

TO: BOARD OF DIRECTORS

FROM: MARIO E. IGLESIAS
GENERAL MANAGER



DATE: MAY 4, 2017

AGENDA ITEM
E-1
MAY 10, 2017

PUBLIC HEARING

NOTICE OF VIOLATION OF DISTRICT SEWER USE REGULATIONS, CONSIDER AN ORDER TO TERMINATE WATER SERVICE AT 1050 WILLOW ROAD – WILLOW MARKET

ITEM

Conduct public hearing to consider and order the termination of water service to Willow Market, located at 1050 Willow Road, for continued violation of Nipomo Community Services District's ("NCSD") sewer use regulations. [RECOMMEND CONDUCT HEARING AND DIRECT STAFF]

BACKGROUND

The owner of Willow Market ("Owner") has continued to violate the NCSD sewer use regulations over a three year period for the same violation despite three separate Notices of Violation ("NOV") issued by NCSD to Owner. Willow Market is located next to the Blacklake residential development. Noxious odors from the sewer system have been observed in the Blacklake neighborhood on many occasions and generated countless complaints by the residents. The District has installed equipment designed to measure the level of odor causing gases in the manhole where sewage from the Willow Market is discharged. The spike in measurements caused when the private on-site sewer pump station discharges into the receiving manhole and recorded on the District's equipment provide clear evidence that Willow Market is the cause of the odor complaints generated by the surrounding residents.

The first NOV was issued to Owner on February 5, 2014, stating the Owner's lift station was deficient.

"Based on our [NCSD staff] site inspection of January 23, 2014 and February 3, 2014, it appears that the private sewer pump station that pumps wastewater from your store to the District's sewer system in Sunday Drive is not functioning properly. Extended Cycle times appear to be allowing your store's wastewater to become putrid and septic between pumping cycles. This is resulting in excessive odors and creating a public nuisance in the District's collection system...."

The Sewer Use Regulations of the Nipomo Community Services District Code, California Code of Ordinances states:

"4.08.130 – Type of wastes prohibited.

Except as hereinafter provided, no person shall discharge or cause or permit to be discharged any of the following described waters or wastes:

J. Any noxious or malodorous gas or substance capable of creating a public nuisance;

A violation of the Sewer Use Regulations is punishable by penalties as described below:

“4.08.200 – Violation---Penalty.

- A. *Violation of the provisions hereof, consisting of the following:*
 - 1. *Requiring permits for connections;*
 - 2. *Prohibiting the discharge into the sewer system of certain waters, wastes, sewage or other substance of any sort; or*
 - 3. *Prohibiting direct connections to force-mains shall be a misdemeanor, punishable by either criminal or civil penalties as determined by the district's board of directors, including without limitation, the termination of all district services.*

- B. *Violation of any other provision of this chapter shall be reviewed by the board of directors at a properly noticed public hearing, and may result in the immediate termination of all district services subject to the conditions which the board deems appropriate.*

- C. *A supplemental water quality service charge is levied and imposed upon each person who violates **Section 4.08.135** in the amount of one hundred dollars per day.” (emphasis added)*

Owner did not address the February 5, 2014 NOV.

A Second Notice to the NOV was issued to the Owner on July 22, 2015 citing the same violation of District Code 4.08.130. Owner was to submit a written report to the District by August 21, 2015, documenting actions taken or plans to address the violation. Owner did respond to the District in a letter dated August 15, 2015 stating a change in pumping and cleaning activities to the private on-site sewer pump station and grease traps. However, these actions failed to eliminate the noxious or malodorous gas or substance capable of creating a public nuisance being experienced in the surrounding neighborhood.

A third notice to the NOV was issued on October 15, 2015 to the Owner. While a letter from Owners dated August 21, 2015 stated Owner was taking steps to abate the violations cited in the original and Second NOVs, an inspection of the Willow Market grease trap and private on-site sewer pump station by NCSO staff on September 28, 2015 once again revealed evidence that the grease interceptor was overflowing from excessive grease loading and the private on-site sewer pump station was clogged with grease resulting in excessive grease discharging into the District's sewer collection system.

Owner was required to take specific actions to abate the violations and was to provide a written report no later than October 30, 2015 documenting the actions taken, or planned, to address these violations. At that time, Owner was directed by NCSO staff to provide maintenance records of activities Owner took to prevent the pumping of excess grease into the District's sewer collection system. Owner provided documentation of actions and a plan to resolve the violations in a letter dated October 23, 2015. No actions taken by Owner to date have eliminated the violations. Complaints continued to be registered by the surrounding neighborhood.

