



AGENDA
RIO DELL CITY COUNCIL
REGULAR MEETING – 6:30 P.M.
TUESDAY, AUGUST 6, 2013
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

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THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

- A. CALL TO ORDER – 6:30 p.m.
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS
- E. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

2) 2013/0806.02 - Approve Minutes of the July 23, 2013 Special Meeting (ACTION)	12
3) 2013/0806.03 - Approve Pay Request No. 17 to Wahlund Construction/Sequoia Construction Specialties in the Amount of \$47,635.65 for Work Related to the Wastewater Treatment Plant Upgrade and Disposal Project (ACTION)	16
4) 2013/0806.04 - Authorize the City Manager to Sign Change Order No. 1 for the Wildwood Avenue Landscape and Enhancement Project to Reduce Widths to 13.25' for Uniformity (ACTION)	29
G. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS	
1) "SPECIAL CALL ITEMS" from Consent Calendar	
2) 2013/0806.05 - Discuss the Bartle Wells Wastewater Rate Study and Provide Staff Direction on How to Proceed (ACTION)	31
H. SPECIAL PRESENTATIONS	
I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS	
1) 2013/0806.06 - Conduct Second Reading (by title only) and Adopt Ordinance No. 305-2013 Amending Garbage Regulations, Sections 8.05.020 and 8.05.070 of the Rio Dell Municipal Code (ACTION)	34
2) 2013/0806.07 - Introduce and Conduct First Reading (by title only) of Ordinance No. 304-2013 Amending the Enforcement Regulations, Section 17.40.060 of the Rio Dell Municipal Code (ACTION)	41
3) 2013/0806.08 - Approve Resolution No. 1208-2013 Certifying the Final Supplemental Environmental Impact Report for the Rio Dell Wastewater Reuse Project (ACTION)	51
J. REPORTS/STAFF COMMUNICATIONS	
1. City Manager	
2. Chief of Police	
3. Finance Director	
4. Community Development Director	
K. COUNCIL REPORTS/COMMUNICATIONS	
L. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS: No Closed Session Items Scheduled	
M. PUBLIC COMMENT REGARDING CLOSED SESSION	

N. RECESS INTO CLOSED SESSION

O. RECONVENE INTO OPEN SESSION

P. ORAL ANNOUNCEMENTS

Q. ADJOURNMENT

*The next regular meeting will be on August 20, 2013
at 6:30 p.m. in City Hall Council Chambers*

**RIO DELL CITY COUNCIL
REGULAR MEETING
JULY 16, 2013
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Thompson.

ROLL CALL: Present: Mayor Thompson, Councilmembers Johnson, Marks, Wilson and Woodall

Others Present: City Manager Stretch, Community Development Director Caldwell and City Clerk Dunham

Absent: Chief of Police Hill, Finance Director Beauchaine, Water/Streets Superintendent Jensen and Wastewater Superintendent Chicora (excused)

PUBLIC PRESENTATIONS

Nick Angeloff addressed the Council and said the railroad efforts are going well; the Chamber of Commerce hosted a mixer on Tuesday which went well, thanking Councilmembers Woodall and Wilson for attending; Arts on the Avenue was held Saturday evening which was also a success; said at the Chamber luncheon today, Jim Rich, owner of the Pizza Factory reported an increase in sales which is good news; and said they were hopeful they will have a locomotive here for Wildwood Days.

Mayor Thompson announced at the HCAOG meeting today, Doug Strehl was appointed to a seat on the Railroad Authority Board.

Michael Chase, Edwards Dr., commented that the same vehicles were up and down the river bar all weekend and said he believes everyone wants to see beautification of the river bar and wants to see the problems addressed.

Richard Newman, 670 Second Ave., thanked the City Council and especially Community Development Director Caldwell for his guidance in facilitating assistance through Redwood Coast Energy Authority. He said with his help, his 89 year mother was able to get windows replaced and a flu for her water heater.

CONSENT CALENDAR

City Manager Stretch asked that Item 2 regarding review of indirect charges to utility funds be removed and placed under *Special Call Items* for separate discussion. Likewise, Councilmember Marks asked that Item 4, *HWMA Rate Changes* be removed.

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Motion was made by Marks/Johnson to approve the consent calendar including the approval of minutes of the July 2, 2013 regular meeting; approval of agreement with Matson & Vallerga for Architectural Services related to City Hall ADA Access Project, not to exceed \$12,000 and approval of a transfer of \$7,000 from the General Fund Reserves to the City Manager Professional Services account (5115); approval of Pay Request No. 16 to Wahlund Construction/Sequoia Construction Specialties in the amount of \$157,599.59 for work related to the Wastewater Treatment Plant Upgrade and Disposal Project; and to receive and file the pre-application for California Department of Public Health Funding for Water System Improvements. Motion carried 5-0.

SPECIAL CALL ITEMS

Approve Modification of Vacation Accruals and Executive Leave for Contract Employees

City Manager Stretch provided a staff report and said this relates to proposed amendments to the contract employees' agreements in regard to provisions for the accrual and use of vacation and executive leave. He explained vacation accrual is based on the number of continuous years of service and under the current contract the amount of vacation time allowed to be accrued at the end of any pay period cannot exceed the annual accrual up to a maximum of 120 hours. Upon reaching the maximum accrual, the employee will not accumulate additional vacation time until such time that the accrual leave is below the applicable accrual maximum. He said the conflict with these provisions is that a long time employee (16-20 years of continuous service) earns 200 hours per year but is limited to a maximum of 120 hours at the end of any pay period. This forces long term employees to constantly take time off or lose the benefit. Also, employees such as the City Clerk and the Chief of Police are limited in the time they are able to take off due to demands of the respective positions.

City Manager Stretch explained one way to address this problem is to pay contract employees for their unused executive leave if they are unable to take it like we currently do with a minor revision so that executive leave be given to contract employees in 2 installments; 40 hours on July 1st and 40 hours on January 1st and that they be allowed to cash out or utilize executive time beginning July 1st. He also suggested the number of vacation hours an employee can accrue be increased to the maximum number of hours they can earn in one year, and by implementing a buy-back provision for vacation when the maximum is reached; perhaps 40 hours to be automatically paid. He said the alternative would be to hire additional staff.

City Manager Stretch commented that the language in Sections 10 and 11 of the employee contracts was reviewed and approved by the City Attorney.

Councilmember Wilson asked what the difference is between vacation leave and executive leave. City Manager Stretch explained that they are essentially the same but the executive leave is given to contract employees in lieu of overtime.

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Councilmember Johnson asked if any consideration was given in regard to cost. City Manager Stretch explained these benefits are basically unfunded liabilities.

Councilmember Marks suggested the City be more “business-like” and pay out all unused executive leave and vacation time at the end of each year rather than allow employees to accrue the time. She said with salary increases, it costs the City more since the hours were accrued at a lower rate of pay and paid at the higher rate.

Councilmember Wilson commented that any way you look at it, the employees earn the time and need to be paid for it.

City Manager Stretch said with direction from the Council he will go back to the contract employees and propose that all unused vacation time at the end of each year be paid in full.

Councilmember Wilson said another option is to give the employee the option of holding a portion of accrued vacation and being paid for a portion.

Mayor Thompson asked for public comment on the proposed contract revisions.

Richard Newman commented that the time should be paid at the end of each year so it doesn't accrue.

Mayor Thompson asked for clarification that executive leave and vacation leave will not be paid in advance. City Manager Stretch said that the time will only be paid after it is accrued.

City Clerk Dunham said she would like to comment on 2 points: 1) if an employee is paid for all accrued vacation time on June 30th and happens to have a 2-week vacation scheduled for July or August, they won't have enough time accrued to take time off; and 2) under the previous contracts, employees were allowed to hold 2 years accrual, or in her case 400 hours. Because of the unpaid payroll liability, the maximum hours were reduced to 120 hours. She commented that she felt that 1 year accrual or 200 hours for long time employees was reasonable as recommended by the City Manager.

Councilmember Marks commented that if employees are paid for their accrued vacation time on June 30th, they should put the money aside for any upcoming vacations.

Councilmember Johnson said he is in support of letting the individual employee decide if they want to be paid for all of their accrued hours or not at the end of the year; Councilmember Wilson agreed.

City Manager Stretch stated he will need to amend each contract and bring the matter back at the next regular meeting on August 6, 2013.

Project Plan for Rio Dell River Bar Access

City Manager Stretch stated the Chief of Police provided a written staff report with a proposed Work Plan for the Council to consider that addresses some of the issues related to activity on the river bar.

He explained the purpose of the Plan is to create an enforcement approach to address community concerns about drug related activities and vehicle traffic on the river bar in the evening and the noise created by ATV's and motorcycles throughout the day.

The following objectives were outlined in the Plan:

- Create a patrol strategy for addressing foot and vehicle traffic onto the river bar at existing access points, particularly during night time hours.
- Evaluate and document existing noise regulations within the City of Rio Dell and create a strategy to address any shortcomings.
- Evaluate access points and determine if those access points are City responsibility or exist on private property.
- Determine authorities and responsibilities for the Eel River, and river bed.
- City to determine where and what type of river access there will be.

City Manager Stretch clarified that the gate at the end of Edwards Dr. is currently being locked in the evening and unlocked in the morning. He said in his opinion more user groups need to be contacted to collect more information before a decision is made as the issue has become more extensive than he originally thought.

Councilmember Johnson commented that on one of the recent nice warm days, he glanced over the bridge and noticed families swimming and picnicing and said he hopes nothing is done to curtail that wholesome type of activity.

Karen Chase asked who will be collecting the information and if the public will have an opportunity to comment on those responses. City Manager Stretch stated that he and the Chief of Police will collect the information, followed by a community meeting in which citizens will have the opportunity to provide input.

Michael Chase stated that he owns property on the river bar in which he will not allow public access on due to the recent destruction of the vegetation. He suggested access only be available to foot traffic.

Karen Chase commented that on that particular warm day Councilmember Johnson was referring to, from 3:30 to 5:30 p.m. she counted 55 vehicles going to and from the river bar and said they were not all going to swim.

Community Development Director Caldwell pointed out that the 55 vehicles only computes to 9 vehicles per hour.

Michael Chase commented that where people were swimming, the river is only one foot deep and that ATV's cross the river in the same area. He questioned what this does to the fishing since they can cross where the fish spawn.

Mayor Thompson said the idea of installing a camera near the gate was discussed and said maybe a rotating camera would be useful. He noted that some of the ATV's are accessing the river bar from Scotia which Rio Dell can't address.

Councilmember Woodall asked if staff will be doing the same thing that will basically be done with the Trails Grant. City Manager Stretch explained the City won't know until August or September if the grant will be awarded but the idea of the grant is to investigate the feasibility of developing waterfront trails with access points. He said this matter is more immediate.

SPECIAL CALL ITEMS FROM CONSENT CALENDAR

Direct City Manager or his Designee to Confer with a CPA Whose Practice Includes Governmental Accounting and Enterprise Funds for the Purpose of Reviewing Standard Accounting Principles and Methods Related to Indirect Charges Applied to Utility Funds and Report Back to Council

City Manager Stretch said he asked that this item be removed from the consent calendar because of some minor revisions he made to the original staff report. He said at the direction of the City Council, staff prepared an approach to review direct and indirect charges the City applies to the Utility Funds to make sure the charges are fair and reasonable. He said he revised the staff report to include the Streets Fund and explained this type of review to validate how employees' time is charged will take time by staff. He said he did meet with a CPA regarding the City's approach and he agreed entirely that no CPA can come in and evaluate the charges without doing a time study. He said what has been suggested is that the City Manager has a CPA review the standard accounting practices which gets complicated and that you can't simply count the time spent on 3 activities. He said although it is not a high cost item, it involves a lot of staff time. The City Manager, Finance Director, Streets/Roadways Superintendent, Wastewater Superintendent and others would have to track their time for a period of 30 days and report back.

Ranada Laughlin asked what the justification is for the costs. City Manager Stretch explained the goal is to validate the costs charged against the enterprise funds. He said this is not the first time an audit like this has been done and said streets funds are very restricted and TDA audits are performed annually to make sure the funds are correctly appropriated.

Mayor Thompson commented that approximately 1 year ago, staff was asked to put together time sheets to track how employees were spending their time and expressed concern that the

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information collected may not be accurate since things are continually changing. He said over the long term, it may create more of a problem and questioned how much time and money will be spent to collect the data.

Councilmember Marks agreed that since things do change perhaps employee time should be tracked more than once and pointed out that the wastewater project is coming to a close so there likely will be less time spent in the wastewater department.

She clarified for the audience that the City must show justification for any proposed utility rate adjustments. She commented that the City is merely collecting data at this point and not doing a full rate study.

Discussion continued regarding the method for distribution of public works salaries and the accuracy of those distributions.

Councilmember Wilson pointed out that the City Manager has a very dynamic job and his duties and goals change from day to day depending on what is going on, and tracking his time would be pretty laborious.

City Manager Stretch stated that he has done time studies before and they are very time consuming; he suggested that 30 days may not be enough to get an accurate accounting and said maybe the easiest way to collect the data is to revise time cards to document actual hours spent on each department activity.

Councilmember Marks stated that she has never seen the basis for the payroll distribution tables and wants to see the justification for utility rates.

City Manager Stretch explained that the original estimate for the Wastewater Treatment Plant Upgrade and Disposal Project was \$15 million; then the decision was made to relocate the Plant to its current location thus reducing that cost to \$12.9 million. He said the debt service only reflects the amount of the loan. He said when Ferndale and Arcata upgrade their facilities; their rates will probably be even higher than the City's.

Councilmember Wilson pointed out that larger cities have a larger customer base in which to spread the costs so it makes sense for smaller cities to have higher rates. He said it may seem that Rio Dell's sewer rates are high but when you take a good solid look at what the City has accomplished, they may not seem so high.

Councilmember Johnson asked the City Manager if when he previously performed the time study, if he validated his assumptions. City Manager Stretch said there were no assumptions going in but employees were required to track their time on a daily basis and the time was allocated as such.

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Ranada Laughlin asked if customers should expect a rate increase in the near future and if so, if there will be public hearings prior to adoption.

Rhonda O'Kane said according to her calculations, the City is proposing a 514% sewer rate increase.

City Manager Stretch explained the proposed rate increase pertains to sewer connections for new development only and as part of the Wastewater Rate Study, they took a look at the City's Wastewater System and evaluated what that cost should be. He said increasing the sewer connection fee from \$950 to \$5,200 puts the City in the middle of the scale.

Councilmember Wilson said he spoke to a contractor in Fortuna who said it costs approximately \$25,000 to get started on a project in the City of Fortuna.

City Manager Stretch further explained that the Wastewater Rate Study includes the restructuring of wastewater rates to a consumption based rate method thus redistributing the rates rather than increasing the overall revenue. He indicated that approximately 2/3 of rate payers will benefit with a lower bill. He said the proposed rate structure will be coming back to the Council through the Prop 218 public hearing process.

Ranada Laughlin asked if the addition of a second bathroom would be subject to the sewer connection fee. City Manager Stretch explained that it would not be subject to the fee since a sewer connection already exists.

City Manager Stretch said as he understands the direction from the Council, he is to take a look at the methods currently being used to apply direct and indirect charges to the utility funds and report back to the Council on what can be done to verify those allocations without doing an in-depth study.

Councilmember Wilson asked if he felt it could be accomplished without it becoming too extensive and be accurate at the same time. City Manager Stretch said he has not had the opportunity to look at how the distribution tables were set up in the past and only knows what the spread is for the City Manager department. He said he does not want to spend a lot of time on this but will review the current methods with the Finance Director and report back to the Council.

Mayor Thompson commented that the budget was adopted based on the current departmental spreads and major revisions within the various departments may be a problem.

Councilmember Woodall stated that she supports the recommendation of the City Manager; Council concurred.

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Humboldt Waste Management Authority (HWMA) Rate Changes for FY 2013-2014

Councilmember Marks stated this item was placed on the consent calendar as a *Receive & File* item and questioned whether it should be voted on by the Council. She also noted that on page 5 of the HWMA Resolution below the signatures of Chair John Maxwell and HWMA Clerk Jill Duffy, their names should be also typed as signatures are often difficult to read.

City Manager Stretch explained this was a *Receive & File* item since the rate change for tipping fees was actually rolled into the Eel River Disposal rate adjustment, which the Council approved in June.

Motion was made by Woodall/Marks to Receive and File the HWMA rate changes for FY 2013-2014. Motion carried 5-0.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Public Hearing/Introduce and Conduct first Reading (by title only) of Ordinance No. 305-2013 Amending Garbage Regulations, Sections 8.05.020 and 8.05.070 of the Rio Dell Municipal Code and Continue Consideration of the Ordinance to the August 6, 2013 Meeting for Second Reading and Adoption

Community Development Director Caldwell provided a staff report and stated as part of sending out letters related to complaints regarding accumulated garbage, staff discovered that portions of the current garbage regulations are outdated and in need of some minor revisions. He reviewed the recommended revisions and said under Section 8.05.020 of the RDMC under *Keeping Rubbish Generally*, staff believes the current language actually encourages property owners and tenants to store rubbish on their parcel rather than dispose of it in a timely manner.

The recommended text amendment would read:

- ***The storage of rubbish shall be located on the parcel so as not to be visible from a public right of way or street and shall not be stored on any lot or parcel for more than one (1) week (seven days).***

Community Development Director Caldwell said the second revision has to do with garbage containers. The current ordinance refers to garbage cans having a capacity of not less than 2 gallons and not more than 20 gallons. He recommended the language be amended to read in part:

- ***Receptacles shall have a capacity of not less than twenty (20) gallons and not more than forty-five (45) gallons. Also, receptacles shall be kept on the premises so as not to be visible from a public right of way or street and the contents thereof disposed of at least once each week.***

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Community Development Director Caldwell explained the intent is to create a more pleasant atmosphere in the City.

Councilmember Woodall asked if this applies to apartment buildings and dumpsters. Community Development Director Caldwell said that it does not however the City will be asking that they be screened.

Councilmember Marks referred to the 7 day period for garbage disposal and said that many seniors use the white pre-paid garbage bags and only dispose of their trash once a month.

Councilmember Wilson pointed out that recyclables are only picked up every other week. Community Development Director commented that this only refers to garbage; not recyclables.

Councilmember Wilson asked about the storage of lumber on a parcel and if a cyclone fence qualifies as making items non-visible from the street. Community Development Caldwell explained that nuisance letters are usually complaint driven and there would probably not be a complaint if lumber or trash receptacles are behind a cyclone fence.

Mayor Thompson opened the public hearing to receive public input on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Woodall/Johnson to introduce *Ordinance No. 305-2013 Amending the Garbage Regulations, Sections 8.05.020 and 8.05.070 of the Rio Dell Municipal Code* and continue consideration of the proposed Ordinance to the meeting of August 6, 2013 for the second reading and adoption. Motion carried.

REPORTS/STAFF COMMUNICATIONS

City Manager Stretch reported the sound system in the Council Chambers is currently being repaired; re-roofing of City Hall slated to begin on July 23rd has been pushed back to August 7th; the construction bids for both the Safe Routes to School and the Wildwood Ave. Streetscape Project were opened on July 18th at GHD's office; a special meeting will be held on July 23rd at 5:00 p.m. to award the bids on both projects; there were very few comments on the Supplemental EIR for the directional drilling and the EIR will be coming to the Council for certification on the August 6th agenda then forwarded to the State Lands Commission; he will be meeting with HWMA staff tomorrow to discuss their involvement with the City's AB939 reporting; and reported that the lab has classified the City's sludge as Class A and we are working with Hank Bernard Environmental on an agreement for them to purchase sludge at around \$40/ton. He commented that the sludge is very fertile and will be used on the median and other landscaping throughout the City.

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Councilmember Johnson commented that he toured the wastewater treatment plant about a month ago and was amazed to see the amount of wet sludge put into the hopper compared to the amount of treated sludge that came out.

City Manager Stretch also reported that staff is in the process of preparing a City Newsletter which will be mailed out to inform residents on current issues such as an overview of the Budget; construction timeline for the 2 upcoming projects; to reiterate provisions regarding late fees for utility bills and various other information.

Community Development Director reported on recent activities in the planning department and said the Planning Commission will be having a study session on July 17th at 5:30 p.m. to discuss revisions to the Land Use Matrix and will continue discussion to the July 24th regular meeting along with minor revisions to the zoning regulations. He also reported that he spoke with a representative of the Dollar General today and they seem to have no problem with dressing up the Wildwood Ave. side of their building; said he will be meeting with HCAOG tomorrow regarding the State Housing Element but didn't anticipate any problems with the City's numbers; and said the Danco Project is not slated to begin until the Spring of 2015.

Councilmember Marks commented that she had a neighbor approach her about a rumor that a town house apartment was going to be constructed at Kelly and Pacific and asked if in fact it is proposed if neighbors will be notified. Community Development Director Caldwell explained that structures with a height limitation of 35 feet are allowed within the Urban Residential Zone so no notification is required.

Councilmember Johnson asked about the status on the update of the City's General Plan. Community Development Director Caldwell stated the next element to be updated is the Circulation Element as a result of updating the Land Use Element, rather than the Open Space.

