resource law, regulation and policy on issues important to CASA members and the public they serve.

To advance this vision, the Executive Board has established four overarching "big picture" strategic goals:

- Good laws, balanced regulations, and well-informed legislators and regulatory bodies.
- CASA is the most respected, credible and influential voice on clean water and renewable resource issues facing the public wastewater community.
- Key partnerships are established that will further CASA's ability to achieve its vision and accomplish its mission.
- Provide excellent association services to the CASA membership.

CASA has identified a number of priority actions to further these goals and ensure that the association is as effective and influential as possible. Some of these tasks are longer term and are in the exploratory stages, such as an examination of alternative organization models and structures for delivery of key services and a review and potential realignment of CASA's

committee structure. Others are already being implemented. To highlight just a few, CASA is creating a new process for state and federal legislative updates and action alerts to promote member involvement and facilitate two-way communication. A key element of this process will be the establishment of a grassroots action center on the CASA website. CASA is also developing updated fact sheets on high priority CASA issues and programs that will be made available to the members for use in education and advocacy at the state and federal levels. CASA surveyed its members in December regarding a number of aspects of our services, including the frequency and location of conferences. The response rate was very good, and the results of this survey were being compiled at the time of this writing for presentation to the Executive Board. In addition, I have been meeting with the leaders of other organizations both in Sacramento and nationally to learn from their experiences and explore opportunities to develop and strengthen partnerships.

I am grateful for and heartened by the continued support of CASA's Executive Board, members and volunteers as we move ahead with our strategic plan. Change is inevitable; we do not choose whether to change or to remain static. It is up to us, however, to manage change and use the opportunity to move our association forward in a positive direction rather than be left behind. With the Executive Board's guidance and direction, we are working to not only respond to the change that is occurring in our world but to embrace the challenge of evolving our association in a way that allows CASA to become more vibrant, influential and effective while preserving those core values that are central to CASA as an association. As we chart our course for the future, we are guided by our strategic goals, and in particular, the goal to "provide excellent association services to the CASA membership"—after all, that is what it is all about. We appreciate your support and welcome your ideas as we move forward together to take CASA to the next level. ☉

## CASA Attorneys Committee Active in Local Government CEQA Reform Efforts

Widespread interest in reform of the California Environmental Quality Act (CEQA) within the public and private sectors has prompted several state legislators to announce their intentions to undertake efforts to streamline and improve the law. A coalition of local government associations, including CASA, have sent letters to the legislative leadership requesting a seat at the table for negotiations, and CASA's state lobbyist has also held a number of meetings with key staff to highlight CASA's interest and expertise.

The key document laying out the concerns and problems with CEQA from the local government perspective is a 14-page memorandum drafted by CASA Attorneys Committee Chair Brad Hugin. The issue paper identifies three basic problems with CEQA: (1) many of the law's basic requirements are uncertain; (2) individuals and groups with ulterior motives regularly exploit these uncertainties through litigation to achieve objectives unrelated to environmental protection; and (3) many of CEQA's requirements are unnecessary in light of the vast array of federal and state environmental regulatory programs that have been implemented since CEQA was adopted in 1970. After briefly discussing each of these concerns, the issue paper goes on to propose several reforms, including:

- Exclude from CEQA analysis impacts that are already covered by comprehensive regulatory schemes under other environmental laws.
- Clarify the requirements for assessing cumulative impacts and make significance thresholds more predictable.
- Provide that the baseline for existing facilities includes the full scope of existing permits.

At the time of this writing, it was still unclear how CEQA reform efforts will proceed, and whether meaningful revisions to the law can be enacted over anticipated opposition from the environmental community. The Attorneys Committee will continue to provide drafting assistance and advice to CASA's state legislative advocate and to the local government coalition.

## Kern Appeal of Measure E Injunction Slated for Oral Argument

Attorneys for the petitioners in the litigation challenging Kern County's Measure E will appear January 10, 2013 in the California Court of Appeal for the Fifth Appellate District in Fresno to defend the trial court's injunction preventing the county from enforcing the initiative ordinance banning the land application of biosolids. The petitioners, led by the City of Los Angeles, are defending the preliminary injunction granted by the Tulare County Superior Court in June of 2011 prohibiting enforcement of Measure E, Kern's initiative ordinance banning land application of biosolids. In its briefs, Kern essentially re-argued the case it made unsuccessfully at the trial court level, asserting that plaintiffs' claims are barred by the statute of limitations and that plaintiffs' claims regarding preemption under the Integrated Waste Management Act (IWMA) and police powers fail as a matter of law.

Kern claims that Measure E is entitled to a strong presumption of validity because local regulation of land use, health and safety, and solid waste handling are all traditional local powers, and the IWMA did not alter the balance between the state and local entities in these respects. The thrust of Kern's argument is that the IWMA applies only to waste generated within the jurisdiction, and has no application to extraterritorial waste. In its responding brief, CASA and its fellow plaintiffs reiterated that Measure E is not a matter "of local concern" because its impacts are regional, and therefore Kern's argument that a provision within the IWMA designed to preserve local authority over aspects of solid waste handling prohibits application of the regional welfare doctrine is without merit. CASA also continues to argue that Kern's reading of the IWMA is selective and essentially ignores IWMA provisions that encourage regional planning and cooperation, demonstrating that the Legislature did not intend to allow a jurisdiction to cut itself off from solid waste disposal, an issue of statewide concern.

A decision regarding Kern's appeal will be issued within three months following the argument.





**CASA's participation in the case was made possible by the dozens of member agencies who contributed to the litigation fund, and the association thanks all of the contributors for their assistance.**

## State Water Board Vacaville Order Withstands Legal Challenge

Last fall, the First District Court of Appeal issued a final ruling upholding the State Water Resources Control Board's order regarding the City of Vacaville's Easterly Wastewater Treatment Facility. CASA and Vacaville filed a motion for reconsideration, which was denied, and the case was not appealed. Initially triggered by a permit issued to Vacaville in 2001, the case focused on the legality of several provisions of the Water Quality Control Plan (Basin Plan) for the Central Valley Region. CASA pursued the case because it involved issues important to adoption of water quality standards generally. The Court's ruling upholding the State Water Board order is unfavorable to CASA's position, although it does identify a remedy that has not been recognized previously for dischargers who believe that beneficial use designations in a basin plan are inappropriate.

First, CASA challenged terms of the Basin Plan that established "blanket" beneficial designations including via the so-called "tributary rule" or "tributary statement", which assigns all beneficial use designations to upstream channels that have been identified for waters to which

they are tributary, even if the upstream channels do not in fact have those uses. The Court found these designations to be consistent with the need to comply with the Clean Water Act, and a practical response to the reality that there are a very large number of water bodies in the Region. At the same time, however, the Court held that if a regional board is presented with evidence that a beneficial use is inappropriate for a specific water body and fails to revise the use, the regional board can be sued for failure to amend the designation.

Second, the Court evaluated challenges to Basin Plan water quality objectives that are based on prospective incorporation by reference. For example, under the Central Valley Basin Plan, if a water body is diverted and used for municipal purposes, the applicable water quality objectives for the water body itself include standards applicable to drinking water that are adopted by the Department of Public Health, including standards that DPH adopts in the future. CASA and Vacaville argued that, in the adoption of the Central Valley Basin Plan, the Regional Board had not complied with the Porter-Cologne Water Quality Control Act, and particularly its obligations to consider and balance economic impacts. CASA and Vacaville argued that the record of adoption of the objectives, which

occurred long ago, lacked any evidence of compliance with Porter-Cologne. The Court disagreed. It found that there was no evidence in the record of adoption of the objectives that the specific objectives in issue would have adverse economic consequences, and therefore any lack of discussion in the administrative

For a number of reasons, both procedural and substantive, the Vacaville case continued for nearly 10 years following the filing of suit in the fall of 2002. CASA's participation in the case was made possible by the dozens of member agencies who contributed to the litigation fund, and the association thanks all of the contributors for their assistance. While CASA had hoped for a different result, the effort to overturn the troubling precedents established in the Vacaville order was important to establish CASA as a defender of good science and reasonable regulation in the judicial forum as well as the regulatory arena. ●

# STATE LEGISLATIVE REPORT



## November Election Surprise Changes Dynamic in Sacramento

CASA is anticipating a busy legislative session in 2013. Several factors have dramatically changed the dynamic in Sacramento and their impact is yet to be determined. The single greatest change for 2013 is the Democrats achieving a supermajority in both houses – meaning they have the ability to pass measures that require a 2/3 vote of the legislature (Constitutional amendments, taxes, etc.) without a single Republican vote.

Leading up to the November General Election, Democratic leaders had predicted they would be able to increase their margins in both houses by picking up two new seats in the Senate (from 25 to 27) and two or three new seats in the Assembly (from 51 to 53). To their surprise, Senate Democrats captured 29 seats, and Assembly Democrats captured 55 seats, thus securing a supermajority in each house. Assembly Speaker John Perez said the day after the election: "Let me be clear, nobody thought that this was a possibility."

On December 3, the 39 newly elected "freshman" Assembly members, and one "freshman" Senator were sworn in to office when the Legislature convened briefly to elect leaders and officially open the 2013-14 Legislative Session. Legislators then returned to their districts for the holidays, and came back to Sacramento January 7 to kick off the 2013 Session.



## New Democratic Power to be Tempered?

Senate President pro Tempore Darrell Steinberg took the opportunity, when the Legislature convened briefly on December 3, to deliver his thoughts on Senate Democratic goals for the coming 2-year session. Of particular interest to CASA members were the Senator's comments about "eliminating unnecessary regulatory hurdles," which followed earlier comments by both he and Governor Brown on the need for reform of the California Environmental Quality Act (CEQA).

Sounding a note of caution that "voters don't want us to run out of the gate" creating new programs, Senator Steinberg also said there was "a danger of being too cautious and not taking advantage of the unique opportunity" of the new supermajority.

At a subsequent news conference Senator Steinberg tossed out the possibility of giving local governments and school districts the ability to ask voters to approve bonds and special taxes with a 55% vote rather than the current 2/3 vote requirement. CASA and the local government community supported similar measures the past several years only to see them fail passage due to Republican opposition.

## Water Bond to be Downsized

During the December 3 press conference, Senator Steinberg discussed the \$11.4 billion water bond scheduled for the November 2014 ballot, stating: "We know we have to shrink it well below \$10 billion – we will have to make priorities." Interestingly, the Senator said the Democrats hope to involve Republicans in the discussions, but noted that "with the Supermajority, we can do it one way or another."

Several early measures have been introduced that could potentially be used as a vehicle for downsizing the bond during this Session. In a mid-December letter to the Editor of the *Sacramento Bee*, Senator Lois Wolk, whose Senate District includes much of the Delta, stated: "The water bond currently slated for the 2014 ballot is both bloated and unworkable... it's time for a fresh approach." Senator Wolk subsequently introduced SB 42, the "California Clean, Secure Water Supply and Delta Recovery Act of 2014." Senator Fran Pavley, the Chair of the Senate Natural Resources and Water Committee, has introduced a similar measure, SB 40, a spot bill relating to the water bond. CASA will be monitoring the actions relating to the bond, which in its current form contains a \$1 billion funding component for water recycling related activities.



## CASA to Pursue Legislation in 2013

CASA will sponsor legislation in the 2013 Session to address timelines for State Water Resources Control Board action on petitions for review. Over the past several years many CASA members have expressed frustration in cases where the State Water Board has delayed action on petition for review, leaving the petitioners and dischargers in limbo, as the petitioner cannot seek judicial review until the State Water Board completes its administrative process. CASA's Attorneys Committee and State Legislative Committee believe a legislative remedy is warranted to close this loophole.

Neither statute nor regulation establish a timeframe within which the State Water Board is required to commence its consideration of a petition for review of a Regional Water Board's action or failure to act. CASA's proposed legislation would close this loophole by requiring the State Water Board to take one of the following actions within 60 days of receipt of a petition: (1) dismiss the petition; (2) deem the petition incomplete or (3) issue the "30 day letter" pursuant to regulation that triggers the timelines for responses and completion of the Board's review process.

The CASA Attorneys Committee is developing language for legislation that will be introduced this legislative session. CASA will keep the membership informed of key information related to this effort as it emerges in coming months, including the need for and timing of letters of support.

## CEQA Reform: Major Issue In 2013 Session

CASA has been an active participant in key discussions relating to proposed legislation to make significant reforms to the California Environmental Quality Act (CEQA) in the 2013-14 Session. At the conclusion of the 2012 Legislative Session, Senator Michael Rubio of Bakersfield, and incoming Chair of the Senate Environmental Quality Committee, circulated draft language on some CEQA reforms. Senator Rubio along with Senate President pro Tem Darrell Steinberg and his senior staff will take the lead on the reform efforts. Governor Brown's Administration is also expected to play a major part in the discussions.

CASA, ACWA, CSDA and a large group of stakeholders from a multitude of industries began meeting in the fall to tackle the key issues that need to be addressed with several CEQA reform proposals. CASA Attorneys Committee Chair Brad Hogin has provided significant input during the discussions and will continue assisting the stakeholder group on CASA's behalf as the proposals progress through the Legislature. (See related article in the Legal Affairs Update.)



**CASA will sponsor legislation in the 2013 Session to address timelines for State Water Resources Control Board action on petitions for review.**



## End of “California Forward” Efforts?

CASA members will recall that several years ago a group called “California Forward,” comprised of prominent policymakers, including business leaders, former politicians, and researchers, began discussing major reforms to California’s state and local governance structure. The special district community, including CASA, expressed concerns that the so-called “draft framework” at the time did not properly account for special districts as an equal arm of local government. This was

particularly disconcerting when issues like reallocation of property taxes and district consolidation were being discussed. Subsequently, the group released a report titled “Smart Government: Making Government Work Again,” in which it proposed several changes to the current lawmaking process, including switching to a two-year budget cycle, prohibiting the so-called “gut and amend” practices during the final days of the legislative sessions, and implementing “performance based budgeting” for all State agencies.

These recommendations were included in a Senate Bill 14 (SB 14) authored by Senator Lois Wolk in 2011. While the bill ultimately sent to the Governor was a whittled down version including only the “performance based budgeting” provisions, the measure was vetoed by Governor Brown. In his veto message he explained that the bill “*inflicts a ‘one size fits all’ budget planning process on every state agency and function – even functions that aren’t actually managed by the state so long as they receive any ‘benefit’ from it... while some programs will clearly benefit from the performance based budgeting approach outlined in this bill, for others it will be a costly waste of time.*”

Recognizing that passing their desired reforms via legislation was unlikely given the Governor’s veto, California Forward began a campaign to place an initiative on the November 2012 Ballot. The ballot measure included all of the initial recommendations relating to performance based budgeting, two year budget cycle, etc. In addition the initiative established a new local “Performance and Accountability Trust Fund” whereby a small portion of the existing state sales tax would be directed toward any county that, in partnerships with cities, schools, and special districts cooperated on common goals such as “improving outcomes for youth.”

Although the group was able to qualify the initiative by gathering enough signatures, California Forward lacked the resources necessary to run a successful campaign for a ballot measure. With several other important measures on the ballot, including the Governor’s successful tax package, the California Forward initiative, Proposition 32, was defeated by the voters on a vote of 40% yes to 60% no.

*In a December editorial, Thomas V. McKernan, Chair of the California Forward Leadership Council, stated: “We will continue to explore the best ways to help fix our broken government. We know that reform doesn’t come easy. This Election Day was just a bump in the road. California Forward will passionately continue its work to help Californians get what they need and want: elected leaders who are accountable for results, a prosperous economy that is the cornerstone of the California dream and governments that you can trust to work together.”*

## Legislative Analyst Predicts Better Revenue for 2013-14

In mid-November the Legislative Analyst’s Office (LAO) released its fiscal outlook for the coming 2013-14 budget. While the Governor’s budget was not released until January 10, the Analyst projected that a combination of economic recovery, past budget cuts, and the temporary taxes provided by Proposition 30, would signal the end of “huge state budget challenges.” Compared to recent years when tens of billions of dollars were needed to balance the state budget, the Analyst estimates that the Governor and the Legislature will only need to address a \$1.9 billion problem in the upcoming year, followed by surpluses in years 2014-15 through 2017-18. However, the LAO cautions that a multi-year forecast depends on continued economic growth, rising stock prices, and avoiding the so-called “fiscal cliff” at the Federal level. Further, the Analyst notes that “Our forecast omits cost-of-living adjustments for most state departments, the courts, universities, and state employees.”

As always CASA will be on the alert for threats to property taxes, reserves, or fee increases, particularly when legislators are looking for sources of revenue to offset prior cuts to programs like dental care for poor children, and recently the Governor’s rumored proposed \$200 million cut to the court system. ●



California Association of Sanitation Agencies

## WASHINGTON REPORT



### Fiscal Year Ends Inconclusively as Fiscal Year 2014 Budget Remains to be Finalized

At the time of this writing, the fiscal cliff negotiations crowded out all other legislative action during the lame duck session. Finalization of the current budget, the FY 2013 budget, remains a pending item for the coming year. Current agency spending was extended under a Continuing Resolution until March 27. Beginning in January, the new Congress will be tasked with the dual role of defining spending priorities for the upcoming fiscal year 2014 and finalizing current year spending by the end of March or face a governmental shut-down. Past years have seen similar challenges, but this year is markedly different. Since the ongoing negotiations to put in place a massive deficit reduction package have proven fruitless to

date, the White House has officially announced that it would delay the publication of its FY 2014 budget request until late Spring. This sets up the unusual situation of forcing the new Congress to compress its review of the Administration's budget request into a matter of weeks rather than months. In turn, it becomes ever more difficult for the Congress to meet a deadline of October 1, 2013, to finalize a budget. Taken together, even if a deficit reduction package is assembled and adopted (which appears likely at this writing), the ability to address spending priorities in a timely manner seems difficult to envision. Instead, it is probable that any final spending agreements will be designed on the basis of the overall deficit agreement.

### Californian Congressional Delegation Election Results Mean Dramatic Shift in Membership

California has the largest congressional delegation of any state in the nation. After the 2012 election, California also exhibits a decidedly Democratic membership unlike any other state delegation in absolute numbers. Of the 53 California House Members, only 13 are Republican. The elections are also notable because the change represents an almost 25 percent turnover of Members. The changes included the defeat of the dean of the California Democrats, Pete Stark, and losses by a number of Republican Members thought to be safe bets for re-election but who experienced defeat in large measure due to redistricting.

For CASA, the impacts will be important. The key clean water committee, Transportation and Infrastructure, will see the addition of Congresswoman Janice Hahn. Hahn joins current members Grace Napolitano (D) and Gary Miller (R) on the committee.

Representative Barbara Lee of Oakland will now sit on both the Appropriations and Budget Committees, which set policy and spending priorities on environmental issues. The Committee on Agriculture, with its jurisdiction over nonpoint sources of pollution funding programs, will gain newly elected Gloria Negrete McLeod. Karen Bass will sit on the Committee on Judiciary with responsibilities for civil and criminal matters related to environmental policies.

The Committee on Natural Resources with jurisdiction over the Endangered Species Act, water supply, recycling, desalination and the restoration of the Bay-Delta ecosystem will gain three new California Democratic Members: Jared Huffman, Tony Cardenas and Raul Ruiz. They join Democrats Jim Costa and Grace Napolitano. The Republican line-up is also set to change with the addition of Doug LaMalfa who will join the sole remaining California Republican on the committee, Tom McClintock.

The Committee on Science, Space and Technology with jurisdiction on the development of new technologies to help advance pollution controls and treatment will see the addition of Democrat Eric Swalwell who will sit with California Republican Dana Rohrabacher.



## 113th Congress Appears Likely to Address Water Infrastructure Policy

Congressional interest in the disrepair of the nation's public infrastructure may hold promise for legislative activities surrounding water infrastructure. The impetus for the review is in part attributable to the ongoing priority to reduce the federal deficit and the impacts of such efforts on existing federal infrastructure assistance programs. As Congress concluded the final session of the 112th Congress, it set the stage for future reviews. A number of proposals were introduced to redefine the way in which water infrastructure needs are met beyond the traditional State Revolving Loan Fund Program.

Chief among the options floated is a proposal to offer low interest loans for high cost projects (\$20 million or greater) modeled after a transportation assistance program known as TIFIA (Transportation Infrastructure Finance and Innovation Act). Senator Jeff Merkley (D-OR) introduced the water equivalent of TIFIA, WIFIA (the Water Infrastructure Finance and Innovation Act.) He noted that the approach could unleash hundreds of millions of dollars in leveraged assistance from private and non-federal public sources of capital. California's Barbara

Boxer, who sits as chair of the Committee on Environment and Public Works, also weighed in on the infrastructure issue when she included a pilot program within a draft Water Resources Development Act. Boxer's concept would select ten projects throughout the nation to receive WIFIA-like assistance.