On April 26, 2017, a Fourth NOV was issued to Willow Market. In addition to the District Code sections stated above, the Fourth NOV also included the following sections:

“3.03.060 Discontinuance of service.

A. Water and sewer service may be discontinued for any one of the following reasons.

7. Any violation by the customer of any rules, regulations or fees of the district governing water and/or sewer service.”

“3.04.370 Violation a public nuisance.

Any violation of the provisions hereof shall also constitute a public nuisance. In addition to criminal prosecution or judicial abatement procedures otherwise authorized, the district shall have authority, after due notice and public hearing, to abate any violations hereof *by terminating water service to all properties associated with or involved in the violation*, and by assessing all costs of abatement against all property owners allowing, permitting or otherwise authorizing the illegal connection, water use or other violation.” (emphasis added)

The District and Owner continued to communicate, the District notifying Owner that odor complaints continued to come to the District and the Owner leading the District to believe modifications to the private on-site sewer pump station were being designed and readied for construction. To date, the District has not received a schedule for the modifications of the on-site sewer pump station nor a signed contract that would demonstrate progress in resolving the ongoing sewer violations. While odor complaints have decreased over the last four months, this is attributed to the District’s installation of a check valve on affected customer laterals connected to the District’s sewer system. This minimizes the access of the noxious gases to the properties but does nothing to reduce the damage to the District’s sewer infrastructure caused by the high levels of corrosive gases contributed by the Willow Market’s private on-site sewer pump station.

Owner was notified in the April 26, 2017 NOV from the District that a public hearing is now scheduled and will be held at the NCSD Regular Board Meeting on May 10, 2017 to determine NCSD’s actions in response to the ongoing violations at 1050 Willow Road, Willow Market. The Board of Directors will hear the evidence provided by staff, the Owner and the public, and then review the District Code and direct staff accordingly.

FISCAL IMPACT

The fiscal impact of this action with regard to the District’s budget is minimal. The Owner could challenge the Boards decision, but the District has taken all reasonable measures to accommodate the Owner to address the violations, as demonstrated by the record, and the District must take actions to protect sewer system customers and the sewer collection system infrastructure.

STRATEGIC PLAN

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT. Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

2.2 Manage the collection system with the objective of zero spills and zero permit violations.

RECOMMENDATION

Staff recommends your Board conduct a public hearing for 1050 Willow Road, Willow Market, regarding the ongoing sewer violations at this site and consider the appropriate action based on the evidence provided and the testimony of the Owner and the public. The April 26, 2017 NOV states that staff will recommend the Board of Directors order the following:

1. Provide a written plan to address the ongoing hazard created by Owner's operation by May 24, 2017 (30 days from the date of the April 26, 2017 letter), and;
2. Implement the planned mitigation measures, approved by the District, to solve the ongoing hazard created by Owner's operation by July 24, 2017 (60 days from the May 24, 2017 written plan due date).
3. If Steps 1 or 2 identified above are not completed to the satisfaction of the District, water service to the property will be terminated until Owner completes the approved measures and pays the applicable reconnection fee(s).

The above stated time line provides 90 days from the date of the April 26, 2017 NOV letter for the Owner to abate the sewer violations. The Owner has plans for improving the private on-site sewer pump station in-hand and, as the weather should not impair construction activities, it is anticipated that the improvements can be completed by the July 24, 2017 deadline stated above.

As indicated in Step 3 above, staff will terminate water service in the event Owner fails to meet either Steps 1 or 2 stated above.

ATTACHMENTS

- A. February 5, 2014, NOV – 1050 Willow Road
- B. July 22, 2015, NOV – Second Notice 1050 Willow Road
- C. August 15, 2015, Customer Response to NOV Second Notice
- D. October 15, 2015, NOV – Third Notice 1050 Willow Road
- E. October 23, 2015, Customer Response to NOV Third Notice
- F. April 26, 2017, NOV – Fourth Notice, Notice of Public Hearing 1050 Willow Road

May 10, 2017

ITEM E-1

ATTACHMENT A

NIPOMO COMMUNITY

BOARD MEMBERS

CRAIG ARMSTRONG, PRESIDENT
JAMES HARRISON, VICE PRESIDENT
LARRY VIERHEILIG, DIRECTOR
DAN GADDIS, DIRECTOR
BOB BLAIR, DIRECTOR



Serving the Community Since 1965

SERVICES DISTRICT

STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
PETER SEVCIK, P.E., DIRECTOR OF ENG. & OPS.
MICHAEL W. SEITZ, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