Councilmember Johnson announced the Annual League of California Cities Conference will be held in Sacramento in September and would like permission to attend.

Councilmember Wilson reported on his attendance at the RCEA meeting where a grant was approved for a methane gas project where Blue Lake Casino will be taking bio-fuel and turning it into methane gas. He said it sounds like a very exciting project. He then asked staff what the time frame is for acquiring an administration car.

City Manager Stretch said he has spent some time researching different options but wants to review consumer reports before making a decision on the make and model. Mayor Thompson commented that he saw a new Nissan Sentra advertised for \$15,900. City Manager Stretch stated the intent is to get a larger slightly used car.

Mayor Thompson reported on his attendance at the Mayor's meeting today and said for 30 years HCAOG has been operating under their own authority and in reviewing the new law it was

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discovered that it is not the way it should be. As a result, HCAOG is now back operating under the authority of the County. He said there was an issue with the recent appointment of Alex Stillman to the Railroad Authority Board and as directed by legal counsel, the Board corrected the action by rescinding the motion and going through the appointment process again. He said this resulted in Doug Strehl being appointed to the Railroad Board. He commented that one of the Board members was out of order and criticized HCAOG staff which he felt was inappropriate and should have been done in closed session.

In the absence of Chief of Police Hill, City Manager Stretch provided a brief report on the Police Activity Report as submitted and pointed out that the Incident Offense Totals from January through June reflects a reduction in crimes such as theft and also arrests are down from the previous year.

Councilmember Woodall asked if the report will be submitted on a monthly basis as before. City Manager Stretch indicated that it will be.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:25 p.m. to the July 23, 2013 special meeting.

Jack Thompson, Mayor

Attest:

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
SPECIAL MEETING
JULY 23, 2013
MINUTES**

A special meeting of the Rio Dell City Council was called to order at 5:00 p.m. by Mayor Thompson.

ROLL CALL: Present: Mayor Thompson, Councilmembers Johnson, Marks, Wilson and Woodall

Others Present: City Manager Stretch, Water/Roadways Superintendent Jensen, and City Clerk Dunham

Absent: Chief of Police Hill, Finance Director Beauchaine, Community Development Director Caldwell and Wastewater Superintendent Chicora (excused)

SPECIAL MEETING MATTERS

Approve Bid Award to SJL Construction, Inc. in the Amount of \$127,584 for the 2013 Safe Routes to School Project

City Manager Stretch provided a staff report and said it is always a special opportunity when we can award bids on projects. He stated the first item relates to the Safe Routes to School Project. He said the bid opening took place at GHD on July 18th and only one (1) bid was received. He said a base bid without the additive in the amount of \$127,584 was submitted by SJL Construction, Inc. which is approximately \$500.00 less than the engineer's estimate. He stated the bid amount for the additive to relocate the crosswalk came in at \$43,040 and is not being recommended to be included with the award as it is above the City's project budget. He said the license and bonding information for the contractor was reviewed and it appears to be in order.

City Manager Stretch said staff's recommendation is that the City Council award the project to SJL Construction, Inc. (Shannon Leonardo of Fortuna, CA.) in the amount of \$127,584; and authorize the City Manager to sign the Notice of Award and Contract; and establish a budget in the amount of \$169,700.

He commented that City Engineer Merritt Perry and Brett Vivian from GHD were present to answer questions pertaining to the project.

Councilmember Marks asked for clarification that there was only one (1) bid submitted and that his license and bonding information checked out. City Manager Stretch stated the information was validated by the City Engineer.

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Engineer Perry commented that Shannon Leonardo is a good contractor and his license allows this type of work. He said Spencer Electric is the sub-contractor and will be installing the lighted crosswalk.

Motion was made by Woodall/Johnson to award the 2013 Rio Dell Safe Routes to School Project to SJL Construction, Inc. (Shannon Leonardo) of Fortuna, California in the amount of \$127,584; and authorize the City Manager to sign the Notice of Award and Contract Agreement, to approve any unanticipated changes during the project as required within the approved budget amount; and establish a budget in the amount of \$169,700; \$127,584 for construction, \$31,750 for engineering, design, surveying and construction administration, \$6,000 for PG&E charges and \$4,366 for contingency. Motion carried 5-0.

Approve Bid Award to Cal Electro, Inc. in the Amount of \$505,832 for the 2013 Wildwood Avenue Streetscape Improvement Project and Approve Construction Administration and Inspection Services Contract with GHD, Inc.

City Manager Stretch stated that this project is a little more complicated. He said bids were also opened on July 18th and a total of three (3) bids were received; all of which are over the engineer's estimate due to an increase in the anticipated cost of the landscaping. He indicated that the base bids for the project ranged from \$461,832 to \$513,996 with the low bidder being Cal Electro, Inc. He said the base bid of \$461,832 includes all of the median islands; the Additive Alternate 1 bid in the amount of \$44,000 includes the electrical and welcome sign; and the Additive Alternative 2 bid in the amount of \$2,000 includes two (2) art pedestals. He noted that Additive Alternate 3 for the Town Clock was bid at \$16,200 but is not included in the recommendation.

City Manager Stretch explained that because the project is over-budget, he presented the Council with two (2) options. The first option is to award the base bid and Additive Alternates 1 and 2 to Cal Electro, Inc. in the amount of \$507,832 and provide a construction contingency of \$30,000 to cover unforeseen conditions that may occur during construction. He said this will allow for the completion of the base bid, median islands, electrical, the welcome sign and (2) art pedestals. He noted that this work can be accomplished with an anticipated additional contribution of City funds in the amount of \$51,832.

The second option is to award only the base bid and not authorize any Additive Alternates in the award, with the understanding that contingency funds would be required for the changes beyond \$6,168 bringing the project in at \$582,832 with the understanding that additions to the project would be done sometime in the future.

City Manager Stretch said staff's recommendation is that the Council award the base bid with at least Additive Alternates 1 and 2.

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City Manager Stretch continued with review of the bids and said Cal Electro, Inc. is an out of the area contractor and the City Engineer has done due diligence and they appear to be lowest responsive bidder.

Councilmember Johnson stated he actually had the pleasure of working with Cal Electro on a project and commended them for their efficiency and exceptional work.

Mayor Thompson asked how deep the gravel is where the landscaping will be going. Engineer Perry commented that it varies but in most places 2-3 feet. He said the plants will have the required depth base.

Councilmember Johnson asked if the addendum includes cement treated base. Engineer Perry said it does and explained that Additive 1 includes the welcome sign and the electrical for all of the desired items so the town clock can be added at any time.

Mayor Thompson stated that his desire was to get the town clock and he would still like to see it included.

City Manager Stretch said with approval of Option 1 the City will need to contribute an additional \$51,832 and the clock would be another \$16,200 for a total of \$68,032 to be taken from General Fund Reserves and asked for comments from the Council.

Councilmember Wilson commented that he also likes the idea of a town clock and said it would add a special touch to the project.

Councilmember Marks asked the City Engineer if he thought there would be any remaining contingency at the end of the project. Engineer Perry commented that his hope is that there will be however; anytime there is digging involved there is the chance of finding lines that are not mapped. He said he feels pretty comfortable with that level of contingency. He said we could wait and see what funds are left at the end of the project but it is probably better to award the bid to include the town clock now to avoid delays and extra staff time.

City Manager Stretch pointed out that he shaved the budget for construction administration as well as the contingency so the project budget is a little tight.

Mayor Thompson called for public comment on the proposed project. There was no public comment.

Councilmember Johnson commented that he was recently in a city in southern California where there was a town clock and it really set off the community.

Councilmember Marks expressed concern about going over budget and asked about the possibility of just installing the pedestal at this time. City Manager Stretch commented that both the town clock and the pedestal are included in Bid Additive 3 but one option would be to install the pedestal at \$1,200 and the town clock perhaps next year.

Engineer Perry cautioned that the cost could go up on the clock by next year but to save money the City could do the work in-house. He said in his opinion however; it would be better to put the responsibility on the contractor to make sure the wiring is correct rather than rely on staff.

Councilmember Johnson stated that his experience with this type of work is that there is no cheaper time and there is no better time; so if you want it, do it now.

Motion was made by Wilson/Woodall to approve the base bid and Additive Bids 1, 2, and 3 to Cal Electro, Inc. in the amount of \$524,032 for the 2013 Wildwood Avenue Streetscape Improvement Project; authorize the City Manager to sign the Notice of Award and Contract Agreement; establish a construction budget in the amount of \$606,032 to include the construction base bid, Additive bids 1-3, PG&E services, construction administration (GHD), and construction contingency (5.8%); approve the transfer of \$68,032 from the General Fund Contingency to fund the amount of the project beyond grant funds available; and approve construction administration and inspection services for the Wildwood Avenue Streetscape Improvement Project with GHD, Inc. in the amount of \$40,000, authorizing the City Manager to sign the agreement.

Councilmember Marks then asked why the landscaping costs came in so high. Engineer Perry commented that the first quote came in at \$200,000 and then came back at \$300,000 which is probably the reason the local vendor didn't get the bid.

The motion then carried 5-0.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 5:55 p.m. to the August 6, 2013 regular meeting.

Jack Thompson, Mayor

Attest:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562



TO: Mayor and Members of the City Council
THROUGH: Jim Stretch, City Manager
FROM: Stephanie Beauchaine, Finance Director
DATE: July 31, 2013
SUBJECT: Wahlund/Sequoia Construction Pay Request #17

RECOMMENDATION

Approve Pay Request

BUDGETARY IMPACT

Pay Request #17 in the amount of \$47,635.65 will be funded through the State Water Resources Control Board (SWRCB) financing agreement project number C-06-7401-110 totaling \$12,980,859.

BACKGROUND AND DISCUSSION

Pay Request #17 has been approved for payment by the City's Construction Manager and City Manager.

BEHRENS CONSTRUCTION AND INSPECTION SERVICES
170 South Bank Chetco River Road
Brookings, OR 97415-8288

(707) 696-4650
rbehrens@rbehrens.org

To: Rio Dell City Council
Jim Stretch, City Manager
Stephanie Beauchaine, Finance Director
Rick Chicora, Wastewater Superintendent

From: Richard Behrens, Construction Manager

Date: 07/29/2013

Project Name: **Wastewater Treatment Plant Upgrade and Disposal Project**

The WWTP project is now into the seventeenth month of progress. The contractor has completed all phases of the bio-tank processes, the Chlorine Contact Basin and Effluent Pumping Station. The Aqua Sierra control system is installed and operational. Work is nearing completion the disposal site. The transmission line is complete from the river crossing to the treatment plant and pavement patching is nearly complete. The Therma-Flite sludge dryer system has been completed. Underground piping and valves have been installed and the plant switchover is complete and in operation. The Blower Building is complete and in operation. Electrical/mechanical systems are nearly complete and cut-over of existing electrical systems is completed. Construction of the new Operations Building is underway with rough electrical, mechanical and plumbing complete. Demolition of existing process piping and pumps is nearly complete. The under-river transmission line permit has been issued by Caltrans. Review by the State Lands Commission is scheduled for 8/23. Wahlund has provided, at no cost, the leaching pond which will be used until the under-river transmission line has been approved by the State Lands Commission and completed by Wahlund.

Progress Payment Request No. 17 is attached. This pay request is based on the bid schedule breakdown provided by the contractor, Wahlund Construction, Inc./ Sequoia Construction Specialties, and the actual quantities of work completed and materials delivered to site.

There have been six approved Change Orders completed to date, totaling an amount of \$75,287.08. The adjusted contract amount to date is \$10,706,287.08. The total billed (net amount) thru Progress Pay Request No. 17, less retainer, is \$8,503,705.08.

I recommend payment to Wahlund Construction, Inc./ Sequoia Construction Specialties for Progress Pay Request No. 17 in the amount of \$47,635.65, that also takes into account a 5% retention. Payment to the contractors is due within 20 days of receipt of each Application for Payment. Progress Payment Request No. 17 was received (approved) 07/29/2013.

cc:

Craig Olson, HDR Inc.

Bret Rinehart, Wahlund Construction, Inc.

Brian Pritchard, Sequoia Construction Specialties

Progress Payment Summary

Owner: City of Rio Dell
Project Title: Rio Dell Wastewater Treatment Plant Upgrade and Disposal

Job #: 24-11
Payment #: 17
Period Ending: 31-Jul-13

1. Analysis of Authorized Contract Amount to Date

a. Authorized Contract Work Amount	\$ 10,631,000.00
b. Total Change Orders Work Amount	\$ 75,287.08
c. Adjusted Contract Amount to Date	\$ 10,706,287.08

2. Analysis of Work Performed

a. Contract and Change Orders Performed to Date	\$ 8,951,268.50
b. Retainer, 5%	\$ 447,563.43
c. Net Contract Work to Date	\$ 8,503,705.08
d. Previous Billed	\$ 8,456,069.43
e. Balance Due This Period	\$ 47,635.65

3. Certification of Contractor

According to the best of my knowledge and belief, I certify that all items and amounts shown on the Schedule of Values are correct, that all work has been performed and/or material supplied in full accordance with the requirements of the referenced Contract, and/or duly authorized deviations, substitutions, alterations, and/or additions.

All previous progress payments received on account of the Work have been applied on account to discharge Contractor's legitimate obligations associated with prior Applications for Payment.

Wahlund Construction, Inc., /
Sequoia Construction Specialties
Contractor

Ken Wahlund
Authorized Representative

Date: 7/25/2013 Title: Joint Venture Administrator

4. Certification of Construction Manager

I certify that I have checked and verified the above and foregoing Schedule of Values; that to the best of my knowledge and belief it is a true and correct statement of work performed and/or material supplied by the Contractor, that all work and/or material included in this Progress Payment Summary has been inspected by me and/or my duly authorized representative or assistants and that it has been performed and/or supplied in full accordance with the requirements of the referenced contract, and that the payment due to the Contractor is correctly computed on the basis of work performed and/or material supplied to date

[Signature]
Construction Manager

Date: 7/29/13

5. Approval for Payment

[Signature]
City Manager

Date: 7-31-13

WAHLUND CONSTRUCTION, INC./
SEQUOIA CONSTRUCTION SPECIALTIES
A Joint Venture
 License No. 855844
 Eureka Office. 707-268-0150 Fax 707-268-0137

Rio Dell Wastewater Treatment
 Plant Upgrade and Disposal Project
 HDR Project No. 152932

To City of Rio Dell
 675 Wildwood Avenue
 Rio Dell, California 95562

Pay Request No. 17
 Period Ending: 07/31/13

Item	Description of Item	Qty	Unit	Unit Cost	Total Cost	Previous		This Period		Total To Date	
						Qty	\$	Qty	\$	Qty	\$
1	Bid Item 1										
	Sheeting, shoring and bracing or equivalent method conforming to applicable safety order	1	LS	\$ 5,000.00	\$ 5,000.00	100%	\$ 5,000.00	0%	\$ -	100%	\$ 5,000.00
	Bid Item 1 Total				\$ 5,000.00		\$ 5,000.00		\$ -		\$ 5,000.00
2	Bid Item 2										
	Over-excavation and disposal of undesirable material and compaction of fill material under biological treatment facility as defined in Section 02200 of the specifications	2,500	CY	\$ 35.00	\$ 87,500.00	2,500	\$ 87,500.00	0	\$ -	2,500	\$ 87,500.00
	Bid Item 2 Total				\$ 87,500.00		\$ 87,500.00		\$ -		\$ 87,500.00
3	Bid Item 3										
	14- inch recycled water pipeline from Station 1+50 (+/-) to Station 101+50 (+/-), including all appurtenances as required to complete work	10,000	LF	\$ 108.00	\$ 1,080,000.00	10,000	\$ 1,080,000.00	0.00	\$ -	10,000	\$ 1,080,000.00
	Bid Item 3 Total				\$ 1,080,000.00		\$ 1,080,000.00		\$ -		\$ 1,080,000.00
4	Bid Item 4										
	Recycled water pipeline from Station 101+50 (+/-) to Station 201+50 (+/-), including all work in Caltrans right-of-way.	1	LS	\$ 1,500,000.00	\$ 1,500,000.00	0%	\$ -	0%	\$ -	0%	\$ -
	Bid Item 4 Total				\$ 1,500,000.00		\$ -		\$ -		\$ -
5	Bid Item 5										
	All work at disposal site on north side of Eel River outside of Caltrans right-of-way.										
5.1	Site Clearing	1	LS	\$ 15,000.00	\$ 15,000.00	100%	\$ 15,000.00	0%	\$ -	100%	\$ 15,000.00
5.2	Earthwork	1	LS	\$ 289,475.00	\$ 289,475.00	100%	\$ 289,475.00	0%	\$ -	100%	\$ 289,475.00
5.3	Distribution and Turnout Boxes	1	LS	\$ 15,000.00	\$ 15,000.00	100%	\$ 15,000.00	0%	\$ -	100%	\$ 15,000.00
5.4	Precast Concrete Pump Station	1	LS	\$ 28,000.00	\$ 28,000.00	100%	\$ 28,000.00	0%	\$ -	100%	\$ 28,000.00
5.5	Pump Station Base & Equipment Pad	1	LS	\$ 6,825.00	\$ 6,825.00	100%	\$ 6,825.00	0%	\$ -	100%	\$ 6,825.00
5.6	Overflow Valve Concrete Pads	1	LS	\$ 20,475.00	\$ 20,475.00	100%	\$ 20,475.00	0%	\$ -	100%	\$ 20,475.00
5.7	Hydroseeding	1	LS	\$ 54,059.25	\$ 54,059.25	100%	\$ 54,059.25	0%	\$ -	100%	\$ 54,059.25
5.8	Submersible Non-Clog Tailwater Pumps	1	LS	\$ 32,386.10	\$ 32,386.10	97.73%	\$ 31,651.98	2.27%	\$ 734.12	100.00%	\$ 32,386.10
5.9	REW Piping	1	LS	\$ 150,000.00	\$ 150,000.00	97.81%	\$ 146,717.52	0.00%	\$ -	97.81%	\$ 146,717.52
5.10	DFD Piping	1	LS	\$ 145,000.00	\$ 145,000.00	100%	\$ 145,000.00	0%	\$ -	100%	\$ 145,000.00
5.11	Tailwater Pump Piping - Material	1	LS	\$ 20,002.50	\$ 20,002.50	100%	\$ 20,002.50	0%	\$ -	100%	\$ 20,002.50