The WIFIA approach envisions highly subsidized loans and loan guarantees to be offered to public agencies through the United States Environmental Protection Agency (USEPA.) Assistance would be available to a smorgasbord of eligible projects including basic wastewater, stormwater, combined sewer overflows and sanitary sewer overflows (CSO/SSO's), water recycling and other green technologies that could enhance water quality. The proposal would also provide assistance via the U.S. Army Corps of Engineers in the form of assistance available to meet flood protection needs. However, the assistance would carry a number of new conditions including compliance with "Buy America" provisions, prevailing wage mandates and meeting a series of conditions including asset management and priority rankings in addition to existing SRF program mandates. Under the WIFIA concept, proponents suggest that the ability to leverage \$1 of federal assistance with \$10 of nonfederal support would accelerate project construction. However, state officials have expressed apprehension over such a program. The states argue it could eliminate any state role in SRF programs if agencies could seek direct assistance from USEPA, bypassing the SRF. Also, fears exist that enactment of a new loan program could mean a decrease in support of the core SRF program because of "Pay as You Go" rules that might require "off-sets" for new program spending.

An alternative funding approach, an infrastructure bank, continues to enjoy significant support from the Administration

and many members in the House and Senate. The concept of the bank, compared with a WIFIA, is attractive to the Administration because it would house all infrastructure needs within one program and minimize administrative costs associated with any program. Additionally, the bank concept would permit innovative funding beyond low interest loans to increase the leveraging of nonfederal fundings and provide direct grants where applicable. Because the Administration has signaled its support for the bank, it is unclear that support for a WIFIA would be strong if at all.

The past year witnessed an increased interest in the feasibility of promoting public private partnerships. Several bills were introduced to allow for the unfettered use of tax-exempt bonds, referred to as private activity bonds (PABs). Proponents of this financing believe that PABs could trigger effective partnerships to develop water infrastructure needs relying heavily on private capital resources that would purchase the bonds as part of any agreement to deliver services from the constructed infrastructure. PABs have been employed in the development of desalination and water recycling projects in recent years.

Lastly, the concept of a water trust fund, modeled after the highway trust fund, continues to be promoted. However, the challenge of identifying the means to fund the program, i.e., the source of tax revenues, continues to hinder formal consideration. In the last year, proponents sought to address this issue by calling for a narrowly applied tax on sodas, chemicals, and flushable products. Predictably the atmosphere against new taxes doomed the effort in 2012. However, it is expected that a new effort will be launched in 2013.



### CASA Efforts to Revise Conflict of Interest Rules to Return in 113th Congress

Action on Representative Gary Miller's (R-CA) Sunshine on Conflicts Act (H.R. 2765) that CASA advocated to address the eligibility of applicants to serve on the state water quality permitting agencies, including the State Water Resources Control Board and the nine regional water quality control boards became a victim of the legislative paralysis that marked the 112th Congress. While Congressman Miller was able to secure support from the leadership of the Committee on Transportation and Infrastructure, the ability to move legislation was precluded because of the limited time that was available on the House floor. As a result, the bill will need to be reintroduced next year when the new Congress, having addressed budget issues, will be better positioned to move legislation like H.R. 2765.

The legislation was introduced to address concern that qualified applicants are being excluded from serving as officials with state water quality agencies and boards because of an outdated provision of the Clean Water Act and its implementing regulations that precludes a person from serving in these positions if the person derives a "significant portion" of his or her income from a permitted entity, which EPA has interpreted in regulation to mean 10% or more. To ensure that persons appointed to state water quality permitting authorities (such as water quality boards and other state environmental regulatory agencies) have the knowledge, abilities and experience necessary to be effective, decision-makers, CASA supports changes to the law to replace the income restrictions approach with a conflict-of-interest provision which precludes members of permitting authorities from participating in decisions in which they have a direct or indirect financial interest.



### Preparations Underway for CASA 10th Annual Washington Meeting

Preparations for CASA's annual pilgrimage to Washington continue as expert policy panels and schedules for visits to of California's congressional delegation are being developed. The meeting will be held February 25-27, 2013, at the historic Mayflower Hotel. This year's meeting is notable, as CASA will celebrate its tenth year in Washington and is especially timely because it is the start of a new Congress and the beginning of a second Obama Administration. Speakers ranging from newly elected Members of Congress to top political pundits will address the meeting attendees, sharing their insights on what may transpire in the coming months and what kind of challenges will arise. Because of the monumental policy challenges facing Congress including developing water infrastructure policy, this year's meeting has been scheduled earlier in the year to allow CASA members to have most impact with their legislators when discussing policy and funding priorities for their agencies and CASA. Registration is now open; additional information on speakers and panels will be announced on the CASA website in the near future.

### Regulatory Rulemakings Likely to be a Top Policy Issue in 2013

One of the more important results of the President's re-election is the anticipated publication of a host of rules that were essentially put "on ice" to avoid political fallout during the election year. One such pending matter is the issuance of a guidance document and/or regulations to define precisely which waters of the U.S. are subject to regulation under the Clean Water Act. CASA worked with both the Congress and USEPA to illustrate the vital role that the existing exemption for wastewater treatment facilities plays to ensure cost-effective treatment of wastewaters and compliance with the Clean Water Act. As a result, USEPA agreed to include language in its draft guidance expressly preserving the exemption, avoiding the duplication of permitting mandates at POTW facilities. The challenge, at this time, is whether the agency will re-examine its position. Additionally, the agency is contemplating the development of a formal rule to supplement the guidance.

There is concern in Congress that USEPA and other regulatory agencies may seek to use the regulatory process to circumvent the legislative policymaking process. Therefore, some in Congress are likely to renew efforts to legislate restrictions on how rulemakings are developed. In a novel approach, a "cap and replace" concept has been floated in recent months. This option would require that USEPA, for example, eliminate one rule for every new rule it proposes to implement. It is unclear whether enough support for such a drastic overhaul of the regulatory process exists to ensure passage in Congress. However, simply the effort to move the proposal forward could jumpstart the debate over how to modernize the regulatory process and implementation of federal programs such as the Endangered Species Act and the Clean Water Act. ●



## What's New in 2013

The year ahead means a number of exciting new initiatives for CASA. As a key element of the association's strategic business plan, CASA members will see an increased level of communication from the association as well as greater opportunities to engage in advocacy on legislative and policy issues which may impact the clean water community. CASA will refine its messages and develop communication tools to continue to reframe discussions about the role of public wastewater agencies as generators of renewable resources.

CASA will be ramping up outreach efforts to provide more timely information on state and federal legislative issues and establish mechanisms for member agencies to become involved on key measures and in contacting decision-makers. The CASA website will provide up-to-date information such as CASA position papers, fact sheets and hearing schedules which will keep agencies apprised of the latest developments in the fast-paced legislative and policy arenas in which CASA is involved. With the success of the CASA Washington, D.C. conference helping to build valuable relationships with federal legislators, the CASA Executive Board will be evaluating whether a similar event should be held in Sacramento in future years. CASA members recently received a brief survey asking for information on "how well do you know your legislators?" This information will provide insight into how to best use member influence on important issues.

The Communications Committee will be working closely with CASA's professional service providers on a comprehensive communications strategy to position CASA as the most respected, credible and influential voice on clean water and renewable resource issues facing the public wastewater community. A fully-developed communication strategy will be presented to the Executive Board in April, and launched immediately after approval.

Knowing there is strength in numbers, CASA will be working toward increasing membership by targeting special districts, county and city departments that provide wastewater services. Our goal is to identify geographic areas or legislative districts in which we

do not have a strong CASA membership base and reach out to targeted agencies within those areas to make sure they are aware of all the association's many valuable programs and member services.

The Program Committee is working to continue to develop new topics and format variations for our conferences. Recognizing there are different learning styles and more options now for offering educational opportunities, the goal is to ensure CASA remains the first choice for clean water professionals seeking knowledge and training. The information from the recent member survey will be a key resource for the Committee and the Executive Board in deciding how to best move forward.

What may be the biggest news in 2013 is the official introduction of the CASA Education Foundation. Establishing a CASA scholarship program was the brainchild of the Associates Committee. Recognizing the need to continue to bring new professionals into the clean water community, the Associates Committee approached the Executive Board with the idea. After months of research, discussions and evaluation, the CASA Education Foundation will be launched at the Thursday luncheon. The Foundation hopes to present its first scholarships in fall 2013.

The CASA Education Foundation Board of Directors consists of Michael Dunbar, Jim Graydon, Jeff Moorhouse, Margie Rice and Catherine Smith. If you have questions, would like to be more involved or wish to make a contribution, please find one of these individuals for assistance. CASA Education Foundation information will be available throughout the conference. ☉



# REGULATORY REPORT



## State Water Board Resource Realignment Effort Seeks to Reduce Costs of Compliance

In October, the State Water Resources Control Board (State Water Board) officially launched Phase 2 of its Resource Realignment Initiative, designed to identify opportunities to reduce the costs of compliance for dischargers subject to State Water Board regulation and oversight. Following a kick off meeting in October, several stakeholder workgroups were formed to begin brainstorming ideas for cost reductions. Both long-term and short-term recommendations will be considered, subject to the following ground rules:

- Cost information should be transparent
- Quantitative information is needed to support theory and ensure the most important issues are prioritized
- Measures must be legal and not inhibit the State Water Board's ability to protect water quality
- This effort will not be a cost benefit analysis (e.g. an evaluation of the cost of compliance measures versus the benefit to the environment)
- Longer term more challenging ideas will not impede progress moving forward with achievable short-term measures. Likewise, progress in one sector should not be delayed by other sectors.

The publicly owned treatment works stakeholders convened an initial conference call in early December and began developing a list of candidate cost-saving proposals for further discussion with the State Water Board staff. Some of the ideas being explored include:

- Streamlined monitoring and/or tradeoffs of facility specific compliance monitoring with regional monitoring;
- Establishment of a minimum threshold below which point sources would not be required to implement costly monitoring/reporting programs, special studies and contributions to risk reduction efforts where they are de minimis contributors of pollutants;
- Modification of the Monitoring and Reporting Program for statewide general order for collection systems (the SSO WDR) to reduce or eliminate the individual spill reporting requirement for smaller spills that are under a certain threshold or do not reach waters of the state.

The stakeholder group will summarize these and other proposals for presentation to the State Water Board in January 2013. The next steps will be to decide upon a core group of proposals for further development and begin to quantify the estimated cost savings associated with the reforms.

## Volumetric Wastewater Pricing Stakeholder Group to Continue Discussions in Early 2013

Originally planned for four in-person meetings, the stakeholder group considering the issue of volumetric pricing for wastewater has agreed to hold a fifth meeting in early 2013 in an effort to see whether the group can reach agreement on any joint recommendations. The stakeholder group, which consists of representatives of wastewater and water agencies and nongovernmental organizations, was formed following a presentation to the State Water Board in May 2012, by the Natural Resources Defense Council which proposed that the Board adopt a policy favoring volumetric pricing for residential sewer customers. Following the fourth meeting in mid-December, significant disagreement remained among the representatives of nongovernmental organizations and the wastewater agency participants. It is not clear whether any substantive agreements will be reached; the position of the wastewater stakeholders is that (1) there is no empirical evidence supporting the premise that volumetric wastewater rates lead to meaningful water conservation; (2) agencies that have implemented volumetric rates have done so for locally driven customer equity reasons rather than conservation; and (3) the decision whether to include a volumetric component in wastewater rates is a matter for the local governing body and must remain strictly voluntary. Others in the group are advocating measures that would compel agencies to pursue volumetric pricing under certain circumstances or to face sanctions for failure to do so. In the event that agreement is reached, the recommendations will be presented to the State Water Board and the Department of Water Resources, which would not be bound to address the report. If either agency does decide to move forward, additional, broader public process would be required before moving forward on the group's work product. An update regarding the workgroup will be presented at the January conference.

## CASA Exploring a Phased Approach to Proposed Toxicity Policy

The State Water Board has advised CASA and other stakeholders that adoption of the proposed *Policy for Toxicity Assessment and Control* will be deferred until Spring 2013. The reasons for the delay in consideration of the policy, which was originally slated for December 2012, were not specified, but the announcement was welcomed by CASA and the Clean Water Summit Partners, as the additional time will allow for development of a proposal for phased implementation. During the fall, POTW representatives, including CASA, met with members and staff of the State Water Board to explore an alternative that would allow an initial period of utilizing the new statistical methods and testing frequencies specified in the proposed policy but defer the effective date of numeric water quality objectives and effluent limitations for chronic toxicity.

CASA's goal continues to be ensuring that a new statewide toxicity policy does not place wastewater treatment agencies in violation of their permits due to false determinations of toxicity. Toxicity tests measure the acute (mortality) effects of effluent on a group of test organisms during specified exposure periods, or the chronic (reduced growth or reproduction) effects on those organisms. The proposed policy would establish effluent limitations for whole effluent toxicity (WET) applicable to all inland surface waters and enclosed bays and estuaries, as well as implementation procedures for specified categories of dischargers.

As initially outlined by CASA, Phase I of the toxicity approach would require NPDES dischargers to:

- Implement the test of significant toxicity (TST) rather than the current methods
- Conduct monitoring according to the frequencies specified in the final policy
- Include numeric triggers or "action levels" for accelerated monitoring
- Perform required toxicity identification evaluations and toxicity reduction evaluations (TIE/TREs) based on results of accelerated monitoring.

Phase II would include:

- Conversion of the single test and monthly triggers to numeric effluent limitations
- Adoption of water quality objectives for toxicity.

The advantage of phasing is that it would allow the State Water Board and the wastewater community to obtain information to answer a number of questions that have arisen in the debate surrounding the policy. These include addressing the confidence level in statistical method/TST false toxicity determination error rate and the costs of compliance with the new method and frequencies. The State Water Board could adopt the complete policy in a single action. However, at the end of Phase I, staff would be required to bring the policy back to the State Water Board for an update on lessons learned during Phase I. This would be done in a "workshop" setting so that public comment and information can also be presented for its consideration.

## CASA Seeks Partnership with State Water Board on Approach to Nutrient Control

Early in 2013, CASA will be meeting with members and staff at the State Water Board to explore an alternative approach to nutrient issues that will allow for significant progress toward reducing impairments while avoiding exorbitant expenditures on point source controls that will not lead to attainment. CASA hopes to persuade the State Water Board that California must consider innovative and alternative approaches to nutrient regulation, building off the existing tools and framework that are part of its proposed Nutrient Policy for Inland Surface Waters.

CASA is concerned that the present course will lead to ultra-stringent nutrient criteria and unattainable effluent limits in NPDES permits that will drive many communities to install resource intensive state-of-the-art treatment systems, with uncertain benefit. Case study information collected by the State Water Board and additional case study information collected by municipal agencies in California indicates that extremely low nutrient concentration criteria will result from the use of the available numeric nutrient endpoint (NNE) tool in every case examined to date.

The challenge of effectively addressing nutrients results from many factors: (1) the absence of information regarding the ability to achieve very low criteria; (2) the lack of knowledge regarding the benefits (in terms of beneficial use protection) to be achieved as a result of major POTW treatment upgrades around the State in reaction to these criteria; and (3) the magnitude of the required expenditures. In combination with other existing regulatory burdens under the Clean Water Act, the potential level of expenditure for nutrient load management is likely unaffordable for many, if not most, communities.

Instead, CASA is urging an approach which will allow us to "look before we leap," taking a pragmatic approach to developing the information needed to make sound policy decisions ahead of the adoption of numeric nutrient criteria. The approach would use joint fact finding and peer review to clarify the problems associated with nutrient over-enrichment and would aid in the development of cost-effective means to address controllable problems. This approach would allow a watershed-level view of nutrient management scenarios and would use that information to chart our regulatory path, ahead of the commitment of resources that will result from the early establishment of numeric nutrient standards. ●

*Note: CASA comment letters on water quality regulatory issues are available on the CASA website: <http://www.casaweb.org/water-quality/comment-letters>*



## CASA Works to Avoid Duplicative Regulations for the Acceptance of Hauled in Organic Waste at POTWs

CASA, member agency East Bay Municipal Utility District, and many others continue to work toward a proactive solution to allow publicly owned treatment works (POTWs) to accept hauled-in organic waste such as Fats, Oils, and Grease (FOG), food waste, etc. for anaerobic digestion without duplicative regulation by CalRecycle as well as the Water Boards. CalRecycle has released preliminary draft regulatory language that will exclude a POTW from its regulations for this activity as long as the POTW is in compliance with NPDES permit or waste discharge requirement conditions imposed by the State or regional water boards covering the management of receipt of anaerobically

digestible material. CASA has worked diligently with both agencies to develop reasonable permit language, which has been approved and will be inserted into Water Board permits, as well as the exclusion language for CalRecycle regulations. The exclusion language has undergone an initial round of public comment and is expected to be part of the formal rule proposals in 2013. This issue is critical for the state as, by accepting hauled-in organic waste for digestion, POTWs are working to fulfill at least three statewide mandates: the 33 percent renewable energy standard, the 75 percent Recycling goal, and diversion from landfills as required by AB 939.

## SCAQMD Rule 1110.2 Brings New Emission Limits on Stationary Engines

The South Coast Air Quality Management District (District) readopted Rule 1110.2 in September 2012 after vacating it earlier in the year. The Governing Board voted to adopt revised Rule 1110.2 which, among other provisions, imposes emission limits on stationary internal combustion engines using digester or landfill biogas. The limits will be as follows: NO<sub>x</sub> – 11 ppm; CO – 250 ppm, and VOC – 30 ppm. While CASA did not achieve all of its objectives, when evaluating the range of possible outcomes, the Board action did represent a positive path forward. CASA achieved a compromise on a number of items including:

1. The emission limits will not be included in the SIP at this time. The District staff will instead provide a recommendation to the Governing Board after re-evaluation in 2015 at the earliest.
2. The District will conduct a continual technology assessment as it monitors demonstration projects and will provide updates to the Stationary Source Committee at least annually. This will provide needed flexibility and time to allow demonstration projects to proceed.
3. District Executive Director Wallerstein was charged with returning to the Stationary Source Committee, within 60 days, with recommendations for financial incentives, (in addition to reimbursement of permit fees) for agencies to be able to comply with the limits. This did occur as scheduled, but South Coast agencies were disappointed with the recommendations as in their view they did not offer any true economic incentives.
4. The District will work with stakeholders to ensure there is no conflict with requirements for Continual Emission Monitoring Systems (CEMS) in this and other rules.
5. The effective date was set as January 1, 2016, but, upon Governing Board request, District staff will reevaluate the feasibility for compliance based upon the ongoing demonstration projects. This was the most contentious element of the rule and the one piece that did not get revised as was requested to July 1, 2017. However, enough Board members were skeptical of the technology that they did request the re-evaluation of this date based on the pilot projects. By not including the limits in the SIP now kept open the door to push the effective date back if appropriate.



## New CDFA Rendering Regulations Proposed

The California Department of Food and Agriculture (CDFA) proposed a new draft of regulations in November 2012 for Renderers, Collection Centers, Dead Animal Haulers, and Transporters of Inedible Kitchen Grease. The CDFA draft is responsive to comments by CASA and its members and retains exemption language for POTWs that may receive FOG. CDFA concurred with the premise that the State and regional water boards already effectively regulate POTWs, including the receipt of FOG, and that because POTWs are not in the business of rendering, it is appropriate to grant an exemption. CDFA also heeded comments and amended language dealing with manifest requirements to be kept by haulers. The proposed regulations now allow the verification of the amount of FOG discharged by numerous means as requested by the POTW community. CASAs latest comment letter essentially thanked CDFA for the agency's responsiveness and willingness to avoid duplicate regulatory schemes.

## Pyrethroid Survey Underway

The California Department of Pesticide Regulation (DPR) is reviewing the registration of pyrethroids, many of which have indoor uses (pet shampoo, clothes laundering, etc.) and may end up going down the drain to POTWs. Tri-TAC formed a steering committee which for the past several years has worked to represent POTW interests in this process. Tri-TAC and its expert consultant have been working diligently with DPR and the Pyrethroid Working Group (PWG), which represents the pesticide manufacturers, to execute a survey wherein influent, effluent, and biosolids samples would be analyzed for select pyrethroids. The survey is scheduled to begin in January. The participants have reached concurrence on a Quality Assurance Project Plan (QAPP), PWG has developed acceptable analytical methods for each matrix, a signed MOU between PWG and Tri-TAC is in place, as is a Pledge of Collaboration between volunteer agencies and PWG. DPR, PWG, and Tri-TAC have agreed on the number of samples to be collected. Agencies across the state of all sizes have agreed to provide samples. Influent and effluent samples will be collected from 32 agencies, and biosolids samples from 25 agencies. The sampling will be in three phases working from North to South beginning in January, and following in February and March.