February 5, 2014

CERTIFIED RETURN RECEIPT

Vernon Smith
Willow
P.O. Box 1433
Nipomo, CA 93444

**Subject: 1050 WILLOW ROAD, NIPOMO
NOTICE OF VIOLATION OF DISTRICT SEWER USE REGULATIONS**

Dear Mr. Smith:

The District has received numerous sewer odor complaints in the vicinity of your store 'Willow' at 1050 Willow Road, Nipomo. Based on our site inspections of January 23, 2014 and February 3, 2014, it appears that the private sewer pump station that pumps wastewater from your store to the District's sewer system in Sunday Drive is not functioning properly. Extended cycle times appear to be allowing your store's wastewater to become putrid and septic between pumping cycles. This is resulting in excessive odors and creating a public nuisance in the District's collection system that receives the waste.

The Sewer Use Regulations of the Nipomo Community Services District Code, California Code of Ordinances states:

"4.08.130 – Type of wastes prohibited.

Except as hereinafter provided, no person shall discharge or cause or permit to be discharged any of the following described waters or wastes:

...

J. Any noxious or malodorous gas or substance capable of creating a public nuisance;"

A violation of the Sewer Use Regulations is punishable by penalties as described below:

"4.08.200 – Violation---Penalty.

A. *Violation of the provisions hereof, consisting of the following:*

1. *Requiring permits for connections;*
2. *Prohibiting the discharge into the sewer system of certain waters, wastes, sewage or other substance of any sort; or*
3. *Prohibiting direct connections to force-mains shall be a misdemeanor, punishable by either criminal or civil penalties as determined by the district's*

board of directors, including without limitation, the termination of all district services.

- B. Violation of any other provision of this chapter shall be reviewed by the board of directors at a properly noticed public hearing, and may result in the immediate termination of all district services subject to the conditions which the board deems appropriate.*
- C. A supplemental water quality service charge is levied and imposed upon each person who violates Section 4.08.135 in the amount of one hundred dollars per day." (emphasis added)*

You must take action to mitigate this public nuisance immediately. Contact Peter Sevcik at 929-1133 to schedule an inspection of your store's sewer pump station once it is repaired.

You must contact the District to schedule an inspection of your store's sewer pump station within 14-days of this Notice.

If you fail to take action as outlined above, this Violation will be reviewed by the District's Board of Directors at a properly noticed public hearing. An appropriate penalty, up to and including termination of District services, will be considered in accordance with the Regulations cited above.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael S. LeBrun, P.E.
General Manager

May 10, 2017

ITEM E-1

ATTACHMENT B

NIPOMO COMMUNITY

BOARD MEMBERS

CRAIG ARMSTRONG, PRESIDENT
DAN GADDIS, VICE PRESIDENT
BOB BLAIR, DIRECTOR
ED EBY, DIRECTOR
DAN WOODSON, DIRECTOR



SERVICES DISTRICT

STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
PETER SEVCIK, P.E., DIRECTOR OF ENG. & OPS.
MICHAEL W. SEITZ, GENERAL COUNSEL

Celebrating 50 Years of Service to the Community, 1965 - 2015

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

July 22, 2015

CERTIFIED RETURN RECEIPT

Vernon Smith
Willow
P.O. Box 1433
Nipomo, CA 93444

Dear Mr. Smith:

**SUBJECT: WILLOW MARKET, 1050 WILLOW ROAD, NIPOMO
NOTICE OF VIOLATION – SECOND NOTICE**

In February 2014, the District issued your property a Notice of Violation for discharging especially noxious wastewater into our collection system (Attached).

While there have been improvements in this past year, we have recently confirmed the noxious discharges continue. Additionally, we have evidence that the grease trap designed to intercept excessive grease load from the market is either being bypassed or otherwise improperly operated resulting in excessive grease discharge into the District's collection system.

It is a violation of District Code 4.08.130 to discharge waste into our system that creates a public nuisance (excessive odor) or to discharge waste that has floatable grease.

Violation of District Code(s) is punishable by fines and/or immediate termination of District services.

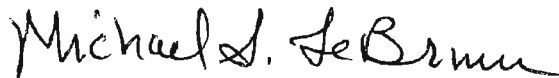
The seriousness of this situation cannot be overstated. You must take immediate action to abate these violations. By **August 21, 2015**, you must submit a written report to the District that documents the actions taken, or planned, to address these violations. A schedule for completing all planned actions shall be included as well.