5.12	Tailwater Pump Piping - Labor	1	LS	\$ 7,381.50	\$ 7,381.50	100%	\$ 7,381.50	0%	\$ -	100%	\$ 7,381.50
5.13	Tailwater Pump Installation per D04	1	LS	\$ 6,460.65	\$ 6,460.65	100%	\$ 6,460.65	0%	\$ -	100%	\$ 6,460.65
5.14	HDG Bar Grating 2x per 1/D03	1	LS	\$ 2,625.00	\$ 2,625.00	100%	\$ 2,625.00	0%	\$ -	100%	\$ 2,625.00
5.15	PVC Stilling Well per D04	1	LS	\$ 2,310.00	\$ 2,310.00	100%	\$ 2,310.00	0%	\$ -	100%	\$ 2,310.00
				Bid Item 5 Total	\$ 795,000.00		\$ 790,983.40		\$ 734.12		\$ 791,717.52
6	Bid Item 6										
	All work as required per the MMRP as outlined in Specification Section 01560.	1	LS	\$ 70,000.00	\$ 70,000.00	95%	\$ 66,500.00	0%	\$ -	95%	\$ 66,500.00
				Bid Item 6 Total	\$ 70,000.00		\$ 66,500.00		\$ -		\$ 66,500.00
7	Bid Item 7										
	Storm Water Pollution Prevention Plan and Implementation per Specification Section 02271.	1	LS	\$ 10,500.00	\$ 10,500.00	95%	\$ 9,975.00	0%	\$ -	95%	\$ 9,975.00
				Bid Item 7 Total	\$ 10,500.00		\$ 9,975.00		\$ -		\$ 9,975.00
8	Bid Item 8										
	All other work as indicated on the project plans and defined in the project specifications.										
8.1	Bidding Requirements										
8.1.1	Performance & Payment Bond	1	LS	\$ 82,000.00	\$ 82,000.00	100%	\$ 82,000.00	0%	\$ -	100%	\$ 82,000.00
8.1.2	Insurance	1	LS	\$ 88,000.00	\$ 88,000.00	100%	\$ 88,000.00	0%	\$ -	100%	\$ 88,000.00
				Bidding Requirements Total	\$ 170,000.00		\$ 170,000.00		\$ -		\$ 170,000.00
8.2	General Requirements										
8.2.1	Mobilization	1	LS	\$ 156,250.00	\$ 156,250.00	100%	\$ 156,250.00	0%	\$ -	100%	\$ 156,250.00
8.2.2	Demobilization	1	LS	\$ 25,000.00	\$ 25,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.2.3	Plumbing Mobilization	1	LS	\$ 21,000.00	\$ 21,000.00	100%	\$ 21,000.00	0%	\$ -	100%	\$ 21,000.00
8.2.4	Field Engineering & Surveying	1	LS	\$ 10,000.00	\$ 10,000.00	98%	\$ 9,800.00	0%	\$ -	98%	\$ 9,800.00
8.2.5	Administration Requirements	1	LS	\$ 252,000.00	\$ 252,000.00	88.89%	\$ 224,000.00	5.56%	\$ 14,000.00	94.44%	\$ 238,000.00
8.2.6	Construction Schedules	1	LS	\$ 2,000.00	\$ 2,000.00	98%	\$ 1,960.00	0%	\$ -	98%	\$ 1,960.00
8.2.7	Submittals	1	LS	\$ 18,000.00	\$ 18,000.00	98%	\$ 17,640.00	0%	\$ -	98%	\$ 17,640.00
8.2.8	Temporary Offices, Sanitation, etc.	1	LS	\$ 54,000.00	\$ 54,000.00	88.89%	\$ 48,000.00	5.56%	\$ 3,000.00	94.44%	\$ 51,000.00
8.2.9	Project Sign	1	LS	\$ 1,500.00	\$ 1,500.00	100%	\$ 1,500.00	0%	\$ -	100%	\$ 1,500.00
8.2.10	Construction Photographs	1	LS	\$ 500.00	\$ 500.00	100%	\$ 500.00	0%	\$ -	100%	\$ 500.00
				General Requirements Total	\$ 540,250.00		\$ 480,650.00		\$ 17,000.00		\$ 497,650.00
8.3	WWTP Sitework										
8.3.1	Sludge Drying Bed Demolition	1	LS	\$ 45,750.00	\$ 45,750.00	100%	\$ 45,750.00	0%	\$ -	100%	\$ 45,750.00
8.3.2	Misc Existing Tanks & Buildings Demolition	1	LS	\$ 18,459.00	\$ 18,459.00	100%	\$ 18,459.00	0%	\$ -	100%	\$ 18,459.00
8.3.3	Staging Area Earthwork & Grading	1	LS	\$ 25,000.00	\$ 25,000.00	100%	\$ 25,000.00	0%	\$ -	100%	\$ 25,000.00
8.3.4	Staging Area Temporary Fencing	1	LS	\$ 1,500.00	\$ 1,500.00	100%	\$ 1,500.00	0%	\$ -	100%	\$ 1,500.00
8.3.5	Hot Mix Asphalt Paving	1	LS	\$ 38,287.20	\$ 38,287.20	20%	\$ 7,657.44	0%	\$ -	20%	\$ 7,657.44
8.3.6	Canopy Slab @ CL2 Bldg	1	LS	\$ 5,250.00	\$ 5,250.00	100%	\$ 5,250.00	0%	\$ -	100%	\$ 5,250.00
8.3.7	Canopy Slab @ Ops Bldg	1	LS	\$ 7,350.00	\$ 7,350.00	100%	\$ 7,350.00	0%	\$ -	100%	\$ 7,350.00
8.3.8	Generator Slab	1	LS	\$ 13,125.00	\$ 13,125.00	100%	\$ 13,125.00	0%	\$ -	100%	\$ 13,125.00
8.3.9	CL2 Mixer Concrete Repair	1	LS	\$ 4,200.00	\$ 4,200.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.10	Chem Storage Slab	1	LS	\$ 4,200.00	\$ 4,200.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.11	3 Steel Canopies	1	LS	\$ 36,163.05	\$ 36,163.05	100%	\$ 36,163.05	0%	\$ -	100%	\$ 36,163.05

8.3.12	3 Bollards per C02	1	LS	\$ 2,702.70	\$ 2,702.70	100%	\$ 2,702.70	0%	\$ -	100%	\$ 2,702.70
8.3.13	Static Mixer & Chlorine Injection Precast Vault	1	LS	\$ 16,500.00	\$ 16,500.00	100%	\$ 16,500.00	0%	\$ -	100%	\$ 16,500.00
8.3.14	Existing Control Room Door	1	LS	\$ 12,600.00	\$ 12,600.00	100%	\$ 12,600.00	0%	\$ -	100%	\$ 12,600.00
8.3.15	Existing Control Room Roof	1	LS	\$ 22,575.00	\$ 22,575.00	100%	\$ 22,575.00	0%	\$ -	100%	\$ 22,575.00
				WWTP Sitework Total	\$ 253,661.95		\$ 214,632.19		\$ -		\$ 214,632.19
8.4	Yard Piping										
8.4.1	12" Effluent Piping	1	LS	\$ 60,000.00	\$ 60,000.00	100%	\$ 60,000.00	0%	\$ -	100%	\$ 60,000.00
8.4.2	12" Influent Piping	1	LS	\$ 50,000.00	\$ 50,000.00	100%	\$ 50,000.00	0%	\$ -	100%	\$ 50,000.00
8.4.3	6" Sludge Piping	1	LS	\$ 25,000.00	\$ 25,000.00	50%	\$ 12,500.00	0%	\$ -	50%	\$ 12,500.00
8.4.4	8" Backwash Piping	1	LS	\$ 30,000.00	\$ 30,000.00	3.47%	\$ 1,041.40	0.00%	\$ -	3.47%	\$ 1,041.40
8.4.5	Misc. Underground Piping, Tie-Ins, Demo, Etc.	1	LS	\$ 10,000.00	\$ 10,000.00	100%	\$ 10,000.00	0%	\$ -	100%	\$ 10,000.00
8.4.6	Static Mixer & Chlorine Injection Vault Piping - Material	1	LS	\$ 3,339.00	\$ 3,339.00	100%	\$ 3,339.00	0%	\$ -	100%	\$ 3,339.00
8.4.7	Static Mixer & Chlorine Injection Vault Piping - Labor	1	LS	\$ 1,443.75	\$ 1,443.75	100%	\$ 1,443.75	0%	\$ -	100%	\$ 1,443.75
				Yard Piping Total	\$ 179,782.75		\$ 138,324.15		\$ -		\$ 138,324.15
8.5	Headworks										
8.5.1	Influent Pump Installation per SP10	1	LS	\$ 6,460.65	\$ 6,460.65	100%	\$ 6,460.65	0%	\$ -	100%	\$ 6,460.65
8.5.2	Grating Support Channel and New Grating per SP10	1	LS	\$ 5,537.70	\$ 5,537.70	100%	\$ 5,537.70	0%	\$ -	100%	\$ 5,537.70
8.5.3	Headworks Pump Piping - Material	1	LS	\$ 20,002.50	\$ 20,002.50	100%	\$ 20,002.50	0%	\$ -	100%	\$ 20,002.50
8.5.4	Headworks Pump Piping - Labor	1	LS	\$ 7,381.50	\$ 7,381.50	100%	\$ 7,381.50	0%	\$ -	100%	\$ 7,381.50
				Headworks Total	\$ 39,382.35		\$ 39,382.35		\$ -		\$ 39,382.35
8.6	Biological Treatment Facility										
8.6.1	Excavation	1	LS	\$ 75,000.00	\$ 75,000.00	100%	\$ 75,000.00	0%	\$ -	100%	\$ 75,000.00
8.6.2	Subgrade & Base Rock	1	LS	\$ 25,000.00	\$ 25,000.00	100%	\$ 25,000.00	0%	\$ -	100%	\$ 25,000.00
8.6.3	Tank Slab Form & Pour	1	LS	\$ 262,500.00	\$ 262,500.00	100%	\$ 262,500.00	0%	\$ -	100%	\$ 262,500.00
8.6.4	Tank Slab Rebar	1	LS	\$ 330,750.00	\$ 330,750.00	100%	\$ 330,750.00	0%	\$ -	100%	\$ 330,750.00
8.6.5	Tank Walls Form & Pour	1	LS	\$ 682,500.00	\$ 682,500.00	100%	\$ 682,500.00	0%	\$ -	100%	\$ 682,500.00
8.6.6	Tank Walls Rebar	1	LS	\$ 309,750.00	\$ 309,750.00	100%	\$ 309,750.00	0%	\$ -	100%	\$ 309,750.00
8.6.7	Sloped Fills	1	LS	\$ 52,500.00	\$ 52,500.00	100%	\$ 52,500.00	0%	\$ -	100%	\$ 52,500.00
8.6.8	Backfill	1	LS	\$ 7,500.00	\$ 7,500.00	100%	\$ 7,500.00	0%	\$ -	100%	\$ 7,500.00
8.6.9	Aluminum Stair with Railing	1	LS	\$ 20,245.05	\$ 20,245.05	100%	\$ 20,245.05	0%	\$ -	100%	\$ 20,245.05
8.6.10	AeroMod Equipment Installation	1	LS	\$ 203,054.25	\$ 203,054.25	100%	\$ 203,054.25	0%	\$ -	100%	\$ 203,054.25
8.6.11	Pipe Connections Bio Treatment 12"INFP, 12"EFF, 8"LPA & 4"LPA - SP01 & SP02 - Material	1	LS	\$ 28,407.75	\$ 28,407.75	100%	\$ 28,407.75	0%	\$ -	100%	\$ 28,407.75
8.6.12	Pipe Connections Bio Treatment 12"INFP, 12"EFF, 8"LPA & 4"LPA - SP01 & SP02 - Labor	1	LS	\$ 23,404.50	\$ 23,404.50	100%	\$ 23,404.50	0%	\$ -	100%	\$ 23,404.50
8.6.13	Selector Tank Piping - Material	1	LS	\$ 819.00	\$ 819.00	100%	\$ 819.00	0%	\$ -	100%	\$ 819.00
8.6.14	Selector Tank Piping - Labor	1	LS	\$ 3,601.50	\$ 3,601.50	100%	\$ 3,601.50	0%	\$ -	100%	\$ 3,601.50
8.6.15	Conduit and Pneumatic Systems - Material	1	LS	\$ 1,312.50	\$ 1,312.50	100%	\$ 1,312.50	0%	\$ -	100%	\$ 1,312.50
8.6.16	Conduit and Pneumatic Systems - Labor	1	LS	\$ 8,100.75	\$ 8,100.75	100%	\$ 8,100.75	0%	\$ -	100%	\$ 8,100.75
8.6.17	Aeration Tank Piping - Material	1	LS	\$ 8,111.25	\$ 8,111.25	100%	\$ 8,111.25	0%	\$ -	100%	\$ 8,111.25
8.6.18	Aeration Tank Piping - Labor	1	LS	\$ 20,160.00	\$ 20,160.00	100%	\$ 20,160.00	0%	\$ -	100%	\$ 20,160.00
8.6.19	Clarifier Piping - Material	1	LS	\$ 5,785.50	\$ 5,785.50	100%	\$ 5,785.50	0%	\$ -	100%	\$ 5,785.50
8.6.20	Clarifier Piping - Labor	1	LS	\$ 7,203.00	\$ 7,203.00	100%	\$ 7,203.00	0%	\$ -	100%	\$ 7,203.00
8.6.21	Digester Tank Piping - Material	1	LS	\$ 5,323.50	\$ 5,323.50	100%	\$ 5,323.50	0%	\$ -	100%	\$ 5,323.50

8.6.22	Digester Tank Piping - Labor	1	LS	\$ 16,290.75	\$ 16,290.75	100%	\$ 16,290.75	0%	\$ -	100%	\$ 16,290.75
8.6.23	6"SL, 2W, 12"LPA, 4"SL - SP01 - Material	1	LS	\$ 58,338.00	\$ 58,338.00	100%	\$ 58,338.00	0%	\$ -	100%	\$ 58,338.00
8.6.24	6"SL, 2W, 12"LPA, 4"SL - SP01 - Labor	1	LS	\$ 34,156.50	\$ 34,156.50	100%	\$ 34,156.50	0%	\$ -	100%	\$ 34,156.50
8.6.25	7 Sch 10 Stainless LPA Crossovers per SP02	1	LS	\$ 9,483.60	\$ 9,483.60	100%	\$ 9,483.60	0%	\$ -	100%	\$ 9,483.60
8.6.26	9 Hose Racks per SP01	1	LS	\$ 7,087.50	\$ 7,087.50	100%	\$ 7,087.50	0%	\$ -	100%	\$ 7,087.50
Biological Treatment Total				\$ 2,206,384.90			\$ 2,206,384.90		\$ -		\$ 2,206,384.90
8.7	Blower Building										
8.7.1	Earthwork	1	LS	\$ 5,000.00	\$ 5,000.00	100%	\$ 5,000.00	0%	\$ -	100%	\$ 5,000.00
8.7.2	Blower Building Concrete	1	LS	\$ 36,750.00	\$ 36,750.00	100%	\$ 36,750.00	0%	\$ -	100%	\$ 36,750.00
8.7.3	Concrete Masonry	1	LS	\$ 20,947.50	\$ 20,947.50	100%	\$ 20,947.50	0%	\$ -	100%	\$ 20,947.50
8.7.4	Roof Structure	1	LS	\$ 42,000.00	\$ 42,000.00	100%	\$ 42,000.00	0%	\$ -	100%	\$ 42,000.00
8.7.5	Doors	1	LS	\$ 7,035.00	\$ 7,035.00	100%	\$ 7,035.00	0%	\$ -	100%	\$ 7,035.00
8.7.6	New Blowers in Blower Building	1	LS	\$ 6,460.65	\$ 6,460.65	100%	\$ 6,460.65	0%	\$ -	100%	\$ 6,460.65
8.7.7	Valves and Supports SP20 - Material Only	1	LS	\$ 2,798.25	\$ 2,798.25	100%	\$ 2,798.25	0%	\$ -	100%	\$ 2,798.25
8.7.8	Blower Piping to Mech Coupling Outside Blower Bldg	1	LS	\$ 8,190.00	\$ 8,190.00	100%	\$ 8,190.00	0%	\$ -	100%	\$ 8,190.00
8.7.9	2 Bollards per SP19	1	LS	\$ 2,086.35	\$ 2,086.35	100%	\$ 2,086.35	0%	\$ -	100%	\$ 2,086.35
8.7.10	HVAC	1	LS	\$ 13,679.40	\$ 13,679.40	10%	\$ 1,367.94	20%	\$ 2,735.88	30%	\$ 4,103.82
Blower Building Total				\$ 144,947.15			\$ 132,635.69		\$ 2,735.88		\$ 135,371.57
8.8	Operations Building										
8.8.1	Basement Gravel Fill	1	LS	\$ 5,000.00	\$ 5,000.00	100%	\$ 5,000.00	0%	\$ -	100%	\$ 5,000.00
8.8.2	Concrete Infill	1	LS	\$ 15,750.00	\$ 15,750.00	100%	\$ 15,750.00	0%	\$ -	100%	\$ 15,750.00
8.8.3	Interior Framing	1	LS	\$ 15,750.00	\$ 15,750.00	100%	\$ 15,750.00	0%	\$ -	100%	\$ 15,750.00
8.8.4	Drywall	1	LS	\$ 6,300.00	\$ 6,300.00	0%	\$ -	0%	\$ -	0%	\$ -
8.8.5	Doors & Windows	1	LS	\$ 16,800.00	\$ 16,800.00	25%	\$ 4,200.00	0%	\$ -	25%	\$ 4,200.00
8.8.6	Roof	1	LS	\$ 4,200.00	\$ 4,200.00	100%	\$ 4,200.00	0%	\$ -	100%	\$ 4,200.00
8.8.7	Cabinetry	1	LS	\$ 11,550.00	\$ 11,550.00	0%	\$ -	0%	\$ -	0%	\$ -
8.8.8	Misc Finishes	1	LS	\$ 21,000.00	\$ 21,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.8.9	Plumbing M04 - Rough In	1	LS	\$ 8,263.50	\$ 8,263.50	100%	\$ 8,263.50	0%	\$ -	100%	\$ 8,263.50
8.8.10	Plumbing M04 - Top-Out	1	LS	\$ 21,273.00	\$ 21,273.00	100%	\$ 21,273.00	0%	\$ -	100%	\$ 21,273.00
8.8.11	Plumbing M04 - Trim	1	LS	\$ 9,975.00	\$ 9,975.00	0%	\$ -	0%	\$ -	0%	\$ -
Operations Building Total				\$ 135,861.50			\$ 74,436.50		\$ -		\$ 74,436.50
8.9	Effluent Pumping Station / Chlorine Contact Basin										
8.9.1	Structure Demolition	1	LS	\$ 14,175.00	\$ 14,175.00	100%	\$ 14,175.00	0%	\$ -	100%	\$ 14,175.00
8.9.2	Install Effluent Pumps & Chlorine Sample Pump	1	LS	\$ 6,460.65	\$ 6,460.65	100%	\$ 6,460.65	0%	\$ -	100%	\$ 6,460.65
8.9.3	New HDPE Panels at existing baffle frames	1	LS	\$ 6,260.10	\$ 6,260.10	100%	\$ 6,260.10	0%	\$ -	100%	\$ 6,260.10
8.9.4	FRP Grating per X08	1	LS	\$ 6,825.00	\$ 6,825.00	100%	\$ 6,825.00	0%	\$ -	100%	\$ 6,825.00
8.9.5	Weir Plate per D/SP23	1	LS	\$ 2,625.00	\$ 2,625.00	100%	\$ 2,625.00	0%	\$ -	100%	\$ 2,625.00
8.9.6	PVC Stilling Well per SP23	1	LS	\$ 2,310.00	\$ 2,310.00	100%	\$ 2,310.00	0%	\$ -	100%	\$ 2,310.00
8.9.7	Grating Support Channel and New Grating per SP23	1	LS	\$ 5,537.70	\$ 5,537.70	100%	\$ 5,537.70	0%	\$ -	100%	\$ 5,537.70
8.9.8	Pipe Supports with U Bolts A/C05	1	LS	\$ 1,845.90	\$ 1,845.90	100%	\$ 1,845.90	0%	\$ -	100%	\$ 1,845.90
8.9.9	Effluent Pump Piping - Material	1	LS	\$ 22,879.50	\$ 22,879.50	100%	\$ 22,879.50	0%	\$ -	100%	\$ 22,879.50
8.9.10	Effluent Pump Piping - Labor	1	LS	\$ 9,093.00	\$ 9,093.00	100%	\$ 9,093.00	0%	\$ -	100%	\$ 9,093.00
8.9.11	Effluent Pump Station 2W Piping - Material	1	LS	\$ 4,898.25	\$ 4,898.25	100%	\$ 4,898.25	0%	\$ -	100%	\$ 4,898.25