## CASA BIOSOLIDS LISTSERV

These items and others of interest have been presented in more detail via the CASA biosolids listserv. Should you wish to be subscribed to that communication tool please simply send an email request to [gkester@casaweb.org](mailto:gkester@casaweb.org). Also note that many referenced letters and proposals are on the CASA website at [www.casaweb.org](http://www.casaweb.org) under the biosolids program.



## Mine Reclamation Opportunities for Biosolids

A forum at USEPA Region 9 was held in November. Titled "Superfund Alchemy: Turning Metals Sites into Golden

Opportunities" the forum was attended by about 45 individuals, including CASA Biosolids Program Manager Greg Kester, who engaged in a discussion regarding mine reclamation opportunities in Region 9. Experts from the United States Department of Agriculture USEPA headquarters and the University of Washington were welcomed by Nancy Lindsay, Deputy Director of the Region 9 Superfund program. The experts presented successful case studies from across the country where organic material (mostly biosolids) was effective in reclaiming superfund mine sites and returning them to vegetated and wildlife supporting habitats. Most of the audience were program managers or field representatives in charge of managing or reclaiming sites across the region. All in attendance were very receptive to the presentations and open to the use of biosolids for this purpose.

A reclamation project will be begun at the New Idria Mercury Mine site in San Benito County with assistance from CDFA and will use biosolids compost. Many other opportunities exist for this excellent use of biosolids; please contact CASA staff if your agency has an interest in pursuing this management option or if you have any questions, comments or desire more information.



## Biogas Optimization Forum

CASA is planning a wastewater biogas forum with USEPA Region 9, Cal EPA, California Public Utilities Commission, California Energy Commission, State Water Resources Control Board, South Coast Air Quality Management

District, University of California, Davis, and the Southern California Alliance of Publicly Owned Treatment Works. Scheduled for February 7, 2013, at the South Coast Air Quality Management District Headquarters in Diamond Bar, the forum will feature speakers from a variety of affiliations speaking on statewide policy, legislation, regulations, technology, research, and challenges. The forum is expected to be a full day event offered at no charge to discuss challenges and opportunities to using biogas in compliance with new or future air district regulations. The statewide wastewater biogas working group's goal is to: "Establish a proactive multi-sector forum to understand barriers and to facilitate the development of cost effective technologies that will enable wastewater treatment facilities to use renewable biogas in compliance with existing and potential air quality regulations." ●



**California Association of  
Sanitation Agencies**

1215 K Street, Suite 940  
Sacramento, CA 95814  
916.446.0388 phone  
916.231.2141 fax  
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Summit Partners:

- Bay Area Clean Water Agencies (BACWA)
- California Association of Sanitation Agencies (CASA)
- Central Valley Clean Water Association (CVCWA)
- California Water Environment Association (CWEA)
- Southern California Alliance of Publicly Owned Treatment Works (SCAP)

Reply to:

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January 22, 2013

Russell Norman  
SSO Reduction Program  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Transmitted via e-mail to: [rnorman@waterboards.ca.gov](mailto:rnorman@waterboards.ca.gov)

Re: **Comments on Proposed Changes to Sanitary Sewer System (SSS) Waste Discharge Requirements (WDR) Monitoring and Reporting Program (MRP)**

Dear Mr. Norman:

The undersigned statewide associations (Associations) sincerely appreciate the opportunity to provide written comments on proposed administrative changes to the Sanitary Sewer System (SSS) Waste Discharge requirements (WDRs) Monitoring and Reporting Program (MRP) released in a revised draft form by State Water Board staff on January 7, 2013. Our associations represent public wastewater agencies providing sewer collection, wastewater treatment, and water recycling services to millions of Californians. Our associations are committed to the effective and appropriate implementation of the SSS WDR and have been partners with the State Water Resources Control Board in facilitating understanding of, and compliance with, the order.

We appreciate that this revised draft contains less extensive revisions to the existing MRP than the version released on August 14, 2012. However, it was our understanding that the current revised draft MRP would be a "surgical" revision of the existing MRP. We are very concerned that the current revised draft MRP will create significant additional burdens for municipal collection system agencies, with no benefit to water quality.

More specifically, we are concerned that the proposed amendments constitute a broad and significant revision of the MRP, contrary to both State Water Board direction and prior representations to stakeholders regarding the cleanup nature of the amendment process. Though the current version of the MRP has been narrowed from the prior draft, the proposed revisions remain extensive. Many of the proposed changes do not fall within the limited scope of an MRP and create new policy or substantive requirements.

Our detailed comments are attached, in an underline/strikeout format, with explanations in yellow-highlighting immediately following the more substantive changes or changes that are otherwise not necessarily self-explanatory. In summary, we have the following general comments about the proposed MRP:

- We continue to support three of the proposed changes to the MRP. These are (1) delineating three categories of overflows in place of the current two, by dividing Category 1 into two categories (new 1

and 2); (2) clarifying the event-based approach to reporting, and (3) clarifying that agencies should only contact CalEMA for immediate reporting.

- Category 1 should have the same conditions as those conditions which require reporting to Cal EMA, since the intent of a Category 1 is to be able to distinguish overflows that are considered high threat.
- The Category 3 reporting requirements in the January 7 proposal added nine new information fields that must be completed in CIWQS. However, a third category was created precisely because the smaller overflows are less important and therefore reporting requirements should be reduced not expanded for Category 3 overflows.
- Several of the proposed changes to the MRP create new policy and substantive new requirements. These changes include: special technical reports beyond the extensive electronic reporting; the proposed requirement to conduct water quality sampling; the references to waters of the state as opposed to waters of the U.S.; the time limit on amending SSO reports; the level of detail to be reported within two hours several new language edits that are now very unclear; and many other proposed changes as indicated in the attached mark-up.
- The proposed changes are numerous and go well beyond what we understood as the reason for updating the MRP (i.e., to “clean up” the MRP and make “surgical” changes).

As we have indicated before, we understand that many of the proposed changes in the MRP were made in order to make the enforcement process easier for State Water Board staff. However, it is inappropriate to request this level of information from thousands of systems just in case there is an enforcement action. In addition, State Water Board staff already has plentiful information on which to target agencies for investigation and enforcement. For example, the Regional Water Boards have brought, and continue to pursue, many enforcement actions for sanitary sewer overflows with the current level of information being reported.

The Associations emphasize that many of our comments are consistent with the Resource Alignment Initiative as directed by State Water Board members in Resolution No. 2011-0052. Thank you again for the opportunity to comment on the proposed revisions to the MRP. Please contact Bobbi Larson at (916) 446-0388 or [blarson@casaweb.org](mailto:blarson@casaweb.org) or Monica Oakley at (925) 627-4100 or [moakley@rmcwater.com](mailto:moakley@rmcwater.com) if you have any questions or need additional information.

Sincerely,



James Kelly, Executive Director  
Bay Area Clean Water Agencies



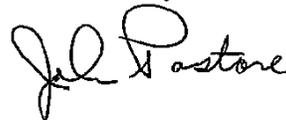
Roberta L. Larson, Executive Director  
California Association of Sanitation Agencies



Carrie Mattingly, President  
California Water Environment Association



Debbie Webster, Executive Officer  
Central Valley Clean Water Association



John Pastore, Executive Director  
Southern California Alliance of POTWs



Terrie Mitchell, Chair  
Tri-TAC

WATER RESOURCES CONTROL BOARD  
ORDER NO. 2013-XXXX-EXEC

AMENDING MONITORING AND REPORTING PROGRAM  
FOR  
STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR  
SANITARY SEWER SYSTEMS

Note to Reviewers: Edits in track changes mode indicated below are revisions to this draft document proposed by the Associations, as indicated in an accompanying transmittal letter. Yellow-highlighted text is an explanation of the substantive (or not otherwise self-explanatory) comment directly above it. In some cases, if a small typo was found, the correction is also highlighted in yellow to make it easier to find.

The State of California, Water Resources Control Board (hereafter State Water Board) finds:

1. The State Water Board is authorized to prescribe statewide general Waste Discharge Requirements (WDRs) for categories of discharges that involve the same or similar operations and the same or similar types of waste pursuant to Water Code section 13263(i).
- ~~2.~~ ~~Water Code section 13193 et seq. requires the Regional Water Quality Control Boards (Regional Water Boards) and the State Water Board (collectively, the Water Boards) to gather comprehensive and specific SSO information and make this information available to the public, including but not limited to, SSO cause, estimated volume, location, date, time, duration, whether or not the SSO reached or may have reached waters of the State, response and corrective action taken, and an enrollee's contact information for each SSO event. An enrollee is defined as the public entity having legal authority over the operation and maintenance of, or capital improvements to, the sanitary sewer system.~~  
It is inappropriate to include reference to Water Code section 13193 because this Water Code section refers to activity in the past.
- ~~3-2.~~ Water Code section 13271, *et seq.* requires notification to the California Emergency Management Agency (Cal EMA, formerly the California Office of Emergency Services) for certain unauthorized discharges including sanitary sewer overflows (SSOs).
- ~~4-3.~~ On May 2, 2006, the State Water Board adopted Order No. 2006-0003-DWQ, "Statewide Waste Discharge Requirements for Sanitary Sewer Systems"<sup>1</sup> (hereafter SSS WDRs) to comply with Water Code section 13193 and to establish the framework for the statewide SSO Reduction Program.
- ~~5-4.~~ Subsection G.2 of the Sanitary Sewer System (SSS) WDRs and the Monitoring and Reporting Program (MRP) adopted by the State Water Board on May 2, 2006 both provide that the Executive Director may modify the terms of the MRP at any time. The MRP is intended to demonstrate compliance with the SSS WDR but not to expand the WDR.

<sup>1</sup> Available for download at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2006/wqo/wqo2006\\_0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2006/wqo/wqo2006_0003.pdf)

6-5. On February 20, 2008, the State Water Board Executive Officer revised the original MRP adopted by the State Water Board on May 2, 2006 to ~~rectify~~ implement early notification ~~deficiencies~~ to ~~ensure that first responders are notified in a timely manner for SSOs discharged into waters of the state~~ response agencies.

The above revision was made because the regulatory agencies being notified are not the first responders, nor are they often responders at all. In any event, the first responders are the municipal collection system agencies.

7-6. When notified of an SSO that reaches a ~~drainage channel or surface~~ water of the ~~state~~ U.S. or a municipal storm drain system that is not recovered and disposed of properly, Cal EMA, pursuant to Water Code section 13271(a)(3), forwards the SSO notification information<sup>2</sup> to ~~local government agencies and first responders including~~ local public health officials and the applicable Regional Water Board. ~~Receipt of notifications for a single SSO event from both the SSO reporter and Cal EMA is duplicative.~~ To address this more efficiently conform to 13271(a)(3), the SSO notification requirements added by the February 20, 2008 MRP revision are being revised in this MRP revision.

-- Drainage channels are a subset of a municipal storm drain system, as defined by the Clean Water Act, so the proper terminology should be used. It is also less confusing to the regulated community.

--References to surface waters throughout the MRP should be for waters of the U.S., not waters of the state, since the prohibition in the WDR is for waters of the U.S. In addition, mixing and matching how receiving waters are characterized is confusing to collection system operators and in any event, consistency should be maintained. Expanding the jurisdiction of the SSS WDR should not be done through amendments to the MRP.

--The footnote was removed because it is extraneous information for a finding that is general in nature.

--The sentence removed is confusing and can be handled more concisely and adequately with the edit indicated.

8-7. In the February 28, 2008 Memorandum of Agreement (MOA) between the State Water Board and the California Water and Environment Association (CWEA), the State Water Quality Control Board committed to re-designing the California Integrated Water Quality System (CIWQS) Online SSO Database to allow "event" based SSO reporting versus the original "location" based design. Revisions to this MRP and accompanying changes to the CIWQS Online SSO Database will implement this change by allowing for multiple SSO appearance points to be associated with each SSO event caused by a single asset failure.

9-8. In prior versions of this MRP, SSOs have been categorized as Category 1 or Category 2. This MRP implements changes to SSO categories by adding a Category 3 SSO type. This change will assist Water Board staff in evaluating high threat SSOs and assist enrollees in identifying SSOs that require Cal EMA notification.

<sup>2</sup> Cal EMA Hazardous Materials Spill Reports available online at: [http://w3.calema.ca.gov/operational/mal haz.nsf/\\$defaultview](http://w3.calema.ca.gov/operational/mal haz.nsf/$defaultview) and <http://w3.calema.ca.gov/operational/mal haz.nsf>

10.9. Based on over six years of implementation of the SSS WDRs, the State Water Board concludes that the February 20, 2008 MRP ~~needs to must~~ be updated to provide sufficient information to the State Water Board and prioritize the type of overflows that are reported to the California Emergency Mangement Agency (Cal EMA) better advance the SSO Reduction Program<sup>3</sup> objectives, assess compliance, and enforce the requirements of the SSS WDRs. It is not in the public interest to streamline operations for a handful of folks at the Water Board while making it substantially more difficult for tens of thousands of collection system employees.

**IT IS HEREBY ORDERED THAT:**

Pursuant to the authority delegated by Water Code section 13267(f), Resolution No. 2002-0104, and Order No. 2006-0003-DWQ, the MRP for SSS WDRs No. 2006-0003-DWQ is hereby amended as shown in Attachment A.

Dated:

\_\_\_\_\_  
Thomas Howard  
Executive Director

<sup>3</sup> ~~Statewide Sanitary Sewer Overflow Reduction Program information is available at:~~  
[http://www.waterboards.ca.gov/water\\_issues/programs/ssor/](http://www.waterboards.ca.gov/water_issues/programs/ssor/)

## ATTACHMENT A

### WATER RESOURCES CONTROL BOARD **ORDER NO. 2013-XXXX-EXEC** AMENDING MONITORING AND REPORTING PROGRAM FOR STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Monitoring and Reporting Program (MRP) establishes monitoring, record keeping, reporting and public notification requirements for Order No. 2006-0003-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems" (-SSS WDRs). ~~The Executive Director may make revisions to this MRP at any time. These revisions may include a reduction or increase in the monitoring and reporting. Revisions to this MRP may be made at any time by the Executive Director, and may include a reduction or increase in the monitoring and reporting. All site-specific records and data pursuant to the SSS WDRs and this MRP shall be complete and accurate and justified by evidence maintained by the enrollee. Failure to comply with this MRP may subject an enrollee to civil liabilities of up to \$5,000 a day per violation pursuant to Water Code section 13350 or may be referred to the Attorney General for civil action. The State Water Resources Control Board reserves the right to take any further enforcement action authorized by law.~~ The above revisions were made to stay consistent with the existing MRP and the commitment that the revisions would only constitute a "surgical" markup of the existing MRP.

#### A. SUMMARY OF MRP REQUIREMENTS

CATEGORIES	DEFINITIONS [see Section A on page 5 of SSS WDRs defining SSO]
<b>CATEGORY 1</b>	Discharges of untreated or partially treated wastewater of <u>any volume</u> resulting from an enrollee's sewer system failure or flow condition that: <ul style="list-style-type: none"> <li>• <del>Reaches a surface water and/or reaches a drainage channel tributary to a surface water; or</del></li> <li>• <del>Reaches the separate municipal storm drain system and is not fully captured and returned to the sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from the separate municipal storm drain system is considered to have reached surface water unless the storm drain system discharges to a dedicated groundwater infiltration basin (e.g., infiltration pit, percolation pond).</del></li> </ul>
<b>CATEGORY 2</b>	Discharges of untreated or partially treated wastewater of <u>1,000 gallons or greater</u> resulting from an enrollee's sewer system failure or flow condition that <u>do not reach surface water, a drainage channel, or the separate municipal storm drain system unless the entire SSO discharged to the storm drain system is fully recovered and disposed of properly.</u>
<b>CATEGORY 3</b>	All other discharges of untreated or partially treated wastewater resulting from an enrollee's sewer system failure or flow condition.
<b>PRIVATE LATERAL SEWAGE DISCHARGE (PLSD)</b>	Discharges of untreated or partially treated wastewater resulting from blockages or other problems <u>within a privately owned sewer lateral</u> connected to the enrollee's sewer system or from other private sewer assets. PLSDs that the enrollee becomes aware of may be <u>voluntarily reported to the CIWQs Online SSO Database.</u>

**Table 1—Spill Categories and Definitions**

ELEMENT	REQUIREMENT	METHOD
<b>NOTIFICATION</b> (see section B)	<ul style="list-style-type: none"> <li>• Within 2 hours of becoming aware of any Category 1 SSO greater than or equal to <u>1,000 gallons</u>, notify California Emergency Management Agency (Cal-EMA)</li> </ul>	Call Cal-EMA at: <b>(800) 852-7550</b>
<b>REPORTING</b> (see section C)	<ul style="list-style-type: none"> <li>• Category 1 SSO: Submit Draft report within 3 business days of becoming aware of the SSO and certified within 15 calendar days of SSO end date</li> <li>• Category 2 SSO: Submit Draft report within 3 business days of becoming aware of the SSO and certified within 15 calendar days of SSO end date</li> <li>• Category 3 SSO: Submit Certified report within 30 calendar days of end of month in which SSO occurred</li> <li>• SSO Technical Report within 45 calendar days after any Category 1 SSO of which 50,000 gallons or greater is not recovered from waters of state</li> <li>• “No Spill” Monthly Report: Certify that no SSOs occurred within 30 calendar days of end of month in which no SSOs occurred</li> <li>• Collection System Questionnaire: Update and Certify every 12 months</li> </ul>	Enter data into the <u>CIWQS Online SSO Database</u> ( <a href="http://ciwqs.waterboards.ca.gov/">http://ciwqs.waterboards.ca.gov/</a> ), certified by sewer agency Legally Responsible Official(s).
<b>WATER QUALITY MONITORING</b> (see section D)	<ul style="list-style-type: none"> <li>• Water quality sampling and initiation of an impact assessment within 48 hours after initial SSO notification for Category 1 SSOs of which 50,000 gallons or greater is not recovered from waters of the state</li> </ul>	Water quality results are required to be uploaded into CIWQS for Category 1 SSOs of which 50,000 gallons or greater is not recovered from waters of the state
<b>RECORD KEEPING</b> (see section E)	<ul style="list-style-type: none"> <li>• SSO event records</li> <li>• SSMP implementation and changes</li> <li>• Information used to generate SSMP Audit(s)</li> <li>• Records to document Water Quality Monitoring for SSOs 50,000 gallons or greater not recovered from surface waters of the State</li> <li>• Collection system telemetry records if relied upon to document and/or estimate SSOs</li> </ul>	Self-maintained records shall be available during inspections or upon request.

**Table 2—Notification, Reporting, Monitoring, and Record Keeping Requirements**

We request that the above table be removed because the information is already easily found elsewhere in the document and it only adds redundancy which will result in inconsistencies and confusion.

**B-A. SANITARY SEWER OVERFLOW NOTIFICATION REQUIREMENTS**

~~Although State Water Resources Control Board (State Water Board) and Regional Water Quality Control Board (Regional Water Board) staff do not have duties as first responders, this MRP is an appropriate mechanism to ensure that the agencies that have first responder duties are notified in a timely manner in order to protect public health and beneficial uses.~~

1. ~~For Category 1 any SSOs, which are those SSOs that reach waters of the U.S. and AND are greater than or equal to 1000 gallons, that results or may result in a discharge to a surface water of the state, either directly or by way of a drainage channel or separate municipal storm drain system, the enrollee shall, as soon as possible, but not later than two (2) hours after (A) that enrollee has knowledge of the discharge by discovery or receiving information from a public informant or other source(s) becoming aware of and confirming the discharge, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures, notify the California Emergency Management Agency (Cal EMA) at (800) 852-7550 and obtain a notification control number.~~

~~--It is imperative that the Category 1 SSOs and those SSOs being reported to Cal EMA be the same. If they aren't the same, it is likely that enrollees will get confused and report SSOs to Cal EMA that shouldn't be reported.~~

~~--It is unacceptable for an agency to report SSOs to Cal EMA (or any agency) based only on an unsubstantiated phone call. The agency staff should confirm the existence and conditions of the SSO so they can provide useful information to Cal EMA.~~

2. ~~To satisfy SSO notification requirements for each applicable SSO, the enrollee shall provide, at a minimum, the following information to Cal EMA before receiving a control number:~~

~~i. Name of person notifying Cal EMA and direct return phone number.~~

~~ii. Estimated SSO volume discharged (gallons).~~

~~iii. If ongoing, estimated SSO discharge rate (gallons per minute).~~

~~iv. SSO Incident Description:~~

~~a. Brief narrative.~~

~~b. On-scene point of contact for additional information (name and cell number).~~

~~c. Date and time enrollee became aware of SSO.~~

~~d. Name of sewer system causing the SSO.~~

~~e. SSO cause (if known).~~

~~v. Indication of whether SSO has been contained.~~

~~vi. Indication of whether surface water is impacted.~~

~~vii. Name of surface water impacted by SSO, if applicable.~~

~~viii. Indication of whether a drinking water supply is or may be impacted by SSO.~~

~~ix. Any other known SSO impacts.~~

~~x. SSO incident location (address, city, state, and zip code).~~

~~This level of detail to be reported within 2 hours is impractical. The current amount of information for 2-hour reporting is sufficient.~~

~~3. Following the initial notification to Cal EMA and until such time that an enrollee submits a “certified” report into the CIWQS Online SSO Database, the enrollee shall provide updates to Cal EMA regarding the estimated volume of untreated or partially treated sewage discharged including any change(s) to known impact(s) to surface water(s).~~

The above requirement is not practical and of limited benefit for the expenditure of public resources, both for the municipal government agency and the state government agency Cal EMA.