-Next Page-

If your report is not received by August 21, 2015, and/or the illegal discharge(s) continue, a hearing will be scheduled whereat the District's Board of Directors will consider immediate termination of services, both water and sewer, to your property.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

A handwritten signature in black ink that reads "Michael S. LeBrun". The signature is written in a cursive style with a large initial "M".

Michael S. LeBrun
General Manager

Enclosures: February 5, 2014 Notice of Violation

ec/with enclosure: Shipsey and Seitz, District Legal Counsel

May 10, 2017

ITEM E-1

ATTACHMENT C

August 15, 2015

Michael S. LeBrun, General Manager
Nipomo Community Services District
148 South Wilson Street
PO Box 326
Nipomo, CA 93444-0326

Dear Mr. LeBrun,

**REGARDING: WILLOW MARKET, 1050 WILLOW ROAD, NIPOMO
NOTICE OF VIOLATION – SECOND NOTICE**

Clay's Septic & Jetting was onsite on July 8, 2015 and pumped both the grease interceptor and the lift station empty. At that time, the grease levels in the lift station were higher than they should be and the pumping/cleaning schedule was changed at that time to match the grease interceptor pumping schedule, which is every quarter (every 13 weeks). At the current time, Clay's Septic & Jetting, Inc., believes that this significant increase in pumping schedule should prevent any large amounts of grease from being pumped out of the lift station and into the sewer system for Blacklake. At the next pumping, Clay's Septic & Jetting, Inc. will report their finding directly to me, Vernon Smith, and I will then report them directly to the Nipomo Community Service District.

The significant increase in pumping/cleaning of the lift station should also eliminate the noxious discharges, as the material in the lift station will not accumulate to the previous levels and turn septic. Obviously, at the time of pumping, there is going to be a noxious odor as the tanks are open & being emptied, which is why pumping is done very early in the morning to try to avoid any public nuisance. If the increase in the pumping of the lift station does not eliminate the noxious discharges, then Clay's Septic & Jetting, Inc. will need a record of when and where the complaints are coming from in order to quickly & properly address them.

Once again, the significant increase of the pumping/cleaning schedule should eliminate all of the issues that have recently occurred in regards to our lift station & grease trap. As always, Clay's Septic & Jetting, Inc. and I, have and will continue to meet the requests of Nipomo Community Services District.

Thank You,
Vernon E Smith III
Owner - Willow Market, LLC

May 10, 2017

ITEM E-1

ATTACHMENT D

NIPOMO COMMUNITY

BOARD MEMBERS

CRAIG ARMSTRONG, PRESIDENT
DAN GADDIS, VICE PRESIDENT
BOB BLAIR, DIRECTOR
ED EBY, DIRECTOR
DAN WOODSON, DIRECTOR



SERVICES DISTRICT

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148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

October 15, 2015

CERTIFIED RETURN RECEIPT

Vernon Smith
Willow Market
P.O. Box 1433
Nipomo, CA 93444

Dear Mr. Smith:

**SUBJECT: WILLOW MARKET, 1050 WILLOW ROAD, NIPOMO
NOTICE OF VIOLATION – THIRD NOTICE**

In July 2015, the District issued your property a second Notice of Violation for discharging especially noxious wastewater into our collection system. While your August 15, 2015 letter indicated that you were addressing the problem, a subsequent inspection on September 28, 2015 once again revealed evidence that the grease interceptor was overflowing from excessive grease load from the market or otherwise improperly operating resulting in excessive grease discharge into the District's sewer collection system. In addition, during our September inspection, the private on-site sewer lift station was found to be completely clogged with grease.

It is a violation of District Code 4.08.130 to discharge waste into the District's system that creates a public nuisance (excessive odor) or to discharge waste that has floatable grease. Violation of District Code(s) is punishable by fines and/or immediate termination of District services. The seriousness of this situation cannot be overstated.

Based on the on-going violations resulting in the discharge of grease into the District's sewer system, the District requires you to take the minimum following actions to abate these violations:

1. Pump grease interceptor and clean on-site lift station every 30 days
2. Modify on-site pump station controls so that pumps operate frequently enough to prevent septic sewage conditions
3. Clean the force main between the on-site lift station and the discharge manhole as well as CCTV to prove that it is clean

District staff shall be present to witness the implementation of the required actions listed above. Please contact Wastewater Supervisor Russ Newman at least two business days prior to the scheduled activity. Mr. Newman can be reached at 805-929-1133.