8.9.12	Effluent Pump Station 2W Piping - Labor	1	LS	\$ 5,223.75	\$ 5,223.75	100%	\$ 5,223.75	0%	\$ -	100%	\$ 5,223.75
				Effluent Pump Station Total	\$ 88,133.85		\$ 88,133.85		\$ -		\$ 88,133.85
8.10	Equipment Procurement										
8.10.1	General Equipment & Mechanical Requirements	1	LS	\$ 5,000.00	\$ 5,000.00	99%	\$ 4,950.00	1%	\$ 50.00	100%	\$ 5,000.00
8.10.2	Submersible Non-Clog Influent Pumps	1	LS	\$ 57,697.50	\$ 57,697.50	100%	\$ 57,697.50	0%	\$ -	100%	\$ 57,697.50
8.10.3	Submersible Non-Clog Effluent Pumps	1	LS	\$ 57,697.50	\$ 57,697.50	100%	\$ 57,697.50	0%	\$ -	100%	\$ 57,697.50
8.10.4	Package Biological Treatment Facility	1	LS	\$ 1,563,759.75	\$ 1,563,759.75	100%	\$ 1,563,759.75	0%	\$ -	100%	\$ 1,563,759.75
8.10.5	Static Mixer	1	LS	\$ 5,910.45	\$ 5,910.45	100%	\$ 5,910.45	0%	\$ -	100%	\$ 5,910.45
8.10.6	Laboratory Glassware, Apparatus and Equipment	1	LS	\$ 17,000.00	\$ 17,000.00	100%	\$ 17,000.00	0%	\$ -	100%	\$ 17,000.00
8.10.7	Sampling, Lab and Monitoring Equipment	1	LS	\$ 753.90	\$ 753.90	100%	\$ 753.90	0%	\$ -	100%	\$ 753.90
8.10.8	FRP Stop Gates and FRP Chemical Metering Enclosure	1	LS	\$ 62,946.99	\$ 62,946.99	85.61%	\$ 53,890.05	0.00%	\$ -	85.61%	\$ 53,890.05
8.10.9	Chemical Metering Equipment	1	LS	\$ 19,778.86	\$ 19,778.86	0%	\$ -	0%	\$ -	0%	\$ -
				Equipment Total	\$ 1,790,544.95		\$ 1,761,659.15		\$ 50.00		\$ 1,761,709.15
8.11	Painting										
8.11.1	Buildings and Doors	1	LS	\$ 15,382.50	\$ 15,382.50	50%	\$ 7,691.25	0%	\$ -	50%	\$ 7,691.25
8.11.2	Piping and Miscellaneous	1	LS	\$ 15,382.50	\$ 15,382.50	100%	\$ 15,382.50	0%	\$ -	100%	\$ 15,382.50
				Painting Total	\$ 30,765.00		\$ 23,073.75		\$ -		\$ 23,073.75
8.12	Electrical										
8.12.1	Generator	1	LS	\$ 173,853.75	\$ 173,853.75	100%	\$ 173,853.75	0%	\$ -	100%	\$ 173,853.75
8.12.2	Light Fixtures	1	LS	\$ 24,440.85	\$ 24,440.85	100%	\$ 24,440.85	0%	\$ -	100%	\$ 24,440.85
8.12.3	Aqua Sierra Controls	1	LS	\$ 147,383.25	\$ 147,383.25	95%	\$ 140,014.09	1%	\$ 1,473.83	96%	\$ 141,487.92
8.12.4	Motor Control Centers, Panels, Transformers, Etc.	1	LS	\$ 222,247.20	\$ 222,247.20	100%	\$ 222,247.20	0%	\$ -	100%	\$ 222,247.20
8.12.5	Underground Trenching, Backfill, Pads, Conduit	1	LS	\$ 143,079.30	\$ 143,079.30	100%	\$ 143,079.30	0%	\$ -	100%	\$ 143,079.30
8.12.6	Electrical Demo and New Work in Control Bldg, Electric Bldg, Blower Bldg and Operations Bldg	1	LS	\$ 60,241.65	\$ 60,241.65	95%	\$ 57,229.57	0%	\$ -	95.00%	\$ 57,229.57
8.12.7	Headworks, Effluent Pumps, Chlorine Electric	1	LS	\$ 11,550.00	\$ 11,550.00	100%	\$ 11,550.00	0%	\$ -	100%	\$ 11,550.00
8.12.8	Disposal Site Electric Not Counting Panels	1	LS	\$ 6,825.00	\$ 6,825.00	100%	\$ 6,825.00	0%	\$ -	100%	\$ 6,825.00
8.12.9	Job Move-In Temp Power	1	LS	\$ 3,675.00	\$ 3,675.00	100%	\$ 3,675.00	0%	\$ -	100%	\$ 3,675.00
8.12.10	Set Main Switchboard, Service, MCC2	1	LS	\$ 36,626.10	\$ 36,626.10	100%	\$ 36,626.10	0%	\$ -	100%	\$ 36,626.10
8.12.11	Hook-Up New Motors	1	LS	\$ 10,363.50	\$ 10,363.50	100%	\$ 10,363.50	0%	\$ -	100%	\$ 10,363.50
				Electrical Total	\$ 840,285.60		\$ 829,904.36		\$ 1,473.83		\$ 831,378.19
				Bid Item 8 Total	\$ 6,420,000.00		\$ 6,159,216.88		\$ 21,259.71		\$ 6,180,476.60
9	Bid Item 9										
	All work as required to install the Indirect Sludge Dryer System as defined in Addendum No. 3.										
9.1	Administration Requirements	1	LS	\$ 20,000.00	\$ 20,000.00	99%	\$ 19,800.00	1%	\$ 200.00	100%	\$ 20,000.00
9.2	Indirect Sludge Dryer System	1	LS	\$ 558,979.15	\$ 558,979.15	95%	\$ 531,030.19	5%	\$ 27,948.96	100%	\$ 558,979.15
9.3	Demolition	1	LS	\$ 5,250.00	\$ 5,250.00	100%	\$ 5,250.00	0%	\$ -	100%	\$ 5,250.00
9.4	Concrete Slab	1	LS	\$ 21,000.00	\$ 21,000.00	100%	\$ 21,000.00	0%	\$ -	100%	\$ 21,000.00
9.5	Decrease Bio Tank Size	1	LS	\$ (45,150.00)	\$ (45,150.00)	100%	\$ (45,150.00)	0%	\$ -	100%	\$ (45,150.00)
9.6	Paving	1	LS	\$ 3,300.00	\$ 3,300.00	100%	\$ 3,300.00	0%	\$ -	100%	\$ 3,300.00
9.7	Gas, Water, Drain & Misc. Piping for Sludge Dryer - Material	1	LS	\$ 2,903.25	\$ 2,903.25	100%	\$ 2,903.25	0%	\$ -	100%	\$ 2,903.25
9.8	Gas, Water, Drain & Misc Piping for Sludge Dryer - Labor	1	LS	\$ 4,305.00	\$ 4,305.00	100%	\$ 4,305.00	0%	\$ -	100%	\$ 4,305.00
9.9	Sludge Dryer System Installation	1	LS	\$ 33,143.25	\$ 33,143.25	100%	\$ 33,143.25	0%	\$ -	100%	\$ 33,143.25

9.10	Sludge Dryer Venting	1	LS	\$ 49,714.35	\$ 49,714.35	100%	\$ 49,714.35	0%	\$ -	100%	\$ 49,714.35
9.11	Doors	1	LS	\$ 9,555.00	\$ 9,555.00	100%	\$ 9,555.00	0%	\$ -	100%	\$ 9,555.00
				Bid Item 9 Total	\$ 663,000.00		\$ 634,851.04		\$ 28,148.96		\$ 663,000.00
				TOTAL	\$ 10,631,000.00		\$ 8,834,026.32		\$ 50,142.79		\$ 8,884,169.11

Original Contract Amount	\$ 10,631,000.00
Total Change Orders	\$ 75,287.08
Total Contract + Change Orders	\$ 10,706,287.08
Contract Work + Change Orders Performed To Date	\$ 8,951,268.50
Work To Date Minus 5% Retention	\$ 8,503,705.08
Previous Billed Less 5% Retention	\$ 8,456,069.43
Work To Date Minus Previous Billed	\$ 47,635.65
TOTAL AMOUNT DUE	\$ 47,635.65

Change Orders

Item	Description of Item	Qty	Unit	Unit Cost	Total Cost	Previous		This Period		Total to Date	
						Qty	\$	Qty	\$	Qty	\$
Change Order No. 1											
1-1	PCO 1: Provide Flygt Non-Clog Submersible Pumps rather than listed Wilo Pumps.	1	LS	\$ (3,421.97)	\$ (3,421.97)	100%	\$ (3,421.97)	0%	\$ -	100%	\$ (3,421.97)
1-2	PCO 2: Delete 24' wide double swing access gate	1	LS	\$ -	\$ -	0%	\$ -	0%	\$ -	0%	\$ -
1-3	PCO 3: Relocation of influent sewer per drawing CO3	1	LS	\$ (9,016.87)	\$ (9,016.87)	100%	\$ (9,016.87)	0%	\$ -	100%	\$ (9,016.87)
1-4	PCO 4: Provide supply bond for Therma-Flite Indirect Sludge Dryer	1	LS	\$ 2,838.33	\$ 2,838.33	100%	\$ 2,838.33	0%	\$ -	100%	\$ 2,838.33
1-5	PCO 5: Add two 12" 45 elbows with restraints & relocate existing 4" 1W to avoid conflict with the new 12" INFP	1	LS	\$ 2,123.58	\$ 2,123.58	100%	\$ 2,123.58	0%	\$ -	100%	\$ 2,123.58
1-6	PCO 6: Provide permanent gutter on west side of existing Dewatering Building	1	LS	\$ 855.00	\$ 855.00	100%	\$ 855.00	0%	\$ -	100%	\$ 855.00
1-7	PCO 7: Provide permanent DI and culvert installation for staging area drainage	1	LS	\$ 1,889.44	\$ 1,889.44	100%	\$ 1,889.44	0%	\$ -	100%	\$ 1,889.44
1-8	PCO 8: Providing permanent crushed rock gravel surface for staging area (material cost only)	1	LS	\$ 4,541.09	\$ 4,541.09	100%	\$ 4,541.09	0%	\$ -	100%	\$ 4,541.09
1-9	PCO 9: Delete misc. instruments per RFI's 5, 6, 7	1	LS	\$ (740.11)	\$ (740.11)	100%	\$ (740.11)	0%	\$ -	100%	\$ (740.11)
1-10	PCO 10: Fabricate and install new PLC SCADA and Pump Control Panel	1	LS	\$ 30,891.62	\$ 30,891.62	100%	\$ 30,891.62	0%	\$ -	100%	\$ 30,891.62
Change Order No. 1 Total					\$ 29,960.11		\$ 29,960.11		\$ -		\$ 29,960.11
Change Order No. 2											
2-1	PCO 11: MiniCAS relay for existing influent pump including shipping. Add input from MiniCAS relay for existing influent pump to SCADA.	1	LS	\$ 764.83	\$ 764.83	100%	\$ 764.83	0%	\$ -	100%	\$ 764.83
2-2	PCO 14: Disposal site changes per revised drawing D01 and Submittal 15064-3	1	LS	\$ 10,041.69	\$ 10,041.69	100%	\$ 10,041.69	0%	\$ -	100%	\$ 10,041.69
2-3	PCO 15: Change SCADA panel from single door to double door.	1	LS	\$ 2,364.80	\$ 2,364.80	100%	\$ 2,364.80	0%	\$ -	100%	\$ 2,364.80
2-4	PCO 16: Changes in earthwork at Disposal site to raise roads.	1	LS	\$ 4,101.72	\$ 4,101.72	100%	\$ 4,101.72	0%	\$ -	100%	\$ 4,101.72
2-5	PCO 17: Credit remainder of overexcavation, Bid Item 2, from contract. Overexcavation cost at Blower Building:	1	LS	\$ (72,625.00)	\$ (72,625.00)	100%	\$ (72,625.00)	0%	\$ -	100%	\$ (72,625.00)
Change Order No. 2 Total					\$ (55,351.96)		\$ (55,351.96)		\$ -		\$ (55,351.96)
Change Order No. 3											
3-1	PCO 18: MCC Re-location at Disposal Site	1	LS	\$ 5,169.94	\$ 5,169.94	100%	\$ 5,169.94	0%	\$ -	100%	\$ 5,169.94
3-2	PCO 19 rev 1: Furnish & install ceiling mounted fan & ducting with thermostatic control in Blower Bldg.	1	LS	\$ 3,472.08	\$ 3,472.08	100%	\$ 3,472.08	0%	\$ -	100%	\$ 3,472.08
3-3	PCO 20 rev 1: Furnish & install 8 Revised Light Fixtures at Bio Tank	1	LS	\$ -	\$ -	100%	\$ -	0%	\$ -	100%	\$ -
3-4	PCO 21: Transmission line boring extra work 12/3/2012 - 12/10/2012	1	LS	\$ 36,878.38	\$ 36,878.38	100%	\$ 36,878.38	0%	\$ -	100%	\$ 36,878.38
3-5	PCO 22: Furnish & install PT Framing at Contact Basin	1	LS	\$ 11,471.58	\$ 11,471.58	100%	\$ 11,471.58	0%	\$ -	100%	\$ 11,471.58
3-6	PCO 23: Gas Meter Pad & Bollards, as required by PG&E	1	LS	\$ 3,914.76	\$ 3,914.76	100%	\$ 3,914.76	0%	\$ -	100%	\$ 3,914.76
Change Order No. 3 Total					\$ 60,906.74		\$ 60,906.74		\$ -		\$ 60,906.74

Change Order No. 4											
4-1	PCO 24 rev 1. Delete 3 Blowoff Assemblies from the Recycled Water Transmission Main	1	LS	\$ (15,000.00)	\$ (15,000.00)	100%	\$ (15,000.00)	0%	\$ -	100%	\$ (15,000.00)
4-2	PCO 25: Fabricate and install structural steel repairs to Contact Basin baffle frames	1	LS	\$ 2,522.93	\$ 2,522.93	100%	\$ 2,522.93	0%	\$ -	100%	\$ 2,522.93
4-3	PCO 26: New 1" gas line from new meter location to existing unit heaters	1	LS	\$ 1,526.53	\$ 1,526.53	100%	\$ 1,526.53	0%	\$ -	100%	\$ 1,526.53
4-4	PCO 27: Change 4 Air Release Valves to buried concrete valve boxes	1	LS	\$ 8,311.52	\$ 8,311.52	100%	\$ 8,311.52	0%	\$ -	100%	\$ 8,311.52
4-5	PCO 28: Hilltop Drive 6" Sewer Main Repair	1	LS	\$ 15,436.78	\$ 15,436.78	100%	\$ 15,436.78	0%	\$ -	100%	\$ 15,436.78
4-6	PCO 29: Supply and install aluminum 30" wide by 20' long access platform with handrails both sides & stairs at one end to access Sludge Dryer. Supply & install one 18" sq. sign with black lettering. Delete two man doors in Sludge Dryer Building. No Cost	1	LS	\$ -	\$ -	100%	\$ -	0%	\$ -	100%	\$ -
Change Order No. 4 Total					\$ 12,797.76		\$ 12,797.76		\$ -		\$ 12,797.76
Change Order No. 5											
5-1	Change of Contract Times. Increase of 65 days No Cost Change Order	1	LS	\$ -	\$ -	0%	\$ -	0%	\$ -	0%	\$ -
5-2	Correction Period for Biological Treatment Facility No Cost Change Order	1	LS	\$ -	\$ -	0%	\$ -	0%	\$ -	0%	\$ -
Change Order No. 5 Total					\$ -		\$ -		\$ -		\$ -
Change Order No. 6											
6-1	PCO 35: Rebuild berm and install geotextinel fabric & rock slope protection at Disposal Site Lower Zone 3. Install rock lined swale from Tailwater Pump Station to fenceline	1	LS	\$ 5,360.83	\$ 5,360.83	100%	\$ 5,360.83	0%	\$ -	100%	\$ 5,360.83
6-2	PCO 40: Fabricate and install SST Weir Box in CL2 Basin per O&M Industries Proposal Number 13295	1	LS	\$ 1,302.29	\$ 1,302.29	0%	\$ -	0%	\$ -	0%	\$ -
6-3	PCO 41: Repair of unmarked conduits damaged during trenching, per Parker Electric invoices.	1	LS	\$ 957.12	\$ 957.12	100%	\$ 957.12	0%	\$ -	100%	\$ 957.12
6-4	PCO 42: Repair broken sewer lateral and backfill sink-hole in Eeloa Ave.	1	LS	\$ 5,677.79	\$ 5,677.79	100%	\$ 5,677.79	0%	\$ -	100%	\$ 5,677.79
6-5	PCO 43: Haul off spoils from sewer line repairs and Painter St. water line repair to Wendt dumpsite	1	LS	\$ 4,216.57	\$ 4,216.57	100%	\$ 4,216.57	0%	\$ -	100%	\$ 4,216.57
6-6	PCO 47: Add washer and dryer H&C water, waste and vents at Operations Building.	1	LS	\$ 2,936.52	\$ 2,936.52	50%	\$ 1,468.26	0%	\$ -	50%	\$ 1,468.26
6-7	PCO 48: Provide and install plastic laminate toilet partition in Operations Building	1	LS	\$ 1,930.11	\$ 1,930.11	0%	\$ -	0%	\$ -	0%	\$ -
6-8	PCO 49: Chg. Cabinets to allow for refrigerator - Op. Bldg.	1	LS	\$ -	\$ -	0%	\$ -	0%	\$ -	0%	\$ -
6-9	PCO 51: Substitute specified windows for Milgard aluminum sliders at Operations Building.	1	LS	\$ (2,000.00)	\$ (2,000.00)	0%	\$ -	0%	\$ -	0%	\$ -
6-10	PCO 52: Relocate transformer in Operations Building.	1	LS	\$ 1,972.53	\$ 1,972.53	0%	\$ -	0%	\$ -	100%	\$ -
6-11	PCO 55: Furnish and install new gutters and downspouts at Operations Building.	1	LS	\$ 1,007.48	\$ 1,007.48	0%	\$ -	0%	\$ -	0%	\$ -
6-12	PCO 56: Provide and install 14 w.c. gas pressure regulator for Sludge Dryer	1	LS	\$ 1,007.48	\$ 1,007.48	100%	\$ 1,007.48	0%	\$ -	100%	\$ 1,007.48
6-13	PCO 57: Modifications to Dry Sludge Hopper	1	LS	\$ 2,507.02	\$ 2,507.02	0%	\$ -	0%	\$ -	0%	\$ -
6-14	PCO 59: Credit to delete replacement of roof sheathing at Operations Building.	1	LS	\$ (1,889.00)	\$ (1,889.00)	100%	\$ (1,889.00)	0%	\$ -	100%	\$ (1,889.00)

6-15	PCO 69: Excavation and backfill to cap abandoned 6" sludge and 4" 2W pipelines, per Wahlund Extra Work Order #19.	1	LS	\$ 1,987.69	\$ 1,987.69	100%	\$ 1,987.69	0%	\$ -	100%	\$ 1,987.69
<i>Change Order No. 6 Total</i>					\$ 26,974.43		\$ 18,786.74		\$ -		\$ 18,786.74
TOTAL					\$ 75,287.08		\$ 67,099.39		\$ -		\$ 67,099.39



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August 1, 2013

TO: Honorable Mayor and City Council

FROM: Jim Stretch, City Manager

SUBJECT: Modification of Wildwood Avenue Landscape and Enhancement Project
Islands Widths for Uniformity

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize City Manager to sign Change Order #1 for the Wildwood Avenue Landscape and Enhancement project to reduce the width of all islands in the project to make them uniform at approximately 13.25' in width.

BACKGROUND AND DISCUSSION

A fact that escaped our gaze until now is that the widths of the islands on the Wildwood Avenue Landscape and Enhancement project, varying from 13.3' to 17.7'. This change order would standardize the widths at approximately 13.25, which will give the islands a uniform look and save on asphalt removal, planting soil and landscape shrubbery. The exact savings has not yet been determined, but it will be several thousands of dollars and reduce the cost to the General fund for bid alternatives #1, #2 and #3 which total \$68,032.

Normally the savings related to a change order would be known before the Council is asked to approve it, but the contractor Cal Electro wants to begin construction on the project during the week of 8-5-13, so time is of the essence.

Jim Stretch

From: Merritt Perry <Merritt.Perry@ghd.com>
Sent: Thursday, August 01, 2013 3:30 PM
To: Jim Stretch
Cc: water1@riodellicity.com
Subject: RE: Need info-Wildwood Ave

Jim-

We are considering a change to the Wildwood Avenue Project that I think will improve the overall appearance and functionality of the project and potentially reduce the costs.

Currently all of the planned medians are approximately 13.7' and would occupy the area between the existing striped islands. The roadway between Berkeley Street and Edwards Drive is approximately 4' wider on the easterly side of the roadway on this block and the islands are planned to be approximately 17.7' wide consistent with the original project concept.

Upon further consideration, I would recommend that the medians be reduced to a 13.25' width between Berkeley Street and Edwards Drive and that all of the medians within the project approximately the same width for the following reasons:

1. To provide a uniform appearance and sight line while looking down the entire street
2. To reduce the need for vehicles to turn within the roadway to go around the medians as approaching from the south
3. To allow for potential future expansion of the sidewalk width along the easterly side of this block if desired for restaurant seating or pocket parks along the sidewalks to separate the businesses or sidewalk use,
4. Costs of the project will be reduced (less topsoil, fewer plants, less concrete, less striping and striping removal) and appearance will not be significantly altered
5. There will be no need to remove striping and re-stripe the roadway and the aesthetics will be better if there is no striping removal (as it is ground off and then replaced)

Randy Jensen is in concurrence with this change. If acceptable to council, we will prepare a change order for this change that will result in a net credit. We will calculate the amount of credit and process the change order once we receive a breakdown of the lump sum cost from the contractor.

Merritt

675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
August 6, 2013**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: August 1, 2013

SUBJECT: **Bartle Wells Draft Wastewater Rate Study**

RECOMMENDATIONS

Discuss the Wastewater Rate Study Prepared by Bartle Wells, note outstanding questions if any, and provide direction to staff.

BUDGETARY IMPACT

The rate changes are structured to be revenue neutral. The connection fee however could have a significant positive impact on the wastewater fund.

BACKGROUND AND DISCUSSION

Bartle Wells Associates (BWA) was engaged by the City to develop a new wastewater rate structure and to update the City's wastewater capacity fee. On June 16th the study was presented to the Council and at the conclusion of the meeting several questions were outstanding. The questions were as follows:

- 1.) If all accounts are in the landlord's name, how do you prevent abuse? If abuse occurs and a tenant incurs a giant bill in the landlord's name what do you do?

"We suggest that the landlord request the final bill from the City and deduct the bill amount from the tenant's rental security deposit."- Bartle Wells

- 2.) If a leak occurs during Dec-Jan-Feb how do you calculate a rate?

"The customer should submit a bill from a plumber showing that a leak was fixed. The other two months should be used to calculate the rate (i.e. if there is a leak in January, the

average of the December and February water use can be used to set the winter water use).”- Bartle Wells

- 3.) If a high volume user moves and a new customer starts service how do we assess a volume charge for them? Are they stuck with the previous customer’s usage?

“This is a policy decision for City Council. One option is that new customers with no winter usage history could be charged the average single family residential winter water use of 5 ccf per month until a winter water use history is established.”-Bartle Wells

- 4.) There was also a question about the stand by charge: Is this additional revenue, or is it fixed in the revenue neutral calculation?

The charge is fixed in the revenue neutral calculation. –Bartle Wells

Staff have discussed the above questions with Bartle Wells and would like to relay the information to the City Council. If we are satisfied with the responses, staff will proceed with the Prop 218 process.