~~4. Discharges (PLSDs): The enrollee is strongly encouraged to notify Cal EMA of discharges greater than or equal to 1,000 gallons of untreated or partially treated wastewater resulting from blockages or other problems within a privately owned sewer lateral or from other private sewer asset(s) that the enrollee becomes aware of.~~

PLSD discharges should only be reported on CIWQS with the option of reporting them anonymously; otherwise, agencies will generally not be inclined to report them at all.

Format

### **C.B. SANITARY SEWER OVERFLOW REPORTING REQUIREMENTS**

~~1. **CIWQS Online SSO Database Account:** All enrollees shall obtain a CIWQS SSO Online Database account and receive a “Username” and “Password” by registering through CIWQS. These accounts allow controlled and secure entry into the CIWQS Online SSO Database. This information is already included later in the document and does not need to be placed here.~~

~~2.1. **SSO Mandatory Reporting Information:** For reporting purposes, if one SSO event results in multiple appearance points, the enrollee shall complete one SSO report in the CIWQS Online SSO Database, including location of the SSO failure point, blockage or location of the flow condition that caused the SSO and location(s) of all discharge points associated with the SSO event.~~

#### ~~3.2. **SSO Categories**~~

~~i. **Category 1** – Discharges of untreated or partially treated wastewater of any volume greater than or equal to 1,000 gallons resulting from a failure in the enrollee’s sanitary sewer system failure or flow condition that:~~

~~a. Reaches a surface water of the U.S. and/or reaches a drainage channel tributary to a surface water and are not recovered and disposed of properly; or~~

~~b. Reaches the separate municipal storm drain system (as defined by the Clean Water Act) and is not fully captured and returned to the sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from the separate municipal storm drain system is considered to have reached surface water unless the storm drain system discharges to a dedicated groundwater infiltration basin (e.g., infiltration pit, percolation pond).~~

As indicated above, it is imperative that the Category 1 SSOs be the same as what is reported to Cal EMA. In addition, municipal storm drain systems include drainage channels, so the term drainage channel should be removed as a separate item.

~~ii. **Category 2** – Discharges of untreated or partially treated wastewater of less than 1,000 gallons or greater resulting from a failure in the enrollee’s sanitary sewer system failure or flow condition that does not reach surface waters of the U.S., and discharges~~

~~greater or equal to 1,000 that do not reach waters of the U.S., a drainage channel, or the separate municipal storm drain system unless the entire SSO discharged to the storm drain system is fully recovered and disposed of properly. The 1,000 gallon threshold applies to unrecovered overflow volume, and the total volume of the overflow does not include the portion that is recovered and disposed of properly.~~

- iii. **Category 3** – All other discharges of untreated or partially treated wastewater resulting from an ~~failure in the~~ enrollee's sanitary sewer system ~~failure~~ or flow condition.

#### 4.3. SSO Reporting to CIWQS - Timeframes

- i. **Category 1 & Category 2 SSOs** – ~~A~~ Except as provided above, all SSOs that meet the above criteria for Category 1 or Category 2 SSOs shall be reported to CIWQS as soon as: (1) the enrollee has knowledge of the discharge, (2) reporting is possible, and (3) reporting can be provided without substantially impeding cleanup or other emergency measures.

Sometimes agencies are confused by the concepts reporting, vs. notification, so we added "to CIWQS" to help clarify the difference.

- a. Draft reports for Category 1 & Category 2 SSOs shall be submitted to the CIWQS Online SSO Database as soon as possible but no later than 3 business days after the enrollee is made aware of the SSO ~~by citizen complaint or discovery~~. Minimum information that shall be contained in the draft report for a Category 1 or Category 2 SSO shall include all information identified in section 68.i.a., below. ~~Minimum information that shall be contained in the draft report for a Category 2 SSO shall include all information identified in section 8.i.c below.~~

It is both unnecessary and overly burdensome for an agency to be required to report SSOs to CIWQS based only on a phone call from a party outside the agency. The agency staff need to confirm the existence and conditions of the SSO so they can provide useful information to CIWQS.

- b. A final certified Category 1 or Category 2 report shall be completed through the CIWQS Online SSO Database within 15 calendar days of the end date of the SSO the conclusion of SSO response and remediation. Minimum information that shall be contained in the certified report for a Category 1 SSO shall include all information identified in section 68.i.c below. Minimum information that shall be contained in the certified report for a Category 2 SSO shall include all information identified in section 68.i.b below. Additional information may be added to the certified report, in the form of an attachment, at any time.

-- It is important to retain consistency with the original MRP which contains a 15 day reporting requirement.

--The last sentence was added because it is in the existing MRP and should be retained, and is consistent with the SSO WDR which requires an enrollee to amend a report where any relevant facts were omitted.

- ii. **Category 3 SSOs** – All SSOs that meet the above criteria for Category 3 SSOs shall be reported to the CIWQS Online SSO Database and certified within 30 days after the end of the calendar month in which the SSO occurs (e.g., all SSOs occurring in the month of February shall be entered into the database by March 30<sup>th</sup>). Minimum information that shall be contained in ~~the draft and certified~~ reports for a Category 3 SSO shall include all information identified in section 68.i.a below.

It is not necessary to distinguish between draft and certified reports for Category 3 SSOs because in most instances they are the same thing.

- iii. **“No SpillOverflow” Monthly Certification** – If there are no SSOs during the calendar month, the enrollee shall provide, within 30 days after the end of each calendar month, a “No-SpillOverflow” certification statement through the CIWQS Online SSO Database certifying that there were no SSOs for the designated month. If there are no SSOs during a calendar month and the enrollee reported a PLSD, the enrollee shall still submit a “No-SpillOverflow” certification for that month.

The Associations request that the term “overflow” be used instead of “spill”, which is a more industry-standard term.

- iv. ~~**Amended SSO Reports**—The enrollee may update or add additional information to a certified SSO report no later than 120 calendar days after the SSO end time by amending the report or by adding an attachment to the SSO report in the SSO Online Database. SSO reports certified in the SSO Online Database prior to the adoption date of this MRP may only be amended up to 120 days after the amendment date of this MRP.~~

It is inappropriate to mandate a time limit on amending SSO reports. If an agency becomes aware of information at a later date than when the report was submitted, it is appropriate to amend the report, regardless of when the information became available. This approach is consistent with the existing MRP, and the concept of only doing a “surgical” markup on the existing MRP.

## 5. SSO Technical Report

~~The enrollee shall submit and certify an SSO Technical Report in the CIWQS SSO Online Database within 45 calendar days of SSO stop date and time for any SSO in which 50,000 gallons or greater are not recovered from waters of the state. This report, which does not preclude the Water Boards from requiring a more detailed analysis if requested, shall include, at a minimum, the following:~~

### ~~i. Causes and Circumstances of the SSO:~~

- ~~a. Complete and detailed explanation of how and when the SSO was discovered.~~
- ~~b. Photographic evidence as required by subsection E.2.i of the this MRP, including photos that show the extent of the SSO, field crew response operations, and reveal site conditions after field crew SSO response operations have been completed.~~
- ~~c. Diagram showing the SSO failure point, appearance point(s), and final destination(s).~~
- ~~d. Detailed description of the methodology employed and available data used to calculate the volume of the SSO and any recovery amounts.~~
- ~~e. Detailed description of the cause(s) of the SSO.~~
- ~~f. Copies of original field crew records used to document the SSO.~~
- ~~g. Historical maintenance records for the failure location.~~

### ~~ii. Enrollee’s Response to SSO:~~

- a. ~~Chronological narrative description of all actions taken by enrollee to terminate the discharge.~~
- b. ~~Explanation of how the SSMP Overflow Emergency Response plan was implemented to respond and mitigate the SSO.~~
- c. ~~Final corrective action(s) completed or projected, including a schedule for actions not yet completed.~~

iii. **Monitoring and Analysis of SSO:**

- a. ~~Description of all water quality sampling activities conducted, including analytical results and evaluation of the results.~~
- b. ~~Detailed location map for any subsequent water quality sampling and reference point(s).~~

iv. **Impacts of SSO:**

- a. ~~Name and contact information of the responsible person(s) conducting impact assessment.~~
- b. ~~Description of impact assessment to evaluate short- and long-term impacts to beneficial uses required in this Amended MRP.~~

v. **Monitoring Information:**

- a. ~~Narrative of impact assessment to evaluate short- and long-term impacts to beneficial uses of waters of the state.~~

This new requirement for technical reports is overly burdensome, is a waste of public resources, and does not benefit water quality.

6.4. **Private Lateral Sewage Discharges**

Discharges of untreated or partially treated wastewater resulting from blockages or other problems within a privately owned sewer lateral connected to the enrollee's sanitary sewer system, or from other private sewer system assets, may be voluntarily reported to the CIWQs Online SSO Database. The enrollee will not be held responsible for the cause or cleanup of the private sewer discharge, or the repair or replacement of the private sewer system asset.

It is anticipated that this language may help agencies feel more comfortable voluntarily reporting private SSOs.

- i. ~~The enrollee is also encouraged to provide notification to Cal EMA per section A above when a PLSD greater than or equal to 1,000 gallons has or may result in a discharge to surface water. For any PLSD greater than or equal to 1,000 gallons regardless of the spill destination, the enrollee is also encouraged to file a spill report as required by Health & Safety Code section 5410 et. seq. and Water Code section 13271 or, notify the responsible party that notification and reporting should be completed as specified above and required by state law.~~

This language will only result in a disincentive to reporting private SSOs.

If a private sewage discharge is recorded in the CIWQS Online SSO Database, the

enrollee must identify the sewage discharge as occurring and caused by a private sewer system asset and a responsible party (other than the enrollee) should be identified, if known. Certification of PLSD reports by enrollees is not required.

~~7.5.~~ **CIWQS SSO Online Database Unavailability**

In the event that the CIWQS SSO Online Database is not available, the enrollee must ~~also~~ enter all required information into the CIWQS Online SSO Database as soon as practical after the database becomes available again. The State Water Board will notify enrollees via email when the system becomes available again.

It is unreasonable to expect enrollees to just keep checking the database. This is a waste of time and public resources. Enrollees should be notified when the database is available again.

~~8.6.~~ **Mandatory Information to be Included in SSO Online Reporting**

All enrollees shall obtain CIWQS Online SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS) which can be reached at CIWQS@waterboards.ca.gov or by calling 1-866-792-4977, M-F, 8am to 5pm. These accounts will allow controlled and secure entry into the CIWQS Online SSO Database. Additionally, within thirty (30) days of receiving an account and prior to recording SSOs into the CIWQS Online SSO Database, all enrollees must complete a Collection System Questionnaire (Questionnaire). The Questionnaire shall be updated by all enrollees at least once every 12 months.

i. **SSO Reports**

At a minimum, the following ~~mandatory~~ information shall be included prior to finalizing and certifying an SSO report for each category of SSO:

This section is easier to follow if the Category 3 items are listed first, followed by Categories 2 and 1 (see the order of Categories in the existing MRP). It also makes sense because Category 3 SSOs are more common than the other two categories.

a. ~~**Draft Category 31 SSOs:** At a minimum, the following mandatory information shall be included for a draft Category 1 SSO report:~~

- ~~1. **SSO-Enrollee** Contact Information: Name, address, title and telephone number of enrollee contact person who can answer specific questions about this SSO;~~
- ~~2. **SSO Location Name.**~~
- ~~23. Location of the overflow event (SSO) by entering GPS coordinates. If a single overflow event results in multiple appearance points, each appearance point must be described in the SSO appearance point explanation field.~~
- ~~3. **Applicable Regional Water Board (i.e., identify the region in which the SSO occurred);**~~
- ~~4. **County where SSO occurred.**~~
- ~~54. **Estimated of the** volume of the overflow event (SSO) **in gallons.**~~
- ~~5. **Estimated SSO volume that reached surface water, a drainage channel, or was not recovered from a storm drain.**~~
- ~~6. Estimated SSO **amount-volume** recovered.~~
- ~~7. **Whether or not the SSO entered a drainage channel, surface water, or entered and was discharged from a structure.**~~

- ~~8. Whether or not the SSO was discharged to a municipal separate storm drain system.~~
- ~~9. Whether or not the SSO volume discharged to a municipal separate storm drain system was fully recovered.~~
- ~~740. Number of SSO appearance point(s).~~
- ~~811. Description of SSO appearance point(s).~~
- ~~912. Estimated SSO start date and time.~~
- ~~1013. Date and time of SSO notification or discovery.~~
- ~~114. Estimated operator arrival time.~~
- ~~12. SSO destination.~~
- ~~13. Estimated SSO end time.~~
- ~~14. SSO certification. Upon SSO certification, the SSO Database will issue a Final SSO Identification Number.~~
- ~~15. Date and time Cal EMA was called.~~
- ~~16. Cal EMA control number.~~

b. **Certified Category 21 SSOs:** At a minimum, the following mandatory information shall be included for a certified Category 1 SSO report:

- 1. All fields in section 68.i.a.
- ~~2. SSO destination(s).~~
- ~~3. SSO stop date and time.~~
- 2. Approximate duration of overflow event.
- ~~34. Description of SSO cCauses (for example, mainline blockage, roots, etc.).~~
- ~~45. Descriptoin of location where SSO fFailure occurred Point (for example: main, lateral, etc.).~~
- 5. Estimated SSO volume that reached waters of the U.S.
- 6. Whether or not the spill was associated with a storm event.
- ~~7. Spill Response.~~
- ~~8. Spill response completion date.~~
- 79. Spill-Overflow response and corrective action taken, including steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow; and a schedule of major milestones for those steps.
- ~~810. Whether or not there is an ongoing investigation, the reasons for the investigation and the expected date of completion.~~
- ~~11. Did the SSO impact a beach?~~
- ~~912. Identification of whether or not health warnings were posted.~~
- ~~103. Name of beaches impacted. If no beach was impacted, NA must be selected.~~
- ~~114. Name of surface waters of the U.S. impacted (if applicable).~~
- ~~15. If water quality samples were taken, identify parameters water quality samples analyzed for.~~
- ~~16. If water quality samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA shall be selected.~~
- ~~127. List of methodology(ies) and type of data relied upon for estimations of SSO volume discharged and recovered.~~

- ~~18. For any Category 1 SSO of which 50,000 gallons or greater is not recovered from waters of state, attach SSO Technical Report and water quality sampling results to spill report.~~
- ~~19. SSO Certification. Upon SSO Certification, the Online SSO Database will issue a final SSO Identification (ID) Number.~~

c. **Draft Category 12 SSOs:** At a minimum, the following mandatory information shall be included for a draft Category 2 SSO report:

1. All items specified in section ~~6~~8.i.a and ~~6~~i.b above for Draft Category 1 SSO, except items ~~15 and 16~~.
2. If water quality samples were taken, identify parameters water quality samples analyzed for
3. If water quality samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA shall be selected.
4. Date and time CalEMA was called.
5. Cal EMA control number.

d. ~~**Certified Category 2 SSOs:** At a minimum, the following mandatory information shall be included for a certified Category 2 SSO report:~~

- ~~1. All Items specified in 8.i.b above for Certified Category 1 SSO except items 11-16 and 18.~~

e. ~~**Certified Category 3 SSOs:** At a minimum, the following mandatory information shall be included for a certified Category 3 SSO report:~~

- ~~1. All Items specified in 8.i.b above for Certified Category 1 SSO except items 7, 8, 10-16 and 18.~~

ii. **Reporting to Other Regulatory Agencies SSO**

These reporting requirements do not preclude an enrollee from reporting SSOs to other regulatory agencies pursuant to State law. These reporting requirements do not replace other Regional Water Board notification and reporting requirements for SSOs.

iii. **Collection System Questionnaire**

~~The required Collection System Questionnaire (Questionnaire) [see subsection G of the SSS WDRs] provides the Water Boards with crucial site-specific sewer system information needed to assess program effectiveness, compliance and enforcement. The Questionnaire will be updated on an annual basis to facilitate program implementation, compliance assessment, and enforcement response.~~

**This information is already in the WDR and should not be repeated in the MRP.**

iv. **SSMP Availability**

~~The enrollee shall provide the publicly available internet website address in the CIWQS Online SSO Database where a downloadable copy of the SSMP and proof of local governing board approval of the SSMP is posted. If a downloadable copy of the SSMP,~~

~~the governing board's approval, and all documents referenced in the SSMP are not posted on a publicly available internet website, the enrollee shall comply with the following procedures:~~

- ~~a. Submit an electronic copy of its SSMP approved by its local governing board to the State Water Board, including proof of local governing board approval of both the SSMP and the program to implement the SSMP, as required by subsection D.14 of the Sanitary Sewer Order, within 30 days of that approval; and,~~
- ~~b. Submit an electronic copy of its SSMP each time its SSMP is recertified by its local governing board, within 30 days of its recertification, unless a downloadable copy is posted online, to the following address:~~

~~State Water Resources Control Board  
Division of Water Quality  
Attn: SSO Program Manager  
1001 I Street, 15<sup>th</sup> Floor, Sacramento, CA 95814~~

~~This requirement is overly burdensome, is not in the spirit of a "surgical" markup of the existing MRP, and goes beyond the requirements of the WDR.~~

~~v. **SSMP Audit(s) Availability**~~

~~The enrollee shall provide the publicly available internet website address in the Questionnaire where a downloadable copy of the enrollee's SSMP Self Audit(s) is/are located. If downloadable copy/copies of the enrollee's SSMP Program Audit(s) is/are not publicly available on the internet, the enrollee shall submit an electronic copy of its SSMP Self Audit(s) to the State Water Board to the mailing address specified above.~~

~~This requirement is overly burdensome and is not in the spirit of a "surgical" markup of the existing MRP. In addition, the addition of this section is a change to section D.13.x. of the WDR and should not be done by an amendment to the MRP.~~

~~D. **WATER QUALITY MONITORING REQUIREMENTS:**~~

~~To comply with subsection D.7(v) of the SSS WDRs, the enrollee shall develop and implement a Water Quality Monitoring Program to assess impacts from large, unrecovered SSOs to waters of the state (hereafter, SSO Monitoring Program). The SSO Monitoring Program, shall, at a minimum:~~

- ~~1. Comply with Water Code section 13176 requiring analyses to be performed by an accredited or certified laboratory.~~
- ~~2. Require monitoring instruments and devices to implement the SSO Monitoring Program that are properly maintained and calibrated as necessary to ensure their continued accuracy.~~
- ~~3. Assess the impacts of SSOs in which 50,000 gallons or greater may have been discharged, but not recovered, to waters of the state, within 48 hours of initial agency notification of such a possible SSO from a complainant, informant, or through self-discovery (whichever is earliest).~~
- ~~4. Require water quality sampling for, at a minimum, the following constituents or SSOs in which 50,000 gallons or greater may have been discharged, but not recovered, to waters of the state:
  - ~~i. pH, temperature, dissolved oxygen, ammonia, and appropriate bacteria indicator~~~~

5. ~~Require completion of the impact assessment required in D(III) above, within 120 days of SSO end time.~~
6. ~~Allow for additional monitoring should the Water Boards require it for an SSO(s) of any size. This brand new requirement for water quality monitoring is overly burdensome and is not in the spirit of a "surgical" markup. In addition, subsection D.7.(v) of the WDR states "Adequate sampling to determine the nature and impact of the release;" it does not require the development and implementation of a Water Quality Monitoring Program.~~

**CE. RECORD KEEPING REQUIREMENTS:**

~~At minimum, t~~The following records shall be maintained by the enrollee for a minimum of five (5) years from the date of the SSO, and shall be made available for review by the Water Boards during an onsite inspection or through an information request:

1. ~~General Records: The enrollee shall maintain records to document compliance with all provisions of the SSS WDRs and this MRP for each sanitary sewer system(s) owned, including any required records generated by an enrollee's sanitary sewer system contractor(s).~~
- 2.1. ~~SSO Records: The enrollee shall maintain records for each SSO, including but not limited to (as applicable):~~
  - i. ~~Photographic evidence for all SSOs to support all information certified by the Legally Responsible Official in CIWQS including volume estimates. Photographic evidence can be attached to the spill report in the CIWQS Online SSO Database or maintained with onsite SSO records.~~
  - ii. ~~Complaint records documenting how the enrollee responded to all notifications of possible or actual SSOs, both during and after business hours, including complaints that do not result in SSOs. Each complaint record shall include the following information, at a minimum:~~
    - a. ~~Date, time, and method of notification.~~
    - b. ~~Date and time the complainant or informant first noticed the SSO.~~
    - c. ~~Narrative description describing the complaint.~~
    - d. ~~A statement from the complainant or informant, if they know, of whether or not the potential SSO may have reached waters of the state.~~
    - e. ~~Name, address, and contact telephone number of the complainant or informant reporting the potential SSO (if not reported anonymously)~~
    - f. ~~Follow-up return contact information for each complaint received (if not reported anonymously).~~
    - g. ~~Final resolution of the complaint.~~
    - h. ~~Work service request information used to document all feasible and remedial actions taken to comply with section D.7 of the SSS WDRs.~~

- ~~iii. Records documenting steps and/or remedial actions undertaken by enrollee, using all available information to comply with section D.7 of the SSS WDRs.~~
  - ~~iv. Records documenting how any estimation(s) of volume(s) discharged and recovered (if applicable) were calculated.~~
  - ~~3. Records documenting SSMP changes, attached to the SSMP, showing all changes made to the SSMP since its last certification, indicating when a subsection(s) of the SSMP was changed and/or updated and who authorized the change or update.~~
  - ~~4. All records necessary to demonstrate compliance with all mandatory elements specified in subsection D.13 of the SSS WDRs, including any information used by the enrollee to justify non-applicability of any SSMP element(s) and information used to support SSMP Audit(s).~~
  - ~~5. Sanitary Sewer System Electronic Monitoring Records: Sanitary sewer system electronic monitoring records relied upon for documenting SSO events and/or estimating SSO volume discharged, including but not limited to:
    - ~~i. Supervisory Control and Data Acquisition or SCADA records.~~
    - ~~ii. Alarm system(s) records.~~
    - ~~iii. Flow monitoring device(s) records or other instruments used to estimate waste water levels, flow rates and/or volumes.~~~~
  - i. Record of Certified report, as submitted to the online SSO database;
  - ii. All original recordings for continuous monitoring instrumentation;
  - iii. Service call records and complaint logs of calls received by the Enrollee;
  - iv. SSO calls;
  - v. SSO records;
  - vi. Steps that have been and will be taken to prevent the SSO from recurring and a schedule to implement those steps.
  - vii. Work orders, work completed, and any other maintenance records from the previous 5 years which are associated with responses and investigations of system problems related to SSOs;
  - viii. A list and description of complaints from customers or others from the previous 5 years; and
  - ix. Documentation of performance and implementation measures for the previous 5 years.
2. If water quality samples are required by an environmental or health regulatory agency or State law, if voluntary monitoring is conducted by the Enrollee or its agent(s), as a result of any SSO, records of monitoring information shall include:
- i. The date, exact place, and time of sampling or measurements;
  - ii. The individual(s) who performed the sampling or measurements;
  - iii. The date(s) analyses were performed;
  - iv. The individual(s) who performed the analyses;
  - v. The analytical technique or method used; and,
  - vi. The results of such analyses.