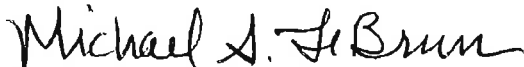
By October 30, 2015, you shall submit a written report to the District that documents the actions taken, or planned, to address these violations. The report must include a pumping schedule for the next three months as well as a schedule for completing all other required actions.

Furthermore, you are required to make available copies of all FOG maintenance records (grease pumping, on-site pump station cleaning and maintenance, etc.) to our inspectors at all times during normal business hours. Lack of record keeping continues to be a compliance issue. Please insure complete records are available the next time we inspect your facilities.

If your report is not received by October 30, 2015, and/or the illegal discharge(s) continue, a hearing will be scheduled where the District's Board of Directors will consider immediate termination of services, both water and sewer, to your property.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael S. LeBrun
General Manager

Enclosures: July, 2015 Notice of Violation

ec/with enclosure: Shipsey and Seitz, District Legal Counsel

May 10, 2017

ITEM E-1

ATTACHMENT E

RECEIVED
OCT 28 2015
NIPOMO COMMUNITY
SERVICES DISTRICT

October 23, 2015

Nipomo Community Services District
Attn: Michael Lebrun, General Manager
PO Box 326
Nipomo, CA 93444-0326

Dear Mr. Leburn,

**RE SUBJECT: WILLOW MARKET, 1050 WILLOW ROAD, NIPOMO
NOTICE OF VIOLATION – THIRD NOTICE**

This is our written report to the District of the actions that are planned to address the violations at Willow Market.

Item #1. Pump the grease interceptor and lean on-site lift station every 30 days.

Clay's Septic & Jetting, Inc. will be onsite November 3, 2015 to pump the grease trap and lift station. This is 29 days after the last pumping of the grease trap and lift station and is within the 30 day requirement. The pumping schedule for the next three months is as follows:

- On or before December 3, 2015;
- On or before January 2, 2016; and
- On or before February 1, 2016.

Clay's Septic & Jetting, Inc. has also contacted Russ Newman, Wastewater Supervisor for Nipomo CSD, and notified him of the date of the pumping and servicing on November 3, 2015.

Item #2. Modify on-site pump station controls so that pumps operate frequently enough to prevent septic sewage conditions.

Clay's Septic & Jetting, Inc. will be onsite November 3, 2015 and will adjust the floats in the lift station at that time to modify the frequency of the pumping cycles.

Clay's Septic & Jetting, Inc. will also be setting up an automatic system to add bacteria and enzymes to the grease trap along with an aeration system to

promote the growth of the bacteria and enzymes. It is the belief of Clay's Septic & Jetting, Inc. that the excessive odor issue is being generated at the grease trap and that by adding bacteria and enzymes to the grease trap, it will break down the FOG in the grease trap and will reduce the smell being generated by the wastewater.

Item #3. Clean the force main between the on-site lift station and the discharge manhole as well as CCTV to prove that it is clean.

Clay's Septic & Jetting, Inc. will be onsite November 3, 2015 and will be jetting the force main between the on-site lift station and the discharge manhole. They will be using a basket catcher to make sure that debris does not enter downstream of the discharge manhole. Once the line is clean and clear, Clay's Septic & Jetting, Inc. will CCTV the sewer line and make a recording to prove that the force main is clean.

Clay's Septic & Jetting, Inc. has also provided us with copies of all work done over the last year at Willow Market, located at 1050 Willow Road in Nipomo. We now have these on-site and will continue to update our records with each service from Clay's Septic & Jetting, Inc.

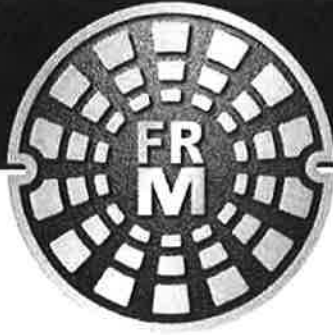
Willow Market also contacted Fluid Resource Management as recommended by Mr. Newman. We had FRM conduct their own evaluation of the problem and write us a report on the issue. I have also included their report and recommendations. We have already followed their recommendation of eliminating secondary odor issues with the steam cleaning of our trash area. S and P cleaning performed the job on 10/22/2015.

Willow Market understands the magnitude of this matter and the effects it could have on our business. We are trying to do everything that can rectify the issues, including investing upwards of \$3500 in equipment and labor. We have put in a new training regimen and standards with our staff to reduce grease from our operation.