For informational purposes, below is a recap of the Wastewater Rate Structure Proposal recommended at the June 16th Council meeting:

Option 1: 70% Fixed and 30% Volume

Option 1 allocates 70% of costs to the fixed charge and 30% of costs to the volume (variable) charge.

**Table ES-1
City of Rio Dell
Wastewater Rate and Capacity Fee Study
Rate Structure Option 1: 70% Fixed and 30% Volume**

Fixed Monthly Charge	\$51.15	per EDU
Volume Rate		
Customer Class		
Low	\$3.53	per ccf
Domestic Strength	\$4.41	per ccf
Medium	\$6.62	per ccf
High	\$7.72	per ccf

ccf = hundred cubic feet

The average residential customer has a wastewater flow of 5 hundred cubic feet (ccf) and would have a monthly bill of \$73.20 under the proposed Option 1 rates, a slight decrease from the current monthly bill of \$73.94.

$$\begin{array}{rcccccc}
 \text{Fixed} & & \text{Volume} & & \text{Winter} & & \text{Total} \\
 \text{Charge} & & \text{Rate} & & \text{Water Use} & & \text{Monthly Bill} \\
 \$51.15 & + & (\$4.41 & \times & 5 &) & = & \$73.20 \\
 & & \text{\$/ccf} & & \text{ccf} & & &
 \end{array}$$

The benefit of implementing a volume rate is equitability. Lower wastewater users pay a lower monthly bill than high wastewater users.

They have also analyzed the City's wastewater connection fee and developed a recommendation of \$5,220 per EDU.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: August 6, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: August 1, 2013

Subject: Garbage Regulations Text Amendments
Sections 8.05.020 and 8.05.070 Rio Dell Municipal Code

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendments;
2. Continue the public hearing, receive public input and close the public hearing;
3. Adopt Ordinance No. 305-2013 amending the Garbage Regulations, Sections 8.05.020 and 8.05.070 of the Rio Dell Municipal Code;
4. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Background/Summary

At your meeting of July 16, 2013 your Council introduced (first reading) Ordinance No. 305-2013 amending the Garbage Regulations, Sections 8.05.020 and 8.05.070 of the Rio Dell Municipal Code .

Staff recommended two revisions to the Garbage Regulations. One is in regards to the keeping and disposing of rubbish. Below is the definition of rubbish, Section 8.05.010:

“Rubbish” means refuse matter, combustible and noncombustible, including tin cans, bottles, papers, ashes, wire, box strappings, packing materials, lawn trimmings, trees, plants and other nursery stock, crockery, glass, brick, cement, motor vehicle bodies and discarded mechanisms, sawdust, mill trimmings, waste and all other material and matter similar to that herein mentioned. [Ord. 23 § 1, 1965.]

Section 8.05.020 of the Rio Dell Municipal Code, “Keeping rubbish generally” is below:

All rubbish shall be kept on private premises so as not to become a health or safety hazard. [Ord. 23 § 2, 1965.]

Staff believes that the existing provision actually encourages property owners and tenants to store rubbish on the parcel and to not dispose of the rubbish in a timely manner. The current provisions, Section 8.05.070 of the RDMC, require that the contents of garbage cans/receptacles be disposed of at least once a week. Staff believes it’s reasonable to require the disposal of rubbish within a week as well. In addition, staff believes that the temporary storage of rubbish be located on the rear of the parcel so as not to be visible from a public right of way or street. Therefore, staff recommended that Section 8.05.020 be amended to read as follows:

Section 8.05.020 Keeping rubbish generally.

The storage of rubbish shall be located on the parcel so as not to be visible from a public right of way or street and shall not be stored on any lot or parcel for more than one (1) week (seven days).

The other recommended amendment is in regards to the size and the location for storing garbage cans. Section 8.05.070 currently requires receptacles (garbage cans) to have a capacity of not less than two (2) gallons and not more than twenty (20) gallons. As the Council is aware the typical garbage can or receptacle is thirty-two (32) gallons. Eel River Disposal (ERD) has indicated that their minimum charge is based on a twenty (20) gallon can or receptacle. The maximum size for curb-side pick-up is a forty-five (45) gallon can or receptacle. As such, staff recommended that the regulations be amended to reflect today’s current standards. In addition, the current provisions require that the cans or receptacles be located on the rear of

the parcel. Although, not specifically stated, staff believes the intent that the garbage cans or receptacles be stored on the rear of the parcel is that the cans be screened from public view. Therefore, staff recommended that Section 8.05.070 be amended as follows:

8.05.070 Garbage – Receptacle required – Specifications – Owner to provide – Location – Frequency of disposal of contents.

*No person shall deposit, keep or accumulate any garbage in or upon any lot or parcel of land, or upon any public or private drive, alley or street, or in any house, store or restaurant, or other place, unless such garbage be enclosed in a flyproof, watertight receptacle with close-fitting cover and provided with handles, which receptacle shall have a capacity of not less than ~~two~~ twenty (20) gallons and not more than ~~20~~ forty-five (45) gallons. Such receptacle shall be provided by and at the expense of the person producing and accumulating such garbage, and shall be kept ~~in the rear of~~ on the premises so as not to be visible from a public right of way or street and the contents thereof disposed of at least once each week.
[Ord. 23 § 7, 1965.]*

Financial Impact

The City is responsible for the costs associated with the proposed amendments. The cost is insignificant and will not result in additional budget expenditures or revisions.

Attachments:

1. Ordinance No. 305-2013 amending the Garbage Regulations, Sections 8.05.020 and 8.05.070 of the Rio Dell Municipal Code.
2. Post Adoption Summary.

ORDINANCE NO. 305 – 2013



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING THE GARBAGE REGULATIONS, SECTIONS 8.05.020 AND 8.05.070
OF THE RIO DELL MUNICIPAL CODE:

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS as part of preparing and sending out letters regarding complaints about the lack of maintenance and the accumulation of garbage, staff discovered that portions of the current garbage regulations are clearly outdated and are not in the public's interest; and

WHEREAS staff believes the current rubbish provisions actually encourages property owners and tenants to store rubbish on the parcel and to not dispose of the rubbish in a timely manner; and

WHEREAS staff believes the current rubbish provisions are not in the best interest of the City and the surrounding properties and is inconsistent with the updated Nuisance Ordinance, Chapter 8.10 of the RDMC; and

WHEREAS the current garbage provisions, Section 8.05.070 of the RDMC, require that the contents of garbage cans/receptacles be disposed of at least once a week; and

WHEREAS staff believes it's reasonable to require the disposal of rubbish within a week as well and that the temporary storage of rubbish should be located on the parcel so as not to be visible from a public right of way or street; and

WHEREAS Section 8.05.070 currently requires receptacles (garbage cans) to have a capacity of not less than two (2) gallons and not more than twenty (20) gallons; and

WHEREAS the typical garbage can or receptacle is thirty-two (32) gallons; and

WHEREAS the City's contract hauler, Eel River Disposal (ERD) has indicated that their minimum charge is based on a twenty (20) gallon can or receptacle and that the maximum size for curb-side pick-up is a forty-five (45) gallon can or receptacle; and

WHEREAS the current garbage provisions require that the cans or receptacles be located on the rear of the parcel; and

WHEREAS although, not specifically stated, staff believes the intent that the garbage cans or receptacles be stored on the parcel so that the cans are not visible from a public right of way or street; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. The Garbage Regulations, Sections 8.05.020 and 8.05.070 of the Rio Dell Municipal Code is hereby amended as follows:

Section 8.05.020 Keeping rubbish generally.

~~All rubbish shall be kept on private premises so as not to become a health or safety hazard. [Ord. 23 § 2, 1965.]~~

The storage of rubbish shall be located on the parcel so as not to be visible from a public right of way or street and shall not be stored on any lot or parcel for more than one (1) week (seven days).

8.05.070 Garbage – Receptacle required – Specifications – Owner to provide – Location – Frequency of disposal of contents.

No person shall deposit, keep or accumulate any garbage in or upon any lot or parcel of land, or upon any public or private drive, alley or street, or in any house, store or restaurant, or other place, unless such garbage be enclosed in a flyproof, watertight receptacle with close-fitting cover and provided with handles, which receptacle shall have a capacity of not less than ~~two~~ twenty (20) gallons and not more than ~~20~~ forty-five (45) gallons. Such receptacle shall be provided by and at the expense of the person producing and accumulating such garbage, and shall be kept ~~in the rear of~~ on the premises so as not to be visible from a public right of way or street and the contents thereof disposed of at least once each week. [Ord. 23 § 7, 1965.]

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on July 16, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 6th of August 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 305-2013 adopted by the City Council of the City of Rio Dell on August 6, 2013.

Karen Dunham
City Clerk, City of Rio Dell

Public Notice

City of Rio Dell City Council

SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 15 calendar days after the adoption of the ordinance)

Summary

On **Tuesday, August 6, 2013 at 6:30 p.m.**, the Rio Dell City Council held a public hearing in the City Council Chamber at City Hall to consider the matter listed below and adopted Ordinance No. 305-2013 amending Sections 8.05.020 and 8.05.070 of the Rio Dell Municipal Code (RDMC).

ORDINANCE NO. 305-2013

Amending the Garbage Regulations, Sections 8.05.020 and 8.05.070 Rio Dell Municipal Code to require that the storage of rubbish be located on the parcel so as not to be visible from a public right of way or street and shall not be stored on any lot or parcel for more than one (1) week (seven days). In addition, staff is recommending that the required receptacle (trash can) be increased from a minimum size of two (2) gallons to twenty (20) gallons) and the maximum size increased from twenty (20) gallons to forty-five (45) gallons

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.


POSTED: August 7, 2013


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: August 6, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: August 1, 2013

Subject: Chapter 17.40, Enforcement Regulations Text Amendment

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendment;
2. Open the public hearing, receive public input, and deliberate;
3. Introduce Ordinance No. 304-2013 amending the Zoning Regulations Enforcement provisions, Section 17.40.060 of the Rio Dell Municipal Code and continue consideration, approval and adoption of the proposed Ordinance to your meeting of August 20, 2013 for the second reading and adoption

Background/Summary

Staff recently discovered that the Enforcement provisions of the Zoning Regulations, Chapter 17.40 of the Rio Dell Municipal Code (RDMC) refer to the Building Inspector as being responsible for the enforcement of the Zoning Regulations.

In 2004 when this provision was adopted the City had a part-time contract planner (Planwest). In addition, the terms of the contract Building Inspector at that time did require that the

Building Inspector be responsible for the enforcement of the City's zoning regulations. The City no longer uses Planwest and the current contract with the City Building Inspector does not require that he enforce the zoning regulations.

The Police Chief has been and will continue to assist in enforcing the zoning regulations. Staff is therefore recommending that the reference to the Building Inspector be amended to reference the Community Development Director as being responsible for the enforcement of the zoning regulations. Below is a copy of the recommended amendments:

17.40.060 ~~Building Inspector~~ Community Development Director Responsible for Enforcement of this Title.

(1) The ~~Building Inspector~~ Community Development Director shall be responsible for the enforcement of the provisions of this title.

(2) This title may be enforced by an authorized representative of the ~~Building Inspector~~ Community Development Director.

(3) The Chief of Police and the Building Inspector is hereby designated as an authorized representative of the ~~Building Inspector~~ Community Development Director.

Staff is also recommending another minor text amendment to the Enforcement provisions. Section 17.40.060(4) currently allows the Building Inspector and his authorized representative (Police Chief) to request entry "...at any and all appropriate times...". Staff believes this is somewhat open ended and is recommending the following language:

(4) The ~~Building Inspector~~ Community Development Director, or his authorized representative(s), shall have authority to request entry to any building, structure, or premises, ~~at any and all appropriate times~~ during normal business hours for the purpose of performing his/her official duty. [Ord. 252 § 8.05, 2004.]

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.

- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Reclassification Required Finding:

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

There are no polices in the General Plan which would discourage or prohibit the Community Development Director from enforcing the zoning regulations.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California

Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendments, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

Financial Impact

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

Attachments:

1. Existing and proposed revisions to the Zoning Regulations Enforcement provisions, Section 17.40.060 of the Rio Dell Municipal Code (RDMC).
2. Draft Ordinance No. 304-2013 amending Section 17.40.060 of the Rio Dell Municipal Code.

**Chapter 17.40
ENFORCEMENT**

Sections:

17.40.010 Issuance of Permits in Violation of Regulations.

17.40.020 Violation of Regulations.

17.40.030 Penalty.

17.40.040 Declaration of Public Nuisance.

17.40.050 Remedies.

17.40.060 ~~Building Inspector~~ [Community Development Director](#) Responsible for Enforcement of this Title.

17.40.010 Issuance of Permits in Violation of Regulations.

All departments, officers and public employees vested with the duty or authority to issue permits, certificates or licenses for uses, buildings or purposes within the City in conflict with the provisions of these regulations, and any such permit, certificate or license issued in conflict with the provisions of these regulations shall be null and void. [Ord. 252 § 8.01, 2004.]

17.40.020 Violation of Regulations.

Any person, whether principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment. [Ord. 252 § 8.02, 2004.]

17.40.030 Penalty.

Notwithstanding any other provisions of this title, including RDMC 17.45.020, any person, whether principal, agent, employee or otherwise who violates RDMC 17.30.030 or 17.30.120 shall be guilty of a misdemeanor and may be punished as follows:

- (1) By imprisonment in the County Jail not to exceed six months; or
- (2) A fine not to exceed \$1,000 for violations of RDMC 17.30.030 and a fine not to exceed \$500.00 for violations of RDMC 17.30.120; or
- (3) A combination of such imprisonment and fine. [Ord. 252 § 8.02.5, 2004.]

17.40.040 Declaration of Public Nuisance.

Any building or use operated or maintained contrary to the provisions of these regulations shall be, and the same is hereby declared to be, a public nuisance and shall be subject to injunction and abatement as such. [Ord. 252 § 8.03, 2004.]

17.40.050 Remedies.

The remedies provided herein shall be cumulative and not exclusive. [Ord. 252 § 8.04, 2004.]

17.40.060 ~~Building Inspector~~ Community Development Director Responsible for Enforcement of this Title.

(1) The ~~Building Inspector~~ Community Development Director shall be responsible for the enforcement of the provisions of this title.

(2) This title may be enforced by an authorized representative of the ~~Building Inspector~~ Community Development Director.

(3) The Chief of Police and the Building Inspector is hereby designated as an authorized representative of the ~~Building Inspector~~ Community Development Director.

(4) The ~~Building Inspector~~ Community Development Director, or his authorized representative(s), shall have authority to request entry to any building, structure, or premises, at ~~any and all appropriate times~~ during normal business hours for the purpose of performing his/her official duty. [Ord. 252 § 8.05, 2004.]

ORDINANCE NO. 304 – 2013



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING THE ENFORCEMENT REGULATIONS, SECTION 17.40.060 OF THE RIO
DELL MUNICIPAL CODE:

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS staff recently discovered that the Enforcement provisions of the Zoning Regulations, Chapter 17.40 of the Rio Dell Municipal Code (RDMC) refer to the Building Inspector as being responsible for the enforcement of the Zoning Regulations; and

WHEREAS in 2004 when the current provision was adopted the City had a part-time contract planner (Planwest) and the terms of the contract Building Inspector at that time did require that the Building Inspector be responsible for the enforcement of the City's zoning regulations; and

WHEREAS the City no longer uses Planwest and the current contract with the City Building Inspector does not require that he enforce the zoning regulations; and

WHEREAS Section 17.40.060(4) currently allows the Building Inspector and his authorized representative (Police Chief) to request entry "...at any and all appropriate times..."; and

WHEREAS staff believes the existing language is somewhat open ended and is recommending the language be amended to read: "...during normal business hours..."; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The City has determined that the proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. The Enforcement Regulations, Chapter 17.40 of the Rio Dell Municipal Code is hereby amended as follows:

**Chapter 17.40
ENFORCEMENT**

Sections:

- 17.40.010 Issuance of Permits in Violation of Regulations.
- 17.40.020 Violation of Regulations.
- 17.40.030 Penalty.
- 17.40.040 Declaration of Public Nuisance.
- 17.40.050 Remedies.
- 17.40.060 ~~Building Inspector~~ [Community Development Director](#) Responsible for Enforcement of this Title.

17.40.060 Enforcement Regulations.

17.40.060 ~~Building Inspector~~ [Community Development Director](#) Responsible for Enforcement of this Title.

(1) The ~~Building Inspector~~ [Community Development Director](#) shall be responsible for the enforcement of the provisions of this title.

(2) This title may be enforced by an authorized representative of the ~~Building Inspector~~ [Community Development Director](#).

(3) The Chief of Police is hereby designated as an authorized representative of the ~~Building Inspector~~ [Community Development Director](#).

(4) The ~~Building Inspector~~ [Community Development Director](#), or his authorized representative(s), shall have authority to request entry to any building, structure, or premises, ~~at any and all appropriate times~~ [during normal business hours](#) for the purpose of performing his/her official duty. [Ord. 252 § 8.05, 2004.]

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on August 6, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 20th of August 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 304-2013 adopted by the City Council of the City of Rio Dell on August 20, 2013.

Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
August 6, 2013**

TO: Mayor and Members of the City Council
THROUGH: Jim Stretch, City Manager
FROM: Stephanie Beauchaine, Finance Director
DATE: August 1, 2013
SUBJECT: **Resolution 1208-2013 Certification of the Final Supplemental Environmental Impact Report for the Wastewater Treatment Plant Project**

RECOMMENDATION

Approve Resolution 1208-2013 Certifying the Final Supplemental Environmental Impact Report for the Rio Dell Wastewater Reuse Project

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

SHN Consulting Engineers has prepared the Final Supplemental Environmental Impact Report (SEIR) for the Rio Dell Wastewater Reuse Project. The SEIR was prepared to analyze the impacts of a proposed project modification which would change the alignment and methodology of the sewer transmission pipeline where it crosses the Eel River. Rather than crossing the Eel River within the existing Highway 101 Caltrans Bridge, the pipeline is proposed to cross underneath the river using horizontal directional drilling (HDD) techniques. This represents a minor change to the pipeline alignment of treated effluent (Option Reuse 1A) as evaluated in the 2008 Certified EIR. No other change to the project is proposed.

The Final SEIR analyzes biological resources, hydrology, and water quality. Based on the analyses contained in the SEIR, with the incorporation of mitigation measures, all impacts would be "less than significant."

The Draft SEIR has been circulated for review to all oversight agencies with jurisdiction over the Project and notice has also been posted with the State Clearinghouse, the County, the Times Standard. The documents have also been placed on the City's website for public review. The Final SEIR includes responses to all comments received.

Upon Certification of the Final SEIR, the City finds that the proposed changes to the project avoid or substantially lessen the significant environmental effects as identified in the FSEIR under California Environmental Quality Act (CEQA) guidelines Section 15091.

| The FSEIR is available for review at City Hall and at www.riodellcity.com.

RESOLUTION NO. 1208-2013
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
FOR THE RIO DELL WASTEWATER REUSE PROJECT

WHEREAS, SHN Consulting Engineers has prepared the Final Supplemental Environmental Impact Report (SEIR) for the Rio Dell Wastewater Reuse Project. The SEIR was prepared to analyze the impacts of a proposed project modification which would change the alignment and methodology of the sewer transmission pipeline where it crosses the Eel River. Rather than crossing the Eel River within the existing Highway 101 Caltrans Bridge, the pipeline is proposed to cross underneath the river using horizontal directional drilling (HDD) techniques. This represents a minor change to the pipeline alignment of treated effluent Option Reuse 1A as evaluated in the Certified Final EIR; and

WHEREAS, the SEIR found that the proposed project modification could result in significant, temporary direct impacts to biological resources (Impact 6-6) and water quality (Impact 10-2) from a potential inadvertent release of drilling fluids in or near the Eel River during construction; and

WHEREAS, the SEIR identified mitigation measures (6-6a and 6-6b) that will reduce each of these impacts to a less-than-significant level; and

WHEREAS, the SEIR includes a supplement to the previously adopted Mitigation Monitoring and Reporting Program which requires implementation of the above mitigation measures.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell Certifies as follows:

- 1) the Final SEIR has been completed in compliance with CEQA;
- 2) the Final SEIR was presented to the City Council of The City of Rio Dell, and that the Council reviewed and considered the information contained in the Final SEIR prior to approving the project; and
- 3) the Final SEIR reflects the City's independent judgment and analysis.

BE IT FURTHER RESOLVED, that the City Council of the City of Rio Dell has made the finding that the City has eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under CEQA Guidelines Section 15091.