Departing from the existing SSO reporting requirements is overly burdensome, does not benefit water quality, and is not in the spirit of a “surgical” markup. Therefore, the language the existing MRP should be used, as repeated above.

**DF. CERTIFICATION**

1. All information required by the Sanitary Sewer Order to be reported into the CIWQS SSO Online Database shall be certified by a person designated as described in subsection J of the Sanitary Sewer Order.
2. Any person designated to report to the CIWQS SSO Online Database shall be registered to certify reports in accordance with the CIWQS’ protocols for reporting.
3. The enrollee shall maintain continuous coverage by a designated person capable of certifying reports in CIWQS. Any changes to a Legally Responsible Official (LRO) or Data Submitter (DS), including deactivation or a change to the LRO or DS’s contact information, shall be submitted by the enrollee to the State Water Board within 30 days of the change by calling 866-792-4977 or emailing [help@ciwqs.waterboards.ca.gov](mailto:help@ciwqs.waterboards.ca.gov).
4. Other enrollee employees or contractors may enter draft data into the CIWQS SSO Online Database on behalf of the enrollee if authorized by the designated person and the State Water Board. However, only designated persons registered to certify reports may certify reports in CIWQS.
5. The registered designated person shall certify all required reports under penalty of perjury laws of the state as stated in the SSO Online Database at the time of appropriate certification(s).

**CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of an order amended by the Executive Director of the State Water Board.

---

Jeanine Townsend  
Clerk to the Board



# Carpinteria Sanitary District

Board of Directors Meeting

## STAFF REPORT

TO: Board of Directors  
FROM: Craig Murray, P.E. - General Manager  
SUBJECT: **Board Workshop Planning**  
DATE: February 5, 2013

**REQUESTED ACTION:** That the Board discuss and provide direction to staff regarding an upcoming Board workshop.

**BACKGROUND:** The District's Board of Directors has periodically conducted planning workshops, held outside of the framework of a regular Board meeting. Facilitated one-day planning sessions were held in 2005 and 2008, addressing such issues as development of a Mission Statement and Vision, the Board/staff relationship, long range fiscal planning, and many other policy level topics. Copies of the Final Reports from the prior facilitated workshop are attached for reference.

In 2012, the Board indicated strong interest in holding another workshop for the purpose of developing a Strategic Plan for the agency. The use of an outside management consultant, to assist with the strategic planning effort, was considered but the value of this approach was not apparent to the Board. Instead, it was felt that a successful planning workshop could be conducted internally, with the staff and the Board playing integral roles in this process. With respect to workshop timing, the Board decided to defer the workshop and planning effort until early 2013.

The current objective is to provide an opportunity for the Board to consider and discuss potential topics for the upcoming workshop, its basic structure, timing and other pertinent details.

Some of the topics outlined below, which are important governance issues the Board has discussed in various settings, may be worthwhile to consider.

- Review the District's Mission Statement and Vision Statement
- Identify Core Values for the Agency
- Establish Strategic Goals for the Agency
- Public Outreach Objectives and Implementation Planning
- Administration/Board Room Building Replacement
- The Role and Function of Board Committees (Finance, Personnel, Public Relations, Others)
- District Financial Standing / Interactive Fiscal Model Review
- Brown Act Update
- Regulatory and Legislative Issues – Potential Long Range Issues
- Recycled Water Opportunities

Of course, there may be other topics or issues that the Board or individual Board members would like to cover in a workshop setting.

The format and structure of a workshop is also something that the Board should consider. At the last regular meeting of the Board, there was a suggestion that we start out with a four hour session and see what could be accomplished, perhaps working from a menu of discussion topics. At the conclusion of that session, the Board could decide if another session was appropriate or worthwhile.

Based on prior feedback, the tentative plan is to proceed without an outside facilitator. With feedback on desired topics, staff can put together an agenda and informational materials in advance of the workshop. Direction on workshop timing would also be appreciated.

**RECOMMENDATION:** It is recommended that the Board provide direction to staff regarding an upcoming Board workshop as outlined herein.

**SUGGESTED MOTION:** None. Item for Board discussion and possible staff direction.

Prepared By:   
Craig Murray, P.E. - General Manager

Attachments: 2005 and 2008 Planning Workshop Final Reports

P:\Board\Staff Reports\2013\02-05-13\WorkshopPlanning.doc

**CARPINTERIA SANITARY DISTRICT  
PLANNING WORKSHOP REPORT**

**CHARLES BEESLEY  
SPECIAL DISTRICT CONSULTING**

**SUMMARY REPORT**

**BOARD WORKSHOP**

**January 24, 2005**

**5300 6<sup>th</sup> Street**

**Carpinteria**

**California**

# TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	iii
INTRODUCTION.....	1
Professional Services.....	1
Background Material.....	1
Format of the Workshop.....	1
Expectations.....	2
ISSUES	
<b>I. DISTRICT PURPOSE.....</b>	<b>3</b>
A. Vision.....	3
B. Mission.....	3
<b>II. BOARD/MANAGEMENT ROLES.....</b>	<b>4</b>
Where the Board Role Stops and the GM Role Starts.....	4
<u>Agreements</u> .....	5
<b>III. GM EVALUATION/FEEDBACK.....</b>	<b>5</b>
Board Feedback to the GM.....	5
<u>Agreements</u> .....	6
<b>IV. GOALS AND OBJECTIVES.....</b>	<b>6</b>
Short, Mid and Long Term Goals.....	6
<u>Agreements</u> .....	7
<b>V. SWOT ANALYSIS.....</b>	<b>7</b>
Strengths.....	7
<u>Agreement</u> .....	7
Weaknesses.....	8
<u>Agreement</u> .....	8
Opportunities.....	9
Threats.....	9
<u>Agreement</u> .....	10
SUMMARY.....	10
ATTACHMENTS	
A. Workshop Memorandum.....	11
B. Workshop Agenda.....	12
C. Strategic Planning Principles.....	13
D. Pre-Workshop Questionnaire Summary.....	15
E. Workshop List of Attendees.....	17

# CARPINTERIA SANITARY DISTRICT PLANNING WORKSHOP

## EXECUTIVE SUMMARY

### BACKGROUND

Carpinteria Sanitary District (District) conducted a one day Planning Workshop with the Board of Directors and Senior Management of the District on January 24, 2005 at the District's administrative office, 5300 Sixth Street, Carpinteria, California. The District retained an outside facilitator who conducted pre-Workshop interviews with participants, prepared advance materials, and facilitated the Workshop. The purpose of the Workshop was to develop consensus on Board and Management priorities and action plans for the current year.

### ISSUES

Participants identified ten items for consideration which distilled down to five key issues: (1) the District purpose, (2) Board/management roles, (3) GM evaluation/feedback, (4) developing formal goals and objectives and (5) a review of the District's strengths, weaknesses, opportunities and threats (SWOT analysis). Agreements reached and recommendations for subsequent board action are summarized below.

#### I. DISTRICT PURPOSE

##### A. Vision

The following statement was unanimously agreed upon and will be submitted to the full Board for approval.

*TO MAXIMIZE THE USE OF TREATED WASTEWATER IN AN ENVIRONMENTALLY SOUND MANNER WHILE MAINTAINING LOCAL CONTROL OVER DISTRICT DECISIONS*

##### B. Mission

The following statement was unanimously agreed upon and will be submitted to the full Board for approval.

*TO PROVIDE ITS CUSTOMERS WITH RELIABLE AND COST EFFECTIVE WASTEWATER TREATMENT.*

## II. BOARD/MANAGEMENT ROLES

There were two items of concern: (1) Board members occasionally over step their authority and function like management, and (2) when Board members are present during emergencies or when employees are performing their work, a Board member's comments may be taken as instructions to employees with unintentional consequences

### Agreement:

- 1) *The Board should restrict its role to that of making policy and evaluating District performance through the GM. In the event the Board is not satisfied with management procedures the Board can request an internal audit or solicit an outside audit by a professional consultant. Members of the Board should not perform management, administrative or operational functions.*
- 2) *The Board was satisfied with their ability to interact with management and staff during emergencies without interfering with District operations.*

## III. GM EVALUATION/FEEDBACK

At present there is no formal procedure for the GM to receive feedback from the Board. Although the Board regularly receives and processes Board packets there is no periodic or annual feedback/review process which is essential for the success of both parties - the GM and the Board. What is clearly needed is a set of measurable goals for both parties to utilize.

Action Item: *The Personnel Committee and GM will review and revise the GM Evaluation Form January 28, 2005. They will refine the various categories to be evaluated and eliminate category weighting and ranking elements. The revised Form will be submitted to the full Board at the March 1, 2005 Board meeting for review and approval. The Committee will begin the evaluation process with the Board's and GM's input. The Board will conduct the GM's final review at the May 3, 2005 Board meeting in closed session as per the Brown Act.*

## IV. GOALS AND OBJECTIVES

There was discussion on strategic planning and the challenge of trying to develop long range foresight while maintaining enough flexibility to respond to changing community needs. Potential services included:

- ◇ Recycled water.
- ◇ Partnerships with the water District.
- ◇ Biosolids disposal (within 5 years).
- ◇ Research and development with the University of California, environmental groups, trade organizations.
- ◇ Research grants.

There was some concern expressed about the current life span of the District's infrastructure, such as initial and/or replacement costs, current condition, life span and maintenance costs versus actual replacement.

Agreement:

- 1) *Infrastructure replacement should be linked to the budget process, but not hindered by it.*
- 2) *The District should identify infrastructure replacement reserves.*
- 3) *There should be a fixed asset disposal policy.*
- 4) *The GM should have the flexibility to properly dispose of surplus equipment that doesn't meet District replacement qualifications provided it is justifiable. He can submit replacement requests even if the budget is adopted.*

**V. SWOT ANALYSIS**

Agreements:

1. *The Board was satisfied with the identified District strengths which included a good Five Year Plan regarding basic services, a solid infrastructure established, recent capital improvements, a dedicated, professional staff, conscientious and loyal employees with community interests at heart.*
2. *Board Policies will be reviewed, updated and incorporated (probably as a Section) in the District Code Book which is currently under revision by the GM.*
3. *In conjunction with item 2, the GM will review and submit District Operating Policy updates to the Board. Development of these Policies or Code Sections will be incorporated into the GM's Strategic Plan which will be submitted annually for Board review and approval as a component of the annual GM evaluation.*
4. *The community outreach program will be enhanced through a new District website, newsletter, septic to sewer project outreach efforts, reports for The Coastal Review, press releases, developing a speakers bureau with a PowerPoint presentation (for various civic groups), increased participation in the Santa Barbara Special District's Association and possible articles for their newsletter.*
5. *There was agreement on the potential for employee cross training to enhance overall operational capabilities.*
6. *The GM will review organizational checks and balances to ensure employees have appropriate avenues for relevant issues to be heard.*

# **CARPINTERIA SANITARY DISTRICT PLANNING WORKSHOP**

## **INTRODUCTION**

### **PROFESSIONAL SERVICES**

The Carpinteria Sanitary District (District) contracted with Charles Beesley, Special District Consultant (Facilitator) to facilitate a one day Planning Workshop (Workshop) with the Board of Directors (Board) and Senior Management (Management) of the District. The purpose of the Workshop was to develop consensus on Board and Management priorities and action plans for the current year. This report summarizes the discussions and agreements reached at the Workshop conducted January 24 2005 at the District offices 5300 Sixth Street, Carpinteria California.

### **BACKGROUND MATERIAL**

Participants received an Introductory Memorandum, Agenda and Strategic Planning Principles (ATTACHMENTS A, B & C). In addition, all participants received a summary of pre-Workshop telephone discussions with the Facilitator which established the foundation, and accelerated the process of conducting a District SWOT analysis (strengths, weaknesses, opportunities and threats) at the Workshop. Board and Management responses to the Questionnaire were summarized by the Facilitator and distributed prior to the Workshop (ATTACHMENT D).

### **FORMAT OF THE WORKSHOP**

The Workshop was conducted in accordance with the Ralph M. Brown Act. A total of six people attended: the full board of directors: Jeff Moorhouse, President, Lin Graf, President Pro-Tem, Mike Damon, Secretary, Doug Treloar Secretary Po-Tem, Pat Horwitz, Treasurer and Craig Murray, General Manager (List of Attendees: ATTACHMENT E). President Moorhouse welcomed everyone and commented that he thought that with the recent change of management and multitude of tasks and challenges ahead this Workshop will give the Board a fresh perspective for the coming year and beyond. His comments were supported by the General Manager who expressed support for the Workshop and appreciation for the Board's willingness to spend the time and energy to develop an objective framework for District goals and priorities. The Facilitator then explained the Workshop format and process and described his role: to listen and guide discussions, keep the group on time as the meeting progressed through the agenda and to challenge their assumptions if needed. He discussed the ground rules for the Workshop: to expect open discussions, perhaps some disagreements but in the end to develop consensus on identified key issues and resultant action plans. For the purpose of this Workshop, agreements and action plans were developed on the basis of consensus, which was defined as "can you live with the decision."

The number of participants allowed for continuous, open dialogue between themselves and the Facilitator. Key thoughts were recorded on a flip chart by the Facilitator and utilized to develop this report.

## **EXPECTATIONS**

Participants were asked what they expected or wanted to accomplish at the Workshop in terms of outcomes. Their answers, listed below, provided a framework to measure the overall success of the Workshop. These expectations provided the foundation for issues discussed and agreements reached. Upon completion of the Workshop the participants were asked whether these expectations were addressed to their satisfaction.

1. Explore ways to get Board feedback regarding the General Manager's performance.
2. For everyone to understand where the role of the Board stops and the role of General Manager and staff starts.
3. To develop long range planning goals.
4. To develop a process for establishing annual goals to measure success on an ongoing basis.
5. To develop 5-10-20 year goals.
6. For the Board to establish a good process for setting goals and evaluating the General Manager.
7. To review the big picture through a SWOT analysis: strengths, weaknesses, opportunities and threats.
8. To review the District's purpose of being.
9. To review committee functions.
10. To review management concerns and/or comments.

For purposes of this report, the above list is distilled down to five key items for discussion and recommendations:

- I. District purpose (item 8 above).
- II. Board/management roles (items 2, 4, 9).
- III. GM evaluation/feedback (items 1, 6, 10)
- IV. Goals and objectives (items 3, 5)
- V. SWOT (Strengths, weaknesses, opportunities and threats) analysis (item 7).

# ISSUES

## I. DISTRICT PURPOSE

### A. VISION

#### DISCUSSION

Participants reviewed the conceptual definition of a vision statement: “to describe the program and its potential future impact in the future.” Discussion centered on what future services and/or programs should be included or emphasized. Comments included the following points.

- To be environmentally friendly.
- The potential expansion of service.
- To protect natural resources.
- To maximize the use of treated water.
- To maintain local control over District service decisions.
- There are pockets lacking service delivery within the District’s Sphere of Influence

#### VISION STATEMENT

After consideration of the above points the following vision statement was unanimously agreed upon and will be presented to the full board for adoption.

*TO MAXIMIZE THE USE OF TREATED WASTEWATER IN AN ENVIRONMENTALLY SOUND MANNER WHILE MAINTAINING LOCAL CONTROL OVER DISTRICT DECISIONS.*

### B. MISSION

#### DISCUSSION

Participants then compared the current District’s mission to the conceptual definition: “why the agency exists and its values to the community,” and how this new definition complements the newly agreed upon vision statement. The District’s current mission statement is: *To provide users of the system with the most environmentally sound and cost effective method of collecting and disposing wastewater regardless of demands placed upon the system.* Key thoughts included the following.

- The District services impact the overall community.
- The District’s customers are those it directly serves.

- Treated wastewater can have community uses.

### MISSION STATEMENT

After consideration of the preceding comments, the following mission statement was unanimously agreed upon and will be presented to the full board for adoption.

*TO PROVIDE DISTRICT CUSTOMERS WITH RELIABLE AND COST  
EFFECTIVE WASTEWATER TREATMENT.*

## **II. BOARD/MANAGEMENT ROLES**

### BACKGROUND

Public Agency Principles: The Facilitator outlined what he felt were the three keys to public agency success: community value, trust and a nimble infrastructure. District customers need to believe: (1) they get a good value for services provided, (2) they can trust the District's Board and employees, (3) that they are performing their roles efficiently and accountably and (4) that the Board is capable of making timely, effective decisions when needed. He further explained that the Board has three functions: to hire the General Manager (GM), delegate responsibilities and tasks to the GM and hold the GM accountable for these responsibilities and tasks. The Board also has three roles to play: Corporate- hiring the GM, overseeing the strategic plan and District operations; Legislative- establishing internal operational policies and approving policy positions on external issues that may affect the District; and Adjudicatory- to choose between positions presented by staff or third parties, weighing up information that is provided and making final decisions.

### Issue: Where the Board Role Stops and the GM Role Starts:

Two issues were brought up for discussion. The first item of concern was about Board members who have over stepped their authority and functioned like management. For instance, District checks require two signatures, the GM plus one Board member. Each check is accompanied with a copy of the bill and a voucher form with a signature verifying the check amount is correct. On occasion Board members have gone to the trouble of adding up the receipts to ensure the amount of the check is correct.

A second item of discussion focused on the impact of Board member comments during the conduct of routine District business or emergencies when employees are performing their work. It was noted that a Board member's comments may be taken as instructions to employees with unintentional consequences.

Discussion: There were several concerns regarding the first issue regarding Board over involvement or micromanagement. First, it demonstrates a lack of trust in management, second it undermines the Board's ability to hold management and staff accountable when a member of the Board is performing management work, and third, it discounts the Board/Management relationship which is based upon the principle that Board's set

policy, management implements policy. In this instance, the Board has the right to expect management to submit correct checks and backup material for Board approval. In the event an incorrect check is written, the auditor or some other internal cross check process will uncover the error and the Board can respond accordingly. But when a Board member starts performing management functions who holds the Board member accountable?