Thank you,



Joe White
General Manager
Willow Market



FLUID RESOURCE MANAGEMENT
OPERATIONS • MAINTENANCE • MECHANICAL

October 20, 2015

Willow Market
1050 Willow Rd.
Nipomo CA, 93444

On Tuesday October 20 2015 I visited Willow Market to investigate/ assist in finding source of recent odor complaints. Upon arrival I pulled up to the back side of market and noticed some moderate odor. I went inside the market to meet with Joe. Upon my first contact with Joe I asked if his maintenance log was current and up to date. It seems that Willow market is doing there due diligence to comply with the Nipomo CSD F.O.G. program going as far as having their grease trap cleaning intervals reduced from ninety days to 60 days to 30 days. During my visit they were about 20 days after their last cleaning. I opened the influent portion of their grease trap and found less than a 2" scum mat. The scum mat on the effluent side was less than 1". I then opened the lift station that sends sewage to the Nipomo CSD collection system, the grease mat in the Lift station was less than 1". My initial evaluation of Willow Markets grease trap would be "good". Upon further investigation I was told that he believes it is the neighbors to the north of the market that were voicing the complaints. Joe also couldn't tell if the source of the complaint was coming from the site or the collection system.

In reviewing the markets F.O.G. BMP's it seems that the market is truly trying to do the right thing. In effort to stop complaints from neighbors Willow Market is investigating numerous fixes, from aeration to enzyme injection. Here are some pros and cons of each.

Type	Pro's	Con's
Aeration	Will keep grease suspended in Grease Trap	Noise and Odor from blower running 24 hrs a day. Will not eliminate pumping odor.
Enzyme Injection	Will break down grease and move it down stream	Grease will end up in Collection System and WWTP
Charcoal Filter	Will keep drafted vent ail "scrubbed"	Will not eliminate pumping odor

Prior to jumping in and "throwing a quick fix" at this problem, the Market needs to understand the source of the complaint. If this is truly a "grease" related problem there should be some underlying factors. Please consider verifying the following with Nipomo CSD prior to starting any repairs so that they will be in compliance with Nipomo CSD.

1. Verify maintenance records of the collection system line that the Market is tied into. (e.i. cleaning records, SSO's, CCTV records, 24hr composite sampling for oil and grease).
2. Verify analytical results regarding oil and grease starting from baseline to current.

Prior to identifying if it is a "grease" problem. The Market should consider some of the following BMP's;

1. Have trash can / grease rendering area steam cleaned including trash can and recycling bin.
2. Install an enclosed drum pallet to house grease rendering barrel

Regards

Robert Ellison

Clay's Septic & Jetting Inc.

952 Live Oak Ridge Rd.
Nipomo, CA 93444
Contractor's Lic. #674109

1-800-928-2529

Fax 805-929-1192

Proposal Submitted To:

Name: Willow Market
Contact: Joe
Street: 1050 Willow Road
City: Nipomo
State: CA Zip: 93444
Telephone: (805) 929-0322
Fax: (805) 929-0342

Work To Be Performed At:

Street: 1050 Willow Road
City: Nipomo
State: CA Zip: 93444
Date: 10/27/15
 Permits Included (up to \$300.00)
 Permits Not Necessary
 Not Responsible For Permits

Bid to install a pump to inject Trap-Cleer into the grease interceptor on a twice a day basis. Bid to also install a Retro-Air aeration system into the grease interceptor to inject oxygen into the water of the grease interceptor. Bid does not include a recirculation system from the lift station to the grease interceptor, but can be installed for an additional \$1,500.00 (one thousand five hundred dollars). Monthly cost of \$50.00 will be added to maintenance pumping due to Trap-Cleer needing to be refilled on a monthly basis.

Bid includes all labor, material, and equipment necessary to complete job. We are not responsible for landscaping, sprinklers, animals, sidewalks, driveways, fencing, trees, soil conditions, soil settling, underground water, or the condition of any pipe adjacent to or near by our specified work area or any known, unknown, unmarked, or underground wires, pipes, or drains. This bid is pending all administrative authorities' approval. If fiber optic cables or lines are detected or found in work area, this bid is void.

If bid is accepted, please sign copy and email, fax or mail back to us. Clay's Septic will warranty our labor for a period of two years from date of service, material is guaranteed to be as specified, and the above work to be performed and completed in a substantial workmanlike manner for the sum of: \$2,000.00

Method of payment: Cash { } Check { } Credit Card { } Escrow { } (check one)

Two Thousand Dollars

Payment is due immediately after services are rendered. Clay's Septic & Jetting, Inc. reserves the right in its sole discretion to modify or alter this payment requirement.

Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control.