PASSED AND ADOPTED by the City of Rio Dell on this 6th day of August 2013, by the following roll call vote:

Ayes:

Noes:
Abstain:
Absent:

Jack Thompson, Mayor

ATTEST:

Karen Dunham, City Clerk

**RIO DELL WASTEWATER REUSE PROJECT
FINAL SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT
STATE CLEARING HOUSE NUMBER (SCH#)
2007062006**

July 2013

Prepared for:



Lead Agency under the
California Environmental Quality Act

For Information Contact:
Jim Stretch, City Manager
City of Rio Dell
675 Wildwood Drive
Rio Dell, CA 95562
(707) 764-3532

Prepared by:



812 W. Wabash Ave.
Eureka, CA 95501-2138
(707) 441-8855

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Appendix A. Supplement to Mitigation Monitoring and Reporting Program

Abbreviations and Acronyms

CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CSLC	California State Lands Commission
EIR	environmental impact report
FIRMs	Flood Insurance Rate Maps
HDD	horizontal directional drilling
MMRP	mitigation monitoring and reporting program
NOC	notice of completion
NOD	notice of determination
SCH #	State Clearinghouse Number
SEIR	supplemental environmental impact report
SHN	SHN Consulting Engineers & Geologists, Inc.
USGS	United States Geological Survey
W&K	Winzler & Kelly
WWTF	wastewater treatment facility

1.0 Introduction and Background

1.1 Introduction

The City of Rio Dell is in the process of constructing the Rio Dell Wastewater Reuse Project. In May 2008, the City certified an environmental impact report (EIR). In June 2009, Addendum No. 1 to the Certified EIR was prepared. This addendum analyzed changes to Alternative 5 that were required in order to install and operate equipment temporarily, including new biosolids-dewatering equipment, a new storage building, and new disinfection equipment at the existing wastewater treatment facility (WWTF). In September 2010, Addendum No. 2 analyzed changes to Alternative 1 in the 2008 Certified EIR. The City opted to move forward with Alternative 1, which consists of Options WWTF1 (treatment system to be located at Rio Dell's existing facility site) and REUSE1A (storage pond and summer disposal on Metropolitan agricultural land, and winter disposal at current discharge location).

At this time, Wahlund Construction, under contract with the City of Rio Dell, is proposing a change to the alignment of the sewer transmission pipeline where it crosses the Eel River. The previous proposal was that the pipeline would cross the Eel River within the Southbound Highway 101 Caltrans Bridge. The revised plan ("project modification" or "project") is for a horizontal directional drilled (HDD) crossing below the Eel River channel within the bedrock.

This final supplemental environmental impact report has been prepared to address the proposed project modification to the Rio Dell Wastewater Reuse Project. The City is the lead agency under the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.). "Lead agency" is defined by CEQA Section 21067 as "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." See also the CEQA Guidelines (California Code of Regulations [CCR] Section 15000 et seq.).

The complete supplemental environmental impact report (SEIR) for the Rio Dell Wastewater Reuse Project (project) consists of the following:

- The *Rio Dell Wastewater Reuse Project Draft Supplemental Environmental Impact Report* (State Clearinghouse No. [SHC#] 2007062006) (SHN, 2013) (Draft SEIR)
- This document, the *Rio Dell Wastewater Reuse Project Final Supplemental Environmental Impact Report* (SHC# 2007062006) (Final SEIR)

This SEIR supplements the prior EIR (W&K, 2008) and two addenda (W&K, 2009, 2010) that were prepared for the project, in accordance with Sections 15162 and 15163 of the CEQA Guidelines. It contains only the information necessary to make the previous EIR adequate for the project as revised.

This Final SEIR will be used by the City as part of its approval process including adoption of additional mitigation measures for project implementation. A mitigation monitoring and reporting program (MMRP) was incorporated into the 2008 EIR (W&K, 2008), and the mitigation measures were subsequently modified by the two addenda (W&K, 2009, 2010). Two additional mitigation measures were identified in the Draft SEIR, therefore, a supplement to the MMRP, which addresses additions to the project mitigation measures, is presented as Appendix A of this Final SEIR.

1.2 Documents Incorporated by Reference

CEQA Guidelines Section 15150 encourages incorporation by reference of previously analyzed and publicly circulated information. Documents incorporated by reference must be made available to the public for inspection.

This Final SEIR incorporates by reference the documents listed below.

- *Rio Dell Wastewater Reuse Project Draft Environmental Impact Report* (SCH# 2007062006) (W&K, 2007)
- *Rio Dell Wastewater Reuse Project Final Environmental Impact Report* (SCH# 2007062006) (W&K, 2008)
- *Rio Dell Wastewater Reuse Project Environmental Impact Report June 2009 Addendum* (SCH# 2007062006) (W&K, 2009)
- *Rio Dell Wastewater Reuse Project Environmental Impact Report September 2010 Addendum No. 2* (SCH# 2007062006) (W&K, 2010)
- *Rio Dell Wastewater Reuse Project Draft Supplemental Environmental Impact Report* (SCH# 2007062006) (SHN, 2013)

Printed copies of these documents are available for public inspection at the City of Rio Dell City Hall, 675 Wildwood Drive, Rio Dell, California 95562, during normal business hours. They are also available on the City's web site at www.riodellicity.com/departments/public-works/wastewater/.

1.3 Organization of the Final Supplemental Environmental Impact Report

This Final SEIR contains:

- copies of all comments or recommendations received by the lead agency during the Draft SEIR public comment period (Section 2.0 of this Final SEIR);
- a list of persons, organizations, or individuals commenting on the Draft SEIR (this requirement is met by the Final SEIR table of contents);
- the responses of the lead agency to "all significant environmental points" identified during the review process (Section 2.0 of this Final SEIR); and
- any changes to the project description, environmental setting, impact analysis, mitigation measures and monitoring program presented in the Draft SEIR (Section 3.0 of this Final SEIR).

1.4 Summary of Public Review

The Draft SEIR was circulated to public agencies and the general public on May 11, 2013. In compliance with CEQA, a notice of availability was published in the Times-Standard newspaper and was posted for 30 days at the Humboldt County clerk's office. A notice of completion (NOC) was filed with the Governor's Office of Planning and Research, and copies of the Draft SEIR were made available at the City's office and on the City's website. Additionally, the City mailed notices to individuals and organizations who requested a copy. As announced in the notice of availability,

the City accepted public comments on the Draft SEIR at the regularly scheduled city council meeting on June 18, 2013. No public comment was received at the meeting. The 45-day public comment period required by CEQA was initiated on May 11, 2013, and ended on June 30, 2013.

1.5 Subsequent Steps in the CEQA Process

1.5.1 Certification of the Final SEIR

Upon completion of the Final SEIR and prior to approving a project the lead agency shall certify that:

- 1) the Final SEIR has been completed in compliance with CEQA;
- 2) the Final SEIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final SEIR prior to approving the project; and
- 3) the Final SEIR reflects the lead agency's independent judgment and analysis.

When an SEIR is certified by a non-elected decision-making body within a local lead agency, that certification may be appealed to the local lead agency's elected decision-making body, if one exists. For example, certification of an SEIR for a tentative subdivision map by a city's planning commission may be appealed to the city council. Each local lead agency shall provide for such appeals. The Rio Dell City Council is an elected decision-making body; therefore, there is no appeal process related to the project.

1.5.2 Findings

- 1) No public agency shall approve or carry out a project for which an SEIR has been certified if it identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

The possible findings are:

- a) Changes or alterations have been required in, or incorporated into, the project and avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR.
- 2) The findings required by the subdivision (1) above shall be supported by substantial evidence in the record.

- 3) The finding in subdivision (1)(b) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (1)(c) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- 4) When making the findings required in subdivision (1)(a), the agency shall also adopt a program for reporting on or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- 5) The public agency shall specify the location and custodian of the documents or other material that constitute the record of the proceedings upon which its decision is based.
- 6) A statement made pursuant to CEQA Guidelines Section 15093 does not substitute for the findings required by this section.

1.5.3 Approval

- 1) After considering the Final SEIR and in conjunction with making findings under CEQA Guidelines Section 15091 (above), the lead agency may decide whether or how to approve or carry out the project.
- 2) A public agency shall not decide to approve or carry out a project for which an SEIR was prepared unless either:
 - a) the project as approved will not have a significant effect on the environment, or
 - b) the agency has:
 - a. eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under CEQA Guidelines Section 15091, and
 - b. determined that any remaining significant effects on the environment found to be unavoidable under CEQA Guidelines Section 15091 are acceptable due to overriding concerns as described in CEQA Guidelines Section 15093.

1.5.4 Notice of Determination

- 1) The lead agency shall file a notice of determination (NOD) within five working days after deciding to carry out or approve the project.
- 2) The NOD shall include:
 - a) An identification of the project including the project title as identified in the Draft SEIR, and the location of the project (either by street address and cross street for a project in an urbanized area or by attaching a specific map, preferably a copy of a United States Geological Survey [USGS] 15- or 7.5-minute topographical map identified by quadrangle name) (If the NOD is filed with the State Clearinghouse, the State Clearinghouse identification number for the Draft SEIR shall be provided.)
 - b) A brief description of the project

- c) The lead agency's name and the date on which the agency approved the project (If a responsible agency files the NOD pursuant to CEQA Guidelines Section 15096(i), the responsible agency's name and date of approval shall also be identified.)
 - d) The determination of the agency whether the project in its approved form will have a significant effect on the environment
 - e) A statement that an SEIR was prepared and certified pursuant to the provisions of CEQA
 - f) Whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted
 - g) Whether findings were made pursuant to CEQA Guidelines Section 15091
 - h) Whether a statement of overriding considerations was adopted for the project
 - i) The address where a copy of the Final SEIR and the record of project approval may be examined
- 3) If the lead agency is a state agency, the lead agency shall file the NOD with the Office of Planning and Research within five working days after approval of the project by the lead agency.
 - 4) If the lead agency is a local agency, the local lead agency shall file the NOD with the county clerk of the county or counties in which the project will be located, within five working days after approval of the project by the lead agency. If the project requires discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the NOD with the Office of Planning and Research.
 - 5) An NOD filed with the county clerk shall be available for public inspection and shall be posted within 24 hours of receipt for a period of at least 30 days. Thereafter, the clerk shall return the notice to the local lead agency with a notification of the period during which it was posted. The local lead agency shall retain the notice for not less than 12 months.
 - 6) An NOD filed with the Office of Planning and Research shall be available for public inspection and shall be posted for a period of at least 30 days. The Office of Planning and Research shall retain each notice for not less than 12 months.
 - 7) The filing of the NOD pursuant to subdivision (3) above for state agencies and the filing and posting of the NOD pursuant to subdivisions (4) and (5) above for local agencies, start a 30-day statute of limitations on court challenges to the approval under CEQA.
 - 8) A sample NOD is provided in Appendix D of the CEQA Guidelines. Each public agency may devise its own form, but any such form shall include, at a minimum, the information required by subdivision (2). Public agencies are encouraged to make copies of all notices filed pursuant to this section available in electronic format on the internet. Such electronic notices are in addition to the posting requirements of the CEQA Guidelines and the Public Resources Code.

1.5.5 Disposition of a Final SEIR

Upon certifying the SEIR, the lead agency shall:

- 1) File a copy of the Final SEIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur.

- 2) Include the Final SEIR as part of the regular project report that is used in the existing project review and budgetary process if such a report is used.
- 3) Retain one or more copies of the Final SEIR as public records for a reasonable period of time.
- 4) Require the applicant to provide a copy of the certified Final SEIR to each responsible agency.

2.0 Responses to Comments

Upon completion of the 45-day public comment period for the Draft SEIR, the lead agency shall evaluate comments on the environmental issues received from persons or public agencies who reviewed the Draft SEIR and shall prepare a written response.

There were five comment letters delivered to the lead agency during the Draft SEIR public review and comment period. The respondents were:

- 1) California State Lands Commission (June 28, 2013)
- 2) California State Water Resources Control Board (June 20, 2013)
- 3) Federal Emergency Management Agency, United States Department of Homeland Security (May 28, 2013)
- 4) Humboldt County Association of Governments (May 24, 2013)
- 5) Department of Transportation, State of California (May 14, 2013)

Each comment letter is given its own numerical designation and is included herein (see yellow pages). Within each comment letter, substantive comments about the content of the Draft SEIR are identified with marginal lines on the right side of each page. Each separate comment is given a distinct comment number, for example, for letter 1 (from the California State Lands Commission [CSLC]), each comment is numbered using the letter number and a consecutive secondary number, as follows: 1-1, 1-2, 1-3...).

The written responses shall describe the disposition of significant environmental issues raised (for example, revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Comments that are speculative in nature or that simply express concern or make generalized inquiry are not substantive and may receive little or no response.

1. Letter from California State Lands Commission (June 28, 2013)

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Our 75th Year



1938 - 2013

JENNIFER LUCCHESI, *Executive Officer*
(916) 574-1800 Fax (916) 574-1810
California Relay Service TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1900
Contact Fax: (916) 574-1885

June 28, 2013

File Ref: SCH #2007062006

City of Rio Dell
Attn: Stephanie Beauchaine
675 Wildwood Drive
Rio Dell, CA 95562

Subject: Draft Supplemental Environmental Impact Report (Draft SEIR) for Rio Dell Waste Water Reuse Project (Project) in Eel River, Humboldt County

Dear Ms. Beauchaine:

The California State Lands Commission (CSLC) staff has reviewed the subject Draft SEIR being prepared by City of Rio Dell (City). The City, as a public agency carrying out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, because the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion

or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

A portion of the Project is within CSLC jurisdiction. CSLC staff received an application from the City on January 7, 2013; however, that application was deemed incomplete. Please contact Reid Boggiano (see contact information below) for further information about the extent of the CSLC's sovereign ownership and leasing requirements.

Project Description

The City certified an EIR for the proposed Project in May 2008, and subsequently approved two addenda, in June 2009 and September 2010. In its original design, the City proposed crossing the Eel River by using the existing Southbound Highway 101 Caltrans Bridge (Bridge). Currently, however, the City proposes using Horizontal Directional Drilling (HDD) to cross under the Eel River (River) rather than crossing via the existing Bridge. Because crossing of the Bridge was analyzed in the previous EIR, but not HDD to cross under the River, the City prepared the Draft SEIR to supplement the analysis in the previously certified EIR and two addenda to address Project modifications that were not known and could not have been known with the exercise of reasonable diligence at the time the prior EIR was certified.

Environmental Review

CSLC staff requests that the following potential impacts be analyzed in Final SEIR.

General Comments

1. **Deferred Mitigation:** In order to avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines, §15126.4, subd. (b)). Page 19 of the Draft SEIR under "Mitigation Measure 6-6b" states that "[a] frac-out contingency plan shall be developed by the contractor and submitted to the City of Rio Dell for review and approval prior to commencement of the HDD process." This mitigation measure is also referenced in other mitigation measures. Because the frac-out contingency plan (Plan) has not been developed yet at the time of publication of the Draft SEIR, CSLC staff and the general public are deprived of the opportunity to review and comment on the adequacy of the Plan, and as such, it would be considered deferred mitigation. If it is infeasible for the City to develop and include the Plan for public review, it should at least include in the EIR enforceable criteria or standards to which the Plan would be held, including:
 - A detailed description of the possible prevention, detection, and response to a possible frac-out in the River;

1-1

Thank you for the opportunity to comment on the Draft SEIR for the Project. As a responsible agency, the CSLC will need to rely on the Final SEIR for the issuance of any new lease as specified above and, therefore, we request that you consider our comments prior to adoption of the Final SEIR. Please send additional information on the Project to the CSLC as plans become finalized.

Please send copies of future Project-related documents, including electronic copies of the Final SEIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Afifa Awan, Environmental Scientist, at (916) 574-1891 or via e-mail at Afifa.Awan@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Reid Boggiano with the Land Management Division at (916) 574-0450 or via email at Reid.Boggiano@slc.ca.gov.

1-5

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Afifa Awan, DEPM, CSLC
Jennifer DeLeon, DEPM, CSLC
Pam Griggs, Legal, CSLC
Reid Boggiano, LMD, CSLC
Eric Milstein, Legal, CSLC

Response to Letter from California State Lands Commission (June 28, 2013)

- 1-1. Most of the frac-out contingency plan elements recommended by the CSLC to avoid deferral of mitigation are already incorporated into the proposed mitigation measure 6-6b contained in the Draft SEIR. The only exception is the requirement that the frac-out plan disclose the locations of the relief pit(s). This will be added to the requirements of the frac-out plan in mitigation measure 6-6b. Other than that, the elements requested by CSLC's comment letter are already incorporated into measure 6-6b.

Based on the CSLC comment letter and subsequent email correspondence with CSLC, mitigation measure 6-6b will be revised to the following (addition underlined):

Mitigation Measure 6-6b: A frac-out contingency plan shall be developed by the contractor and submitted to the City of Rio Dell for review and approval prior to commencement of the HDD process. In addition to incorporating all recommendations of the hydraulic fracture analysis report (Appendix C of the geotechnical report), the plan shall include construction personnel training measures, agency notification procedures, monitoring methods, spill prevention procedures/equipment, and spill containment procedures/equipment, spill clean-up/disposal procedures/equipment. Preventative measures shall include implementation of geotechnical investigation recommendations regarding HDD depth and drilling mud mixture. The frac-out contingency plan shall also disclose the proposed locations of any relief pit(s) and how they will be monitored.

- 1-2. Comment noted. The frac-out contingency plan will be submitted to the CSLC for review pursuant to the City's CSLC lease application.
- 1-3. A statement has been added to Section 1.5.4 of the Final SEIR noting that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant. Section 1.5.4 has been further amended to note that title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tidal and submerged lands of California is vested in the State and is under the jurisdiction of the California State Lands Commission.
- 1-4. Based on email correspondence with CSLC following receipt of the CSLC comment letter, the CSLC's request has been clarified. Because no planned closure of the Eel River is proposed, no new significant impact to recreation resources at the Eel River HDD site need be identified. During email correspondence, CSLC has withdrawn its request that new mitigation be required, such as placing signage in advance in and around the HDD site notifying the public of a possible closure of access to the Eel River.
- 1-5. Comment noted. Electronic copies of the Final SEIR, MMRP, NOD, and CEQA findings will be provided to CSLC upon adoption, pursuant to the City's CSLC lease application.

**2. Letter from State Water Resources Control Board, State of California
(June 20, 2013)**



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR ENVIRONMENTAL PROTECTION

#2

State Water Resources Control Board

JUN 20 2013

Stephanie Beauchaine
City of Rio Dell
675 Wildwood Drive
Rio Dell, CA 95562

Dear Ms. Beauchaine:

SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE CITY OF RIO DELL (CITY); RIO DELL WASTEWATER REUSE PROJECT (PROJECT); HUMBOLDT COUNTY; STATE CLEARINGHOUSE NO. 2007062006

We understand that the City is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-7401-110). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the SEIR to be prepared for the Project.

Please provide us with the following documents applicable to the proposed Project following the City's California Environmental Quality Act (CEQA) process: (1) one copy of the draft and final SEIR, (2) the resolution certifying the SEIR and making CEQA findings, (3) all comments received during the review period and the City's response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program (MMRP), and (5) the Notice of Determination filed with the Humboldt County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

2-1

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 20-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at: www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml.

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Four enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations.

2-2

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE OFFICER

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov



Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

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It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

Please be advised that the State Water Board will consult with USFWS, and/or NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be funded under the CWSRF Program. The City will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur on-site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the City decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (www.cr.nps.gov/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report.

Note that the City will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal requirements pertinent to the Project under the CWSRF Program include the following:

- A. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.

- B. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.
- C. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
- D. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- E. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.
- F. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- G. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Thank you for the opportunity to review the City's draft SEIR. If you have any questions or concerns, please feel free to contact me at (916) 327-9401, or by email at MFlandreau@waterboards.ca.gov, or contact Jessica Collado at (916) 341-7388, or by email at JCollado@waterboards.ca.gov.

Sincerely,



Madeleine Flandreau
Environmental Scientist

cc: State Clearinghouse
(Re: SCH# 2007062006)
P.O. Box 3044
Sacramento, CA 95812-3044

CLEAN WATER STATE REVOLVING FUND PROGRAM
INSTRUCTIONS AND GUIDANCE FOR
"ENVIRONMENTAL COMPLIANCE INFORMATION"

Introduction:

The State Water Resources Control Board (State Water Board) uses the California Environmental Quality Act (CEQA) review process and compliance with federal environmental laws and regulations to satisfy the environmental requirements of the Clean Water State Revolving Fund (CWSRF) Program Operating Agreement between the United States Environmental Protection Agency (USEPA) and the State Water Board. The CWSRF Program is partially funded by a capitalization grant from the USEPA. The issuance of funds from the CWSRF Program is equivalent to a federal action, and thus, compliance with federal environmental laws and regulations is required for projects being funded under the CWSRF Program.

All CWSRF Program applicants must submit adequate and complete environmental documentation to the State Water Board. Following submittal of an applicant's environmental documents, the State Water Board will review the documents to determine if the information is sufficient to document compliance with the CWSRF Program environmental requirements, including making a determination if consultation with federal authorities is required, and may request additional environmental information, when needed. The State Water Board encourages all applicants to initiate early consultation, so that the State Water Board can better streamline the environmental review process.

CEQA Information:

All projects coming to the State Water Board for funding are considered "projects" under CEQA because of the State Water Board's discretionary decision to approve funding.