In the second instance, Board members need to be aware that their comments may be misinterpreted by employees. Employees tend to forget that only the full Board has authority to take action, not individual Board members, unless the Board has specifically authorized a member of the Board to represent them. Participants indicated the Board's interactions outside the scope of Board meetings is more linked to community relations and providing moral support to management and personnel during operations. There was some discussion on what the Board's role should be during emergencies.

Agreements:

- 1) *The Board should restrict its role to that of making policy and evaluating District performance through the GM. In the event the Board is not satisfied with management procedures the Board can request an internal audit or solicit an outside audit by a professional consultant. Members of the Board should not perform management, administrative or operational functions.*
- 2) *After considerable discussion it was agreed the Board was satisfied with their ability to interact with management and staff during emergencies without interfering with District operations.*

### **III. GM EVALUATION/FEEDBACK**

Setting Goals and Evaluating the General Manager: Evaluations are most effective when Board expectations are established early on, in writing. The board should be in agreement on what constitutes success during this period. Providing a clear statement of Board expectations and performance expectations for measurement and feedback enables both parties to understand what is expected, minimizing confusion and misunderstandings. This evaluation process should also provide an opportunity for growth and development of the GM, often recognized as personal goals that can be included as an attachment to the evaluation. The Board is encouraged to discuss immediately, rather than ignore, controversial issues of significance rather than waiting until the formal evaluation is conducted. There should be "no surprises" at the time of the final performance review.

Issue: Board Feedback to the GM:

At present there is no formal procedure for the GM to receive feedback from the Board. Although the Board regularly receives and processes Board packets there is no periodic or annual feedback/review process which is essential for the success of both parties- the GM and the Board. What is clearly needed is a set of measurable goals for both parties to utilize.

Discussion: There was discussion on distinguishing between normal or routine duties and functions versus specific goals, annual goals, long term goals or the handling of emergencies by the GM. Routine tasks included Board packets and meetings, keeping expenses within budget, adhering to and/or enforcing District policies, personnel management and District planning. There was discussion on what is measurable versus what is not measurable. For instance, Board Packets can be evaluated for their timeliness, accuracy and thoroughness. This would include items such as the agenda, minutes of prior meetings, agenda documentation, staff reports and cash contracts. There was discussion on whether the Board Packets should include copies of insurance requirements which can be quite lengthy. Board participants felt these documents were unnecessary given that management and legal counsel review these requirements for compliance. The Board felt all they needed was reassurance that insurance requirements were being met.

Agreements:

- 1) *The GM and Personnel Committee (Committee) will use the existing Evaluation Form (Form) with some modifications to initiate the Board's first evaluation of the GM.*
- 2) *The Board will consider both demonstrated skills and knowledge during its evaluation deliberations.*
- 3) *The GM will include next year's goals as part of his evaluation input, to set the stage for the second review process.*
- 4) *The Board will live with the current management contract language but may review the language before the contract expires.*
- 5) *Board packets only need a statement from the GM and legal counsel that insurance requirements have been made unless the third party has asked for exemptions.*

Action Item: *The Personnel Committee and GM will review and revise the Form January 28, 2005. They will refine the various categories to be evaluated and eliminate category weighing and ranking elements. The revised Form will be submitted to the full Board at the March 1, 2005 Board meeting for review and approval. The Committee will begin the evaluation process with the Board's and GM's input. The Board will conduct the GM's final review at the May 3, 2005 Board meeting in closed session as per the Brown Act.*

#### **IV. GOALS AND OBJECTIVES**

Issue: Short, Mid and Long Term Goals

Discussion: The Board has traditionally focused on annual goals which are then formalized and reviewed by the Finance Committee during its annual and mid year deliberations. Participants liked the idea of establishing short, mid and long term goals and then linking these goals to budget process and the GM's evaluation. Periodic reports could be posted listing goals and objectives and their progress to date. These reports could be submitted to the Board semiannually or upon project completion.

There was discussion on strategic planning and the challenge of trying to develop long range foresight while maintaining enough flexibility to respond to changing community needs. Developing long range plans includes the potential for future programs and services. Key questions to consider included: will it be a regulatory mandate, can they perform the service if determined to be in the best interests of the community, and what would it cost to provide the services? These potential services included:

- Recycled water.
- Partnerships with the water District.
- Biosolids disposal (within 5 years).
- Research and development with the University of California, environmental groups, trade organizations.
- Research grants.

Replacing Infrastructure: There was some concern expressed about the current life span of the District's infrastructure. There were questions regarding what criteria were used for replacement decisions, such as initial costs, current condition, life-span and maintenance costs versus actual replacement costs. The Board felt there should be a direct link between maintenance programs and replacement decisions. Although a comprehensive inventory list is being prepared by the GM and staff it was not known if the District had firm replacement guidelines for management or staff to use. For instance, was equipment replaced upon reaching a predetermined benchmark such as percent down time or maintenance costs that exceeded a percent of original or replacement cost.

Agreements:

- 1) *Infrastructure replacement should be linked to the budget process, but not hindered by it.*
- 2) *The District should identify infrastructure replacement reserves.*
- 3) *There should be a fixed asset disposal policy.*
- 4) *The GM should have the flexibility to properly dispose of surplus equipment that doesn't meet District replacement qualifications provided it is justifiable. He can submit replacement requests even if the budget is adopted.*

## 5. SWOT ANALYSIS

Participants discussed their pre Workshop comments listed in the Questionnaire summary. This discussion provided a format to assess the District strengths, weaknesses, opportunities and potential threats to long term service delivery. Comments and agreements that were not incorporated into the previous four issues are listed below.

A. Strengths:

Agreement: *Participants were satisfied with the identified strengths.*

B. Weaknesses: Several items were discussed.

1. Chapter 3 of the District Code on Personnel Policy: This is in the process of being updated.
2. The Board Orientation Packet: This has been used very infrequently and participants were uncertain what material was in the Packet. The Board felt it should be updated but acknowledged it is a low priority item for now. The Packet should include Board Policies, Codes, Goals and Objectives, Rules of Procedure, and the Role of the Board/GM.
3. The Operations Policy: The District Code has not been fully developed, with the exception of one or two adopted chapters. It is considered a large task to complete and participants envision a book or manual with 7-8 chapters. Current construction standards were offered as an example. These standards are outdated, are no longer in compliance with engineering standards and need to be upgraded with new engineering details and drawings. The GM stated he would like to link the new policy with strategic planning, and indicated there is some urgency to get this policy updated to ensure compliance with engineering standards.

Agreement: *The GM will spend time reviewing and submitting Operating Policy and Code updates and will incorporate them in his Strategic Plan. The Board is satisfied with the GM's proposal to make this Policy update part of his Strategic Plan Project to be submitted to the Board beginning April 2005 and annually thereafter as part of the GM/Board Strategic Plan review.*

4. Public Outreach efforts: These efforts have been successful to date as evidenced by the recent voter approved rate increases. Participants want to see this level of effort continue and the Public Outreach Committee is taking the lead role in doing this. Extended community outreach through a District website, newsletter, septic to sewer project outreach reports for *The Coastal Review*, press releases, developing a speakers bureau with a PowerPoint presentation (for various civic groups), increased participation in the Santa Barbara Special District's Association and possible articles for their newsletter were cited as examples. A discussion of who is the District spokesperson identified the GM as the primary spokesperson with the Board President and other Board members as secondary spokespersons, with the recognition there may be occasion to tap members of staff for further assistance if needed.

There was discussion on the value of having the Board and GM as District spokesperson and the need to commit and maintain this format once it is established to ensure consistency and community credibility.

There was discussion on the potential for industry recognition and employee award/recognition.

5. Need for Cross Training and/or Succession Planning: Participants felt this was important for certain key positions. Some positions have limited duty and employee availability which makes it incumbent upon the District to maximize its use of personnel during absences.

Agreement: *The Personnel Committee will review this issue in conjunction with the organizational structure review. The GM will submit the background information to the Committee in September 2005.*

6. Organizational Checks and Balances: There was discussion on the value and relevance of establishing organizational safeguards and procedures to respond to complaints of a serious nature such as sexual harassment and discrimination. It was agreed there is a need for employee safety valves to express their complaints and District objectivity when responding to such complaints or allegations.

#### C. Opportunities

1. Teambuilding: The Board expressed that this workshop was an effective effort in establishing Board teamwork principles. The GM stated that he is reviewing this issue with employees and will develop an internal plan of action to improve employee teamwork capabilities.
2. Five Year Plan: The District is in the process of hiring an additional employee (utility laborer) to keep pace with the current plans. There was some concern expressed about potential problems when current technical positions are replaced due to normal attrition.
3. Emergency Response: Many employees live outside the city boundaries due to cost of housing. When emergencies arise from storms or other acts of nature they are not always able to respond and report to work, requiring a supplemental pool of workers. Potential options included developing mutual aid agreements with the local water District, developing local agency emergency plans and/or developing an emergency plan for pooled emergency workers with other local agencies. The GM indicated he thought there is sufficient mutual concern that something will develop locally. He also stated he would develop some internal procedures.
4. Consolidations: The Board felt it was important to remain objective in the event a potential organizational change is forthcoming.

#### D. Threats

1. Legislative Activity: It was well understood that the State Legislature has a history of taking local agency revenues. The District recently lost 80 % of its property tax revenues with the recent ERAF shift (Educational Revenue Augmentation Fund). Participants discussed the importance of Board correspondence to Legislators opposing further loss of revenues. It was acknowledged that letters from the Board President are more influential than

letters from the GM. There was some discussion on how what level of involvement would be appropriate for the District.

Agreement: *The GM will increase his involvement with the local Santa Barbara chapter of California Special Districts Association (CSDA).*

## SUMMARY

The pre-Workshop questionnaire and advance discussions with the Facilitator set the stage for an in depth review of District issues. Ten expectations or issues of concern were identified. These ten issues were subsequently reduced to five related key issues for Workshop discussions.

The first key issue on the District's current purpose established the need for a District vision. There was considerable discussion, and unanimous agreement on a defined District vision which set the stage for a shorter, but equally meaningful discussion on the District's historical mission and the need for a newer, more relevant mission. There was considerable enthusiasm for these two dynamic statements which solidified the District's future community role and service impacts, establishing a clear sense of purpose and value to its constituents. The new vision and revised mission statement will be presented to the Board for approval.

Discussion then shifted to the remaining four key issues: Board/management roles, the GM evaluation/feedback process, District goals and objectives and a SWOT analysis of current programs, services and capabilities. After some discussion the Board agreed that it was satisfied with the current Board/management structure and division of labor through existing committees. Participants agreed that the Personnel Committee and GM will modify the existing evaluation form and begin the process of the first year evaluation, to be submitted to the full Board for review and approval by May of this year. Several goals were identified for inclusion by management in the development of a Strategic Plan for Board review and approval. The SWOT analysis revealed considerable Board support for District operations while at the same time identifying numerous items for additional work, including an updated Personnel and Operations Policy Manual and extended community outreach efforts. Several potential opportunities were identified, the key one being enhanced emergency response capabilities for the community served. Recent flooding was a harsh reminder of employee commute logistics and the need for enhanced emergency response capabilities. The primary District concern was the continued threat of revenue losses to the State of California due to State budget shortfalls. The Board supported a more proactive legislative program, encouraging the GM and Board President to expand their activities at the local level.

It was the consensus of the participants that the Workshop addressed their overall expectations, was productive and time well spent.

**CARPINTERIA SANITARY DISTRICT PLANNING WORKSHOP**

*5300 6<sup>th</sup> Street, Carpinteria CA 93013*

January 13, 2005

This is a brief introductory memorandum for the Carpinteria Sanitary District (District) Planning Workshop (Workshop) to be held at the District headquarters 5300 6<sup>th</sup> Street, Carpinteria, California January 24, 2005. The one day Workshop will start Monday morning with a welcome and introductions by Board President Jeff Moorhouse, brief opening remarks by General Manager Craig Murray, followed by an explanation of the workshop format and process by the Facilitator Chuck Beesley. The purpose of the Workshop is to develop consensus on Board and Management priorities and action plans for the current year, utilizing the discussion format described below.

Format

Six people are expected to attend: the five Board of Directors and General Manager Craig Murray. Although the facilitator will direct the content of discussions, workshop success will be dependent upon thorough participation by all of the attendees.

The Workshop will be held a multipurpose room. Chairs will be U-shaped for ease of discussion and a flip chart will be used by the Facilitator to record key points, agreements and action plans. Two table settings will be available for participants to use for smaller group discussions in the event needed. When this occurs, each table will select a person to record their thoughts on a flip chart and present the table's thoughts to the full group. The thoughts presented from the two table groups provide the foundation for open discussions with all of the participants to clarify issues, priorities and action plans.

Reports

All attendees should have a copy of the Agenda, Strategic Planning Principles, and Pre-Workshop Questionnaire Summary. Upon completion of the Workshop, the flip charts will be transcribed and a Final Report summarizing discussions and agreements will be written by the Facilitator and submitted to the Board.

**CARPINTERIA SANITARY DISTRICT  
PLANNING WORKSHOP**

5300 6<sup>th</sup> Street

Carpinteria

CA 93013

**AGENDA**

January 24, 2005

<u>Time</u>	<u>Item</u>	<u>Description</u>	<u>Person</u>
8:30 AM	1	Welcome and introductions	Board President
8:35	2	Workshop format and process	Facilitator
8:40	3	Board and staff expectations	“ “
9:00	4	Review Questionnaire Summary	“ “
9:15	5	Review strategic planning and public agency principles	General Manager
10:00		BREAK	
10:15	6	Identify issues, priorities	Facilitator
11:00	7	Develop action plans	“ “
12:00 PM		LUNCH	
1:00	8	Finalize action plans	“ “
3:00	9	Review any outstanding issues	“ “
3:15	10	Summarize agreements	“ “
3:30	11	Review Board and staff expectations	“ “
3:45		Adjourn	
3:50	12	Post workshop review	Facilitator, BOD President, GM

## STRATEGIC PLANNING PRINCIPLES

*(Common vision and goals)*

**Vision** – describes the *program and its potential impact in the future*. A vision should be guided by dreams, not constraints. Is there a big hairy aggressive goal out there for you (BHAG)? It is what an organization hopes will happen if its dreams are realized. A vision is in a sense a philosophical view or statement that becomes the driving force to motivate an organization and its component programs into the future, through its strategic action plan(s).

**Mission** – a mission has two elements: *the philosophical expression of why the organization exists, what values it meets for the community, and a brief summary of what the organization does to meet that need*. For instance, Vector Health Programs of Eureka, California, a medical services organization that works only with hands, developed this mission statement: “Next to the human face, hands are our most expressive feature. We talk with them. An injury to the hand affects a person professionally and personally. At Vector Health Programs, *we give people back the use of their hands.*”

**Goals** – goals summarize the *principal program, development, administrative, or other major accomplishments* the organization hopes to *achieve* in order to realize its vision and fulfill its mission. They are general and not quantifiable, can be short or long term, and evaluated annually.

**Objectives** – *support the goals and provide more details – they answer the question: who will do what by when? A good rule of thumb when developing objectives is to apply the acronym “SMART.”*

Specific – to a certain task or program

Measurable – quantifiable by date, outcomes, responsibility

Attainable – doable within the time prescribed and with existing conditions

Results-oriented – focused on short-term activities to gain longer term goals; and

Time-determined – a time frame for completion is established

**Action Steps** – outline the *exact activities necessary to develop and/or complete the objectives*. They can be set up as a spreadsheet time line (like a construction project) or by using other appropriate methods. These action plans should be distributed to all those who are responsible for the successful completion of that particular task. *A basic action plan must list the task, the responsibility of the person(s), and the date the task will be completed.*

**Summary** – In general, for volunteer organizations such as boards of directors, the board develops the vision and mission and the qualitative goals. Specific objectives and action

plans are then developed by staff (or committees when there is limited staff) for follow up, completion and subsequent reports to the board, for board approval.

## CARPINTERIA SANITARY DISTRICT PRE-WORKSHOP QUESTIONNAIRE

## SUMMARY

Q	Item	Comments
1	What do you want from the workshop?	<i>Develop a Board Orientation protocol, annual goals and objectives, method of evaluating the General Manager (GM). Better understanding of how the Board should operate. Better understanding of The Board's role and relation to the organization it governs. An effective feedback loop between the Board and GM. An open format to discuss the Board's functions and capabilities as a unit. Board to be able to function better as a unit or team. Give the GM clear direction and follow it up with periodic reviews and evaluations.</i>
2	District Strengths?	<i>Good 5 year plan in place regarding basic services and capital improvements. Dedicated, professional staff, conscientious, loyal employees with community interests at heart. Solid infrastructure in place.</i>
3	District Weakness'?	<i>Missing a Human Resources plan, hiring difficult due to cost of housing. Small agency with limited opportunities. Need to improve maintenance and anticipate problems better. Must recognize staff can't do everything all the time and learn to live with their limitations. Uncertain about why/when District contracts for outside work when staff could possibly do. Lack of teamwork at times by board and staff. Weak public outreach. Board expectations of GM not defined. Deferred maintenance tendencies. Board/management roles and responsibilities need better defining. Agendas need more supportive information and reports from management. Board minutes not thorough enough. Board comments sometimes inappropriate and insensitive. Board's role and responsibility needs reviewing for improved clarification on policy versus day to day operations. Unsure what about the District's mission. Safety training is needed. District needs to have more of a results oriented atmosphere.</i>
4	Opportunities for change?	<i>Service levels could be more customer-oriented. Potential for additional service areas. Establish teambuilding principles to improve organizational effectiveness. Establish Board orientation protocol.</i>
5	Sufficient Policies in place?	<i>HR policies seem to be limited, need reviewing and updating. Not sure when Board reviewed and adopted them. Employee benefit policies reviewed as part of annual budget review. Board policies are not well known. Some think policies are updated and sufficient. An Investment policy is in place but it is not known if the policy complies with the Prudent Investor Standard.</i>

6	Current Five Year Plan, long range plans?	<i>Five Year Plan sufficient, it gets reviewed and revised annually at budget hearings. Rate survey and changes should be sufficient. Difficult to look further ahead than five years. Need for additional review such as dealing with emergencies, workforce recruitment/retention concerns. Plans not consistently reviewed and followed through on. Need long term equipment maintenance and replacement schedules.</i>
6	Five Year, long range plans continued.	<i>Five Year Plan sufficient, it gets reviewed and revised annually at budget hearings. Rate survey and changes should be sufficient. Difficult to look further ahead than five years. Need for additional review such as dealing with emergencies, workforce recruitment/retention concerns. Plans not consistently reviewed and followed through on. Need long term equipment maintenance and replacement schedules.</i>
7	Community reputation and credibility?	<i>Good reputation with those who have interacted with the District, but otherwise low profile that needs improving through development of website, newsletter. Reputation is fine but still public confusion about being an independent special District, not part of the county. Need a proactive public relations program. Considered the stepsister of local agencies, somewhat forgotten with limited recognition. Doesn't help that plant operations are out of the mainstream. Board needs to join service clubs to enhance visibility.</i>
8	Style of Governance?	<i>Although Bylaws and Rules of Procedure are in place, could use Robert's Rules of Order or some variation to manage Board meetings more effectively. No apparent vision or mission statement to guide Board policies. Board relies on GM to lead Board meeting. Board is fiscally responsible but takes a hands-off approach to day to day operations, leaves that up to management and operational employees. Occasional Board micromanagement. Board members take their leadership role casually at times in part because few members of the public attend, need to remember they are community leaders. Board Presidents vary in their degree of participation, needs revisiting to reaffirm the President's role.</i>
9	Board support for management and staff training?	<i>Board very supportive of training, concerned that budgeted training is often not expended. Board understands there is a limited career path at the District but values continued education and relevant job certifications.</i>
10	Organizational Checks & Balances?	<i>Need to review meeting protocol and Board rules. Auditor rates District very highly. Current system to evaluate GM needs improvement. No clear goals and objectives for Board to monitor and evaluate. Board officer roles could be reviewed to see if still relevant and appropriate. Need safety valve mechanism for employee concerns. No inventory report sent out to full Board.</i>

**WORKSHOP LIST OF ATTENDEES**

Jeff Moorhouse, President

Lin Graf, President Pro-Tem

Mike Damon, Secretary

Doug Treloar, Secretary Pro-Tem

Pat Horwitz, Treasurer

Craig Murray, P.E., General Manager

# **CARPINTERIA SANITARY DISTRICT**

## **PLANNING WORKSHOP REPORT**

**FINAL REPORT**

**By**

**SPECIAL DISTRICT CONSULTING**

**April 11, 2008**

# CARPINTERIA SANITARY DISTRICT PLANNING WORKSHOP REPORT

## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b> .....	iii
<b>INTRODUCTION</b> .....	1
Professional Services.....	1
Workshop Format.....	1
Expectations.....	1
<b>ISSUES</b> .....	2
1. Adopting a Vision Statement.....	2
2. Interactions between the General Manager and Board.....	2
3. Long Range Planning.....	3
4. Committee Roles, Responsibilities & Interactions with Management....	4
5. Legislative Activities.....	6
6. Opposing Viewpoints.....	7
7. Septic to Sewer.....	8
<b>SUMMARY</b> .....	8
<b>AGENDA</b> .....	9

# CARPINTERIA SANITARY DISTRICT

## PLANNING WORKSHOP

### EXECUTIVE SUMMARY

#### BACKGROUND

Carpinteria Sanitary District (District) conducted a one day Planning Workshop with the Board of Directors and Senior Management of the District on February 27, 2008 at the District's administrative office, 5300 Sixth Street, Carpinteria, California. The District retained a consultant who facilitated the Workshop. The purpose of the Workshop was to develop consensus on Board and Management priorities and action plans for the current year.