"Notice to owner" (Section 7019- Contractors License Law) Under the Mechanics' Lien Law, any contractor, subcontractor, laborer, materialman or other person who helps to improve your property and is not paid for his labor, services or material, has a right to enforce his claim against your property. Under the law, you may protect yourself against such claims by filing, before commencing such work or improvement, an original contract for the work of improvement or modification thereof, in the office of a county recorder of the county where the property is situated and requiring that a contractor's payment bond be recorded in such office. Said bond shall be an amount not less than fifty percent (50%) of the contract price and shall, in addition to any conditions for the performance of the contract, be conditioned for the payment in full of the claims of all persons furnishing labor, services, equipment or materials for the work described in said contract.

Respectfully submitted by Doug

Per 

State License No. 674109 C36 C42

Note- Clay's Septic & Jetting reserves the right to rescind this contract pending the location of utilities or if not accepted with-in 30 days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work specified. Payment will be made as outlined above.

Accepted by _____

Signature _____

Date _____

Contractors are required by law to be licensed and regulated by the Contractor's State License Board. Any questions concerning a contractor may be referred to the Registrar, Contractors State License Board, (3132 Bradshaw Road,) Sacramento, California. (Mailing Address: P O Box 26000, Sacramento, California 95826)

Discharge Report

Date: 10-26-15

Drying Bed

Total Into Drying Bed:
1,000 Gallons

Time:
7:00 to 7:25

Total Into Drying Bed:
1,000 Gallons

Time:
11:00 to 11:25

Total Into Drying Bed:
1,000 Gallons

Time:
8:00 to 8:25

Total Into Drying Bed:
1,000 Gallons

Time:
12:00 to 12:25

Total Into Drying Bed:
1,000 Gallons

Time:
9:00 to 9:25

Total Into Drying Bed:
1,000 Gallons

Time:
1:00 to 1:25

Total Into Drying Bed:
1,000 Gallons

Time:
10:00 to 10:25

Fresh Septic

Fresh Septic Discharged:

Time:

Fresh Septic Discharged:

Time:

May 10, 2017

ITEM E-1

ATTACHMENT F

NIPOMO COMMUNITY

BOARD MEMBERS

DAN GADDIS, PRESIDENT
ED EBY, VICE PRESIDENT
CRAIG ARMSTRONG, DIRECTOR
DAN WOODSON, DIRECTOR
BOB BLAIR, DIRECTOR



Serving the Community Since 1965

SERVICES DISTRICT

STAFF

MARIO IGLESIAS, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
PETER SEVCIK, P.E., DIRECTOR OF ENG. & OPS.
WHITNEY MCDONALD, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

April 26, 2017

CERTIFIED RETURN RECEIPT
AND U.S. MAIL

Vernon Smith
Willow Market
P.O. Box 1433
Nipomo, CA 93444

**Subject: 1050 WILLOW ROAD, NIPOMO
NOTICE OF VIOLATION OF DISTRICT SEWER USE REGULATIONS
NOTICE OF PUBLIC HEARING TO CONSIDER AND ORDER THE TERMINATION
OF WATER SERVICE**

Dear Mr. Smith:

In 2014, the Nipomo Community Services District ("District") began receiving numerous sewer odor complaints from residents near a District sewer manhole your facility's private sewer lift station pumps into. Through extensive investigation, it was determined that your private sewer pump station was the cause of the odor complaints.

On February 5, 2014, the District issued and mailed to you a Notice of Violation ("NOV") of the District's Sewer Use Regulations to the subject property. Specifically, the NOV cited:

The Sewer Use Regulations of the Nipomo Community Services District Code, California Code of Ordinances states:

"4.08.130 – Type of wastes prohibited.

Except as hereinafter provided, no person shall discharge or cause or permit to be discharged any of the following described waters or wastes:

J. Any noxious or malodorous gas or substance capable of creating a public nuisance;

A violation of the Sewer Use Regulations is punishable by penalties as described below:

"4.08.200 – Violation---Penalty.