Detailed information, including CEQA statutes and guidelines can be found online at the California Natural Resources Agency website at <http://ceres.ca.gov/ceqa>. A CEQA Process Flowchart that shows interaction points between lead and responsible agencies can be found at http://ceres.ca.gov/topic/env_law/ceqa/flowchart/index.html. In addition, State Water Board environmental staff is available to answer questions about the CEQA process, as well as the CWSRF Program environmental requirements. Please contact your assigned Project Manager at the State Water Board, regarding contact information for the appropriate environmental staff.

CEQA requires full disclosure of all aspects of the project, including impacts and mitigation measures that are not only regulated by state agencies, but also by federal agencies. Early consultation with state and federal agencies in the CEQA process will assist in minimizing changes to the project when funding is being requested from the State Water Board.

The types of CEQA documents that may apply to an applicant's project include one or a combination of the following: 1) Notice of Exemption (NOE); 2) Initial Study and Negative Declaration (ND); 3) Initial Study and Mitigated Negative Declaration (MND) with a Mitigation Monitoring and Reporting Program (MMRP); 4) Environmental Impact Report (EIR) with an MMRP; and/or 5) Addendum, Supplemental and Subsequent ND, MND or EIR. The applicant must determine the appropriate document for its project and submit the supporting information listed under the applicable section of the Environmental Package Checklist for Applicant (Attachment 1), along with a completed copy of the Evaluation Form for Environmental Review and Federal Coordination (Attachment 2). Please submit two copies of all CEQA documents.

The applicant must ensure the CEQA document is specific to the project for which funding is being requested. Program or Master Plan EIRs may not be suitable for satisfying the State Water Board environmental requirements if these documents are not project-specific. When an applicant uses an Addendum, Supplemental or Subsequent CEQA document for a project, the associated Program or Master Plan EIR must also be submitted, especially if the Addendum, Supplemental or Subsequent CEQA document includes references to pertinent environmental and mitigation information contained in the Program or Master Plan EIR.

If the applicant is using a CEQA document that is older than five years, the applicant must re-evaluate environmental and project conditions, and develop and submit an updated environmental document (such as an Addendum, Supplemental or Subsequent CEQA document) based on the results of that re-evaluation. The updated environmental document must be circulated through the State Clearinghouse for public review. The applicant must adopt the final updated environmental document, including any new identified measures, make CEQA findings, and file a Notice of Determination (NOD) with the local county clerk(s) and the Governor's Office of Planning and Research, State Clearinghouse (State Clearinghouse).

Each applicant, if it is a public agency, is responsible for approving the CEQA documents it uses regardless of whether or not it is a lead agency under CEQA. Non-profit organizations shall only be responsible for approving and ensuring implementation of the applicable project mitigation measures identified in the MMRP. All public agencies applying for CWSRF Program funding shall file either an NOE or an NOD with the State Clearinghouse and the local county clerk(s). Date stamped copies of those notices must be submitted with all the applicable environmental documents.

If the CEQA document was jointly prepared by a federal public governmental agency to satisfy the National Environmental Policy Act (NEPA) requirements, then the applicant must submit the corresponding NEPA documents, including a Finding of No Significant Impact, or a Record of Decision completed by the federal NEPA lead agency.

Federal Information:

In addition to CEQA compliance, the State Water Board is required to document environmental compliance with federal environmental laws and regulations, including:

1. Federal Endangered Species Act (ESA), Section 7:

The United States Department of the Interior, Fish and Wildlife Service (USFWS) and the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) must be consulted for any project that will have the potential to adversely impact a federal special-status species. The USEPA delegated the State Water Board to act as the non-federal lead for initiating informal Section 7 ESA consultation with the USFWS. The State Water Board will coordinate with the USEPA for projects requiring formal Section 7 ESA consultation with the USFWS and projects that will impact federal special-status fish species under the NMFS jurisdiction. The USFWS and NMFS must provide written concurrence prior to a CWSRF financing agreement. USFWS and NMFS comments may include conservation measures, for which the applicant's CWSRF financing agreement will be conditioned to ensure compliance.

For further information on the federal ESA law, regulation, policy, and notices, go to <http://www.fws.gov/endangered/laws-policies/index.html> and <http://www.nmfs.noaa.gov/pr/laws/esa/>. Note that compliance with both the state and federal ESAs is required of projects having the potential to impact state and federal special-status species. Although overlap exists between the state and federal ESAs, there might be additional or more restrictive state requirements. For further information on the state ESA, refer to the California Department of Fish and Game website at <http://www.dfg.ca.gov/habcon/cesa/>.

2. Magnuson-Stevens Fishery Conservation and Management Act, Essential Fish Habitat (EFH):

The Magnuson-Stevens Fishery Conservation and Management Act, as amended, is designed to manage and conserve national fishery resources. EFH consultations are only required for actions that may adversely effect EFH. The applicant needs to determine whether the proposed project may adversely affect EFH. NMFS is responsible for publishing maps and other information on the locations of designated EFH, and can provide information on ways to promote conservation of EFHs to facilitate this assessment. If a project may adversely affect a designated EFH, the applicant must complete an EFH consultation.

The State Water Board will coordinate with the USEPA to request an EFH consultation from the NMFS. NMFS is required to respond informally or in writing. NMFS comments may include conservation measures, for which the applicant's CWSRF financing agreement will be conditioned to ensure compliance. For more information, see the brochure at http://www.nmfs.noaa.gov/sfa/reg_svcs/Council%20stuff/council%20orientation/2007/2007TrainingCD/TabT-EFH/EFH_CH_Handout_Final_3107.pdf.

3. National Historic Preservation Act (NHPA), Section 106:

The NHPA focuses on federal compliance. Section 106 requires Federal agencies to take into account the effects of their undertakings on historic properties. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. The Section 106 compliance efforts and reports must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards (www.cr.nps.gov/local-law/arch_stnds_9.htm).

In addition, CEQA requires that impacts to cultural and historic resources be analyzed. The "CEQA and Archeological Resources" section from the Governor's Office of Planning and Research CEQA Technical Advice Series states that the lead agency obtains a current records search from the appropriate California Historical Resources Information System Center. Also, to contact the Native American tribes that are culturally affiliated with a project area from the list obtained from the Native American Heritage Commission (NAHC).

The NAHC can be contacted at:

915 Capitol Mall, Room 364
Sacramento, CA 95814
Tele: (916) 653-4082

4. Clean Air Act:

For CWSRF financed projects, we recommend including a general conformity section in the CEQA documents so that another public review process will not be needed, should a conformity determination be required. The applicant should check with its local air quality management district and review the Air Resources Board [California air emissions map](#) for information on the State Implementation Plan. For information on the analysis steps involved in evaluating conformity, please contact the State Water Board environmental staff through the assigned Project Manager.

5. Coastal Zone Management Act:

Projects proposing construction in the Coastal Zone will require consultation with either the California Coastal Commission (or the designated local agency with a Local Coastal Program), or the San Francisco Bay Conservation and Development Commission (for projects located in the San Francisco Bay area). The applicant must submit a copy of the approved Coastal Development permit to the State Water Board to satisfy this requirement.

For more information on Coastal Zone Management Act requirements refer to the following agencies websites:

- United States Coastal Zone Boundaries through the NMFS website at <http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf>;
- California Coastal Commission website at <http://www.coastal.ca.gov/ccatc.html>; and/or
- San Francisco Bay Conservation and Development Commission website at <http://www.bcdc.ca.gov/>.

6. Coastal Barriers Resources Act:

The Coastal Barriers Resources Act is intended to discourage development in the Coastal Barrier Resources System and adjacent wetlands, marshes, estuaries, inlets, and near-shore waters. Since there is no designated Coastal Barrier Resources System in California, no impacts from California projects are expected. However, should the applicant believe there may be impacts to the Coastal Barrier Resources System due to special circumstances, please use the following information as a guide.

During the planning process, the applicant should consult with the appropriate Coastal Zone management agency (e.g., City or County with an approved Local Coastal Program, the California Coastal Commission, or the San Francisco Bay Conservation and Development Commission) to determine if the project will have an effect on the Coastal Barrier Resources System. If the project will have an effect on the Coastal Barrier Resources System, the State Water Board must consult with the appropriate Coastal Zone management agency and the USFWS. Any recommendations from the Coastal Zone management agency and USFWS will be incorporated into the project's design prior to approval of CWSRF financing.

For more information and to ensure that no modifications to Coastal Barrier Resources System have occurred, please visit: <http://www.fws.gov/CBRA/>.

7. Farmland Protection Policy Act:

Projects involving impacts to farmland designated as prime and unique, local and statewide importance, or under a Williamson Act Contract, will require consultation with the United States Department of Agriculture, Natural Resources Conservation Service and/or California Department of Conservation. For more information on the Farmland Protection Policy Act go to <http://www.nrcs.usda.gov/programs/fppa>, and regarding the Williamson Act Contact go to <http://www.consrv.ca.gov/dlrp/lca>.

8. Floodplain Management – Executive Order 11988:

Each agency shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities. Before taking an action, each agency shall determine whether the proposed action will occur in a designated floodplain. The generally established standard for risk is the flooding level that is expected to occur every 100 years. If an agency determines or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains.

For further information regarding Floodplain Management requirements, please consult the United States Department of Homeland Security, Federal Emergency Management Agency website at <http://www.fema.gov>, as well as the USEPA floodplain management Executive Order 11988 at <http://www.epa.gov/owow/wetlands/regs/eo11988.html>

9. Migratory Bird Treaty Act (MBTA):

The MBTA restricts the killing, taking, collecting and selling or purchasing of native bird species or their parts, nests, or eggs. The MBTA, along with subsequent amendments to this act, provides legal protection for almost all breeding bird species occurring in the United States and must be addressed under CEQA. In the CEQA document, each agency must make a finding that a project will comply with the MBTA. For further information, please consult the Migratory Bird Program through the USFWS website at <http://www.fws.gov/laws/lawsdigest/migtrea.html>.

10. Protection of Wetlands – Executive Order 11990:

Projects, regardless of funding, must get approval for any temporary or permanent disturbance to federal and state waters, wetlands, and vernal pools. The permitting process through the United States Army Corps of Engineers (USACE) can be lengthy, and may ultimately require project alterations to avoid wetlands and waters of the United States. Applicants must consult with the USACE early in the planning process if any portion of the project site contains wetlands, or other federal waters. The USACE Wetland Delineation Manual is available at <http://www.wetlands.com/regs/tlpge02e.htm>. Also note that the California State Water Boards are involved in providing approvals through the Clean Water Act Section 401 Water Quality Certification Program and/or Waste Discharge Requirements. For more information, please go to http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml

11. Wild and Scenic Rivers Act:

There are construction restrictions or prohibitions for projects near or in a designated "wild and scenic river." A listing of designated "wild and scenic rivers" can be obtained at <http://www.rivers.gov/rivers/california.php>. Watershed information can be obtained through the "Watershed Browser" at http://cwp.resources.ca.gov/map_tools.php.

12. Safe Drinking Water Act, Source Water Protection:

Projects must comply with the Safe Drinking Water Act and document whether or not a project has the potential to contaminate a sole source aquifer. For projects impacting a listed sole source aquifer, the applicant must identify an alternative project location, or develop adequate mitigating measures in consultation with the USEPA. For more information, please go to the Sole Source Aquifer Program website at <http://epa.gov/region09/water/groundwater/ssa.html>.

13. Environmental Justice – Executive Order No. 12898:

Identify and address any disproportionately high and adverse human health or environmental effects of the project's activities on minority and low-income populations. USEPA has defined environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

Fair Treatment means that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative consequences of industrial, governmental, and commercial operations or programs and policies.

Meaningful Involvement means that: 1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; 2) the public's contribution can influence the agency's decision; 3) the concerns of all participants involved will be considered in the decision-making process; and 4) the decision-makers seek out and facilitate the involvement of those potentially affected.

The term "environmental justice concern" is used to indicate the actual or potential lack of fair treatment or meaningful involvement of minority, low-income, or indigenous populations, or tribes in the development, implementation, and enforcement of environmental laws, regulations, and policies.

Your project may involve an "environmental justice concern" if the project could:

- a) Create new disproportionate impacts on minority, low-income, or indigenous populations;
- b) Exacerbate existing disproportionate impacts on minority, low-income, or indigenous populations, or
- c) Present opportunities to address existing disproportionate impacts on minority, low-income, or indigenous populations that are addressable through the project.

**ENVIRONMENTAL¹ PACKAGE CHECKLIST
FOR APPLICANT
(What to Submit to Project Manager)**

Required for all CWSRF Projects:

- Evaluation Form for Environmental Review and Federal Coordination with the substantiating information (i.e. USFWS species list/biological assessment, cultural resources documentation, air quality data, flood map etc.)
- Project Report, Scope of Work and Map(s)

Based on the type of CEQA documents prepared for the project, provide additional information as identified in the following boxes.

If project is covered under a CEQA Categorical or Statutory Exemption, submit a copy of the following:

- Notice of Exemption (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under a Negative Declaration, submit a copy of the following:

- Draft and Final Initial Study/Negative Declaration (IS/ND)
 - Comments and Responses to the Draft IS/ND
- Resolution approving the CEQA documents
 - Adopting the Negative Declaration
 - Making CEQA Findings
- Notice of Determination (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under a Mitigated Negative Declaration, submit a copy of the following:

- Draft and Final Initial Study/Mitigated Negative Declaration (IS/MND)
 - Comments and Responses to the Draft IS/MND
 - Mitigation Monitoring and Reporting Plan/Program (MMRP)
- Resolution approving the CEQA documents
 - Adopting the Mitigated Negative Declaration and the MMRP
 - Making CEQA Findings
- Notice of Determination (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under an Environmental Impact Report (EIR), submit a copy of the following:

- Draft and Final EIR
 - Comments and Responses to the Draft EIR
 - Mitigation Monitoring and Reporting Plan/Program (MMRP)
- Resolution approving the CEQA documents
 - Certifying the EIR and adopting the MMRP
 - Making CEQA Findings
 - Adopting a Statement of Overriding Considerations for any adverse environmental impact(s), if applicable
- Notice of Determination (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If EIR is a joint CEQA/National Environmental Policy Act document (EIR/Environmental Impact Statement or EIR/Environmental Assessment), submit the applicable Record of Decision and/or the Finding of No Significant Impact.

¹ If the CEQA document is more than five years old applicant shall provide an updated CEQA document (eg. subsequent, supplemental, or addendum CEQA documents) or a letter that describes the current status of the environmental condition for the project's location.

State Water Resources Control Board (State Water Board)
Clean Water State Revolving Fund Program

Evaluation Form for Environmental Review and Federal Coordination

CWSRF No.: _____
Applicant Name: _____
Date: _____
Project Title: _____

1. **Federal Endangered Species Act (ESA). Section 7:**

Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may affect federally listed threatened or endangered species or their critical habitat that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?

a. **Required documents: Attach project-level biological surveys, evaluations analyzing the project's direct and indirect effects on special-status species, and an up-to-date species list (from the United States Fish and Wildlife Service and the California Natural Diversity Database) for the project area.**

No. Discuss why the project will not impact any federally listed special status species:

Yes. Provide information on federally listed species that could potentially be affected by this project and any proposed avoidance and compensation measures so that the State Water Board can initiate informal/formal consultation with the applicable federally designated agency. Document any previous ESA consultations that may have occurred for the project. Include any comments below:

2. **Magnuson-Stevens Fishery Conservation and Management Act, Essential Fish Habitat:**
Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may adversely affect essential fish habitat?

No. Discuss why the project will not impact essential fish habitat:

Yes. Provide information on essential fish habitat that could potentially be affected by this project and any proposed avoidance and compensation measures. Document any consultations with the National Marine Fisheries Service that may have occurred for the project. Include any comments below:

3. **National Historic Preservation Act, Section 106:**
Identify the area of potential effects (APE), including construction, staging areas, and depth of any excavation. (Note: the APE is three dimensional and includes all areas that may be affected by the project, including the surface area and extending below ground to the depth of any project excavations).

- **Required documents: Cultural Resources Assessment** prepared by a prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards (www.cr.nps.gov/local-law/arch_stnds_9.htm). **Current records search** with maps showing all sites and surveys drawn in relation to the project area, and records of **Native American consultation**. Include any comments below:

4. Federal Clean Air Act:

Identify Air Basin Name _____

Name of the Local Air District for Project Area: _____

Is the project subject to a State Implementation Plan (SIP) conformity determination?

No. The project is in an attainment or unclassified area for all federal criteria pollutants.

Yes. The project is in a nonattainment area or attainment area subject to maintenance plans for a federal criteria pollutant. Include information to indicate the nonattainment designation (e.g. moderate, serious, severe, or extreme), if applicable. If estimated emissions (below) are above the federal de minimis levels, but the project is sized to meet only the needs of current population projections that are used in the approved SIP for air quality, then quantitatively indicate how the proposed capacity increase was calculated using population projections.

- If you checked "Yes" above, provide the estimated project construction and operational air emissions (in tons per year) in the chart below, and attach supporting calculations.

- Also, attach any air quality studies that may have been done for the project.

Pollutant	Federal Status (Attainment, Nonattainment, Maintenance, or Unclassified)	Nonattainment Rates (i.e., moderate, serious, severe, or extreme)	Threshold of Significance for Project Air Basin (if applicable)	Construction Emissions (Tons/Year)	Operation Emissions (Tons/Year)
Ozone (O ₃)					
Carbon Monoxide (CO)					
Oxides of Nitrogen (NO _x)					
Reactive Organic Gases (ROG)					
Volatile Organic Compounds (VOC)					
Lead (Pb)					
Particulate Matter less than 2.5 microns in diameter (PM _{2.5})					
Particulate Matter less than 10 microns in diameter (PM ₁₀)					
Sulfur Dioxide (SO ₂)					

5. Coastal Zone Management Act:

Is any portion of the project site located within the coastal zone?

No. The project is not within the coastal zone.

Yes. Describe the project location with respect to coastal areas and the status of the coastal zone permit, and provide a copy of the coastal zone permit or coastal exemption:

6. **Coastal Barriers Resources Act:**

Will the project impact or be located within or near the Coastal Barrier Resources System or its adjacent wetlands, marshes, estuaries, inlets, and near-shore waters? Note that since there is currently no Coastal Barrier Resources System in California, projects located in California are not expected to impact the Coastal Barrier Resources System in other states. If there is a special circumstance in which the project may impact a Coastal Barrier Resource System, indicate your reasoning below.

No. The project will not impact or be located within or near the Coastal Barrier Resources System or its adjacent wetlands, marshes, estuaries, inlets, and near-shore waters.

Yes. Describe the project location with respect to the Coastal Barrier Resources System, and the status of any consultation with the appropriate Coastal Zone management agency and the United States Fish and Wildlife Service:

7. **Farmland Protection Policy Act:**

Is any portion of the project located on important farmland?

No. The project will not impact farmland.

Yes. Include information on the acreage that would be converted from important farmland to other uses. Indicate if any portion of the project boundaries is under a Williamson Act Contract and specify the amount of acreage affected:

8. **Flood Plain Management:**

Is any portion of the project located within a 100-year floodplain as depicted on a floodplain map or otherwise designated by the Federal Emergency Management Agency?

• **Required documents: Attach a floodplain map.**

No. Provide a description of the project location with respect to streams and potential floodplains:

Yes. Describe the floodplain, and include a floodplains/wetlands assessment. Describe any measures and/or project design modifications that would be implemented to minimize or avoid project impacts:

9. **Migratory Bird Treaty Act:**

Will the project affect protected migratory birds that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?

No. Provide an explanation below.

Yes. Discuss the impacts (such as noise and vibration impacts, modification of habitat) to migratory birds that may be directly or indirectly affected by the project and mitigation measures to reduce or eliminate these impacts. Include a list of all migratory birds that could occur where the project is located:

10. **Protection of Wetlands:**

Does any portion of the project boundaries contain areas that should be evaluated for wetland delineation or require a permit from the United States Army Corps of Engineers?

No. Provide the basis for such a determination:

Yes. Describe the impacts to wetlands, potential wetland areas, and other surface waters, and the avoidance, minimization, and mitigation measures to reduce such impacts. Provide the status of the permit and information on permit requirements:

11. **Wild and Scenic Rivers Act:**

Identify watershed where the project is located: _____

Is any portion of the project located within a wild and scenic river?

No. The project is not located near a wild and scenic river.

Yes. Identify the wild and scenic river watershed and project location relative to the affected wild and scenic river:

12. Safe Drinking Water Act, Sole Source Aquifer Protection:

Is the project located in an area designated by the United States Environmental Protection Agency, Region 9, as a Sole Source Aquifer?

No. The project is not within the boundaries of a sole source aquifer.

Yes. Contact USEPA, Region 9 staff to consult, and identify the sole source aquifer (e.g., Santa Margarita Aquifer, Scott's Valley, the Fresno County Aquifer, the Campo/Cottonwood Creek Aquifer or the Ocotillo-Coyote Wells Aquifer) that will be impacted:

13. Environmental Justice:

Does the project involve an activity that is likely to be of particular interest to or have particular impact upon minority, low-income, or indigenous populations, or tribes?

No. Selecting "No" means that this action is not likely to be of any particular interest to or have an impact on these populations or tribes. Explain.

Yes. If you answer yes, please check at least one of the boxes and provide a brief explanation below:

The project is likely to impact the health of these populations.