#### ISSUES

Participants identified 12 issues for discussion at the Workshop. Agreements reached and recommendations for subsequent follow up are summarized below.

1. VISION: The following Vision Statement will be submitted to the Board for approval.

TO MAXIMIZE THE USE OF TREATED WASTEWATER IN AN ENVIRONMENTALLY SOUND MANNER WHILE MAINTAINING LOCAL CONTROL OVER DISTRICT DECISIONS.

2. GENERAL MANAGER ANNUAL GOALS: The GM will submit goals to the Board to be incorporated in his annual evaluation.
3. GENERAL MANAGER REPORTS TO THE BOARD: The GM reports will be placed at the beginning of the Board Meeting Agenda. Public comments will be limited to three minutes for his entire report.
4. PUBLIC RELATIONS POWERPOINT PRESENTATIONS: The GM will develop a power point presentation for use by the Board and/or staff when making presentations to the public or civic groups. He will develop this presentation in conjunction with the Public Relations Committee.

5. FINANCE PLANNING: For purposes of long range planning, the District will adopt the following financial parameters or policies:
  - Rate increases will be considered every five years.
  - The debt to service ratio must equal or exceed 1.25%.
  - The District will identify Capital Improvement Project (CIP) reserves.
  - The District will identify operating reserves.
  - The District will consult with the Auditor regarding limitations, if any, on the identification of reserves.
6. LONG RANGE CAPITAL IMPROVEMENT PROJECTS: The Board will periodically review the CIP list to approve any changes to the list.
7. FINANCE COMMITTEE: The Finance Committee will submit monthly budget summaries to the Board and include a list of unusual expenditures when appropriate.
8. AUDITOR CONSULTATION: The Board will request an opinion from the Auditor regarding the Board's fiduciary responsibilities regarding the level of detail that must accompany District checks for review by the District Treasurer; and whether current policies, procedures and internal controls are adequate.
9. OTHER COMMITTEES: The Public Relations Committee will schedule to meet monthly starting in March 2008. The Personnel Committee will continue to meet on an as needed basis. The Board will request an opinion from General Counsel whether committee meetings need to be agendaized as per the Brown Act.
10. LEGISLATIVE ACTIVITIES: The District will form a Legislative Committee. The Committee will develop a Board policy on the role of the committee and a travel policy for Board review and approval.
11. BOARD PROTOCOL: The Board needs a policy and protocol to effectively process public input and will refer the matter to General Counsel for a recommendation.
12. SEPTIC TO SEWER: The District is satisfied with efforts to date for annexation of nearby communities to the District. The Board will reserve decisions on what the next course of action will be regarding the local annexation to convert from septic tanks to public sewers, pending the outcome of the election. Nevertheless, the District has prepared for foreseeable contingencies.

# **CARPINTERIA SANITARY DISTRICT**

## **PLANNING WORKSHOP**

### **INTRODUCTION**

#### **PROFESSIONAL SERVICES**

The Carpinteria Sanitary District (District) contracted with Charles Beesley, Special District Consultant (Consultant) to facilitate a one day Planning Workshop (Workshop) with the Board of Directors (Board) and Senior Management (Management) of the District. The purpose of the Workshop was to develop consensus on Board and Management priorities and action plans for the current year. This report summarizes the discussions and agreements reached at the Workshop conducted February 28, 2008 at the District offices 5300 Sixth Street, Carpinteria California.

#### **WORKSHOP FORMAT**

The Workshop was conducted in accordance with the Ralph M. Brown Act. The full Board of Directors and the General Manager attended, for a total of six people. President Lin Graf welcomed everyone and commented the Board thought the prior Workshop was a success and was ready to conduct another one. The Consultant explained the Workshop format and process and described his role: to listen and guide discussions, keep the group on time as the meeting progressed through the agenda, and to challenge their assumptions if needed.

The number of participants allowed for continuous, open dialogue between themselves and the Consultant. Key thoughts were recorded on a flip chart by the Consultant and utilized to develop this report.

#### **EXPECTATIONS**

Participants were asked what they expected or wanted to accomplish at the Workshop in terms of outcomes. Their answers, listed below, provided a framework to measure the overall success of the Workshop. These expectations were the basis for the issues that were discussed and agreements reached.

1. Develop fiscal data for the next 10 years.
2. Develop a philosophy to set rates.
3. Discuss committee structure and usage.
4. Discuss committee responsibilities.
5. Discuss committee responsibilities versus micromanagement.
6. Consider contingency planning for septic to sewer systems.

7. Develop a long range plan for the next 5-10 years.
8. Determine the Board's role in legislative activity.
9. Determine how best to respond to opposing points of view at public meetings.

These items were revised and consolidated into the following eight issues.

1. Adopting a Vision Statement.
2. Interactions between the General Manager and the Board.
3. Examining committee roles, responsibilities, and interactions with management.
4. Long range planning for the next 5-10 years.
5. Developing a philosophy to set rates.
6. Establishing the Board's role in legislative activity.
7. Determining how best to respond to opposing views at public meetings.
8. Discussing community septic-to-sewer efforts.

## ISSUES

### 1. ADOPTING A VISION STATEMENT

ISSUE: A Vision Statement was developed at the prior Workshop but not finalized with Board adoption.

DISCUSSION: Participants reviewed the definition and intent of a Vision Statement: "to describe the program and its potential future impact in the future." Discussion centered on what, if anything has changed since the 2005 Workshop to modify or change this Vision Statement.

AGREEMENT: The District needs to adopt a Vision Statement that articulates anticipated future programs. The following Vision Statement was unanimously agreed upon and will be presented to the full Board for adoption.

*TO MAXIMIZE THE USE OF TREATED WASTEWATER IN AN ENVIRONMENTALLY SOUND MANNER WHILE MAINTAINING LOCAL CONTROL OVER DISTRICT DECISIONS.*

### 2. INTERACTIONS BETWEEN THE GENERAL MANAGER AND BOARD

A. ISSUE: The Board is evaluating the GM with whom even they have little direct oversight or interaction.

DISCUSSION: The Board does not oversee the GM's day to day activities. The Board is kept informed of Board-approved annual projects and their progress, but is not informed about the GM's annual goals for employees, which may be relevant when evaluating the GM's performance. Overall, the Board wants to

kept apprised of District activities, does not want to be surprised about District events, and wants to be kept informed about corrective actions implemented by the GM.

AGREEMENT: The GM will submit his annual goals as part of his yearly evaluation process. These goals will include projected timeframes and performance targets.

B. ISSUE: Although the GM provides written reports to the Board which are attached to the Board agenda at posted meetings, his verbal report is given toward the end of the agenda.

DISCUSSION: The GM's verbal comments are often pertinent to items discussed earlier on the agenda, but are brought up after the fact for Board consideration and decision making.

AGREEMENT: The GM will place his reports near the beginning of the Board agenda effective March 2008 on a trial basis. Public comments on his verbal reports will be limited to three minutes for his entire report.

C. ISSUE: The District does not have a standardized, community education message for Board usage.

DISCUSSION: There are times when members of the Board are asked, or would like to volunteer for community presentations, but they do not have a power point presentation at their disposal.

AGREEMENT: The GM will develop power point presentation(s) for Board and staff use in the near future.

### 3. LONG RANGE PLANNING

#### A. FISCAL PLANNING

ISSUE: The District anticipates a steady increase in operating costs over time due to increased costs of energy, supplies and labor. To compound matters, it appears the State of California may divert the District's property tax revenue in an effort to balance the State's budget.

DISCUSSION: The District needs a fiscal planning module as a Board/management tool for long range planning. The module should anticipate future operational and capital needs, utilize conservative numbers, and take into consideration the different factors which will influence long range operating costs, such as:

- Projected increases in operating costs;
- Potential loss of property tax revenues;

- Debt service equity requirements;
- The impact on reserves without rate increases;
- Consideration of expenses that might be cut;
- Steady rate increases versus periodic, larger rate increases; and
- Proposition 218 requirements

There are important policy issues to consider when developing a planning module. Issues such as: an appropriate level (dollar or percentage) of reserves; compliance with debt equity ratios; whether to utilize reserves for CIP improvements or simply pay as-you-go from operating costs; and whether to increase rates steadily or periodically would affect financial forecasts. An analysis of District financial projections at the Workshop indicated periodic rate increases had less impact to rate payers than annual rate increases.

AGREEMENT: The District will commit to maintaining a debt service ratio of 1.25 or higher, to meet or exceed current debt obligations. Rate increases will be considered, generally at five year intervals to minimize the long term impact of rate increases. Excess operating revenues will be placed in reserve. Reserves will be specifically earmarked for debt service or CIP obligations, subject to review with the District auditor.

#### **B. CAPITAL IMPROVEMENT PROGRAM**

ISSUE: The Board needs to review the CIP program on a more regular basis.

DISCUSSION: The Board recognizes there are both large and small expense items on the CIP list. The large expense items are more stand-alone expenses, while the smaller CIP items are often absorbed within the operating expenses. Management attempts to phase or stagger large capital projects to minimize the impact on operations and allow staff adequate time to supervise capital projects. Nevertheless, the CIP list will change from year to year as projects progress, or are delayed or postponed.

AGREEMENT: The Board will periodically review and approve changes to the CIP project list.

#### **4. COMMITTEE ROLES, RESPONSIBILITIES AND INTERACTIONS WITH MANAGEMENT**

ISSUE: There is uncertainty about committee processes and procedures, such as whether the District has the appropriate committee structure, if they serve a valid purpose, or whether their interactions with staff are appropriate and communications to the Board are sufficient. It was noted that committees do not always follow through on items, and participants wondered whether all the existing committees should be regularly scheduled to ensure follow up a more proactive approach.

DISCUSSION: The District has three active committees: The Finance Committee meets on a monthly basis; while Personnel and Public Relations Committees meet on an as-needed basis. The Personnel Committee meetings are typically “issue-generated” regarding personnel matters. The Public Relations Committee meets when District events or community activities warrant Committee input. Participants agreed that the primary reasons for having committees are to research information, ask questions of management as a first line of oversight, and make recommendations to the Board on relevant issues of concern.

There was extensive discussion regarding the role of the Finance Committee. This Committee coordinates its meetings with the budgetary cycle in the spring and monitors District expenses over the course of the year for compliance and/or variance with the approved budget. Another function of the Finance Committees is to ensure policy compliance and so-called transparency when reviewing and approving expense activities. Participants expressed that financial transparency should not come at the price of micromanagement whereby Board oversight requires a level of detail comparable to that required by an outside auditor. There should be established norms of oversight which include relevant policies to be complied with and accepted levels of management monitoring and record keeping of financial transactions. For instance, two “live” signatures are required on all District issued checks; purchases in excess of \$400 require a GM voucher approving the expense; expenses in excess of \$5,000, not specifically itemized or authorized in the approved operating budget, must be brought back to the Board for approval.

There was discussion regarding the function of an approved budget and its utility as a Board/management tool as well an accounting tool. It was acknowledged that many things can happen over the course of a year to impact the budget and it is in the Board’s interest to give management the flexibility within budget categories to respond to circumstances without having to call for Board meetings and approvals. Allowing management budgetary flexibility within categories, perhaps up to 10% without requiring Board approval, provides a management tool or mechanism to handle unforeseen expenditures. As long as the bottom line of expenses is within budget, and the Auditor finds no unacceptable patterns of payment, the Board should feel comfortable with a more reduced level of oversight.

There was discussion regarding the budget and Finance Committee process and Board finance policies. The Finance Committee reviews a preliminary budget prepared by management in April of every year. This preliminary budget is reviewed, revised and eventually submitted to the Board for approval in June or July. The Finance Committee monitors the budget on a monthly basis and the Board reviews a mid-year budget in January and makes adjustments as necessary.

There was discussion regarding the processing of District checks and the amount of detail the Board or Treasurer should see before signing or approving a check.

Current policies require the following:

1. A check requisition or voucher must accompany all checks.
2. An invoice must be attached to all checks.
3. The Finance Director reviews all checks for accuracy.
4. The check voucher must be signed by the GM if the amount is in excess of \$400.
5. A Board member and the GM must sign all checks.

Several roles were identified relevant to the different parties involved in preparing, monitoring or approving the budget, listed below:

- The Board reviews and approves the budget, receives monthly executive summaries.
- The Finance Committee reviews budget preparation, makes recommendations, monitors the budget progress, performs detailed financial oversight and reports budget activities to the Board.
- The Auditor conducts independent tests of budgetary activities for compliance with Board policies and State and Federal accounting standards.
- Management prepares and implements the budget and is accountable for all of the District's fiscal activities.

#### AGREEMENTS:

1. The GM will submit a monthly budget executive summary to the Board to keep the Board updated on budgetary activities. A list of unusual expenditures will be generated and provided to the Finance Committee in lieu of a detailed check register showing all expenditures. The Board and/or GM will ask the Auditor if the Board has fiduciary responsibilities to review each check issued, the amount of detail that should be accompanied with each check, and if the District's policies and procedures regarding processing and approving checks are adequate.
2. The Public Relations Committee will start meeting monthly starting in March 2008.
3. The Personnel Committee will continue to meet on an as-needed basis.
4. The GM will ask the District's General Counsel to review committee meeting schedules and give advice on when they must provide public notice to comply with the Ralph M. Brown Act
5. The Committees are a collaborative effort between the GM and Board to research, analyze and make recommendations to the full Board.

## **5. LEGISLATIVE ACTIVITIES**

ISSUE: The question was asked regarding the Board's involvement in legislative affairs through state associations or industry associations. For instance, the District's interest in the impacts of State or Federal legislation such as AB 32 may be implemented via the California Association of Sanitation Agencies (CASA) or via

California Special Districts Association (CSDA) or Southern California Alliance of Publicly Owned Treatment Works (SCAP).

DISCUSSION: The District Board and GM already participate with professional organizations on legislative issues, have had direct contact with legislators over the years, and have corresponded with legislators on pending or proposed legislation. In essence, the Board is already involved in legislative affairs and should continue to do so. It is of value to the District to know the potential impact of proposed laws well in advance of legislative action, to allow the District an opportunity to respond in support or opposition at an appropriate stage to ensure the District's voice is heard. It is also necessary to have a mechanism to provide letters of support or opposition in short order, as such requests often have immediate timelines that preclude consideration by the full Board. It was noted the District budget includes funding for travel such as conferences and legislative activities.

AGREEMENT: The Board will form a Legislative Committee comprised initially of Director Jeff Moorhouse and General Manager Craig Murray. The Committee will develop proposed legislative policies for local, State and Federal issues and submit the policies to the Board for approval. The Committee will also develop a travel policy with a budgetary cap to be submitted to the Board for approval.

## 6. OPPOSING VIEWPOINTS

ISSUE: A protocol is needed at Board meetings to allow business to be conducted in an orderly fashion and at the same time provide opportunities for opposing viewpoints. Participants expressed that a formal policy is needed to establish ground rules for conduct.

DISCUSSION: Board meetings should not be an open forum for loose comments by the public whether they agree or disagree with Board decisions. Board meetings should have policies for public observation of Board discussions and public testimony. It is not an open format for audience participation. To ensure meetings are conducted in an orderly fashion, in compliance with the Brown Act, the Board should adopt policies to:

- Recognize speakers before they address the Board or Committee.
- Identify the speaker's location, e.g., the podium
- Limit speakers to three minutes per subject matter.
- Identify the Board's responsibilities to listen and take into consideration the public comment.

AGREEMENT: The Board will develop policies on the procedures for public comments at Board and Committee meetings. This policy will clarify the rights of both the public and Board at public meetings and provide the protocol for management and the Board to uphold at the District's public meetings. The policy will stipulate that members of the public sit in the audience, not at the Board or

committee table. The policy will be forwarded to General Counsel for his input and to ensure compliance with the Brown Act.

## 7. SEPTIC TO SEWER

ISSUE: For nearly a decade, the District has been facilitating a project for several nearby beach communities on behalf of the residents (property owners and renters) in response to resident interest in joining the District and obtaining public sewer service. At present, residents of these communities are utilizing septic systems for on-site wastewater treatment and dispersal. Due to minority opposition, a significant amount of staff time and an increasingly substantial amount of general fund monies have been expended to advance the project. At issue is the use of existing District resources for the benefit of future District customers.

DISCUSSION: A general overview of the project background and the current project status was given by the General Manager. The Participants discussed the District's ongoing commitment to undertake the project based on the requests for service and positive assessment district votes in each of the four beach communities. There was general consensus that the District has a responsibility, as a public utility provider, to respond to the needs and requests of property owners who desire service, even if such response involves expenditures of general fund dollars.

AGREEMENTS: The District should continue to foster implementation of septic to sewer conversion projects and address service requests from property owners in the Carpinteria Valley. With respect to the South Coast Beach Communities Septic to Sewer Project, staff will continue with implementation as planned and report to the Board regularly with respect to resource allocation.

## SUMMARY

The Workshop addressed all of the identified expectations, consolidating them into eight important, related issues. Participants agreed the previously approved Vision Statement was still relevant for the District and should be submitted to the Board for approval with the submission of this report. The other seven issues covered a wide range of topics including Board evaluation procedures for the GM, the need for public relations presentation packets, long range financial planning and capital improvement projects, Committee activities, public meeting protocol, and the Board's potential response to the community vote to annex into the District. Participants were satisfied with the results of the Workshop and indicated it was a productive session.

# CARPINTERIA SANITARY DISTRICT

## PLANNING WORKSHOP

5300 6<sup>th</sup> Street  
Carpinteria  
CA 93013

February 27, 2008

### AGENDA

<u>Time</u>	<u>Item</u>	<u>Description</u>	<u>Person</u>
8:30 AM	1	Welcome and introductions	Board President
8:35	2	Workshop format and process	Facilitator
8:40	3	Board and staff expectations	“ “
9:00	4	Review 2005 Workshop Results	“ “
9:15	5	Long Range Fiscal Planning and Capital Facility Planning Discussion	General Manager
10:00		BREAK	
10:15	6	Identify issues, priorities	Facilitator
11:00	7	Consolidate and discuss issues	“ “
12:00		LUNCH	
PM			
12:30	8	Develop agreements, action plans	“ “
3:00		BREAK	“ “
3:15	9	Review any outstanding issues	
3:30	10	Summarize agreements	“ “
3:45	11	Review Board and staff expectations	“ “
4:00		Adjourn	
4:15	12	Post workshop review	Facilitator, BOD President, GM



# Carpinteria Sanitary District

Board of Directors Meeting

## STAFF REPORT

TO: Board of Directors

FROM: Craig Murray, P.E. - General Manager

**SUBJECT: Santa Claus Lane Freeway Undercrossing**

DATE: February 5, 2013

**REQUESTED ACTION:** None. Informational Update.

**FUNDING SOURCE:** Account 5690-1: Collection System Maintenance

**BACKGROUND:** The District provides sewer service to the developed commercial properties on Santa Claus Lane and to the Sand Point Road residential community. Flow from these areas is conveyed under US 101 in an 8-inch diameter PVC gravity sewer that was installed within a 24-inch diameter steel casing. This crossing, which was constructed in the mid 1970's, is depicted on the attached atlas maps and as-built drawings.

For several decades, and perhaps since the original installation, this crossing has been the source of ongoing problems. The as-built drawing reflects a non-conventional and very curious installation and District records do not provide insight as to why the pipe and casing were constructed in this manner. The existing carrier pipe does not flow – there are problems with grade that cannot be easily identified or remedied. As a result, wastewater sits in the pipe on the south side of the freeway, allowing for major grease and debris accumulation. District staff hydrocleans the lines in this area, including the crossing, at two week intervals. This represents a very significant ongoing expenditure. Customer impacts sometimes result, in the form of slow flowing plumbing and periodic odors. This past week, the Smartcover monitoring system notified staff of a backup within manhole 5D-035 and allowed us to respond and avoid a potential SSO.

For many reasons, there is no easy fix for this problematic pipeline. Bypass pumping options are limited by area topography. Access within the US101 right of way is a major challenge. At this point, the two obvious alternatives are 1) to construct a new parallel crossing; or 2) to replace the carrier pipe within the existing casing. Either approach will be expensive and will have significant implementation related risk. Nevertheless, staff intends to develop a project for incorporation as a CIP project in FY 2013/14.

Staff is conducting additional investigation using CCTV inspection and survey equipment. A contractor was engaged to excavate the downstream end of the casing at manhole 5D-020 to evaluate the actual in-place conditions. This work is scheduled for February 4<sup>th</sup> and an oral report on findings will be provided. Next steps will involve using an inclinometer within the 8-inch carrier pipe to identify grade changes/breaks, if possible.

No Board action is requested at this time. The purpose of this report is to make the Board aware of ongoing activities. As repair or replacement options develop, updates will be provided.

**RECOMMENDATION:** None. Board update and discussion item.

**SUGGESTED MOTION:** None.

M\_\_\_\_\_ S\_\_\_\_\_

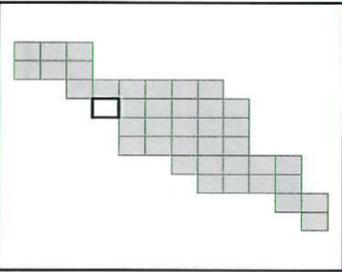
Ayes:\_\_\_\_\_ Nays:\_\_\_\_\_ Abstentions:\_\_\_\_\_

Prepared By:  \_\_\_\_\_  
Craig Murray, P.E. - General Manager

Attachments: Atlas Map Page 5D  
As-Built Drawing CSD74-2-2a

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# Carpinteria Sanitary District Wastewater Facility Maps



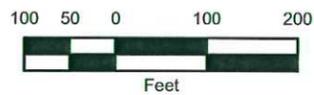
## Legend

### Wastewater System

- | Pipe Diameter | Nodes           |
|---------------|-----------------|
| 4             | Cleanout        |
| 6             | Lift Station    |
| 8             | Manhole         |
| 10            | Treatment Plant |
| 12            |                 |
| 14            |                 |
| 15            |                 |
| 18            |                 |
| 21            |                 |
| Private Lines |                 |
- Length - Material MH ID#  
 Indicates Direction of Flow

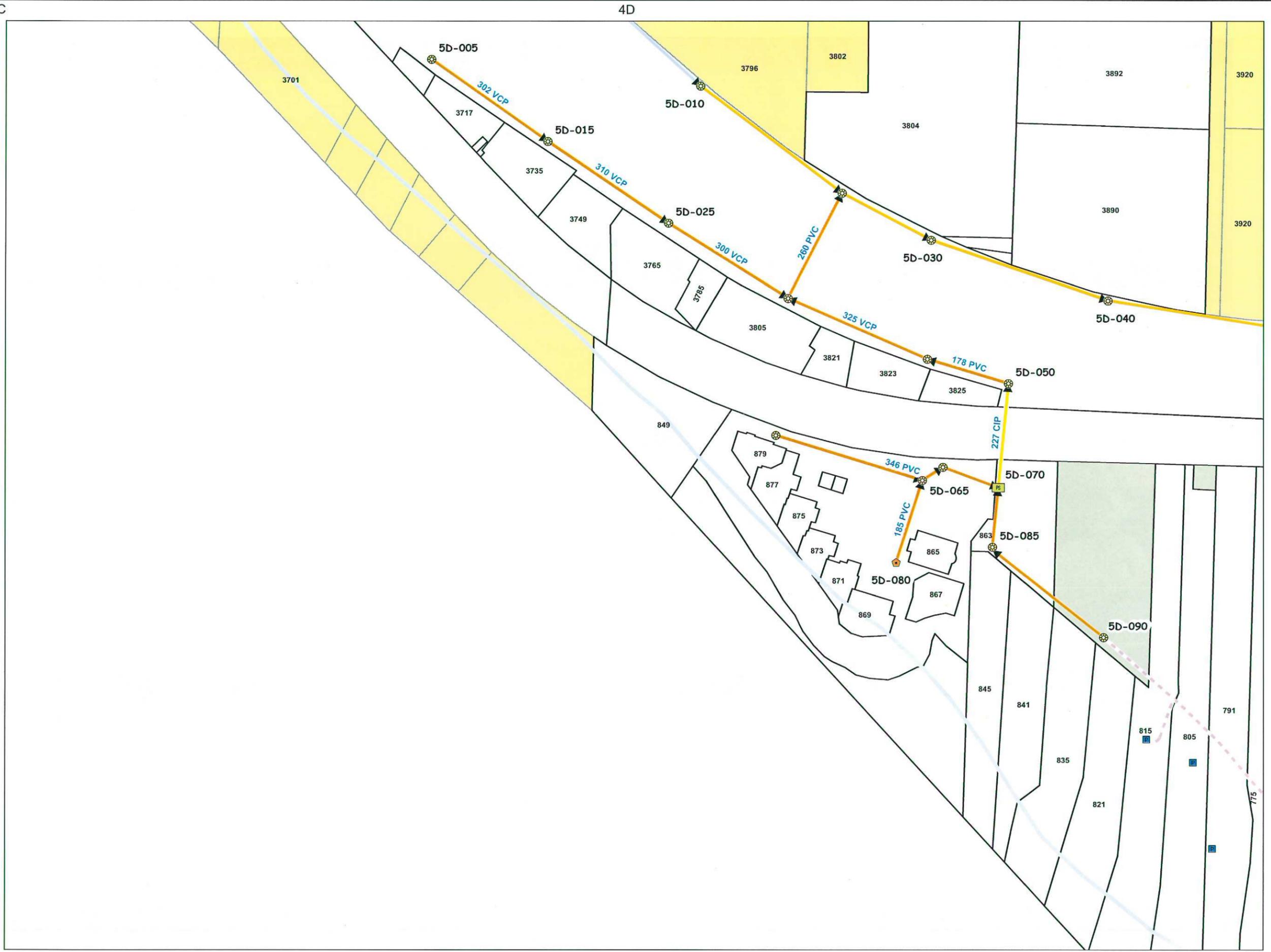


Scale: 1" = 200'



1:2400

Atlas Page 5D

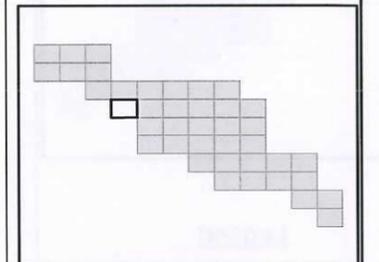


4E

5E

6E

# Carpinteria Sanitary District Wastewater Facility Maps

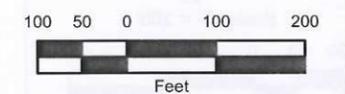


## Legend

- Manholes**
- TYPE**
- Cleanout
  - Grinder Pump
  - Lift Station
  - Manhole
  - Manhole-Abandoned
  - Treatment Plant
- Wastewaterpipes**
- <all other values>
- PIPE\_SIZE**
- Force Main
  - 4
  - 6
  - 8
  - 10
  - 12
  - 14
  - 15
  - 18
  - 21
  - Private Sewer Line



Scale: 1" = 200'



1:2400

Atlas Page 5D







# Carpinteria Sanitary District

Board of Directors Meeting

## STAFF REPORT

TO: Board of Directors

FROM: Craig Murray, P.E. - General Manager

**SUBJECT: Update Authorized Individuals for District Accounts at Union Bank to Include Finance Director**

DATE: February 5, 2013

**REQUESTED ACTION:** Approve Updated List of Authorized Signatories for District Accounts at Union Bank Following Merger with Santa Barbara Bank and Trust.

**BACKGROUND:** The District has maintained a banking relationship with Santa Barbara Bank & Trust (SBBT) since 1990. Historically, the District General Manager and each of the five Directors have been authorized signers on the District accounts. This designation allows these individuals to sign checks, authorize wire transfers, and also to have full access to account information. The District checking accounts, with the exception of our payroll account, are set up to require two signatures.

The District's Finance Director has historically been designated as an "agent" for our SBBT accounts. This gives him full access to all account information and allows him to initiate wire transfers and certain other transactions, but all transactions must be approved by an authorized signer. The agent designation does not allow the Finance Director to sign checks. Practically, this arrangement has worked very well and has supported our system of internal control.

With the completion of the SBBT merger with Union Bank, certain bank policies and practices are changing. Union Bank does not allow an "agent" designation in the way SBBT did. As such, we are now being asked to authorize the Finance Director as a signer on the accounts or remove him altogether.

It is critical that the Finance Director have access to the District's banking information to perform his job duties. Going forward, it is recommended that the Board authorize designation of the Finance Director as a signer on all District accounts. Internal practices will not change, however. Checks will generally be signed by the General Manager and one Director. When the General Manager is unavailable and a check needs to be issued, we will obtain signatures from two Directors. Having the Finance Director as an authorized signer will provide additional flexibility in the event of an emergency, but his role will not change from current standard practice and the level of internal control will not be diminished.

If this change is authorized by the Board, new signature cards will be required. Updated signature cards are also required to add Director Velasco as a signer on the District accounts.

**RECOMMENDATION:** It is recommended that the Board approve a motion to include the Board of Directors, the District General Manager, and the District Finance Director as authorized signers on District accounts at Union Bank (formerly SBBT).

**SUGGESTED MOTION:** I move Board approval of the Board of Directors, the District General Manager, and the District Finance Director as authorized signers on District accounts at Union Bank.

M\_\_\_\_\_ S\_\_\_\_\_

Ayes:\_\_\_\_\_ Nays:\_\_\_\_\_ Abstentions:\_\_\_\_\_

Prepared By:  \_\_\_\_\_  
Craig Murray, P.E. - General Manager



**Carpinteria Sanitary District**  
Board of Directors Meeting

**STAFF REPORT**

TO: Board of Directors  
FROM: Craig Murray, P.E. - General Manager  
**SUBJECT: Tablet Device Use Guidelines**  
DATE: February 5, 2013

**REQUESTED ACTION:** Consider and adopt Carpinteria Sanitary District Tablet Device Use Guidelines.

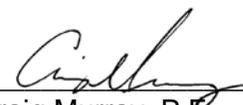
**BACKGROUND:** The District Board of Directors has elected to streamline Board and committee packet distribution by approving a paperless Board agenda process. To facilitate that process tablet devices have been procured and distributed to participating Directors and staff. Staff has developed Tablet Device Use Guidelines, which are attached in preliminary form for consideration and possible adoption.

**RECOMMENDATION:** Staff recommends adoption of the Carpinteria Sanitary District Tablet Device Use Guidelines.

**SUGGESTED MOTION:** I move that the Board adopt the Carpinteria Sanitary District Tablet Device Use Guidelines.

M\_\_\_\_\_ S\_\_\_\_\_

Ayes:\_\_\_\_\_ Nays:\_\_\_\_\_ Abstentions:\_\_\_\_\_

Prepared By:  \_\_\_\_\_  
Craig Murray, P.E. - General Manager

Attachments: Carpinteria Sanitary District Tablet Device Use Guidelines

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## **CARPINTERIA SANITARY DISTRICT TABLET DEVICE USE GUIDELINES**

Tablet devices are issued to District Directors and certain staff members for the primary purpose of viewing electronic meeting agenda packets, as part of a paperless agenda initiative. The District Board of Directors elected to implement this program as part of the District's ongoing effort to reduce impacts to the environment. The devices are provided as a productivity tool for business use.

These guidelines inform users of District-issued electronic tablet devices of allowable and appropriate usage. These guidelines do not supersede the Telephone, Cell Phone and Computer Policy (Section 3.5.800 of the Personnel Rules and Regulations), but are intended to be viewed in conjunction with that policy. This document also serves to make clear the responsibility of mobile device users to take proper care of the District furnished equipment entrusted to them.

### **Expectations of Tablet Device Users**

1. Protect their device from theft, damage, abuse, and unauthorized use;
2. Notify the District immediately if the device is lost or stolen, or as soon as practical after you notice the device is missing.
3. Purchase any additional tablet device accessories (e.g., cases, home/car chargers, screen protectors, applications, etc.) that the user may desire in addition to the items provided by the District.

### **Privacy Expectations for District-Provided Tablet Devices:**

District Directors and employees do not have a right, nor should they have an expectation, of privacy while using District issued tablet devices at any time, including accessing the Internet and using e-mail and text communications. To the extent that Directors and employees wish that their private activities remain private, they should avoid using the District provided device for personal use. By acceptance of the District provided device, Directors and or employees imply their consent to disclosing and/or monitoring of device usage, including the content of any files or information maintained or passed through that device.

### **Additional Guidelines:**

1. The District will reimburse users for the cost of applications or software that is critical for the conduct of District business.
2. Users are permitted limited use of District equipment for personal needs if the use does not interfere with official business and imposes no additional expense to the District. All limited personal use must be in compliance with the District's appropriate use policies.

Questions related to these guidelines should be directed to the General Manager or the Office Manager/Board Clerk.

### **USER ACKNOWLEDGMENT AND AGREEMENT**

I hereby acknowledge receipt of these Tablet Device Use Guidelines and agree that my use of a District-issued tablet device will comply with applicable provisions.

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Signed

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Date



**Carpinteria Sanitary District**  
Board of Directors Meeting

**STAFF REPORT**

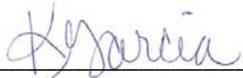
TO: Board of Directors  
FROM: Craig Murray, P.E. - General Manager  
**SUBJECT: 2013 CASA Washington, D.C. Conference**  
DATE: February 5, 2013

**REQUESTED ACTION:** None. Board Decision.

**FUNDING SOURCE:** Account 5222-0 (Director Conferences & Training)

**BACKGROUND:** Information is being presented to the Board regarding the 2013 CASA D.C. Conference to be held at the Renaissance Mayflower Hotel in Washington, D.C. on February 25-27, 2013. The Board may consider approving attendance by interested Board members.

**RECOMMENDATION:** None. Board Decision

Prepared By:   
Kim Garcia – Office Manager/Board Clerk

Attachments: Conference Preliminary Program Brochure

**2013 CASA WASHINGTON D.C. CONFERENCE  
RENAISSANCE MAYFLOWER HOTEL**

**PROGRAM**

**Monday, February 25, 2013**

**9:00 a.m. – 9:45 a.m.**

**Breakfast and Registration**

Location: Chinese Ballroom

**9:45 – 11:45 a.m. Opening Session**

Location: Chinese Ballroom

**9:45 – 10:00 a.m.**

**Welcome and Introductions**

John E. Hoagland, CASA President

Roberta L. Larson, Executive Director

**10:00 a.m. – 10:30 a.m.**

**Opening Address**

**Mike Allen, Chief White House Correspondent, Politico**

The priority to address the federal deficit and the impact on domestic discretionary spending, including environmental infrastructure needs, will be driven by the political realities of 2012 election results. Mike Allen of Politico will provide his unique take on the political machinations that may influence the decision-making processes of the 113<sup>th</sup> Congress.

**10:45 a.m. – 11:45 a.m.**

**Congressional Overview Panel: The 113<sup>th</sup> Congress A New Beginning and Old Priorities**

The 113<sup>th</sup> Congress will formally be underway following the State of the Union Presidential Address. The pressure to reduce the federal deficit, initiate tax reform and re-examine the workings of the federal government all add up to a once-in-a-generation Congress of policymaking opportunities. This roundtable panel of senior congressional environment and infrastructure policy officials will shed light on how the policymaking dynamic may create challenges and opportunities for CASA agencies.

Panel:

Ryan Seiger, Democratic Staff Director, Subcommittee on Water Resources and Environment, Committee on Transportation and Infrastructure, U.S. House of Representatives

Zak Baig, Republican Staff Director, Committee on Environmental and Public Works, U.S. Senate (invited)

Jon Pawlow, Republican Counsel, Subcommittee on Water Resources, Committee on Transportation and Infrastructure, U.S. House of Representatives

Jason Albritton, Professional Staff, Committee on Environment and Public Works, U.S. Senate (invited)

**12:00 p.m. – 1:00 p.m. Conference Luncheon**

Location: Senate Room

**12:30 p.m. – 1:00 p.m.**

**Keynote Speaker:**

**The Honorable Jared Huffman, U.S. Congressman, CA 2<sup>nd</sup> Congressional District (invited)**

**1:00 – 5:00 p.m. Afternoon Session**

Location: Chinese Ballroom

**1:00 – 1:30 p.m.**

**Robert Perciasepe – Deputy Administrator, U.S. Environmental Protection Agency (invited)**

## **Monday, February 25, 2013 continued**

**1:30 – 2:30 p.m.**

### **Congressional Visits Briefing**

Conference attendees will convene for a review of CASA's policy priorities and the legislative status. CASA staff will discuss the underlying fundamentals influencing the legislative debate. CASA attendees will be assigned to teams that will head to Capitol Hill on Tuesday to discuss the Association's priorities and positions.

**2:45 – 4:00 p.m.**

### **Washington Insiders: Can Congress and the White House Find Common Ground in 2013?**

Infrastructure funding, climate change, invasive species, endangered species, regulatory streamlining and other policy issues are likely to become part of the legislative and regulatory agendas over the next year. This panel of policy experts who engage day in and day out with policymakers to present their stakeholders' concerns will provide their special perspectives on what the next year of political posturing may bring to the policymaking arena.

Panel:

Thane Young – Associate, Van Scoyoc Associates

David Reynolds – Washington Director, ACWA

Amanda Waters – Government Affairs Counsel, WEF

Navis Bermudez – Deputy Legislative Director, Southern Environmental Law Center

**4:00 – 5:00 p.m.**

### **The Regulatory Priorities of the Obama Administration's Second Term**

Calls for regulatory streamlining amid heightened concerns over climate change impacts upon utilities' abilities to weather extreme swings in climate and storm conditions are looming issues for the Executive Branch. This panel will explore how the U.S. EPA will proceed in the coming year to implement the Obama Administration's regulatory priorities in a manner that will improve the resiliency of local agencies' abilities to address these and other emerging challenges.

Panel:

Randy Hill – Acting Director, Wastewater Management, Office of Water, USEPA

John Powers – Environmental Engineer, Office of Water, USEPA

Mark Pollins – Director, Water Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, USEPA

Elizabeth Sutherland – Director, Office of Science and Technology, Office of Water, USEPA

Deborah Nagle, Director, Water Permits Division, Office of Water, USEPA

## **Tuesday, February 26, 2013**

**8:30 – 10:15 a.m. Continental Breakfast and Morning Session**

Location: Chinese Ballroom

**9:00 - 10:15 a.m.**

### **Financing Water Infrastructure Needs and Recovering the Energy Embedded Within the Wastewater Treatment Process**

Climate change, water infrastructure resiliency and the effort to find a sustainable pathway to energy independence are melding into one large policy debate. With or without federal policy to address these issues, capturing the energy embedded in the wastewater treatment process represents an important element of any comprehensive solution to safeguarding infrastructure investments and reducing carbon emissions. This panel will explore some of the emerging opportunities and ways in which to finance innovative technologies.

Panel:

Fred Shmuck, Principal, Liberation Capital, Washington, D.C.

Jon Freedman, Global Leader, Water and Power, GE, Washington, D.C.

Matthew Fedors, Vice President, Leaf Clean Energy Company, Washington, D.C. (invited)

**Tuesday, February 26, 2013 continued**

**10:45 a.m. – 5:00 p.m.**

**Capitol Hill Congressional Visits**

Small group meetings prearranged by CASA with the Congressional Delegation Members and staff.

**Lunch on Your Own During Visits**

**6:00 – 7:30 p.m.**

**CASA Capitol Hill Reception - U.S. Botanic Gardens**

Location: Independence Avenue at base of Capitol Hill

\*Doors open at 6:00 p.m.

Welcome Address:

**The Honorable Gary Miller**, Congressman, U.S. House of Representatives (invited)

**The Honorable Bob Gibb**, Chairman, Subcommittee on Water Resources and Environment, Committee on Transportation and Infrastructure, U.S. House of Representatives (invited)

**Wednesday, February 27, 2013**

**8:30 – 9:00 a.m.**

**Closing Breakfast and Session**

Location: Senate Room

**9:00 a.m. – 9:30 a.m.**

**The Honorable Kenneth J. Kopocis** (invited)

Assistant Administrator—Designee, Office of Water

U.S. Environmental Protection Agency

**9:30 – 10:30 a.m.**

**Policy Making in an Era of Political Change**

A unique exchange of perspectives on policymaking from some of the top environment and energy reporters and analysts covering Washington, D.C.

Moderator: Mike Doyle, National Correspondent, Sacramento Bee

Invited Panel:

Rob Barnett, Senior Energy and Environmental Analyst, Bloomberg Government

Andrea Seabrook, Editor, DC Decoded

Amy Harder, Energy and Environment Correspondent, National Journal

**Congressional Visits Debriefing**

By Team Leaders

**10:30 – 10:45 a.m.**

**Closing Comments**

John E. Hoagland, CASA President

Roberta L. Larson, CASA Executive Director