A. Violation of the provisions hereof, consisting of the following:

- 1. Requiring permits for connections;*
- 2. Prohibiting the discharge into the sewer system of certain waters, wastes, sewage or other substance of any sort; or*

3. *Prohibiting direct connections to force-mains shall be a misdemeanor, punishable by either criminal or civil penalties as determined by the district's board of directors, including without limitation, the termination of all district services.*
- B. *Violation of any other provision of this chapter shall be reviewed by the board of directors at a properly noticed public hearing, and may result in the immediate termination of all district services subject to the conditions which the board deems appropriate.*
- C. *A supplemental water quality service charge is levied and imposed upon each person who violates Section 4.08.135 in the amount of one hundred dollars per day." (emphasis added)*

Because of continued numerous complaints and apparent lack of action by you to mitigate the problem, on July 22, 2015, a second NOV was sent directing you to resolve the issue your sewer pumping station continued to cause. The second NOV was mailed August 21, 2015, and clearly stated the actions you needed to take to avoid further enforcement action by the District. Among other requirements, this NOV required you to provide the District with a "schedule for completing all planned actions" to address the identified violations.

On October 15, 2015, a third NOV was issued and mailed to you. The Third Notice was issued in part because you failed to provide a written report to the District by the date specified in the Second Notice. You provided the District with a written report on October 23, 2015, as required but only after the Third Notice was issued.

District staff has put an appropriate amount of time and effort into trying to resolve the persisting issues your operation continues to cause to the surrounding neighborhood and the District's sewer system. Since the District's issuance of its first NOV to your establishment in February 2014 – over three years ago – staff has made a reasonable effort to assist you by dedicating time and professional services where appropriate. You have had a reasonable amount of time to execute a plan to mitigate the violations identified in the NOV and subsequent follow-up notice provided by the District. Despite this time and effort by District staff, you have failed to cease or remedy the violations.

You are hereby notified that your property located at 1050 Willow Road in Nipomo, California, is in violation of the following District Code sections:

"4.08.130 – Type of wastes prohibited.

Except as hereinafter provided, no person shall discharge or cause or permit to be discharged any of the following described waters or wastes:

- J. Any noxious or malodorous gas or substance capable of creating a public nuisance;"

The discharge of waste from your property at 1050 Willow Road has caused, and continues to cause, noxious and malodorous gas and constitutes a public nuisance. This constitutes a violation of District Code section 4.08.130. This violation carries the following potential penalties:

"3.03.060 Discontinuance of service.

A. Water and sewer service may be discontinued for any one of the following reasons.

7. Any violation by the customer of any rules, regulations or fees of the district governing water and/or sewer service."

"3.04.370 Violation a public nuisance.

Any violation of the provisions hereof shall also constitute a public nuisance. In addition to criminal prosecution or judicial abatement procedures otherwise authorized, the district shall have authority, after due notice and public hearing, *to abate any violations hereof by terminating water service to all properties associated with or involved in the violation, and by assessing all costs of abatement against all property owners allowing, permitting or otherwise authorizing the illegal connection, water use or other violation.*" (emphasis added)

"4.08.200 Violation -- Penalty

A. Violation of the provisions hereof, consisting of the following:

1. Requiring permits for connections;

2. *Prohibiting the discharge into the sewer system of certain waters, wastes, sewage or other substance of any sort; or Prohibiting direct connections to force-mains shall be a misdemeanor, punishable by either criminal or civil penalties as determined by the district's board of directors, including without limitation, the termination of all district services.*

B. Violation of any other provision of this chapter shall be reviewed by the board of directors at a properly noticed public hearing, and may result in the immediate termination of all district services subject to the conditions which the board deems appropriate.

C. A supplemental water quality service charge is levied and imposed upon each person who violates Section 4.08.135 in the amount of one hundred dollars per day." (emphasis added)

You are hereby notified that, on May 10, 2017, the District's Board of Directors will conduct a public hearing concerning the violations identified above and an appropriate penalty shall be imposed upon your water and sewer account in accordance with the regulations cited above. In particular, District staff will recommend that the Board of Directors order the termination of all district services, including water service, to your property located at 1050 Willow Road. District staff will recommend that the termination be in effect until such time as the continuing violations have been fully remedied.

To remedy the existing and continuing violations, District staff will recommend that the Board of Directors order the following:

1. Provide a written plan to address the ongoing hazard created by your operation by May 24, 2017 (30 days from the date of this letter), and;
2. Implement the planned mitigation measures to solve the ongoing hazard created by your operation by July 24, 2017 (60 days from the May 24, 2017 written plan due date).

**Vernon Smith
Sewer Use Notice of Violation
1050 Willow Road**

Page 4 of 4

April 26, 2017

Should you have any questions or need additional information regarding this matter, please contact me.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

A handwritten signature in black ink, appearing to read "Mario Iglesias". The signature is fluid and cursive, with the first name "Mario" being more prominent than the last name "Iglesias".

**Mario Iglesias
General Manager**

cc: Whitney McDonald, NCSD General Counsel
Brian Auger, Air Pollution Control District