



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: 1st District Supervisor
Department No.: 011
For Agenda Of: 4/21/2015
Placement: Departmental
Estimated Time: 15 minutes
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Board Member: Salud Carbajal, Supervisor, 1st District, 568-2186
Contact Info: Jeremy Tittle, Chief of Staff, 1st District, 568-2186
SUBJECT: Cuyama Community Services District Permit Fee Waiver Request

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions: That the Board of Supervisors:

1. Approve a waiver of permit fees for the Cuyama Community Service District's Wastewater Treatment Plant Effluent Removal Remediation Project.
2. Approve attached budget revision request 3888 increasing appropriations for Salaries and Employee Benefits funded by a release of Committed Contingency Fund Balance as follows:
 - a. Planning and Development: \$14,774
 - b. Parks: \$ 248.00
 - c. Fire: \$1,223.00
 - d. County Counsel: \$1,066.00
 - e. Public Works: \$4,337
 - f. Public Health (Environmental Health): \$1,541.00

Summary Text:

The Cuyama Community Services District (CCSD) is currently in violation for being out of compliance with Regional Water Quality Control Board Waste Water Treatment Plant (WWTP) Waste Discharge Requirements (WDR). The CCSD has already received funding from the Clean Water State Revolving Fund Small Community Grant for planning the remediation of this project, which is now complete. In order to continue its second and final grant application to the State, it must secure a Conditional Use Permit from the County which presents a great financial burden on the small, remote, rural and economically disadvantaged special district. CCSD Board and Staff have been diligent in providing

project design and funding and request the County waive development permit fees associated with its CUP as it transitions to compliance with new State and Federal environmental regulations. Under Resolution 14-46, Land Development Fees for Planning and Development, fees may be waived by minute order of the Board of Supervisors.

Background:

In 1999 the CCSD completed construction of its new wastewater treatment plant (WWTP), and operated in compliance with State and Federal wastewater disposal regulations thereafter. Since that time the District has undertaken various remediation projects to address the implementation of other State and Federal environmental regulations. Because the CCSD is a small District in Santa Barbara County's only remote, rural and low-income community it continues to face financial challenges to meet the standards as they become tighter and require upgrades to existing infrastructure or new infrastructure altogether.

In 2011 the District completed construction on a new Trojan 3000 UV Ray System for disinfection of effluent wastewater to comply with output discharge regulations. Since its installation, the use of chlorine gas has been eliminated and the effluent limitations for bromodichloromethane and dibromochloromethane have been met. The effluent wastewater material was then in compliance, but the location of the disposal remained problematic. Although CCSD's wastewater treatment plant was built in compliance with disposal regulations in 1999, the Clean Water Act later changed allowable disposal methods. Due to the layout of its parcel, the CCSD's wastewater discharge had been directed into Salisbury Creek which is dry most, if not all, of the year.

To date, the Regional Water Board has issued notices of violation and mandatory minimum penalties for a total of \$15,000 due to five violations that occurred between January 11, 2008 and May 27, 2008 for its wastewater disposal method. More recently, the CCSD has also received another notice of violation dated March 6, 2015 due to five violations that occurred between June 13, 2011 and September 9, 2014. No penalties have been issued for the second notice as of yet, pending the District's ongoing remediation efforts.

To discontinue their wastewater discharge into Salisbury Creek and remediate the violations, the District first moved forward to determine a solution for removal of the discharge. A holding pond was installed on the existing wastewater treatment plant property to monitor the rate of evaporation and percolation of the discharge. Furthermore, the CCSD Board and Staff addressed the purchase of adjacent property to accommodate the installation of additional ponds.

The CCSD received a Clean Water State Revolving Fund Small Community Grant to fund the first phase of its Wastewater Treatment Plant Effluent Removal Remediation Project, and the planning, preliminary design, and CEQA work are essentially complete. The CCSD remains in regular communication with Clean Water State Revolving Fund staff and understands it is in a strong position to receive additional grant funding for the final construction phase. This second phase of the project therefore would be funded by the State, would bring the CCSD into compliance with Regional Water Quality Control Board discharge regulations and would result in enhanced environmental stewardship. In order to proceed with the next State grant application of the Clean Water State Revolving Fund, the CCSD must obtain a Conditional Use Permit from the County, as it must make adjustments to its

property boundaries to install necessary additional evaporation ponds away from Salisbury Creek. Planning and Development staff have estimated County costs associated with this project range from \$17,074 to \$23,189, depending on whether an adequate environmental document is submitted with the application.

Because the CCSD is a very small district serving a low-income remote and rural community, these County fees present a disproportionate burden on the District and its ratepayers. In recent years the CCSD has had to raise its base rates to the highest level possible in order to become eligible for a different State grant which funded its arsenic removal plant, which has since been completed and is in full operation. The current base rate for water and sewer is \$136 which does not include meter rates for actual water usage amounts. Many District customers already have a difficult time paying their monthly bill, pay late, and some aren't able to pay at all.

According to the County's recent adoption of SB 244: Land Use, General Plans and Disadvantaged Communities, the CCSD's service area of New Cuyama is a designated disadvantaged area. This legislation acknowledges that there are many such "unincorporated communities in California lack access to basic community infrastructure like sidewalks, safe drinking water, and adequate waste processing." SB 244 (GC Section 65302.10.(a)) specifically directs counties to "include an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for each of the identified communities in the land use element." It also requires that counties "include an analysis in the land use element of potential funding mechanisms that could make the extension of services and facilities to identified communities financially feasible."

By waiving County permit fees associated with the CCSD's Wastewater Treatment Plant Effluent Removal Remediation Project, Santa Barbara County would play an important role in supporting New Cuyama's public and environmental wellbeing while facilitating the CCSD's ability to continue with its current grant funding process and ultimately come into compliance with its NPDES Permit requirements and demonstrate its remediation to the Central Coast Regional Water Quality Control Board.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Permit costs for this project are estimated at \$17,074 to \$23,189, depending on whether an adequate environmental document is submitted with the application. The attached budget revision incorporates the higher amount for Planning and Development. Any unused fees will be returned to contingency. If approved, this board letter proposes that the fee waiver be funded through transfer of up to \$23,189 in Contingency Fund Balance. The attached budget revision effectuates the transfer of funds.

Attachments:

Request Letter from Cuyama Community Services District, dated April 9, 2015

Cuyama Community Services District Conditional Use Permit Application

Budget Revision Request 3888

Authored by:

Jeremy Tittle and Lisa Valencia Sherratt, 568-2186