The project is likely to impact the environmental conditions of these populations.

The project is likely to present an opportunity to address an existing disproportionate impact of these populations.

The project is likely to result in the collection of information or data that could be used to assess potential impacts on the health or environmental conditions of these populations.

The project is likely to affect the availability of information to these populations.

Other reasons, describe: _____

NATIVE AMERICAN AND INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the beginning of any cultural resource investigations. The purpose is to gather information from people with local knowledge that may be used to guide research.
- A project description and map should be sent to the Native American Heritage Commission (NAHC) requesting a check of their Sacred Lands Files. The Sacred Lands Files include religious and cultural places that are not recorded at the information centers.
- The NAHC will include a list of Native American groups and individuals with their response. A project description and maps should be sent to everyone on the list asking for information on the project area.
- Similar letters should be sent to local historical organizations.
- Follow-up contact should be made by phone if possible and a phone log should be included in the report.

WARNING PHRASES IN ALREADY PREPARED CEQA REPORTS

- A finding of “**no known resources**”, this doesn't mean anything. The consultant's job is to find out if there are resources within the APE or to explain why they are not present.
- “**The area is sensitive for buried archaeological resources**”, followed by a statement that “**monitoring is recommended as mitigation**”. Monitoring is not an acceptable mitigation. A reasonable effort should be made to find out if buried resources are present in the APE.
- “**The area is already disturbed by previous construction**”, this may be true, but documentation is still needed to show that the new project will not affect cultural resources. As an example, an existing road can be protecting a buried archaeological site. Or, previous construction may have impacted an archaeological site that was never documented.
- No mention of “**Section 106**”, a report that gives adequate information for CEQA may not be sufficient to comply with Section 106.

SHPO CONSULTATION LETTER

- A Section 106 consultation letter should be prepared by a qualified researcher, and submitted along with the Section 106 Report to the State Water Board to use to consult with the State Historic Preservation Officer.

STATE WATER BOARD CONTACT INFORMATION

Please contact Mr. Ahmad Kashkoli 916-341-5855 or akashkoli@waterboards.ca.gov if you have any questions related to CWSRF Program cultural resources compliance.

BASIC CRITERIA FOR CULTURAL RESOURCES REPORTS

FOR SECTION 106 CONSULTATION WITH THE STATE HISTORIC PRESERVATION OFFICER (SHPO) UNDER THE NATIONAL HISTORIC PRESERVATION ACT (NHPA)

CULTURAL RESOURCES REPORTS

The Section 106 compliance efforts and reports must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards (www.cr.nps.gov/local-law/arch_stnds_9.htm).

REPORT TERMINOLOGY

A cultural resources report used for Section 106 consultation should use terminology consistent with 36 CFR, Section 800.16 of the NHPA. This doesn't mean that the report needs to "filled" with passages and interpretations of the regulations, the SHPO reviewer already knows the law.

- If "findings" are made they must be one of the four "findings" listed in Section 106. These include:
 - "No historic properties affected" (no properties are within the APE, including the below ground APE).
 - "No effect to historic properties" (properties may be near the APE but the project will not impact them).
 - "No adverse effect to historic properties" (the project may affect historic properties but the impacts will not be adverse)
 - "Adverse effect to historic properties". *Note: the SHPO must be consulted at this point. If your consultant proceeds on his own, his efforts may be wasted.*

CURRENT RECORDS SEARCH INFORMATION

- A current (less than a year old) records search from the appropriate Information Center is necessary. The records search should include maps that show all recorded sites and surveys in relation to the area of potential effects (APE) for the project.
- The APE is three-dimensional and includes all areas that may be affected by the project. It includes the surface area and extends below ground to the depth of any project excavations.
- The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Response to Letter from State Water Resources Control Board, State of California (June 20, 2013)

- 2-1. Comment noted. The City will provide the requested documents following completion of the City's CEQA process.
- 2-2. Comment noted. CEQA-plus requirements pursuant to Clean Water State Revolving Fund financing will be addressed separately from the SEIR.

**3. Letter from Federal Emergency Management Agency, United States
Department of Homeland Security (May 28, 2013)**

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



May 28, 2013

Stephanie Beauchaine, Finance Director
City of Rio Dell
675 Wildwood Drive
Rio Dell, California 95562

Dear Ms. Beauchaine:

This is in response to your request for comments regarding Notice of Completion and Availability, Draft Supplemental Environmental Impact Report – Rio Dell Wastewater Reuse Project, SCH #2007062006 dated May 9, 2013.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Humboldt (Community Number 060060), Maps dated May 3, 1982; and City of Rio Dell (Community Number 060064), Maps dated February 8, 1999. Please note that the City of Rio Dell, Humboldt County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

3-1

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

3-2

3-3

Stephanie Beauchaine, Finance Director
Page 2
May 28, 2013

- All buildings constructed within a coastal high hazard area, (any of the “V” Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. 3-4
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA’s Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>. 3-5

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community’s floodplain manager for more information on local floodplain management building requirements. The Rio Dell floodplain manager can be reached by calling Jim Stretch, Director, Public Works, at (707) 764-3532. The Humboldt County floodplain manager can be reached by calling Todd Sobolik, Chief Building Official, at (707) 445-7245. 3-6

If you have any questions or concerns, please do not hesitate to call Sarah Owen of the Mitigation staff at (510) 627-7050.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Jim Stretch, Director, Public Works Department, City of Rio Dell
Todd Sobolik, Chief Building Official, Humboldt County
Tim Chao/Raul Barba, State of California, Department of Water Resources, Northern Region
Office
Sarah Owen, NFIP Planner, DHS/FEMA RIX
Alessandro Amaglio, Environmental Officer, DHS/FEMA RIX

**Response to Letter from Federal Emergency Management Agency, United States
Department of Homeland Security (May 28, 2013)**

- 3-1 Comment noted. The current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Humboldt (Community Number 060060), maps dated May 3, 1982; and the City of Rio Dell (Community Number 060064), maps dated February 8, 1999 have been reviewed. It has been noted that the City of Rio Dell, Humboldt County, California is a participant in the National Flood Insurance Rate Program.
- 3-2 Comment noted. The proposed project modification does not include the construction of any building.
- 3-3 The modified pipeline route crosses a Regulatory Floodway as delineated on the FIRMs (Community Panel Numbers 060060 1140 B and 060060 1120 B). However construction of the pipeline will have no effect on base flood elevation levels because the pipeline will be located entirely underground and/or beneath the Eel River channel. Based on the preliminary design plans, the maximum design depth of the horizontal directional drilling alignment below the present day Eel River channel is about 60 feet, and is assumed to be about 40 feet below the contact of the channel deposits with the underlying bedrock.
- 3-4 Comment noted. The proposed project does not include the construction of any building.
- 3-5 Comment noted. The proposed project will not change existing Special Flood Hazard Areas.
- 3-6 Todd Sobolik, Humboldt County Floodplain Manager, stated that he sees no potential for the project to conflict with local floodplain management building requirements (pers. comm. June 28, 2013).

4. Letter from Humboldt County Association of Governments (May 24, 2013)



Humboldt County Association of Governments (HCAOG)
611 I Street, Suite B
Eureka CA 95501
707.444.8208
info@hcaog.net

May 24, 2013

Stephanie Beauchaine, Finance Director
City of Rio Dell
675 Wildwood Drive
Rio Dell, CA 95562

RE: Notice of Intent to Comment:
Local Clearinghouse Review No. 2013-03: Draft Supplemental Environmental Impact Report: **Rio Dell
Wastewater Reuse Project (State Clearinghouse #2007062006)**

Dear Ms. Beauchaine,

This is to notify you that the Notice of Completion and Availability referenced above will be forwarded to interested local agencies for review under Executive Order 12372. Any comments or concerns received will be submitted to you at the end of the review period, June 14, 2013. If you have any concerns regarding this matter, please feel free to contact me at your convenience.

4-1

Sincerely,

Siana L. Watts
Executive Assistant
Humboldt County Association of Governments HCAOG

Response to Letter from Humboldt County Association of Governments (May 24, 2013)

4-1 Comment noted.

5. Letter from Department of Transportation, State of California (May 14, 2013)

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-4540
FAX (707) 445-6647
TTY (Teletypewriter #707-445-6463)



#5

*Flex your power!
Be energy efficient!*

May 14, 2013

City of Rio Dell
Stephanie Beauchaine
675 Wildwood Drive
Rio Dell, CA 95562

1-HUM-101-53.9
DB# 18868

Dear Ms. Beauchaine,

Thank you for the opportunity to comment on the Rio Dell Wastewater Reuse Project Draft Supplemental Environmental Impact Report, May 2013. The project proposes to modify the sewer transmission pipeline which would then cross underneath the Eel River using horizontal directional drilling (HDD). The entry pit, associated work area and equipment staging location has been determined to be within State right of way.

Caltrans reminds the City that any work within the State right of way will require an approved encroachment permit. Encroachment permit applications are reviewed for consistency with State Standards and are subject to Department approval. Request for Caltrans encroachment permit application forms can be sent to Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6389. For additional information, the Caltrans Permit Manual is available online at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

5-1

If you have any questions about the contents of this letter, please me at the number above or at tatiana.ahlstrand@dot.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Tatiana Ahlstrand".

Tatiana Ahlstrand, Associate Transportation Planner
Office of Regional and Community Planning
Caltrans, District 1

Response to Letter from Department of Transportation, State of California (May 14, 2013)

- 5-1. Comment noted. An encroachment permit will be obtained prior to any work within the state right-of-way.

3.0 Revisions to the Draft Supplemental Environmental Impact Report

3.1 Revisions to Introduction

Add the following to the end of Section 1.5.4:

It is noted that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant. It is further noted that title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tidal and submerged lands of California is vested in the State and is under the jurisdiction of the California State Lands Commission.

3.2 Revisions to Project Description

No change is proposed to the project description presented in the Draft SEIR.

3.3 Revisions to Regional Setting

No change is proposed to the regional setting presented in the Draft SEIR.

3.4 Revisions to Environmental Analysis

Add the following to the end of mitigation measure 6-6b in both the Executive Summary and Section 4.2.2 of the Draft SEIR:

The frac-out contingency plan shall also disclose the proposed locations of any relief pit(s) and how they will be monitored.

A supplement to the MMRP, which incorporates additional mitigation measures identified in the SEIR, is presented as Appendix A of this Final SEIR.

3.5 Revisions to Alternatives

No change is proposed to the alternatives presented in the Draft SEIR.

3.6 Revisions to CEQA-Required Sections

No change is proposed to the CEQA-required sections presented in the Draft SEIR evaluating unavoidable significant impacts, irreversible significant impacts, growth-inducing impacts, and cumulative impacts.

4.0 Preparers

SHN Consulting Engineers & Geologists, Inc.

Stein Coriell, Project Planner

Rosalind Litzky, Environmental Planner

5.0 References

- SHN Consulting Engineers & Geologists, Inc. (May 2013). *Rio Dell Wastewater Reuse Project Draft Supplemental Environmental Impact Report, State Clearinghouse Number (SCH#) 2007062006*. Eureka, CA:SHN.
- Sobolik, Todd. (June 28, 2013). Personal communication regarding project's potential conflict with local floodplain management building requirements.
- Winzler & Kelly. (October 2007). *Draft Environmental Impact Report, Rio Dell Wastewater Reuse Project, State Clearinghouse Number (SCH#) 2007062006*. Eureka, CA:W&K.
- . (April 2008). *Rio Dell Wastewater Reuse Project Environmental Impact Report, State Clearinghouse Number (SCH#) 2007062006*. Eureka, CA:W&K.
- . (June 2009). *Rio Dell Wastewater Reuse Project Environmental Impact Report, State Clearinghouse Number (SCH#) 2007062006: June 2009 Addendum*. Eureka, CA:W&K.
- . (September 2010). *Rio Dell Wastewater Reuse Project Environmental Impact Report, State Clearinghouse Number (SCH#) 2007062006: September 2010 Addendum No. 2*. Eureka, CA:W&K.

Appendix A

**Supplement to Mitigation Monitoring and Reporting
Program**

SUPPLEMENT TO MITIGATION MONITORING AND REPORTING PROGRAM

1.1 Purpose and Use of Mitigation Monitoring Program

The California Environmental Quality Act (CEQA) requires a public agency to adopt a reporting or monitoring program when approving a project or changes to a project, in order to mitigate or avoid significant effects on the environment (Public Resources Code Section 21081.6). The program must be designed to monitor or report on the mitigation measures that the agency has adopted in order to mitigate or avoid significant environmental effects. The reporting or monitoring program must be designed to ensure compliance during project implementation.

The Rio Dell Wastewater Reuse Project Supplemental Environmental Impact Report (SEIR) is a supplement to the 2008 *Rio Dell Wastewater Reuse Project Environmental Impact Report* (SCH# 2007062006) (2008 EIR), *Rio Dell Wastewater Reuse Project Environmental Impact Report June 2009 Addendum* (SCH# 2007062006) (Addendum No. 1), and the *Rio Dell Wastewater Reuse Project Environmental Impact Report September 2010 Addendum No. 2* (SCH# 2007062006) (Addendum No. 2). The mitigation measures adopted as part of the 2008 EIR, Addendum No. 1 and Addendum No. 2 remain in effect and the previously adopted mitigation monitoring and reporting program (MMRP) remains in effect. Two new mitigation measures have been identified in the SEIR, to reduce impacts to less than significant. These two mitigation measures are the subject of this supplement to the MMRP.

1.2 Project Summary

The City of Rio Dell is in the process of constructing the Rio Dell Wastewater Reuse Project. In May 2008, the City certified an environmental impact report (EIR). In June 2009, Addendum No. 1 to the Certified EIR was prepared. This addendum analyzed changes to Alternative 5 that were required in order to install and operate equipment temporarily, including new biosolids-dewatering equipment, a new storage building, and new disinfection equipment at the existing wastewater treatment facility (WWTF). In September 2010, Addendum No. 2 was prepared; it analyzed changes to Alternative 1 in the 2008 Certified EIR. The City opted to move forward with Alternative 1, which consists of Options WWTF1 (treatment system to be located at Rio Dell's existing facility site) and REUSE1A (storage pond and summer disposal on Metropolitan agricultural land, and winter disposal at current discharge location).

At this time, Wahlund Construction, under contract with the City of Rio Dell, is proposing a change to the alignment of the sewer transmission pipeline where it crosses the Eel River. The previous proposal was that the pipeline would cross the Eel River within the Southbound Highway 101 Caltrans Bridge. The revised plan ("project modification" or "project") is for a horizontal directional drilled (HDD) crossing below the river channel in the bedrock.

1.3 Monitoring and Reporting Procedures

The CEQA lead agency, the City of Rio Dell, is responsible for all mitigation monitoring actions; therefore, the City Manager of the City of Rio Dell (currently Mr. Jim Stretch), or *designated representative*, is directed to implement the mitigation measures adopted by the City Council of the City of Rio Dell, to maintain current records and make them available for public inspection, and to

report periodically to the City Council on the implementation and success of the mitigation measures. This is to be accomplished by coordinating with staff, consultants, and contractors to ensure that mitigation measures are implemented. Whenever appropriate, mitigation requirements should be stated in planning and design reports and included in the contract documents (pre-construction requirements and construction plans and specifications, etc.).

The City is also responsible for implementing the project in accordance with the project description in the adopted Final SEIR. This MMRP includes mitigation monitoring verification forms (as summarized in Table 1 below) that identify key points in the project at which specified monitoring actions must occur (verification forms attached in Attachment 1). On the monitoring verification forms, the term “project engineer” refers to the City’s designated representative to be responsible for project planning, preparing contract documents, including pre-construction requirements and construction plans and specifications, and overseeing the execution of the project. The term “construction manager” refers to the City’s or the project engineer’s designated field representative to be responsible for observing pre-construction activities and construction implementation, ensuring project compliance with contract documents, and documenting compliance in project records.

Table 1 Summary of Mitigation Monitoring Forms			
Form #1	Mitigation Measure	Sign Off Requirements	Schedule
19	6-6a	Construction Manager	1-during and 2-post construction
20	6-6b	Construction Manager	1-prior to construction and 2-post construction

1. Form numbering continued from previous MMRP.

1.4 Mitigation Measures

Potentially significant environmental impacts of the proposed project modification and recommended mitigations were identified in the Draft SEIR in the impact categories of biological resources (Impact 6-6) and hydrology and water quality (Impact 10-2). Both of these impacts are less than significant with incorporation of the recommended mitigation measures. Because an SEIR only needs to contain the information necessary to analyze the project modifications that triggered the additional environmental review (CEQA Guidelines Section 15163), only the mitigation measures identified in the SEIR are included herein.

Biological Resources

Refer to Impact Verification Form 19 (Attachment 1).

Impact 6-6: Temporary direct impact to special status species, riparian habitat, and/or federally protected waters of the United States as a result of inadvertent release of drilling fluids in or near the Eel River during HDD.

Mitigation Measure 6-6a: Surface monitoring of the HDD alignment shall be conducted during HDD activities, and the HDD bore shall be advanced with particular caution, especially in the final 300 feet of the HDD alignment.

Mitigation Measure 6-6b: A frac-out contingency plan shall be developed by the contractor and submitted to the City of Rio Dell for review and approval prior to commencement of the HDD process. In addition to incorporating all recommendations of the hydraulic fracture analysis report, the plan shall include construction personnel training measures, agency notification procedures, monitoring methods, spill prevention procedures/equipment, and spill containment procedures/equipment, spill clean-up/disposal procedures/equipment. Preventative measures shall include implementation of geotechnical investigation recommendations regarding HDD depth and drilling mud mixture. The frac-out contingency plan shall also disclose the proposed locations of any relief pits and how they will be monitored.

Hydrology and Water Quality

Refer to Impact Verification Form 20 (Attachment 1).

Impact 10-2: Temporary direct impact to Eel River water quality as a result of inadvertent release of drilling fluids in or near the Eel River during HDD.

Mitigation Measure 10-2: See Mitigation Measures 6-6a and 6-6b.

Attachment 1

Mitigation Monitoring Verification Forms

MITIGATION MONITORING VERIFICATION FORM 19

City of Rio Dell Wastewater Reuse Project, Humboldt County, CA
Mr. Jim Stretch, City of Rio Dell City Manager, 707-764-3532
State Clearinghouse Number: 2007062006

Mitigation Measure 6-6a: Surface monitoring of the HDD alignment shall be conducted during HDD activities, and the HDD bore shall be advanced with particular caution, especially in the final 300 feet of the HDD alignment.

Item 1: To be completed by **Construction Manager** during construction.

1) during construction ensure compliance with contract documents, 2) complete the Mitigation Monitoring Status section below, and 3) file this completed form in the project file where it can be inspected along with other verification forms for this project.

Item 2: To be completed by **Construction Manager** post construction.

1) post construction ensure compliance with contract documents, 2) document compliance in project records and on this form in the Mitigation Monitoring Status section below, and 3) provide this completed form to the **City of Rio Dell or Representative** for filing.

Mitigation Monitoring Status: Refer to the next page for sign off requirements.

MITIGATION MONITORING VERIFICATION FORM 19

Mitigation Monitoring Status: Indicate status of mitigation measure: Complete? Issues? Future Actions?

Item 1 completed by **Construction Manager** during construction (sign and date):

Item 2 completed by **Construction Manager** post construction (sign and date):

Notes:

MITIGATION MONITORING VERIFICATION FORM 20

City of Rio Dell Wastewater Reuse Project, Humboldt County, CA
Mr. Jim Stretch, City of Rio Dell City Manager, 707-764-3532
State Clearinghouse Number: 2007062006

Mitigation Measure 6-6b: A frac-out contingency plan shall be developed by the contractor and submitted to the City of Rio Dell for review and approval prior to commencement of the HDD process. In addition to incorporating all recommendations of the hydraulic fracture analysis report (Appendix C of the geotechnical report), the plan shall include construction personnel training measures, agency notification procedures, monitoring methods, spill prevention procedures/equipment, and spill containment procedures/equipment, spill clean-up/disposal procedures/equipment. Preventative measures shall include implementation of geotechnical investigation recommendations regarding HDD depth and drilling mud mixture. The frac-out contingency plan shall also disclose the proposed locations of any relief pits and how they will be monitored.

Item 1: To be completed by **Construction Manager** prior to construction.

1) prior to construction ensure compliance with contract documents, 2) complete the Mitigation Monitoring Status section below, and 3) file this completed form in the project file where it can be inspected along with other verification forms for this project.

Item 2: To be completed by **Construction Manager** post construction.

1) post construction ensure compliance with contract documents, 2) document compliance in project records and on this form in the Mitigation Monitoring Status section below, and 3) provide this completed form to the **City of Rio Dell or Representative** for filing.

Mitigation Monitoring Status: Refer to the next page for sign off requirements.

MITIGATION MONITORING VERIFICATION FORM 20

Mitigation Monitoring Status: Indicate status of mitigation measure: Complete? Issues? Future Actions?

Item 1 completed by **Construction Manager** prior to construction (sign and date): _____

Item 2 completed by **Construction Manager** post construction (sign and date):

Notes: